



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 8333 OF 2026 (LA-UDA)

BETWEEN:

1. SRI. V. K. JAGADISH BABU
S/O C. VENKATASWAMY NAIDU,
AGED ABOUT 66 YEARS,
R/O NO. 86/A, 16TH CROSS,
V. V. MOHALLA MYSURU,
MYSURU-570 002.

... PETITIONER

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

AND:

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





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

... RESPONDENTS

(BY SMT. K.P. YASHODHA, 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 A. ISSUE A WRIT OR ORDER IN THE NATURE OF CERTIORARI QUASHING THE PRELIMINARY NOTIFICATION BEARING NO. LAQ (5) CR 540/2005-06 DATED 03/04/2006, ISSUED BY THE RESPONDENT NO. 2, VIDE ANNEXURE A. PUBLISHED UNDER SECTION 17(1) OF THE KARNATAKA URBAN DEVELOPMENT AUTHORITY ACT, 1987 FOR THE PURPOSE OF PARK AND OPEN SPACE, IN RESPECT OF THE PETITIONER LAND BEARING SY, NO.38 (OLD SY, NO. 4/P68) IN (P/N SY, NO.4/P) MEASURING 3 ACRE SITUATED AT KURABRAHALLI VILLAGE, KASABA HOBLI, MYSURU TALUK (SL. NO.120 IN THE PRELIMINARY NOTIFICATION) IN TERMS OF ORDERS IN W.P. NO.7505/2014 (LA-UDA) DATED 17/11/2020 AND W.P. NO. 10786/2023 (LA-UDA) AND ANOTHER CONNECTED CASE DATED 14/08/2023 VIDE ANNEXURE - E AND E1, 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

Learned AGA accepts notice for respondent No.1.

Sri. G. M. Anand, learned counsel accepts notice for respondents 2 and 3.



2. Petitioner has sought for setting aside of the preliminary notification dated 03.04.2006 passed by respondent No.2 published under Section 17(1) of the Karnataka Urban Development Authority Act, 1987 insofar as the property of the petitioner is concerned.

3. It is submitted that insofar as the same notification, this Court in W.P.No. 7505/2014 has set aside the preliminary notification as having been abandoned and lapsed and on same terms including that on parity, the present petition may be allowed.

4. Sri. G. M. Anand, learned counsel appearing for the respondents submits that the Authority relied on by the petitioner is a matter of record.

5. Perused the order passed in W.P.No. 7505/2014. The relevant observations made from Para 8 onwards are as below:

"8. As rightly contended by the Learned Senior Counsel for the Petitioner, though the



Preliminary Notification under Section 17 of the Act was issued as long back as on 03.04.2006, no final notification/declaration as required under Section 19 of the Act has been issued even till today even after a lapse of more than 14 years; the said delay and laches on the part of the MUDA in continuing the acquisition proceedings is inordinate and unreasonable since no action/steps pursuant to the preliminary notification have been taken by the MUDA and as such, the impugned preliminary notification and acquisition proceedings deserve to be quashed on the ground of laches and inordinate delay in not continuing the proceedings within reasonable time.

9. It is also relevant to state that the acquisition proceedings in respect of other lands notified in the preliminary notification in excess of 100 Acres including lands measuring 47 Acres 30 Guntas situated adjacent to the schedule property have been dropped by MUDA. The conduct of MUDA in refusing to drop the schedule property from acquisition clearly tantamounts to discrimination and under these circumstances, on the grounds of parity and discrimination also, the impugned preliminary



notification and acquisition proceedings deserve to be quashed.

10. Learned Senior Counsel is also correct in his submission that the material on record, in particular the correspondence between MUDA and the State Government indicates that MUDA does not have the financial capacity to implement the scheme/project at huge cost in an extent of more than 500 Acres and MUDA is not in a position to pay compensation to any of the land owners, especially the higher rate of compensation which is liable to be paid by the MUDA under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Further, under the CDP, only 9 Acres 7 Guntas has been reserved for park and the remaining extent is reserved for residential, commercial, public, semi-public, transportation etc., It is therefore clear that the acquisition proceedings have become impracticable and infructuous and deserve to be quashed.

11. The material on record also indicates that indisputably, no steps have been taken by MUDA in relation to the layout proposed to be formed by MUDA pursuant to the impugned preliminary



notification from the year 2006 onwards and consequently, the impugned acquisition proceedings have been abandoned and stand lapsed and the preliminary notification and acquisition deserve to be quashed on this ground also.

12. The impugned Endorsement dated 28.09.2013 issued by MUDA to the petitioner suffers from several legal infirmities in addition being a cryptic, unreasoned and nonspeaking order without any application of mind and being contrary to the material on record, the same deserves to be quashed.

13. Insofar as the contention urged on behalf of respondents 2 and 3 with regard to defect in the title of the petitioner over the schedule property is concerned, the said contention having not been urged by the MUDA so far which has instead issued the impugned endorsement dated 28.09.2013 in favour of the petitioner without putting forth the said contention and as such, the said contention is liable to be rejected.

14. In the result, I pass the following:-

ORDER

(i) Petition is hereby allowed.



(ii) The impugned preliminary notification at Annexure-D dated 03.04.2006 and acquisition proceedings pursuant thereto are declared to have been abandoned and lapsed and the same are hereby quashed insofar as the schedule property of the petitioner is concerned.

(iii) The impugned Endorsement vide Annexure-Q dated 28.09.2013 issued by respondent No.2 is also hereby quashed.

No costs."

6. In light of the above and taking note that though the preliminary notification was passed on 03.04.2006, as no steps have been taken to effectuate the acquisition proceedings, it would be appropriate to construe the proceedings as having been abandoned.

7. Accordingly, the preliminary notification dated 03.04.2006 at Annexure-A insofar as the property of the petitioner is concerned is set aside by construing the acquisition proceedings as having been abandoned.



8. Writ petition is ***disposed of*** in terms of the
above.

SD/-
(S SUNIL DUTT YADAV)
JUDGE

VP