

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2025
(arising out of SLP (C) No. 6496/2021)

BANGALORE DEVELOPMENT AUTHORITY & APPELLANT(S)
ANR.

VERSUS

BUKKAMMA (DEAD) THROUGH LRS & ORS. RESPONDENT(S)

O R D E R

Leave granted.

The appellants, Bangalore Development Authority and its Additional Land Acquisition Officer, are aggrieved by the dismissal of their writ appeal, viz., Writ Appeal No. 601/2020 (LA-BDA), by a Division Bench of the High Court of Karnataka at Bengaluru on the ground of delay of 157 days. The said appeal was instituted by them against the order dated 18.09.2019 passed by a learned Judge of the High Court in Writ Petition Nos. 35143-35147/2019.

Perusal of the order passed by the learned Judge reflects that he followed the earlier decision of the High Court in "*Smt. Huchamma vs. State of Karanataka and others*¹".

There is no clarity emerging from the said order of the learned Judge as to whether the appellants were actually heard on that day. It is, however, clear that the writ petitions were disposed of on the very first day as notice seems to have been accepted by the learned State counsel only on the that day and, having recorded that, the learned Judge thereafter proceeded to

1 W.P. No. 21831/2016 decided on 15.09.2017

dispose of the matters in the light of the judgment in *Smt. Huchamma* (supra).

Aggrieved by the said judgment, the appellants approached the Division Bench by way of a writ appeal, but with an application to condone the delay of 157 days.

By the impugned judgment/order dated 19.01.2021, the Division Bench opined that sufficient grounds were not made out for condonation of the said delay. It appears that the Division Bench was not apprised of the fact that, owing to the then prevailing COVID-19 pandemic, this Court had already directed in M.A. No. 655/2021 in *Suo Motu Writ Petition (C) No. 3 of 2020* that the period between 15.03.2020 and 28.02.2022 should be excluded.

Therefore, the conclusion drawn by the Division Bench that the delay was not just 157 days but much more and that it remained unexplained was not justified.

On that ground, we are inclined to hold that the delay, after exclusion of the period covered by the COVID-19 pandemic in terms of the order passed in *Suo Motu Writ Petition (C) No. 3 of 2020*, was well within condonable limits and ought to have been condoned so as to allow the appellants to have their say on merits.

The appeal is accordingly allowed, setting aside the impugned judgment/order dated 19.01.2021 dismissing Writ Appeal No. 601/2020 (LA-BDA) and, in consequence, condoning the delay. The said writ appeal shall stand restored to the file of the High Court and the same shall be dealt with on its merits and in accordance with law.

The intervenors, who filed applications before this Court seeking to be brought on record on the ground they have an interest

in the matter, are at liberty to file their intervention applications in the writ appeal before the High Court. We, however, make no comment on the merits of their applications or their claims.

We make it clear that all issues have been left open to be addressed on merits by the Division Bench, after hearing all the parties concerned.

Considering the period of time that has elapsed since the filing of the writ appeal, we would request the High Court to give priority to this matter and decide the same as expeditiously as possible.

In keeping with the above request, we direct the Registry of the High Court to list the writ appeal before the roster Bench on 06.01.2026. The parties shall appear before the High Court on the said date. It is for the High Court to thereafter list the matter for hearing on an appropriate date, as per its convenience.

Pending application(s), if any, shall stand disposed of.

.....J.
(SANJAY KUMAR)

.....J.
(ALOK ARADHE)

NEW DELHI;
DECEMBER 02, 2025.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No. 6496/2021

[Arising out of impugned final judgment and order dated 19-01-2021 in WA No. 601/2020 passed by the High Court of Karnataka at Bengaluru]

BANGALORE DEVELOPMENT AUTHORITY & ANR.

Petitioner(s)

VERSUS

RUKKAMMA (DEAD) THROUGH LRS & ORS.

Respondent(s)

(IA No. 40487/2025 - EXEMPTION FROM FILING O.T., IA No. 252184/2023 - EXEMPTION FROM FILING O.T., IA No. 194788/2023 - EXEMPTION FROM FILING O.T., IA No. 1422/2023 - EXEMPTION FROM FILING O.T., IA No. 194787/2023 - INTERVENTION APPLICATION AND IA No. 1420/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 02-12-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE ALOK ARADHE

For Petitioner(s) Mr. K.M. Nataraj, A.S.G.
Mr. Anil Kumar Mishra-i, AOR
Mr. Supantha Sinha, Adv.
Mr. Vinayak Sharma, Adv.
Mr. Navneet Jha, Adv.
Mr. Anand Amrit Raj, Adv.

For Respondent(s) Mr. Devadatt Kamat, Sr. Adv.
Mr. Vinay Navare, Sr. Adv.
Mr. Abdul Azeem Kalebudde, AOR

Mr. Aman Panwar, AAG
Mr. Abhinav Kumar, Adv.
Ms. Patil Rekha Chandra Gouda, AOR
Mr. Jadhav Vishal, Adv.
Mr. Abhinav Kumar, Adv.
Mr. Manav, Adv.

Mr. Tushar Mehta, Solicitor General
Ms. Mala Narayan, Adv.
Mr. Shashwat Goel, AOR
Ms. Anjali Dhingra, Adv.

Ms. V Mohana, Sr. Adv.
Mr. Abhinav R, Adv.
Ms. Divya Sv, Adv.
Ms. Sreepriya K, Adv.
Ms. Divya Swami, AOR

UPON hearing the counsel, the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(BABITA PANDEY)
AR-CUM-PS

(PREETI SAXENA)
COURT MASTER (NSH)

(Signed order is placed on the file)