

Ramesh M, vs the State of Karnataka

Ramesh M, vs the State of Karnataka

SooperKanoon Citation : sooperkanoon.com/1739120

Court : Karnataka

Decided On : Sep-09-2025

Judge : M.Nagaprasanna

Appeal No. : WP/21158/2025

Appellant : Ramesh M,

Respondent : The State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2025 BEFORE THE
HON'BLE MR. JUSTICE M.NAGAPRASANNA WRIT PETITION NO.
21158 OF 2025 (LA-KIADB) BETWEEN:

1. RAMESH M,

SON OF MUNIYAPPA AGED ABOUT 44 YEARS MASTHYENHALLI VILLAGE
YENAGARA POST JIGANI HOBLI ANE KALTALUK. PETITIONER (BY SRI.
SURESH K., ADVOCATE) AND: Digitally signed by VISHAL NINGAPPA 1. THE
STATE OF KARNATAKA PATTIHAL Location: High REP. BY ITS Court of
Karnataka, Dharwad Bench, ADDITIONAL CHIEF SECRETARY, Dharwad

COMMERCE AND INDUSTRIES DEPARTMENT, VIKASA SOUDHA, BENGALURU 560 001.

2. KARNATAKA INDUSTRIAL AREA DEVELOPMENT BOARD, 4TH AND 5TH EAST WING, 5TH FLOOR, -2- KHANIJABHAVAN, RACE COURSE ROAD BENGALURU 560 001 REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER AND EXECUTIVE MEMBER.

3. SPECIAL DEPUTY COMMISSIONER, KARNATAKA INDUSTRIAL AREA DEVELOPMENT BOARD 4TH AND 5 EAST WING, 5TH FLOOR, KHANIJABHAVAN, RACE COURSE ROAD, BENGALURU - 560 001

4. THE SPECIAL LAND ACQUISITION OFFICER

KARNATAKA INDUSTRIAL AREAS DEVELOPMENT BOARD. KHANIJABHAVAN RACE COURSE ROAD, BENGALURU 560 001 RESPONDENTS (BY SRI SPOORTHY HEGDE N., HCGP FOR R1; SRI. C. RAMAKRISHNAN, ADVOCATE FOR R2, R3 AND R4) THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE NOTIFICATION ISSUED UNDER SECTION 28(4) OF THE KARNATAKA INDUSTRIAL AREAS DEVELOPMENT ACT, 1966, PRELIMINARY NOTIFICATION DATED 19/04/1997 ISSUED -3- UNDER SECTION 28(1), VIDE NOTIFICATION BEARING NO. C.I

85 S.P.Q 97, NOTIFIED IN THE NAME OF PETITIONER FOLLOWED BY THE FINAL NOTIFICATION DATED 26.04.2002 ISSUED UNDER SECTION 28(4) VIDE NOTIFICATION CI 307 SPQ 2009 W.R.T SY. NO.235 MEASURING TO AN EXTENT OF 32 ANEKAL TALUK, BANGALORE DISTRICT AS PER ANNEXURE-B AD C AND ETC. THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA

ORAL ORDER

The petitioner is before this Court, seeking the following prayer:

"a) Issue a writ in the nature of certiorari or any other writ to quash the notification issued under Section 28(4) of the Karnataka Industrial Areas Development Act, 1966, Preliminary Notification dated 19/04/1997 issued under Section 28(1), vide notification bearing no. C.I 85 S.P.Q 97, notified in the name of petitioner followed by the Final Notification dated 26/04/2002 issued under Section 28(4) vide notification CI 307 SPQ 2009 w.r.t Sy.No.235 measuring to an extent of 32 3/4 guntas situated at Rajapura village, Jigani Hobli, Anekal Taluk, Bangalore Districts as per Annexure B and C.

c) Or any Direction issued to the Respondents, in the interest of justice and equity." -4-

2. Heard Sri. Suresh K., learned counsel appearing for

the petitioner, Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for respondent No.1, Sri. C. Ramakrishnan, learned counsel appearing for respondent Nos.2 to 4 and have perused the material on record.

3. Learned counsel appearing for the petitioner would

submit that the issue in the lis is identical to the one considered by the Apex Court and the division bench of this Court in W.A.No.6819/2017 disposed on 28.09.2022. He submits that the Apex Court in SLP(c) No.12135/2020 disposed on 25.02.2022, after considering its earlier judgments rendered in the cases of OFFSHORE HOLDING PRIVATE LIMITED VS. BENGALURU DEVELOPMENT AUTHORITY reported in 2011

(3) SCC 139 and BANGALORE DEVELOPMENT AUTHORITY

AND ANR. VS. STATE OF KARNATAKA AND ANOTHER reported in 2018 (9) SCC 122, remanded back the matter directing the division bench to consider the issue afresh and pass necessary orders following the afore-quoted judgments. After remand, the division bench reconsidering the matter as -5- directed by the Apex Court, passed the following judgment in W.A.No.6819/2017 disposed on

28.09.2022. The

judgment reads as follows:

. . .

5. Thereafter, the land acquisition proceedings initiated by

KIADB were challenged in writ petitions, namely, Writ Petition Nos.34318-322/2016 and Writ Petition Nos.34323-326/2016, inter alia, on the ground that the acquisition had lapsed in terms of Section 24(2) of the Right to Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the Act of 2013, for short). The learned Single Judge, by an order dated 17.08.2017, inter alia, held that the provisions of Section 24(2) of the Act of 2013 do not apply to the proceeding initiated under the KIAD Act. It was further held that even though no time limit is prescribed under the KIAD Act and Section 11-A of the Land Acquisition Act, 1894 (hereinafter referred to as the Act of 1894, for short) does not apply to the proceeding under the KIAD Act and the land acquisition proceeding should be concluded within a reasonable time. The learned Single Judge, therefore,

held that the proceeding initiated by KIADB for acquisition

of the lands has lapsed.

6. A Division Bench of this Court, by an order dated

04.02.2020 passed in Writ Appeal No.6819/2017 affirmed the order dated 17.08.2017 passed by the learned Single Judge and has dismissed the appeal. The appellants assailed the aforesaid order of the Division Bench dated 04.02.2020 in a special leave petition before the Honble Supreme Court, namely SLP (C) No.12135/2020. Civil Appeal No.1666/2022 arising out of the aforesaid special leave petition was

disposed of by the Honble Supreme Court by an order dated 25.02.2022.

The relevant extract of the order reads as under:

As this position was not brought to the notice of the Division Bench of the High Court, we deem it appropriate to set aside the impugned judgment and

order and relegate the parties by restoring the writ

-6- appeal(s) to the file of the High Court to their original numbers for being decided afresh. All contentions available to both sides are left open. We may not be understood to have expressed any opinion either way on the merits of the contentions available to the parties. The civil appeals are disposed of in the above terms. In the aforesaid factual background, this appeal arises for consideration.

7. Learned counsel for the appellants submitted that the

learned Single Judge ought to have appreciated that no period of limitation has been prescribed for conclusion of the proceeding initiated under the KIAD Act and, therefore, the proceeding could not have been declared to have lapsed on account of efflux of time. It is also urged that the learned Single Judge ought to have appreciated that the provisions of Section 11-A of the Act of 1894 does not apply to the proceeding initiated under the KIAD Act.

8. On the other hand, learned Senior Counsel for the respondents has supported the order passed by the learned Single Judge.

9. We have considered the submissions made on both the sides and have perused the record. The Supreme Court in M.NAGABHUSHANA vs STATE OF KARNATAKA has

held that the KIAD Act is a self contained code and is a

law relating to acquisition of land for public purpose and for payment of compensation. It was further held that once the proceeding for

acquisition of land is initiated under the KIAD Act, the provisions under Section 11A of the Act of 1894 do not apply to the acquisition under the KIAD Act. The aforesaid decision was relied upon in SLAO, KIADB MYSORE vs ANASUYA BAI DEAD BY LRS. Thus, it is evident that the Act is a self contained code and the time limits prescribed under the Act of 1894 do not apply in respect of the land acquired under the KIAD Act. The proceeding under the KIAD Act cannot be

held to have been lapsed if the award is not passed within

-7- a period of two years in view of the timeline prescribed under Section 11A of the Act of 1894.

10. We are aware that the KIAD Act does not

prescribe any time limit for conclusion of the proceeding and a Constitution Bench of the Honble Supreme Court in OFFSHORE HOLDINGS PRIVATE LIMITED vs. BANGALORE DEVELOPMENT AUTHORITY AND OTHERS which has been subsequently adverted to in BANGALORE DEVELOPMENT AUTHORITY AND ANOTHER vs. STATE OF KARNATAKA AND ANOTHER has held that the provisions of Section 11-A of the Act of 1894 cannot be read into the provisions of the Bangalore Development Authority Act, 1976.

11. It is well settled in law that the right to hold the

property is a constitutional right guaranteed under Article 300-A of the Constitution of India. No citizen can be deprived of his property without following due process of law. It is well settled legal proposition that where a statute does not provide for time limit of performance of an act, such act has to be performed within a reasonable time and what would be the reasonable time has to be decided in the facts and circumstances of the cases. (See: MEHER RUSI DALAL vs. UNION OF INDIA, P.K.SREEKANTAN vs. P.SREEKUMARAN NAIR and K.B.NAGUR vs.

UNION OF INDIA). Therefore, in the

facts of the case, we have to ascertain whether the

acquisition proceeding initiated by KIADB is vitiated on account of inordinate delay in conclusion of the same.

12. However, in the instant case, the preliminary

notification was issued on 15.09.2000 whereas, the final notification under Section 28(4) of the KIAD Act was issued on 13.05.2005. Even after a period of 7 years from the date of decision of the Division Bench of this Court, i.e. on 16.12.2010, no action was taken by KIADB to conclude the proceeding of land acquisition. No explanation has been offered for the delay of 7 years in concluding the proceeding which is fatal. Therefore, the learned Single Judge in the facts of the case and in the absence of the any explanation on behalf of the -8-

appellants for the delay in concluding the land acquisition proceeding has rightly held that the land acquisition proceedings insofar as it pertains to lands of the respondents have lapsed on account of efflux of time. For the aforementioned reasons, we do not find any ground to divert with the view taken by the learned Single Judge.

In the result, the appeal fails and is hereby dismissed. (Emphasis supplied) He would submit that the issue in the case at hand is identical to the afore-quoted judgment in W.P.No.6819/2017, as the preliminary notification is issued on 19.04.1997 and the final notification is issued on 26.04.2002. The petitioner and his family members are still in possession of the land and the compensation is deposited before the reference Court after the lapse of 26 years. He would submit that the scheme is not implemented even after two and half decades.

4. On the other hand, learned High Court Government

Pleader and learned counsel for respondent Nos.2 to 4 are not in a position to dispute the position of law as is laid down by the division bench of this Court in the aforesaid judgment. -9-

5. In the light of the judgment of the division bench as afore-quoted and that the issue in the case at hand, standing covered on all its fours, the following:

ORDER

a. The writ petition stands allowed. b. The preliminary notification dated 19.04.1997 and the final notification dated 26.04.2002 issued under Section 28(4) of the Karnataka Industrial Areas Development Act, 1966, qua the petitioners land stand quashed. Sd/- (M.NAGAPRASANNA) JUDGE SJK/nvj List No.: 1 SI No.: 42

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com