

K. Srinivasa vs State of Karnataka

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Court : Karnataka Orders

Decided On : Dec-19-2025

Judge : K.S. Hemalekha

Appeal No. : WP/22352/2016

Appellant : K. Srinivasa

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2025 BEFORE THE
HON'BLE MRS. JUSTICE K.S. HEMALEKHA WRIT PETITION
NO.22352 OF 2016 (LA-KIADB) BETWEEN:

1. K. SRINIVASA AGED ABOUT 62 YEARS, S/O. LATE R.
KRISHNASWAMY NAIDU, R/AT NO.571, 30TH MAIN, BANAGIRI
NAGARA, BSK III STAGE, BANGALORE-560 085.

2. K. SHYAMSUNDAR, S/O. LATE R. KRISHNASWAMY NAIDU, SINCE
DECEASED BY LRs. 2(a) SMT. S. PRABAVATHI, W/O. K.

SHYAMSUNDAR, AGED 52 YEARS, 2(b) MS. CHANDANI Digitally signed by D/O. K. SHYAMSUNDAR, MAHALAKSHMI B M AGED 24 YEARS, Location: HIGH COURT OF 2(a) & 2(b) BOTH ARE KARNATAKA

R/AT NO.1255, BANASHANKARI, II STAGE, 23RD CROSS, BANGALORE-560 070. (AMENDED CARRIED OUT AS PER ORDER DATED 13.04.2022) & PETITIONERS (BY SRI ASHOK B. PATIL, ADVOCATE) AND:

1. STATE OF KARNATAKA REP. BY ITS SECRETARY, -2- INDUSTRIES AND COMMERCE DEPARTMENT, M.S. BUILDING, DR. AMBEDKAR BEEDHI, K.R. CIRCLE, BANGALORE-560 001.

2. THE DEPUTY COMMISSIONER, MANDYA DISTRICT, MANDYA-571 001.

3. ASSISTANT COMMISSIONER, PANDAVAPURA SUB-DIVISION, PANDAVAPURA, MANDYA DISTRICT-571 437.

4. TAHASILDAR, SRIRANGAPATNA TALUK, MANDYA DISTRICT-571 438.

5. KARNATAKA INDUSTRIAL AREA DEVELOPMENT BOARD, REP. BY ITS SECRETARY, NO.14/3, II FLOOR, RASHTROTHANA PARISHAT BUILDING, NRUPATHUNGA ROAD, BANGALORE-560 001.

6. SPECIAL LAND ACQUISITION OFFICER, KARNATAKA INDUSTRIAL AREA DEVELOPMENT BOARD, MYSORE ZONE, KRS ROAD, MYSORE-570 016.

7. M/S. HIGH STREET DEVELOPERS PVT. LTD., REP. BY ITS MANAGING DIRECTOR, REGD. OFFICE NO.70, NAGINDAS MASTER ROAD FORT, MUMBAI-400 023. & RESPONDENTS (BY SRI RAJKUMAR M., AGA FOR R-1 TO R-4; SRI B.B. PATIL, ADVOCATE

FOR R-5 & R-6; SMT. MANEESHA KONGOVI, ADVOCATE FOR R-7)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 THE

CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 25.11.2015 PASSED BY SPECIAL LAND ACQUISITION OFFICER, KIADB, MYSORE, i.e. THE 6TH RESPONDENT HEREIN AT ANNEXURE-W TO THE WRIT PETITION BE QUASHED BY ISSUE OF A WRIT OF CERTIORARI AND OR ANY OTHER APPROPRIATE WRIT, ORDER AND DIRECTION. -3- THIS PETITION COMING ON FOR DICTATING ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

The petitioners claim ownership over lands originally

bearing Survey Nos. 129/2 and 129/3 (old Survey No. 30) of Mogarahalli Village, Belagola Hobli, Srirangapatna Taluk, Mandya District, measuring in all 3 acres 14 guntas, purchased under registered sale deeds in the year 1986. The lands were subsequently converted for non agricultural industrial use and certain structures are stated to have been put up.

2. By order dated 21.02.2004, the Deputy Commissioner cancelled the original grant and the sale

deeds executed in favour of the petitioners. The said order

was challenged before the Karnataka Appellate Tribunal (8th Tribunal⁹ for short). By the final order dated 06.11.2009, allowed the appeal and set aside the cancellation. -4-

3. In the interregnum, the Karnataka Industrial Areas Development Board (KIADB) initiated acquisition

proceedings under the Karnataka Industrial Areas Development Act, 1966 (8th KIAD Act⁹ for short), by issuing a preliminary notification dated 24.11.2006 and a final

notification dated 15.05.2007 under Section 28 (1).

4. After the tribunal's order, the petitioners

themselves challenged the acquisition proceedings by filing WPs 23505- 23506 of 2012, which came to be dismissed on 26.11.2012. The dismissal was affirmed by the Division Bench in Writ Appeals No. 8793-8794 of 2012, wherein the acquisition was left undisturbed and liberty was reserved only to submit representation.

5. Pursuant thereto the petitioner submitted representation which was rejected by order dated 25.11.2015 passed by the Special Land Acquisition Officer, KIADB. The present petition assails the said order. -5-

6. Heard learned counsel Sri Ashok B Patil

appearing for the petitioners, learned AGA for respondent Nos. 1 to 4, Sri B.B.Patil, learned counsel for respondent Nos. 5 and 6 and Smt. Maneesha Kongovi, learned counsel for respondent Nos.7 and perused the material on record.

7. Learned counsel for the petitioners submits that

the acquisition proceedings are vitiated as they are initiated during the subsistence of the stay granted by the Tribunal, that the actual physical possession was never taken, that they continue to be in possession as evidenced by the katha entries, tax receipts, photographs, rental

agreements, and conversion records, and that the acquisition, as well as the subsequent allotment, in favour of respondent No. 7 amount to a fraud on power. The petitioners rely on the additional documents and seek amendment to specifically challenge the validity of the acquisition proceedings, contending that the subject lands were wrongly treated as a government lands.

-6-

8. Per contra, the learned counsel appearing for the respondent-KIADB submits that the acquisition proceedings have attained finality and have been upheld by

this Court and the Division Bench. The Tribunal proceedings were confined to the land grant cancellation and did not restrain acquisition under the KIAD Act. The acquiring authority is required to rely only on the revenue records as on the date of the notification and is not required to conduct a roving enquiry into the title. The petitioners' remedy, if any, lies only in compensation and that the respondent No. 7 has acquired vested rights pursuant to the lawful acquisition and allotment which cannot be unsettled after a long delay.

9. Having heard the learned counsel appearing for the parties, the point that arises for consideration is, whether the petitioners are entitled to reopen the validity of acquisition proceedings that have

attained finality and whether the impugned order

dated 25.11.2015 warrants any interference under Article 226 of the Constitution? = -7-

10. This Court has carefully considered the contentions urged and perused the material on record.

11. Since the interlocutory applications directly impact the scope of adjudication, they are considered first.

12. IA No. 1 of 2023 is filed for production of

documents seeking to produce the supplementary lease agreements executed by KIADB in favour of respondent No. 7, order sheets and stay orders of the Tribunal and certain survey-related documents. The stay orders passed by the Tribunal were confined to the proceedings under the Land Grant Rules and restrained any cancellation of grant and sale deeds. They did not operate a restraint on the acquisition under the KIAD Act, which is a distinct statutory regime. The supplementary lease agreements and the allotment documents are consequential acts flowing from the completed acquisition. They cannot retrospectively invalidate acquisition proceedings that have already been upheld by this Court and the Division Bench. Further, the

-8- respondent No. 7 was not a party to the Tribunal proceedings and no adverse inference can be drawn against it on that basis.

13. IA No. 2/2023 is filed for amendment of writ

petition. By this application, the petitioner seeks to introduce the allegation of fraud on power and directly challenge the preliminary and final acquisition notifications of 2006 and 2007. The writ petition is confined to the challenge of the order dated 25.11.2015 passed on the petitioners representation. The proposed amendment seeks to fundamentally alter the nature and character of the writ petition by converting it into direct challenge to the acquisition itself. The validity of the acquisition notifications had already been directly challenged by the petitioners after the Tribunal order and has conclusively upheld by this Court and affirmed by the Division Bench. Allowing the amendment would amount to permitting re-litigation of settled issues, squarely attracting the principles of res

judicata and constructive res judicata. Moreover the -9- amendment is sought after an inordinate delay of nearly 15 years from the date of final notification. The allegations of fraud are vague, omnibus and unsupported by any material particulars. Fraud cannot be pleaded as an afterthought to circumvent binding judgments. Permitting such amendment would also unsettle the vested third party rights that have accrued in favour of respondent No.7 pursuant to the lawful acquisition and allotment.

14. IA No. 1 of 2025 is again filed for production of

additional documents seeking to produce the list of survey numbers allegedly surveyed by KIADB prior to the issuance of notification under Section 28 (1). This document does not disclose any irregularity in the acquisition proceedings and also the application is further an attempt to reopen the concluded issues. Hence the applications filed by the petitioners IA No.1/2023, IA No.2/2023, IA No.1/2025 lacks merits and are to be rejected. The acquisition

proceedings culminated in a final notification dated 15.05.2007, have been challenged by the petitioner and - 10 - been upheld by this Court and the Division

Bench. The acquisition has thus attained finality and cannot be reopened in a co-lateral proceedings. The Tribunal proceedings were beneficial to the petitioner only to a limited extent of reckoning, restoring the grant and sale deeds and safeguarding their entitlement for compensation. After securing relief from the Tribunal, the

petitioners themselves challenged the acquisition proceedings and failed. Having exhausted the challenge, they cannot now take the protection under the very same Tribunal order to assail the acquisition. This conduct attracts the doctrine of approbate and reprobate. A litigant who has accepted and acted upon an order to his advantage cannot thereafter selectively rely upon the same

order to reopen the proceedings that have been

independently examined and upheld. Such conduct amounts to the abuse of process of Court.

15. Disputes relating to possession or revenue entries do not invalidate statutory acquisition. At the best, - 11 - they may be relevant for compensation. The impugned

order dated 25.11.2015 was passed pursuant to the liberty

granted by the Division Bench. The authority acted within jurisdiction and no permissive arbitrariness or violation of natural justice is demonstrated. The writ petition and the interlocutory applications is an attempt to reopen the

issues that have attained finality. No ground is made out

for interference under Article 226 of the Constitution. Accordingly, this Court pass the following:

ORDER

(i) The Writ Petition is dismissed.

(ii) Consequently IA 1/2023, IA 2/2023 and IA

(iii) Liberty, if any, is reserved to the

petitioners only to pursue remedy available for compensation in accordance with law. Sd/- _____ JUSTICE K.S. HEMALEKHA CKL: List No.: 1
SI No.: 26

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