



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 27TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT APPEAL NO.100067 OF 2023 (GM-SLUM)

BETWEEN:

1. THE KARNATAKA SLUM CLEARANCE
AND IMPROVEMENT BOARD
NO.112, 11TH CROSS
5TH MAIN
MALLESHWARAM
BENGALURU-560003.
2. THE KARNATAKA SLUM CLEARANCE
AND IMPROVEMENT BOARD
DHARWAD DIVISION
JANNAT NAGAR
NEAR TOLL NAKA
BEHIND KARISHMA HOTEL
DHARWAD

Digitally signed by
VIJAYALAKSHMI M
KANKUPPI
Location: HIGH
COURT OF
KARNATAKA

...APPELLANTS

(BY SRI. SHRIPRASAD J.JOSHI, ADVOCATE)

AND:

1. SAROJINI W/O. VIJAYENDRA MOKASHI,
AGE. ABOUT 63 YEARS
OCC. HOUSEWIFE,
R/O. MALMADDI
DHARWAD-580001



2. MALAVIKA
W/O. GANGADHAR HOSAKERI
AGE. ABOUT 40 YEARS
OCC. SERVICE
R/O MALMADDI
DHARWAD-580001
3. SHASHANKSHEKHAR
S/O. VIJAYENDRA MOKASHI
AGE. ABOUT 36 YEARS
OCC. PVT. SERVICE
R/O. MALMADDI
DHARWAD-580003.
4. THE ASSISTANT COMMISSIONER,
DHARWAD TALUKA
DHARWAD.
5. THE TAHASILDAR
DHARWAD TALUK
DHARWAD.
6. THE REGIONAL COMMISSIONER,
BELAGAVI DISTRICT
BELAGAVI.

...RESPONDENTS

(BY SRI. ARAVIND D.KULKARNI, ADVOCATE FOR R1 TO R3;
SRI. SHARAD V.MAGADUM, ADDL. GOVT. ADV. FOR R4 TO R6)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER PASSED BY THE LD. SINGLE JUDGE IN W.P. NO.78022/2013 AND CONFIRM THE FINAL NOTIFICATION AT ANNEXURE-C IN THE PETITION IN THE INTEREST OF JUSTICE AND EQUITY.



THIS WRIT APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. For the reasons stated in the application, I.A.No.1/2022, the same is allowed, and the delay of 116 days in filing the appeal is condoned.
2. The appellants, Karnataka Slum Clearance and Improvement Board (hereinafter referred to as 'the Board') have filed the present appeal impugning the order dated 30.08.2021 passed by the learned Single Judge in Writ Petition No. 78022/2020. The said petition was filed by respondent Nos.1 to 3 inter alia praying the following reliefs:

“i) Issue a Writ in the nature of Certiorari quashing the Section 3 declaration dated 11.4.1998 issued by the Respondent No.5 bearing No. M U S M R 62:94-95 vide Annexure C, as far as it relates to the land of the Petitioners.

ii) Declare that the entireties made in the RTC of land bearing R.S. No. 25 of Hosayallapur village, entering



the name of the Respondent No.2 is illegal and arbitrary.

iii) Issue such other writ, grant such other relief/s as this Hon'ble Court deems fit in the facts and circumstances of this case, in the interest of justice and equity."

3. Respondent Nos. 1 to 3 (writ petitioners) were aggrieved by a Notification dated 11.04.1998 [**the impugned notification**] issued under Section 3 of the Karnataka Slum Areas (Improvement & Clearance) Act, 1973 [**the Act**] notifying certain lands as slum areas. The impugned notification was preceded by a Preliminary Notification dated 23.11.1995 issued under the said Act notifying the land belonging to various persons and also inviting objections to such a declaration.

4. It is the writ petitioners' case that they are the owners of 4 acres and 8 guntas of land falling in Sy.No.25 of Hosayallapur village [**subject land**]. They claim that the subject land is their ancestral property. It is fertile land which was used for agriculture. They challenge the impugned notification essentially on two counts:

i. that no specific notice with regard to the acquisition of the subject land was issued to them, and they were unaware of the Preliminary Notification. Thus, the



impugned notification was issued without following the principles of natural justice;

ii. that the exercise of declaring the subject land as a slum area is illegal, as it is a fertile land used for agriculture.

5. The learned Single Judge accepted the said contentions. The learned Single Judge noted that prior to the issuance of the Preliminary Notification, the RTC reflected the names of the writ petitioners; therefore, without a prior notice to them, the said RTC records could not be changed. Secondly, the learned Single Judge found that the impugned declaration was unreasonable, non-speaking and without application of mind. Lastly, the learned Single Judge held that the subject property could not be classified and described as a 'slum' as defined under Section 2(n) read with Section 3 of the Act. Accordingly, the petition was allowed and the impugned notification was set aside.

6. It is the appellants'/Board's case that the declaration under Section 3 of the Act does not require any separate notices to be issued to the land owners. It is also contended that the land was declared a slum area in accordance with the provisions of the Act.



7. The Preliminary Notification was issued on 23.11.1995, and suggestions and objections were invited from all concerned. Therefore, the impugned notification issued on 11.04.1998 could not be faulted on the said ground. It is also contended that the question of whether the land is required to be declared as a slum area is not amenable to judicial review.

8. Learned counsel appearing for the writ petitioners submitted that there has been a subsequent development, and land to the extent of 7 acres 99 guntas only has been declared under Section 17 of the Act. Compensation for the said land has been paid by the Board to the landowners. It is stated that the subject land (land measuring 4 acres 8 guntas falling in Survey No.25 of Hosayallapur Village, Dharwad Taluk) is not being acquired. Therefore, the grievance of the writ petitioner, in that sense, does not survive.

9. The learned counsel for the appellants submits that there is no issue as to the subject land in respect of which the writ petition was preferred. The said land is not being acquired. However, the preliminary notification dated 23.11.1995 and the impugned



notification dated 11.04.1998, also included other lands in respect of which the concerned landowners have not raised any challenge. He submits that, although the grievance of the writ petitioners was confined to the declaration in respect of their lands measuring 4 acres 8 guntas (the subject land), the impugned order has struck down the impugned notification, which covers the other lands as well.

10. The grounds of challenge raised by the appellants are not insubstantial. *Prima facie*, separate notices may not be required to be given to landowners under the scheme of the Act. However, it is not necessary to examine the issue raised in the present appeal, as the grievance of the writ petitioners stands redressed.

11. In view of the above, we consider it apposite to dispose of the present appeal by directing that the impugned order shall be considered as confined to the subject land claimed by the writ petitioners and not in respect of other lands. We clarify that the impugned notification dated 11.04.1998 is set aside only to the extent that it includes the lands of the writ petitioners and continues



to be operative and valid as far as other lands are concerned.

12. Having stated the above, we also clarify that this order will not preclude any person aggrieved by the impugned notification from availing themselves of the remedies as available, in accordance with law. All questions of law raised in the present appeal are left open.

13. The present appeal is disposed of in the aforesaid terms.

14. All pending applications stand disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(GEETHA K.B.)
JUDGE**

Kmv up to para 6
GAB
CT: UMD