



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 4876 OF 2026 (LA-UDA)

BETWEEN:

1. SRI C VENKATAPPA
S/O CHIKKARANGEGOWDA,
AGED ABOUT 65 YEARS,
R/O, NO. 165/J, 6TH MAIN ROAD,
ALANAHALLI LAYOUT,
MYSURU - 570 028.

... PETITIONER

(BY SRI. LINGARAJU K.R., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
URBAN DEVELOPMENT DEPARTMENT,
VIKASA SOUDHA,
DR. B. R. AMBEDKAR VEEDHI,
BENGALURU-560 001.
2. MYSURU URBAN DEVELOPMENT AUTHORITY,
REPRESENTED BY ITS COMMISSIONER,
J.L.B. ROAD,
MYSURU-570 005.





3. THE SPECIAL LAND ACQUISITION OFFICER,
MYSURU URBAN DEVELOPMENT AUTHORITY,
MYSURU - 570 005.

... RESPONDENTS

(BY SRI. KIRAN KUMAR, AGA FOR R1;
SRI G.M. ANAND, ADVOCATE FOR R2 AND R3)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE PRELIMINARY NOTIFICATION BEARING NO. LAQ (6) CR 434/2005-06 DATED 12/12/2006, ISSUED BY THE RESPONDENT NO. 2, VIDE ANNEXURE-A. PUBLISHED UNDER SECTION 17(1) OF THE KARNATAKA URBAN DEVELOPMENT AUTHORITY ACT, 1987 FOR FORMATION OF LAYOUT KNOWN AS "SHANTHAVERI GOPALAGOWDA NAGAR 2ND STAGE, IN RESPECT OF THE PETITIONER LAND BEARING SY. NO.36 MEASURING 39 GUNTAS SITUATED AT SARKARI UTHANAHALLI VILLAGE, KASABA HOBLI, MYSURU TALUK AND DISTRICT (SL. NO. 288 IN THE PRELIMINARY NOTIFICATION) IN TERMS OF ORDERS IN W.P. NO. 45022/2017 DATED 26/10/2017, W.P. NOS. 25692-25693/2018 DATED 19/06/2018 AND W.P. NO. 14683/2023 (LA-UDA) DATED 07/09/2023 VIDE ANNEXURE -D, D1 AND D2, RESPECTIVELY AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV



ORAL ORDER

The petitioner has sought for issuance of order in the nature of certiorari to set aside the Preliminary Notification at Annexure-'A' dated 12.12.2006 published under Section 17(1) of the Karnataka Urban Development Authority Act, 1987, which was notified for the purpose of formation of layout known as "Shanthaveri Gopalagowda Nagar 2nd Stage".

2. It is submitted that though the Preliminary Notification was passed on 12.12.2006 including the Survey Numbers belonging to the petitioner, however, till date, no steps have been taken to effectuate the acquisition process.

3. It is further submitted that in light of inaction on the part of respondent - Mysuru Urban Development Authority, it could be taken that the acquisition proceedings have been abandoned.



4. Reliance is placed on the orders of Co-ordinate Bench dated 26.10.2017 passed in W.P.No.45022/2017 (Annexure-'D'), dated 19.06.2018 in W.P.Nos.25692-25693/2018 (Annexure-'D1'), dated 07.09.2023 in W.P.No.14683/2023 (Annexure-'D2') with respect to the same Notification of 12.12.2006 by the same Authority and submits that, on parity, a similar order may be passed in the present case also.

5. The observations made in para-5 of the order dated 07.09.2023 passed in **W.P.No.14683/2023 [LA-RES]** in the case of **J. Dayanand and Others v. State of Karnataka and Others** relating to the same Notification of 12.12.2006 reads as follows:-

"5. It is not in dispute that except issuing preliminary notification for the purpose as noted above, there has been no progress in the process of acquisition. Nothing has been brought on record by the respondent authorities regarding they having passed the award or taking possession or paying compensation. That apart in view of the order dated 12.02.2018 passed in the aforesaid writ petition in



W.P.No.664/2018 (LA-UDA) in respect of very same notification, this Court is of the considered view that the present petition requires to be allowed.

Accordingly, following:

ORDER

1. *Petition is allowed.*
2. *Preliminary Notification dated 12.12.2006 is quashed to the extent of the land measuring 36 guntas in Sy.No.48/1, of Bandipalya Village, Kasaba Hobli, Mysuru Taluk, belonging to the petitioners notified at Sl.No.67."*

6. Taking note of the above observations and noticing that though the Notification was passed on 12.12.2006, admittedly, as no steps are taken to effectuate the acquisition process, it could be construed that the respondent Authority has abandoned the acquisition.

7. Accordingly, taking note of orders passed by the Co-ordinate Bench referred to hereinabove, the Preliminary Notification at Annexure-'A' dated 12.12.2006 is quashed insofar as the extent of land of the petitioner in



Survey No. 36, measuring 39 guntas situated at Sarkari
Uthanahalli Village, Kasaba Hobli, Mysuru Taluk.

Accordingly, the petition is ***disposed of.***

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

VGR