



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 27181 OF 2024 (LA-RES)

C/W

WRIT PETITION NO. 13078 OF 2025 (LA-RES)

IN W.P. No. 27181/2024

BETWEEN:

1. SRI N R NARAYANAPPA
S/O RAMACHANDRAPPA
AGED ABOUT 71 YEARS,
2. SRI. MOHAN
S/O K.THIMMAPPA
AGED ABOUT 35 YEARS,
3. SRI. G.R.MANJAPPA
S/O RAMAPPA
AGED ABOUT 55 YEARS,
4. SMT. LALITHA
W/O N.R.NARAYANAPPA
AGED ABOUT 50 YEARS

ALL RESIDENTS OF
GUDDEMANE VILLAGE,
TALAGUPPA, SAGARA TALUK
SHIVAMOGGA DISTRICT - 577 430

... PETITIONERS

(BY SRI. M SHIVAPRAKASH., ADVOCATE)





AND:

1. THE UNION OF INDIA
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS,
REPRESENTED BY ITS DIRECTOR/SECRETARY
NEW DELHI - 100 001.
2. THE DEPUTY COMMISSIONER
SHIVAMOGGA DISTRICT
SHIVAMOGGA - 577 210
3. THE ASSISTANT COMMISSIONER
SAGARA SUB DIVISION
SAGARA- 577 401.
4. THE CHAIRMAN
NATIONAL HIGHWAY AUTHORITY OF INDIA
OFFICE AT GURGAON,
G5 AND 6, SECTOR-10, DWARKA,
DELHI - 110 075.
5. THE SPECIAL LAND ACQUISITION OFFICER
AND COMPETENT AUTHORITY
NH. 206, SHIVAMOGGA
SECTION NO.611-368/368/1
2ND FLOOR, CENTRAL AVENUE
NEAR SBI BANK, NT. ROAD
SHIMOGA - 577 202.
EMAIL: SLAONH206SMG@GMAIL.COM

... RESPONDENTS

(BY SRI. AJAY PRABHU M., CGC FOR R1;
SRI HARISH A.S., AGA FOR R2, R3 AND R5;
V/O DATED 10.02.2025, R4 IS DELETED)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO, CALL FOR THE ENTIRE RECORDS IN RESPECT OF THE NOTIFICATION NO.CG-DL-E-13102023-249380 DATED 11/10/2023, CG-DL-E-24062024-254900 DATED 24.06.2024 AND FINAL NOTIFICATION NO. CG-DL-E-09082024-256202 DATED 07.08.2024 NOTIFIED THE LANDS BETWEEN THALAGUPPA - MARATHUR AND TO PLACE THE TRUE FACTS BEFORE THIS HON'BLE COURT AND ETC.

IN W.P. NO. 13078/2025

BETWEEN:

1. SRI GANAPATHI
S/O KRISHNAPPA
AGED ABOUT 67 YEARS
2. SRI MANJAPPA
S/O KOLLURAPPA
AGED ABOUT 58 YEARS
3. SMT POORNIMA M
C/O KRISHNAPPA S N
AGED ABOUT 43 YEARS
4. SRI K N KESHAVAMURTHY
W/O NAGARAJA
AGED ABOUT 51 YEARS
5. SRI C NAGAPPA
S/O CHANNABASAPPA
AGED ABOUT 79 YEARS
6. SRI NAGARAJA J
S/O JAYARAM P
AGED ABOUT 38 YEARS



7. SRI E NARAYANA
S/O HUCHAPPA
AGED ABOUT 74 YEARS
8. SRI KOLLURAPPA
S/O KOLLUR NAIK
AGED ABOUT 78 YEARS
9. SRI H T KOLLURAPPA
S/O TIRUPATI
AGED ABOUT 80 YEARS
10. SMT SARASWATHI
W/O ANNEPPA
AGED ABOUT 60 YEARS
11. SRI NAGARAJA
S/O MANNA NAYAK
AGED ABOUT 78 YEARS
12. SMT MYLAMMA
W/O KANNAPPA
AGED ABOUT 80 YEARS
13. SMT K NAGARATHNA
W/O PRAKASH
AGED ABOUT 62 YEARS
14. SRI K JAYAPRAKASH
S/O K THIMMAYYA
AGE ABOUT 78 YEARS
15. SRI PARASHURAMA
S/O BHADRAVALLI SANNAPPA
AGED ABOUT 54 YEARS



16. SRI LINGARAJU J
S/O JAYARAMA P
AGED ABOUT 41 YEARS

ALL RESIDENTS OF
MARATHUR AND TALAGUPPA
SAGARA TALUK
SHIVAMOGGA DISTRICT-577 430

... PETITIONERS

(BY SRI. SHIVAPRAKASH M., ADVOCATE)

AND:

1. THE UNION OF INDIA
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS,
REPRESENTED BY ITS DIRECTOR/SECRETARY
NEW DELHI - 100 001.
2. THE DEPUTY COMMISSIONER
SHIVAMOGGA DISTRICT
SHIVAMOGGA - 577 210
3. THE ASSISTANT COMMISSIONER
SAGARA SUB DIVISION
SAGARA- 577 401.
4. THE CHAIRMAN
NATIONAL HIGHWAY AUTHORITY OF INDIA
OFFICE AT GURGAON,
G 5 AND 6, SECTOR-10, DWARKA,
DELHI - 110 075.

... RESPONDENTS

(BY SRI. B.M. KUSHALAPPA, CGC FOR R1;
SRI HARISH A.S., AGA FOR R2 AND R3;



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO, CALL FOR THE ENTIRE RECORDS IN RESPECT OF THE NOTIFICATION NO.CG-DL-E-13102023-249380 DATED 11/10/2023, CG-DL-E-24062024-254900 DATED 24.06.2024 AND FINAL NOTIFICATION NO. CG-DL-E-09082024-256202 DATED 07.08.2024 NOTIFIED THE LANDS BETWEEN THALAGUPPA - MARATHUR AND ETC.

THESE WRIT PETITIONS HAVING BEEN HEARD AND RESERVED ON 24.04.2026 AND COMING ON FOR PRONOUNCEMENT OF ORDER AT DHARWAD BENCH THROUGH VIDEO CONFERENCING THIS DAY, THE COURT MADE THE FOLLOWING:

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

CAV ORDER

In light of the petitioners in both the petitions challenging the validity of the same preliminary and final notification with identical grievances, both the petitions are taken up together and disposed of by a common order.

2. The petitioners are residents of the village Guddemane. It is asserted that the village of the petitioners is connected to the Bangalore-Honnavaara Road through the Marathur-Talaguppa road which is stated to have been in use for the past eight to nine decades.



3. It is the case of the petitioners that their lands have benefit of irrigation facilities and are near water canal which feeds water from the Gowri Kere. It is submitted that the proposal of the respondent National Highways Authority of India (NHAI) to form a By-pass and thereby abandoning the earlier Marathur-Talaguppa road and such formation of By-pass would involve acquisition of fertile and irrigated lands of the petitioners is sought to be challenged.

4. It is asserted by the petitioners that the existing Marathur-Talaguppa road serves the purpose of connectivity and no case is made out for laying of the By-pass road.

5. It is further submitted that Marathur to Talaguppa road has been in use since 1915 and was upgraded to a State Highway in 1977 and subsequently upgraded to a National Highway in 1999. It is specifically contended that illegal constructions encroaching the right of way have been put up in 2019 and if such illegal encroachments are



removed, the width of the existing road would be sufficient and there would be no need to consider construction of a new By-pass.

6. The National Highways Authority of India (NHAI) have filed their Statement of Objections and have specifically contended that the Ministry of Road Transport and Highways (MoRTH) after deliberation with the Ministry of Railways has taken a decision to replace all level crossings with Road over Bridge (ROB). It is asserted that there is existing level crossing No.152 (Talaguppa) at Kilometer 73.250 on NH-69 (Old NH-206 Honnavara-Chithur Section). It is submitted that the Road over Bridge is proposed to facilitate smooth and fast traffic flow and reduce the possibility of accidents.

7. It is further submitted that Option-I of the Alignment has been selected and preceded by technical and administrative sanction.



8. It is further asserted that procedure stipulated under the National Highways Act, 1956 (for short 'the Act') has been strictly adhered to as contemplated under Section 3A, 3B, 3C and 3D.

9. The public hearing inviting objections were held on 11.01.2024 and 20.01.2021 and no objections were received during the relevant point of time. It is specifically asserted that out of the beneficiaries numbering 87 at Talaguppa and 54 at Marathur, only 20 of them have filed the writ petition and none of them have filed objections within the time stipulated.

10. It is also asserted that once Section 3D notification is passed, land is vested with the Central Government and challenge to land acquisition at this belated point of time does not arise.

11. It is also asserted that the demand for exploring alternative reliefs was also resorted to and the Deputy Commissioner has furnished a detailed report after



carrying out inspections and has opined that it is appropriate to implement the Project as per alignment approved by the Central Government and reliance is placed on the report at Annexure-R2.

12. The State Government has also filed their detailed statement of objections.

13. It is asserted that the existing National Highway-69 (NH-69) in the Talaguppa stretch passes through the municipal area and consists of commercial establishments and residential structures as well as water body adjoining the Highway. It is also stated that there are two Railway Level Crossings LC-110 (Hosur) at Kilometer 108.525 and LC-152 (Talaguppa) at Kilometer 73.250. Accordingly, it is asserted that the By-pass would serve the purpose of avoiding passing of road through municipal area and would avoid Railway Level Crossings.

14. It is asserted that Option No.1 is found to be more suitable and has been chosen after taking note of all



factors. The assertions of NHAH had been adopted. Accordingly, it is prayed that the petition be rejected.

15. It is necessary to take note that this court by order dated 24.01.2025 had directed respondent no.2 and 3 to examine the feasibility of expanding the existing National Highway and to submit a report. The order dated 24.01.2025 at para 6 reads as hereunder:

"6. Respondent No.2 and 3 shall examine the possibilities /feasibilities of expanding the existing National Highway as submitted by learned counsel for the petitioners and to submit a report regarding its possibilities/feasibilities by the next date of hearing. It should also take into consideration if the proposed acquisition can be avoided. Such report shall be filed on before 10.02.2025."

16. Pursuant to such direction, the State has placed before the court sketches showing re-alignment as well as the report of the Deputy Commissioner dated 29.09.2025. The Deputy Commissioner has unequivocally affirmed the



alignment finalised by the Central Government pointing out that there was a sharp bend at the Railway Level Crossing 152 amongst other grounds. It was also pointed out that the widening of the existing road in Talaguppa would result in removal of commercial buildings, religious structures, Government buildings, houses and prominent market places. It is asserted that such removal had stiff opposition from the public.

17. Heard both sides.

18. The challenge by the petitioners is to the validity of the notifications passed by the NHAI for the purpose of laying a By-pass road.

19. The preliminary notification under Section 3A is dated 11.10.2023 and objections were also invited (Annexure-'J' in W.P.No.27181/2024). Subsequently, the competent authority had sent its report to the Central Government and thereafter there is a declaration pursuant to the power conferred under Section 3D, notification is



issued on 07.08.2024 declaring the land to be vested in the Central Government.

20. Though the petitioners have challenged the validity of the notifications, the grievance of the petitioners is as regards the necessity of the By-pass itself, as the petitioners specifically assert that the existing road between Talaguppa-Marathur if freed from encroachment would be sufficient.

21. The representations only if made before the Notification under Section 3D i.e., before 07.08.2024 could have been considered. For the consideration of the representation in terms of the statutory scheme, it is necessary that the objections ought to have been filed before the competent authority. The objections stated to have been filed have been enclosed along with Synopsis on 24.04.2026.



22. The representation made are as follows:

The representation dated 05.11.2022 addressed to:

- a) Minister for Road Transport and Highways
- b) Prime Minister, Chief Minister of Karnataka
- c) Members of Legislative Assembly at Soraba and Sagara Constituency.
- d) National Highways Authority of India, New Delhi.

The representation is not acknowledged, nor is it addressed to the competent authority.

23. Amongst the other representations, most of them are dated 30.08.2024 and highlight the common concern of the farmers losing irrigated land. Considering that Section 3D notification is dated 07.08.2024, such representations submitted to the Special Land Acquisition Officer and the Competent Authority after the Section 3D Notification are not obliged to be considered in law. Once the lands are vested with the Central Government, representations made to the competent authority are of no



relevance. Such objections filed without adherence to the time schedule under Section 3 (C) (1) of the Act do not call for consideration. In law as well, the only objections that could be made is as regards its use for the purpose enumerated under Section 3A.

24. The legality of the Notification subsumes all the grievances of the petitioners as raised regarding the necessity of the By-pass.

25. As discussed supra, the objections of the petitioners have not been filed within time and accordingly, the notification cannot be challenged on the basis of grounds raised in their representations.

26. Even otherwise, their grievance raised regarding the necessity of a By-pass has received adequate attention and has been turned down after due consideration. It is also to be clarified that such grievance cannot be raised *de hors* the notification.



27. This court did call upon the respondent nos.2 and 3 (in W.P.No.27181/2024) by order dated 24.01.2025 to examine feasibility of expanding the existing National Highway and avoiding the proposed acquisition.

28. A detailed report was filed by the Executive Engineer, National Highways Division, Shivamogga, copy of which was produced by the State along with the memo dated 11.03.2026 in W.P.No.27181/2024.

29. The report dated 14.07.2025 is extracted below:

"Subject:

"Construction of ROBs at LC 79 (Kumsi), LC 110 (Hosuru) and LC 152 (Thalaguppa of NH-206 and LC 105 (Ananpuram) of NH-766C in the State of Karnataka under NH (O) on EPC Mode - Approved under Annual Plan for the year 2022-23" - Alignment Approval - Reg.



Reference: WP 27181 of 2024 (LA-RES)
N.R.Narayanappa and Others Vs. The Union of India

Technical Feasibility for Proposed ROB for LC-152 at TALAGUPPA

1. The existing road alignment is nonstandard as per National Highway geometric requirements for safety and to support higher speeds, attached herewith the reference satellite imageries as exhibits.

2. Existing road has sharp curves at the level crossing, making it not feasible provide road over bridge (ROB) as an alternative to existing level crossing. RDSO (Research Designs and Standards Organisation) has specific guidelines for Road Over Bridges (ROBs) that aim to minimize skew angles to improve structural integrity and ease of construction.

3. Though futuristic traffic of NH69 cannot be sustained by existing road as the right of way is narrow and built-up areas are developed along the route.



4. A cemetery is encountered on the existing route of NH69.

5. Existing road passing over a narrow tank bund as shown in the attached satellite imageries."

30. Subsequently, the Deputy Commissioner, Shivamogga District has addressed a detailed report to the Principal Secretary, Department of Public Works on 29.09.2025, detailing the reasons for acceptance of the alignment approved by the Central Government.

31. The report refers to a site inspection in the presence of the following Officers:

- i) Assistant Commissioner and Special Land Acquisition Officer, Sagara Sub-Division, Sagara.
- ii) Executive Engineer, National Highways Division, Shivamogga.
- iii) Senior Division Engineer, SWR, Shivamogga.
- iv) Tahsildar, Sagara



- v) Assistant Executive Engineer, National Highways Sub-Division, Shivamogga.
- vi) Assistant Director of Land Records, Sagara.
- vii) Assistant Director, Taluk Panchayat, Sagara.
- viii) Respective Chairman and Members of the Talaguppa and Marathur Gram Panchayats.
- ix) Public of the Talaguppa and Marathur Village.

32. The prominent observations made in the report are as follows:

- i) The existing Highway consists of sharp turns. Construction of Road Over Bridge is filled with technical difficulties.*
- ii) Even if a Railway Over Bridge is constructed it would pass through heavily populated areas.*
- iii) The existing Highway is 14 Meters to 20 Meters in width at many places. The existing road abuts Government lake, 67 commercial buildings, 15 Government*



buildings, 04 religious structures and 36 residential sites / houses.

iv) One of the writ petitioner viz., N.R.Narayanappa, S/o Ramachandrappa who is the owner of property in Sy.No.8/4 has voiced his opinion that he has no objection for acquisition of his land for construction of a By-pass if the road were to be constructed at one end.

33. Finally, after taking note of various factors at points (i) to (iv), it is concluded that the alignment as proposed by the Central Government is appropriate.

34. The details contained in the Table which is a part of the report is extracted as below:

Sl. No.	ಅಂಶಗಳು	ವರದಿ
1	Existing road width from end to end	Existing road for a length of 3.23 km width varies from 5.50 m to 7.00 m (in Talaguppa village limit)
2	Traffic intensity on this road	As per National Highway Authority recorded in DPR Passenger Car Unit (PCR) on NH-69 road is 7034
3	No. of shops and structures existing from end to end	a) A Tank exist at Talaguppa Sy.No.166 with an extent of



	and its type	36.23 Gunta b) 67 Commercial Buildings c) 15 Government Structures like Hospitals, Bus Stand, Police Station, Panchayat Office, Veterinary Hospital, Library, Govt. Quarters, Railway property. d) 4 Religious structures like Temple, Church, Mosque and Grave Yard. e) 36 Habitant areas out of which 23 are authorized properties, 07 Alianated sites, 06 Unauthorised properties found to be verified.
4	Clear opinion on whether the 28 mtr. Road width is available.	As per site inspection dated 22.08.2025 the existing width available varies from 14.00 m to 20.00 m along the stretch.
5	Whether structures or encroachment have Khata/GP Permit	36 Habitant areas, out of which 23 are authorized properties, 07 Alianated sites, Rest found unauthorised.
6	No. of persons who raised objections during award process	No one has raised any objection during award process
7	No. of persons who filed Writ Petition	As per the Writ Petition No.27181/2024, 04 members have filed petition.
8	Extent of Government Land	Extent of Government land is 1.214 Hectare on existing road.
9	Map on above details to be submitted	Enclosed.



35. The conclusion drawn in the report is:

- a) If the National Highway is constructed within the Talaguppa town, it would involve the demolition/removal of commercial buildings, religious structures, Government buildings, residential structures and prominent market places.
- b) For removal of structures as stipulated above, there was opposition from the public and accordingly it was not practicable to execute works in the existing road.
- c) At the Railway Level Crossing No.152, the National Highway takes a sharp turn. If the Highway is constructed at the same site inclusive of a Road Over Bridge, nearly half of the Talaguppa town will have to be acquired.
- d) If expansion of the existing National Highway near the Gowri Kere (Lake) is resorted to near Sy.No.66, this would require acquisition that would be impermissible in terms of the regulations of NHAI.



e) Accordingly, taking note that Section 3(A), 3(D) and 3 (G) notifications are already passed, at the stage of execution of the project, it would be appropriate to implement the project in terms of the Central Government approved alignment.

36. The detailed statement of objections filed by the respondent no.1 makes out Option-1 of the alignment options for realignment as has been approved on 05.08.2022.

37. It is observed that such alignment has been chosen keeping in mind "intensity of existing utilities and trees". It is further stipulated that such decision has been taken pursuant to the decision of the MoRTH (Ministry of Road Transport and Highways) to replace all the level crossings with Road over Bridge (ROB). It is averred that keeping in mind such policy decision, it was resolved to have Road over Bridge to By-pass the existing Level



Crossing No.152 (Talaguppa) at Kilometer 73.250 on NH-69 (Old NH-206 Honnavara-Chithur Section).

38. The petitioners have objected to the report by the Government authorities contending that, the widening of the existing road is opposed on various grounds including that, the Government properties are built beyond 75 feet, that there are unauthorised constructions within the road margin of the existing National Highway.

39. However, the Court cannot sit in judgment over a decision taken regarding construction of a By-pass rather than widening the existing National Highway. Such decisions are essentially policy decision that has been taken keeping in mind policy issues as detailed at para 32 which envisages avoiding of sharp turns, avoiding railway level crossing, having road over bridge etc.

40. It is to be noted that the decision taken to choose a particular option of a re-alignment to have By-pass and give up altering the existing road is a decision



taken by the requisite authority way back in the year 2022 itself. Such decision taken after considering all factors as detailed at para 32 and 33 is a decision taken by an Expert Body and Courts should seldom interfere with such decisions. The Apex Court's observation in the case of ***Union of India v. Kushala Shetty and Others***¹ would be of relevance and is extracted as below:

"28. Here, it will be apposite to mention that NHAH is a professionally managed statutory body having expertise in the field of development and maintenance of national highways. The projects involving construction of new highways and widening and development of the existing highways, which are vital for the development of infrastructure in the country, are entrusted to experts in the field of highways. It comprises of persons having vast knowledge and expertise in the field of highway development and maintenance. NHAH prepares and implements projects relating to development and

¹ (2011) 12 SCC 69



maintenance of national highways after thorough study by experts in different fields. Detailed project reports are prepared keeping in view the relative factors including intensity of heavy vehicular traffic and larger public interest. The courts are not at all equipped to decide upon the viability and feasibility of the particular project and whether the particular alignment would subserve the larger public interest. In such matters, the scope of judicial review is very limited. The court can nullify the acquisition of land and, in the rarest of rare cases, the particular project, if it is found to be ex facie contrary to the mandate of law or tainted due to mala fides. In the case in hand, neither has any violation of mandate of the 1956 Act been established nor has the charge of malice in fact been proved. Therefore, the order under challenge cannot be sustained."

41. The allegations made by the petitioners that the authorities were not considering widening of the existing National Highway due to vested interests is a sweeping allegation. The question whether the authorities feel that



a new By-pass would be better than widening the existing National Highway is a decision, the correctness of which cannot be a subject matter of re-look by the courts unless there is any illegality.

42. The limits of the power of judicial review does not permit the courts to sit in appeal over such decision of expert bodies. Further, all legality has merged in the notification and with no ground made out to set aside the notification, efforts to re-open the validity of the notification by aspects relating to alignment is impermissible.

43. Accordingly, no grounds are made to for allowing the writ petitions and the same are ***dismissed***.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

Np/-
LIST NO.: 19 SL NO.: 1