

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT PETITION NO. 5042 OF 2025 (LA-BDA)

BETWEEN:

1. SRI M R SEETHARAM
S/O LATE M S RAMAIAH,
AGED ABOUT 68 YEARS,
RESIDING AT GOKULA HOUSE,
GOKULA EXTENSION,
MATHIKERE,
BENGALURU - 560054
2. G- CORP HOMES PRIVATE LIMITED,
(A COMPANY INCORPORATED UNDER THE
PROVISIONS OF THE COMPANIES ACT, 1956)
HAVING ITS OFFICE AT,
SKAV 909, 7TH FLOOR, 9/1,
LAVELLE ROAD,
RICHMOND CIRCLE, 9TH BLOCK,
ASHOK NAGAR, BENGALURU - 560001.
REPRESENTED BY ITS
AUTHORIZED SIGNATORY,
MR RAJENDRA JOSHI

...PETITIONERS

(BY SRI. G.KRISHNA MURTHY ALONG WITH
Ms.APARNA.N, SENIOR COUNSEL FOR
G.K.BHAVANA., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
URBAN DEVELOPMENT DEPARTMENT
URBAN DEVELOPMENT AUTHORITIES AND
TOWN PLANNING MATTERS,
REPRESENTED BY UNDER SECRETARY TO THE



GOVERNMENT, ROOM NO. 428,
4TH FLOOR VIKASA SOUDHA,
BENGALURU 560001

2. BANGALORE DEVELOPMENT AUTHORITY,
REPRESENTED BY ITS COMMISSIONER,
KUMARA PARK WEST, T CHOWDAIAH ROAD,
BENGALURU 560020
3. THE JUSTICE K N KESHAVANARAYANA COMMITTEE
(CONSTITUTED BY THE HON'BLE HIGH COURT OF
KARNATAKA) REPRESENTED BY ITS CHAIRMAN,
KRISHI BHAVAN, 4TH FLOOR,
HUDSON CIRCLE, BENGALURU 560002

...RESPONDENTS

(BY SRI. G.S.ARUNA, HCGP FOR R1;
SRI. M.V.CHARATI, ADVOCATE FOR R2 AND R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASHING THE IMPUGNED REPORT DATED 16.07.2024 (ANNEXURE-Q) ISSUED BY THE RESPONDENT No. 03 COMMITTEE IN KNKC No/261/2022 ONLY TO THE EFFECT AND EXTENT THAT IT REJECTS CERTIFICATION/APPROVAL OF THE DELETION OF THE LANDS IN SCHEDULE C PROPERTY FROM ACQUISITION, ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 09.04.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, **HON'BLE MR. JUSTICE D K SINGH,** PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

PREFACE:-

The petitioner No.1, the owner of 19 acres 14 guntas along with 17 guntas of Kharab land in several survey numbers at Thanisandra Village, K R Puram Hobli, Bengaluru East Taluk (hereinafter referred to as 'the Schedule-'A' property) for which amalgamated khata bearing Municipal No.13/2 was issued for the said property by the Bangalore Development Authority (for short, 'the BDA'). Petitioner No.2 is the real estate developer who has entered into a Joint Development Agreement with the petitioner No.1 for construction of housing complex consisting of multi-storied apartments. The petitioners have filed the present writ petition aggrieved by the report dated 16.07.2024 issued by the Justice K.N. Keshavanarayana Committee (for short, 'the Committee'), constituted by the High Court vide its judgment dated 27.09.2021 in W.P.No.51929/2014 and other connected writ petitions.

BACKGROUND:-

2. The State Government issued Preliminary Notification dated 03.02.2003 under sub-sections(1) and (3) of Section 17 of the Bangalore Development Authority Act, 1976 (for short, 'the Act') for acquiring 3339 acres 12 guntas of land

situated in various villages coming under Yelahanka, K R Puram and Kasab Hobli in Bangalore North and East Taluks situated in Bengaluru district for formation of Arkavathi Residential Layout.

3. Subsequently, a modified Preliminary Notification came to be issued on 16.09.2003, showing the extent of land proposed to be acquired as 3839 acres 12 guntas situated in Dasarahalli, Byrathikane, Challakere, Geddalhalli, K Narayanapura, Rachenahalli, Thanisandra, Amruthhalli, Jakkur, Kempapura, Sampigehalli, Srirampura, Venkateshpura, Hennur, Hebbala and Nagavara. The individual notices were issued as required under Section 17(5) of the Act to the land owners, pursuant to which several owners of lands, which were sought to be acquired, filed the objections/representations.

4. After considering the objections/representations received, the BDA in its meeting held on 03.02.2004, resolved to delete 1089 acres 12 guntas of land and to obtain sanction from the Government for acquisition of 2750 acres of land. Accordingly, the BDA submitted the Scheme to the Government for sanction. The Government of Karnataka sanctioned the Scheme by BDA for 2750 acres of land and issued Final Notification dated 23.02.2004 under Section 19(1) of the Act

for acquisition of 2750 acres of land situated in 16 villages as noted supra for formation Arkavathi Layout and duly published the same in the official Gazette on the same day. Several land owners and owners of the sites questioned the acquisition by filing writ petitions before this Court being W.P.Nos.51119-51132/2004 and connected petitions, urging several grounds.

5. The learned Single Judge of this Court by the order dated 15.04.2005 allowed the petitions and quashed the acquisition proceedings. However, the Division Bench in W.A.No.2625/2005 and connected matters vide its judgment dated 25.11.2005, in the matter of ***The Commissioner, BDA and Others Vs. State of Karnataka*** allowed the writ appeals filed by the BDA and the State and set aside the order dated 15.04.2005 passed by the learned Single Judge and dismissed the challenge laid to the acquisition proceedings for formation of Arkavathi layout subject to the conditions stipulated in the judgment.

6. In respect of the contentions/allegations of the writ petitioners about discrimination and arbitrariness on the part of the BDA in not deleting their lands while deleting neighbouring/ adjacent lands which were said to be similarly placed as that of

their lands, the Division Bench permitted such of the petitioners who had taken plea of discrimination to submit representation before the BDA within the time stipulated therein, seeking deletion of their land, if their lands fell under any of the six parameters carved out there-under and/or if their lands were similar to the lands which may either not been notified or proposed for acquisition but dropped from acquisition. In respect of the owners of revenue sites, the Division Bench formulated a scheme and BDA was directed to consider them afresh. Pursuant to the liberty given under the judgment of Division Bench, several owners of land submitted representations/applications to BDA seeking deletion of their lands from acquisition setting out the grounds on which they were entitled for the said relief.

7. In the meantime after publication of the Final Notification dated 23.02.2004, BDA through its Notification dated 21.02.2004 has invited applications from the eligible general public for allotment of about 20,000 sites proposed to be formed in Arkavathi layout, pursuant to the said notification, several thousand applications came to be filed. The BDA before taking the representations filed by the land owners in pursuance to the liberty granted by the Division Bench had

proceeded to allot sites and sometime during the end of 2005 and early 2006, the BDA allotted about 8,000 sites. In pursuance to the allotment made by the BDA, the BDA had executed lease cum sale agreements in favour of some of the allottees.

8. The BDA upon consideration of representation request of some owners were allowed while the request of some of the owners were rejected. Those owners, whose request for deletion came to be rejected, approached this Court by filing writ petitions which were allowed and BDA was directed to reconsider them afresh.

9. In the meanwhile, judgment of the Division Bench came to be challenged before the Supreme Court in several appeals by the land owners and others. The Supreme Court vide its judgment dated 05.05.2010 passed in ***BONDU RAMASWAMY & ORS Vs. BANGALORE DEVELOPMENT AUTHORITY [2010 (7) SCC 129]*** upheld the judgment of the Division Bench directing the BDA to take certain corrective measures by requiring it to re-examine certain aspects and provide an option to the land losers to secure some additional benefit as an incentive to accept the acquisition. In addition to

the directions issued by the Division Bench, the Supreme Court issued further directions and clarifications.

10. After the judgment of the Supreme Court in **BONDU RAMASWAMY** (supra), several persons submitted applications/representation seeking deletion of their lands from acquisition. Pursuant to the directions issued by the Division Bench and the Supreme Court, the BDA undertook the exercise of examining the applications/representations so received and in that process decided to delete lands to an extent of about 702 acres from acquisition. Some of the owners of land had approached the Government seeking de-notification of their lands and on consideration of such applications, Government through its various orders directed de-notification of lands to an extent of 198 acres. In relation to about 83 acres of land, acquisition had been quashed by orders of this Court. In the light of the above, finally the BDA resolved to delete lands in all measuring 983 acres 33 guntas and restricted the acquisition of land to 1766 acres and 7 guntas. Accordingly, BDA has submitted modified scheme to the Government for an extent of 1766 acres and 7 guntas by deleting 983 acres and 33 guntas from out of total 2750 acres covered under Final Notification dated 23.02.2004.

11. Based on the said recommendation and report of the BDA, the Government by approving the modified scheme, issued notification dated 18.06.2014 regarding modified scheme for acquisition of land to an extent of 1766 acres 7 guntas. The lands so de-notified and deleted from acquisition included certain lands and on which the BDA had earlier allotted sites and had executed lease cum sale agreements.

12. The above said notification dated 18.06.2014 came to be challenged by various persons in W.P.No.51929/2014 and other connected petitioners. In these petitions, challenge was also laid to the Preliminary and Final Notifications dated 03.02.2003 and 23.02.2004 respectively. The learned Single Judge by the common judgment and order dated 27.09.2021 rejected the challenge made to the Preliminary Notification and Final Notification as well as Notification dated 18.06.2014 and upheld the acquisition of lands for formation of Arkavathi Layout. The learned Single Judge issued several directions and directed for examining the claims afresh for deletion of the land for ensuring that there should be clear and absolute transparency in the said process and for this, keeping in view the aforesaid, a committee under the chairmanship of Justice

K. N. Keshavanarayana (Retired) was constituted to look into the various aspects as indicated in the said judgment. The learned Single Judge issued several mandates to the Committee. Fresh opportunity was provided to those persons who had not submitted application/representation pursuant to the judgment of the Division Bench to submit application/representation within the time limit specified there-under. The BDA was directed to publish the operative portion of the order in newspaper for the benefit of the public at large.

FACTS OF THE PRESENT CASE:-

13. Briefly stated facts of the present case are hereunder:

The petitioner No.1 is said to be the owner of the three parcels of land which are described as 'A' schedule, 'B' schedule and 'C' schedule. The 'A' schedule lands are measuring 19 acres and 14 guntas and along with 17 guntas of kharab land inclusive of 'B' Schedule properties. Now a part of Khata No.13/2, Ward No. 6 of Thanishandra, Bengaluru bearing Sy.Nos.47/1(P), 47/2(P), 48/1(P), 48/2(P), 48/4, 48/5, 48/6(P), 48/7, 48/8(P), 48/9, 49/2(P), 50/2, 51(P), 52/1, 52/2, 52/7, 52/8, 53, 54/1, 54/2, 54/3, 54/4, 55/1, 55/2, 55/3, 55/4, 55/5(P), 55/6(P), 55/7(P), 55/8, 55/9(P), 56/1, 56/2(P),

56/3(P), 56/4(P), 58/2, 59/2, 60/1(P), Situated at Thanisandra Village, K R Puram Hobli, Bengaluru East Taluk. In the Preliminary Notification dated 03.02.2003, the BDA had notified the lands of the petitioner including Sy No.49/2(P) measuring 8 guntas, 48/9 (measuring 7 guntas) 55/1 (measuring 2 acres 19 guntas) and 55/8 (measuring 7 guntas) which are described as the schedule 'B' properties for acquisition of property for formation of Arkavathi Layout. Even the Final Notification dated 23.02.2004 the Schedule 'B' properties were part of the said Final Notification. After the judgment in **BONDU RAMASWAMY** (supra), on the applications filed by the petitioners, Sy. No.55/1 part of Schedule 'B' properties included in the Final Notification dated 23.02.2004 was de-notified by the Government on 24.08.2009. Sy.Nos.48/9, 54/8 and 49/2 were deleted by endorsements dated 28.10.2013 of the Commissioner, BDA. These Schedule 'B' properties were not included in the notification issued by the Government on 18.06.2014. The petitioner had purchased the Schedule 'B' properties after they were deleted from the acquisition proceedings and they were not found in the Notification dated 18.06.2014. The Bruhat Bengaluru Mahanagara Palike (BBMP) had issued Municipal Khata No.13/2 in respect of Schedule 'A'

properties which would include Schedule 'B' properties also in favour of petitioner No.1.

14. The petitioner No.1/petitioner No.2 after entering into joint Development Agreement dated 02.09.2010 and supplementary agreements dated 06.08.2013, 09.05.2014 and 15.12.2020 for development of Schedule 'A' properties which also included Schedule 'B' properties for construction of multi-storied residential apartment complex. The petitioners had obtained the requisite sanction and approval from the respective authorities. For the purpose of sanctioning of the development plan, the petitioners had also executed Relinquishment Deed dated 24.06.2015 in favour of the BDA and an Addendum dated 07.07.2015 to the Relinquishment Deed dated 24.06.2015 has been executed in favour of the BDA. The BDA had issued the development plans including for all Schedule 'A' properties, which include Schedule 'B' properties including land in Sy.Nos.55/1 and 49/2(P). The BBMP also had issued development plans for entire Schedule 'A' properties including schedule 'B' properties and Sy Nos.55/1 and 49/2(P) on 11.12.2015. As mentioned above, all Schedule 'A' properties have been amalgamated under Khata No.13/2.

15. After obtaining necessary permissions and sanctions, the petitioner No.2 in pursuance to the Joint Development Agreement and Supplementary Agreements had constructed Towers-A to E and occupancy certificates were issued in respect of Towers-A to E on 14.12.2017, in respect of the Tower-F, partial occupancy certificate was issued on 03.04.2023. The petitioners have also conveyed undivided right, title and interest to the individual apartment owners including 'B' schedule properties and also Sy Nos.55/1 and 49/2(P). Since the same were included in the development plan dated 28.07.2015 issued by the BDA and development plan dated 11.12.2015 issued by the BBMP, the petitioners have constructed a clubhouse over a portion of Sy No.55/1 for the benefit of all residents in the Residential Development. The petitioner had applied for modification of the sanction development plan issued by the BDA vide their request letter dated 03.01.2020 for inclusion of the land in Sy No.48/9 and 55/8 of Schedule 'B' properties. The BDA vide letter dated 14.09.2021 demanded the requisite fee towards issuance of the modified plan. The petitioners have remitted the requisite fee of Rs.39,09,586/- towards issuance of the modified plan.

16. It may be noted that all these happened before the Judgment dated 27.09.2021 passed in W.P.No.51929/2014 and other connected matters wherein the learned Single Judge constituted Justice K.N. Keshavanarayana Committee to consider several aspects including certification/approval of deletion or de-notification of the lands recommended by the BDA. After depositing the fee when the petitioners approached the BDA regarding the approval of the modified plan, the BDA informed the petitioners that the BDA had sought the approval/clearance from the Justice K.N. Keshavanarayana Committee vide letter dated 30.11.2022 requesting it to confirm if the Schedule 'B' properties to the Sy.Nos.55/1, 48/9, 49/2(P) and 55/8 could be sanctioned for development by the BDA and till the decision of the KNKC, the modified development plan had been kept in abeyance. As the BDA was not able to give clear answer regarding approval of the modified layout plan, the petitioners have filed W.P.No.18188/2023 before this Court seeking writ of mandamus/direction to the respondent No.2-BDA to place all material records before the Committee to render necessary assistance and co-operation in expeditious disposal/re-consideration of the case of the petitioners by the Committee.

FINDINGS OF THE K.N. KESHAVANARAYANA COMMITTEE:

17. In compliance of the direction issued by the High Court in the said petition, the petitioners have moved an application for issuance of certificate/approval of deletion of the Schedule 'B' properties before the Committee by producing all necessary documents and records in KNKC No.261/2022. The Committee vide its impugned report has held that the de-notification of land in Sy No.55/1 measuring 2 acres 19 guntas of the Schedule 'B' properties is in accordance with law and as per the parameters laid down in **Bondu Ramaswamy's** case and that there is a compliance of the requirements of Section 48(1) of the Land Acquisition Act, 1894 and therefore, the said de-notification cannot be found fault with. However, so far as the lands bearing Sy.Nos.48/9, 49/2(P) and 55/8, Schedule 'C' properties, the Committee has held that the notification process is not in accordance with the Division Bench and Apex Court's order, however, held that these lands merit de-notification, as the lands are small pieces located at disjointed places and are in the midst of lands which are not notified for acquisition and the BDA has not formed any layout in the neighboring land close to the land in question and thus, development in the layout, cannot be integrated.

18. Further held that, a comprehensive and contiguous layout with all amenities cannot be formed in these lands. The only ground on which the Committee has rejected the request for certification of deletion of lands bearing Sy.No.48/9 measuring 7 guntas, Sy.No.49/2 measuring 8 guntas and Sy.No.55/8 measuring 7 guntas of Thanisandra village is that the endorsement of the Commissioner was not backed by the resolution passed by the BDA.

ANALYSIS & CONCLUSION:-

19. When the Committee itself finds that these are small pieces of land disjointly located and the lands around these lands have not been acquired or de-notified, neither any layout has been formed for a comprehensive and contiguous layout with all amenities, we are of the considered view that these lands would fall under the parameters as laid down by the Division Bench and in **Bondu Ramaswamy's** case and therefore, merit de-notification as held by the Committee itself but for the reason that the endorsement of the Commissioner was not backed by the Board resolution. The Committee mandate is to look into and consider whether denotification of certain lands would be justified under the parameter as laid

down in the judgments of the Division Bench and **Bondu Ramaswamy's** case (supra).

20. We directed Mr. Murugesh V Charati, learned counsel for the BDA to take instructions as to whether the Schedule 'C' would be required for the purpose of formation of the layout by the BDA in Arkavathi Layout. The BDA vide its written instructions to Mr. Murugesh V Charati, learned counsel for the BDA has informed that "The Authority has not formed any layout on the lands in Survey Nos.48/9, 49/2 and 55/8 of Thanisandra Village, K R Puram Hobli, Bengaluru East Taluk."

21. In view of the aforesaid clear position as taken by the BDA and as per the finding of the Committee itself that these lands merit de-notification, we are of the view that even without there being a recommendation by the BDA for deletion of the land, as per the direction of the Division Bench and **Bondu Ramaswamy's** case as well as the judgment passed by the learned Single Judge dated 15.04.2005, the Committee was required to independently examine whether the lands merit for de-notification and de-notification was just, legal and proper in the Final Notification dated 18.06.2014.

22. We, therefore, hold that as the Committee itself has found that the lands in question merit de-notification, we set aside the recommendation of the Committee impugned in this writ petition so far as Schedule 'C' lands are concerned and allow the writ petition.

23. The BDA is directed to treat the said lands as deleted from the acquisition and consider for sanctioning the modified plan, for which the application and necessary fees have already been submitted, in accordance with law expeditiously preferable within six weeks from today. Any other charges as may be demanded by the BDA should also be paid by the petitioners.

24. In view of the aforesaid, all pending applications also stand disposed off.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**