

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 2901 OF 2013 (LA-KIADB)

C/W

WRIT APPEAL NO. 2938 OF 2013 (LA-KIADB)



IN WA NO. 2901/2013

BETWEEN:

1. BRIGHTSWORD TECHNOLOGIES PVT LTD
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 1956 AND
HAVING ITS REGISTERED OFFICE
AT # 540, 4TH FLOOR, CMH ROAD
INDIRANAGAR
BANGALORE-560 038
REPRESENTED HEREIN BY ITS
AUTHORIZED SIGNATORY
MR. KIRAN POONACHA

...APPELLANT

(BY SRI SARAVANA S, ADVOCATE)

AND:

1. THE KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD
A GOVERNMENT OF KARNATAKA
UNDERTAKING ESTABLISHED AND
CONSTITUTED UNDER THE
PROVISIONS OF THE KARNATAKA
INDUSTRIAL AREAS DEVELOPMENT



ACT, 1966 AND HAVING OFFICE AT
14/3, 2ND FLOOR, R P BUILDING
NRUPATHUNGA ROAD
BANGALORE-560 001
REPRESENTED HEREIN BY ITS
CHIEF EXECUTIVE OFFICER AND
EXECUTIVE MEMBER

2. THE SPECIAL LAND ACQUISITION OFFICER-2
OFFICE OF THE KARNATAKA INDUSTRIAL
AREAS DEVELOPMENT BOARD
HAVING OFFICE AT NO.3/2
THIMMAIAH TOWERS, 3RD FLOOR
I CROSS ROAD
OPP. KAMAT YATRI NIVAS
GANDHINAGAR
BANGALORE-560 009
3. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY
COMMERCE AND INDUSTRIES DEPARTMENT
M S BUILDING
VIDHANA SOUDHA
BANGALORE-560 001
4. KARNATAKA UDYOGA MITRA
A GOVERNMENT OF KARNATAKA ORGANISATION
HAVING ITS OFFICE AT KHANIJA BHAVAN
NO.49, RACE COURSE ROAD
BANGALORE-560 001
REPRESENTED HEREIN BY ITS
MANAGING DIRECTOR
5. MR. BALAKRISHNA NAIDU
S/O L GURAPPA NAIDU
AGED ABOUT 49 YEARS
R/O NO. 1565/A, 30TH CROSS
28TH MAIN ROAD, BSK II STAGE
BANGALORE-560 010
6. SHRAVANTHI SHELTERS
A PROPRIETARY CONCERN OF
MR. BALAKRISHNA NAIDU
HAVING OFFICE AT NO.1565/A

30TH CROSS, 28TH MAIN ROAD
BSK II STAGE
BANGALORE-560 010

7. B. SUMANTH KUMAR REDDY
SON OF KUMARSWAMY REDDY
AGED ABOUT 44 YEARS
NO.24/144, WARWICK HOUSE
SHANTINAGAR, NELLORE
ANDHRA PRADESH-524 003

**(IMPLEADED VIDE ORDER
DATED 30.03.2021)**

...RESPONDENTS

(BY SRI H.L. PRADEEP KUMAR, ADVOCATE FOR R1 AND R2;
SRI N. BYRE GOWDA, AGA FOR R3;
SRI VIKRAM A HUILGOL, SENIOR ADVOCATE FOR
SRI SIDDARTH SUMAN, ADVOCATE FOR R5 & R6;
SRI KIRAN V. RON, AAG FOR R4;
SRI BHARATH K, ADVOCATE FOR R-7)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE
ORDER PASSED IN WRIT PETITION NO.42253/2011 DATED
06.03.2013.

IN WA NO. 2938/2013

BETWEEN:

1. BRIGHTSWORD TECHNOLOGIES PVT LTD
A COMPANY INCORPORATED UNDER THE
COMPANIES ACT, 1956
AND HAVING ITS REGISTERED OFFICE
AT #540, 4TH FLOOR, CMH ROAD
INDIRANAGAR
BANGALORE-560 038
REP. HEREIN BY ITS

AUTHORIZED SIGNATORY
MR. KIRAN POONACHA

...APPELLANT

(BY SRI ARJUN SARATHI, ADVOCATE)

AND:

1. THE KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD
A GOVERNMENT OF KARNATAKA UNDERTAKING
ESTABLISHED AND CONSTITUTED UNDER THE
PROVISIONS OF THE KARNATAKA INDUSTRIAL
AREAS DEVELOPMENT ACT, 1966 AND
HAVING OFFICE AT # 14/3, 2ND FLOOR
R.P. BUILDING
NRUPATHUNGA ROAD
BANGALORE-560 001
REPRESENTED HEREIN BY ITS
CHIEF EXECUTIVE OFFICER AND
EXECUTIVE MEMBER
2. THE SPECIAL LAND ACQUISITION OFFICER-2
OFFICE OF THE KARNATAKA INDUSTRIAL
AREAS DEVELOPMENT BOARD
HAVING OFFICE AT NO.3/2
THIMMAIAH TOWERS
3RD FLOOR, I CROSS ROAD
OPP. KAMAT YATRI NIVAS
GANDHINAGAR
BANGALORE-560 009
3. THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY
COMMERCE AND INDUSTRIES DEPARTMENT
M.S. BUILDING
VIDHANA SOUDHA
BANGALORE-560 001
4. KARNATAKA UDYOGA MITRA
A GOVERNMENT OF KARNATAKA ORGANIZATION
HAVING ITS OFFICE AT KHANIJA BHAVAN

NO.49, RACE COURSE ROAD
BANGALORE-560 001
REPRESENTED HEREIN BY ITS
MANAGING DIRECTOR

5. MRS. SAI RANI
AGED ABOUT 56 YEARS
W/O MR. P. KRISHNASWAMY
NO.75, II MAIN, I BLOCK
KORAMANGALA
BANGALORE-560 034
6. SRI P. KRISHNA REDDY
S/O PAPAIAH REDDY
AGED ABOUT 62 YEARS
AND R/AT NO.4/3
KEMPAPURA
YAMALUR POST
BANGALORE-560 037

...RESPONDENTS

(BY SRI H.L. PRADEEP KUMAR, ADVOCATE FOR R1 AND R2;
SRI N. BYRE GOWDA, AGA FOR R3;
SRI P.B. RAJU, ADVOCATE FOR R5;
SRI KIRAN V. RON, AAG FOR R4;
SRI ANIL KUMAR SHETTY, ADVOCATE FOR R6)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF
THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE
THE ORDER PASSED IN WRIT PETITION NO.45347/2011
(LA-KIADB) DATED 06.03.2013.

THESE APPEALS HAVING BEEN HEARD AND
RESERVED FOR JUDGMENT ON 13.08.2026, COMING ON
FOR PRONOUNCEMENT THIS DAY, **HON'BLE MR. JUSTICE**
D K SINGH PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

I. PREFACE:

1. The present appeals have been filed by the common Appellant against the impugned judgment and order dated 06.03.2013 passed by the learned Single Judge in W.P.No.42253/2011 c/w W.P.No.45347/2011, disposing of the writ petitions filed by the Appellant and directing the Respondents to provide alternative land to the Appellant along with giving an option to the Appellant to seek recovery of damages before the appropriate forum from the State Government.

II. BRIEF FACTS:

The Brief Facts leading to the present appeals are as follows:

2. The Appellant is a company incorporated under the provisions of the Companies Act, 1956 and has significant expertise in software development, ITES, and other related IT activities. The Appellant submitted an application to the

Respondent No.4 – Karnataka Udyog Mitra for setting up of an 'Information Technology Park' in Kadubeesanahalli, Varthur Hobli, Bangalore East Taluk, with an investment of Rs. 43,000 crores. The application was approved by the State Level Single Window Clearance Committee (hereinafter referred to as 'SLSWCC') on 20.10.2003, and a direction was given to the Respondent No.2 – Special Land Acquisition Officer (hereinafter referred to as 'the SLAO') to acquire 8.5 acres of land, and handover the same to the Appellant.

3. The Respondent No.1 – Karnataka Industrial Areas Development Board (hereinafter referred to as 'the Board'), vide its letter dated 11.12.2003, directed the Appellant to deposit a sum of Rs. 38,06,500/- being 40% of the tentative cost of the acquisition proceedings in order to enable Respondent No.2 – SLAO to submit the draft of the notifications to the Respondent No.1 – Board for approval. The said amount was deposited by the Appellant with the Board on 27.01.2004.

4. In furtherance of the deposit, the Respondent No.1 – Board issued preliminary notification dated 09.03.2004 u/s 28(1) r.w.s 3(1) of the Karnataka Industrial Areas Development

Act, 1966 (hereinafter referred to as 'the KIAD Act'). In furtherance of the preliminary notification, the Respondent No.2 – SLAO, along with the Assistant Director of Land Records, conducted a joint survey over the notified land, and a Report dated 07.05.2004 was prepared, stating no development was done over the notified lands.

5. Pursuant to the survey report, the Respondent No.1 – Board conducted proceedings u/s 28(2) and 28(3) of the KIAD Act by issuing notices to the landowners and heard the objections to the acquisition proceedings. Pursuant to the order issued u/s 28(3) of the KIAD Act by the Respondent No.2 – SLAO, the Respondent No.3 – State issued Final Notification dated 07.09.2004 u/s 28(4) of the KIAD Act.

1st Round of Litigation

6. The Final Notification was challenged by the Respondent-Landowners in W.P. 46827/2004, W.P. 45316/2004 and W.P. 41447/2004, praying for quashing of the Final Notification dated 07.09.2004. The Appellant filed W.P. 16105/2007 praying for delivery of the lands notified in the Final Notification dated

07.09.2004. Vide orders dated 03.11.2009 and 04.11.2009, the learned Single Judge allowed the writ petitions in part, set aside the Final Notification dated 07.09.2004, and directed the Appellant as well as the landowners to appear before the Respondent No.2 – SLAO and submit their representation and objections respectively.

7. As per the directions vide orders dated 03.11.2009 and 04.11.2009, the landowners and Appellant submitted their claim statements and objections on 02.12.2009 and 31.12.2009 respectively. The landowners contended as follows:

- i. Sri Balkrishna Naidu contended that the subject land in Sy.No. 20 (part) was owned by him, and the same was allotted to him for his project vide project approval dated 18.10.2007 issued by the SLSWCC.
- ii. Smt. K Sai Rani submitted that the subject land was being used for her industrial establishment, carrying out steel fabrication activities, thereby being her sole source of livelihood.
- iii. Sri Krishna Reddy contended that the subject land was his sole source of livelihood to maintain his

family and was planning to establish an industry on the subject land for his children.

The Respondent No.2 – SLAO passed an order dated 22.12.2009 u/s 28(3) of the KIAD Act, accepting the objections of the landowners and dropping their subject lands from the acquisition proceedings and the same was subsequently published in the Official Gazette by the Respondent No.3 – State on 24.07.2010.

2nd Round of Litigation

8. Aggrieved by the order dated 22.11.2009, the Appellant filed W.P. 42253/2011 and W.P. 45347/2011 seeking quashing of the orders dated 22.12.2009 and 24.07.2010 respectively. Vide impugned order dated 06.03.2013, the learned Single Judge disposed of the writ petitions and directed the Respondents to provide alternate land to the Appellant, along with granting the Appellant an option of claiming damages before the appropriate forum from the State.

9. Vide order dated 08.10.2025, this Court directed the Respondent No.3 – State to take instructions on the status of

compliance of directions in the impugned Order. The order is as follows:

"Mr. M.N. Sudev Hegde, learned Additional Government Advocate appearing for respondent No.3 and Mr. H.L. Pradeep Kumar, learned counsel appearing for respondent No.2 seek time to take instructions as to what action has been taken in compliance of the directions issued by the learned Single Judge in paragraph No.8 of the impugned judgment, which reads as under,

"8. With the above observations, the petitions are disposed of while directing the respondents to provide alternative land to the petitioner, if the petitioner so desires even at this point of time in the manner known to law. While the petitioner is given the option to seek recovery of damages from the State Government and its instrumentalities that are involved in this dispute. This Court has refrained from awarding any amount of damages, which was a possibility as this would necessarily entail an inquiry into the particulars and has arrived at findings of fact. It is best that the petitioner seeks such a remedy before an appropriate forum which could adjudicate such a claim."

List on 13.10.2025."

10. This Court, vide order dated 13.10.2025, passed the following order, directing the Respondent No.1 – Board to seek instructions regarding the availability of the alternate site offered to the Appellant in 2016:

"Sri. H.L. Pradeep Kumar, learned counsel appearing for respondents 1 and 2 - Karnataka Industrial Area Development Board (for short 'the KIADB') submits that in compliance of paragraph No.8 of the impugned order dated 06.03.2013 passed in W.P.No.42253/2011 (LA-KIADB) c/w W.P.No.45347/2011 (LA-KIADB) by the learned Single Judge, the appellant was offered an alternate site in the year 2016.

However, the appellant did not accept the alternate site offered to it, and the KIADB does not have any other site for allotment to the appellant.

When the Court asked a question that whether the said alternate site offered to the appellant in the year 2016 is still available or not, learned counsel appearing for KIADB submits that he will seek instructions and make submission.

Considering the aforesaid and to enable the learned counsel to make submission, re-list these appeals on 16.10.2025.

Acknowledgment dated 08.10.2025 is filed in the Court for having paid the cost of Rs.2,000/- on 24.09.2025. The same is placed on record."

11. On 16.10.2025, this Court directed the Chief Executive Officer of the Board to file his personal affidavit in terms of the order dated 13.10.2025 passed by this Court. The said affidavit was filed on 30.10.2025, stating that no un-litigated land is available as a single plot measuring 8 acres in the subject area of acquisition to allot as alternative land to the Appellant. The affidavit is as follows:

"I, Dr. Mahesh. M, S/o. Mahadevaiah, aged 47 years, working as Chief Executive Officer and Executive Member in the Karnataka Industrial Areas Development Board (KIADB) Bengaluru do hereby solemnly affirm and state on oath as follows:

1. I state that I am Respondent No 1 in the above case and I am aware of the facts of the case and hence I am swearing to this affidavit.

2. I state that on 13.10.2025 the Hon'ble Court had directed the Counsel on record appearing on behalf of KIADB to ascertain whether the following alternative land offered in the year 2016 is available, in compliance with paragraph No. 8 of the impugned order dated 06.03.2013 passed in Writ Petition No 42253/2011(LA-KIADB) connected with Writ Petition 45347/2011 (LA-KIADB).

i) High-Tech Defense & Aero Space Park, Devanahalli

ii) Aveeranahalli, Dobaspet Industrial Area 4th Phase

Accordingly, on instructions received from the Board, a submission was made by the counsel appearing for the board before this Hon'ble Court on 16.10.2025 stating that no lands are available as a single plot, measuring 8 acres in High-Tech Defense & Aero Space Park, Devanahalli and Aveerahalli, Dobaspet Industrial Area 4th phase.

3. I state that the Hon'ble Court considering the submission made on 16.10.2025 as regards to the non-availability of the alternative land in aforesaid two Industrial Area directed me to state the same on Affidavit.

4. I submit that, no unlitigated land is available as a single plot in either the High-Tech Defence and Aerospace Park, Devanahalli,

or the Dabaspeta Industrial Area for providing alternative land.

5. I state that the above statement is made based on the information given by the Executive Engineer-3, KIADB Zonal Office, Bangalore and Executive engineer-1 Bangalore, and also of the concerned Industrial Area and Executive Engineer-1, KIADB as well as information/details given by the concerned Secretary and Joint Director.

I the deponent above named do hereby declare that the contents of the affidavit are all true and correct to the best of my knowledge, information and belief."

12. The Appellants filed their objections on 20.11.2025 to the affidavit dated 30.10.2025, which are produced as follows:

"1. The Appellant respectfully submits that the affidavit filed by Respondent Nos. 1 and 2 is misconceived, factually incorrect, and misleading, and therefore deserves to be rejected.

2. At the outset, the Appellant submits that he has never requested for any "alternative land" at any point of time. The direction issued by this Hon'ble Court to ascertain the availability of land pertains solely to the submissions of the Respondents, and not at the instance of the Appellant. Hence, the statements made in the affidavit suggesting consideration of "alternative land" are wholly irrelevant and unwarranted.

3. The Appellant submits that the very subject land forming the subject matter of the present proceedings is available, vacant and unutilised, and therefore the question of considering any "alternative land" does not arise.

4. *The Appellant further submits that, as per the judgment and decree passed in O.S. No. 6021/2004, the Appellant has been declared as the absolute owner of the subject land. The said declaration continues to operate as on date.*

5. *It is submitted that Respondent No. 3 has challenged the aforesaid judgment and decree in RFA No. 895/2009, which is pending consideration before this Hon'ble Court. Mere pendency of the appeal does not dilute or nullify the Appellant's declared ownership unless the decree is stayed, which is not the case.*

6. *The Appellant submits that Respondent No. 3, by suppressing the material facts, including the decree in O.S. No. 6021/2004, the pendency of RFA No. 895/2009, and the Appellant's claim and possession over the subject land, proceeded to apply for allotment of the very same land with Respondent Nos. 1 and 2 (KIADB).*

7. *It is further submitted that Respondent No. 3, by misleading Respondent Nos. 1 and 2, has illegally secured the allotment letter, possession certificate, and lease-cum-sale agreement dated 28.12.2013 in respect of the subject land. The aforesaid documents have been obtained in violation of the decree in O.S. No. 6021/2004 and in suppression of the pending appeal.*

8. *The affidavit filed by Respondent Nos. 1 and 2 makes no reference whatsoever to the Appellant's ownership, the decree of the Civil Court, or the illegal allotment made to Respondent No. 3. The affidavit is therefore incomplete, misleading, and fails to disclose the true and material facts.*

Wherefore, the Appellant prays that this Hon'ble Court may kindly be pleased to reject

the affidavit filed by the Respondent No.1 and 2 in the interest of justice.”

III. SUBMISSIONS ON BEHALF OF THE APPELLANT:

13. Learned Counsels for the Appellants submitted that the learned Single Judge did not notice that the challenge before the writ court was on the illegal action of the Respondents in selectively deleting the lands of the landowners from the acquisition. It was further contended that the learned Single Judge did not deal with the allegation of deletion of lands and merely held that the action of the Respondents cannot be reversed.

13.1 It was further submitted that the acquisition of lands had a pre-condition of obtaining consent from the landowners. The project approval granted by the SLSWCC did not contain a condition that the acquisition should be a consent acquisition, and such requirement was not present when the preliminary notification dated 09.03.2004 and Final Declaration dated 07.09.2004 were issued by Respondent No.3 – State. Reliance was placed on the decision of the Supreme Court in **R.L. ARORA v. STATE OF U.P. [(1964) 34 COMP CAS 487]** and

the decision of a Coordinate Bench of this Court in ***P. RAJAPPA v. STATE OF KARNATAKA [2004 SCC ONLINE KAR 197]***, wherein it was held that the objection taken by the landowner that the subject land is to be used to industrial purposes cannot be a valid ground to refuse acquisition of such lands.

13.2 The learned counsels submitted that the learned Single Judge erroneously did not consider the applicability of principle of promissory estoppel against the Respondents. The Respondent No.1 – Board made contrasting submissions before the writ courts in the first and second round of litigations, contending earlier that the acquisition was justified, while contradicting the same presently with the contention that the lands are to be dropped from acquisition proceedings. The Respondent No.1 – Board specifically stated in the first round of litigation before the writ court that the objection raised by the landowner that they are allotted the project approval dated 18.10.2007 by the SLSWCC cannot be a valid ground to refuse to allot the subject lands to the Appellant. It is further submitted that the landowner, Sri Krishna Reddy, has made contradictory claims before the SLAO. In the first round of litigation, it was contended that the subject land was his only

source of livelihood, whereas in the second round of litigation, it was contended that the subject land is to be used for industrial purposes., which is violative of the provisions of KIAD Act.

13.3 It was further submitted that the Respondent No.1 – Board did not adhere to the directions and approval of the SLSWCC. The objective of the Karnataka Industries (Facilitation) Act, 2002 (2002 Act) is to set up industries in the State by obtaining clearances from the SLSWCC and other statutory bodies for different quantum of investments. The decisions taken by the SLSWCC in granting project approval dated 20.10.2003 is binding on all departments of the State, including the Respondent No.1 – Board. The Respondent No.1 – Board cannot accord approval for the project to the Appellant and subsequently allot the very same lands to the landowner for his purported project.

13.4 It was contended that the project approval dated 18.10.2007 obtained by the landowner Balkrishna Naidu is contrary to the provisions of the 2002 Act. The approval dated 18.10.2007 was not granted on an independent application of

mind based on facts and details of project presented before the SLSWCC but on the instructions received from the Respondent No.3 – State.

13.5 It was further submitted that the order of the Respondent No.2 – SLAO dated 22.12.2009 was passed to selectively favour the landowner and his approved project, and the said order did not contain reasons as to the consent of the landowners being superior to the public interest involved. Further, the said order does not consider the objections raised by the Appellant on 31.12.2009, being in violation of the order of the learned Single Judge dated 04.11.2009. This was not noticed by the learned Single Judge in the impugned order dated 06.03.2013.

13.6 It was further submitted that the claim of the landowner Sri Balkrishna Naidu that he is the owner of the subject lands is untenable. The subject lands in Sy. Nos. 20/1B, 20/2A, 20/2B, and 20/3 were purchased by one Damegunta Rajeswaramma and had consented to the acquisition proceedings. The said Rajeswaramma filed a suit for declaration in O.S. 1009/2003 and obtained an order of status-quo against one Nagaraju. During the pendency of the O.S. proceedings, the property was

alienated by Nagaraju in favour of the landowner Balkrishna Naidu. Rajeswaramma filed suit for declaration and injunction against Balkrishna Naidu in O.S. 6021/2004. The same was decreed on 31.07.2009. Balkrishna Naidu filed R.F.A. 895/2009 and the same is pending with no interim order granted in favour of the landowner. Thus, the landowner does not have any right or title over the subject lands.

IV. SUBMISSIONS ON BEHALF OF THE RESPONDENTS:

14. Learned Senior Counsel Shri Vikram Huilgol, appearing for Respondent Nos.5 and 6 in W.A. 2901/2013, submitted that subsequent to the passing of the impugned order dated 06.03.2013, the Respondent No.1 – Board took possession of the subject lands, issued notification dated 30.05.2013 u/s 28(8) of the KIAD Act and subsequently, issued an allotment letter in favour of Respondent No.6 dated 30.10.2013 for Sy.Nos. 20/2A and 20/2B. Following the allotment, the Respondent No.1 – Board issued Possession Certificate dated 25.11.2013 in favour of Respondent No.6 over the said lands. On 28.12.2013, the Respondent No.1 – Board executed and registered a lease-cum-sale agreement with Respondent No.6

in respect of Rs. 1,16,20,000/- paid by Respondent No.6 towards the allotment of lands.

14.1 On 21.01.2014, the Respondent No.6 issued two Demand Drafts in favour of Respondent No.1 – Board for Rs. 76,715/- and Rs. 10,89,000/- for approval of the Building Plan over the allotted lands. On 04.02.2014, the Respondent No.1 – Board approved the building plan of the Respondent No.6.

14.2 It was submitted that the Respondent No.6 obtained the following approvals from various statutory authorities:

- No-Objection Certificate issued by Bharat Sanchar Nigam Limited dated 05.04.2014.
- No-Objection Certificate issued by BESCOM dated 28.04.2014.
- No-Objection Certificate issued by Director General of Fire Force dated 08.05.2014.
- Consent for establishment issued by the Karnataka State Pollution Control Board dated 30.01.2015.

14.3 It was further submitted that the Respondent Nos.5 and 6, in their statement of objections before the writ court, pointed out that the lands in Sy.No. 20/4 belonging to the Respondent No.5-landowner in W.A. 2938/2013 was under development, and the same is now fully completed and developed. It was also pointed out that the lands in Sy.No. 20/4 belonging to Respondent No.6-landowner in W.A. 2938/2013 was de-notified, and the same is being developed by the landowner with a developer, one LGCL, vide a Joint Development Agreement.

14.4 It was contended that the Appellant cannot stake a claim of its project over the lands in Sy.Nos. 18, 19, and 20 of 8.5 acres as the said lands have constructions built up and developed on them, which the Appellant is well aware of. The development over the lands of Respondent No.5 was not a subsequent circumstance brought to resist the Appellant's claim, rather the same was contended before the writ court and in proceedings before the Respondent No.2 – SLAO. The appellant's claim is also contradicted by the records produced by the Respondents, which evidence that construction and development has taken place over the subject lands.

14.5 The Learned Senior Counsel further submitted that the Respondent No.3 – State, vide communication dated 16.08.2004, called upon the Commissioner of KIADB to ascertain whether the consent of the landowners was obtained. The Commissioner sought clarification from the Appellant regarding the same vide letter dated 23.08.2004, and the Appellant, vide its communication dated 25.08.2004, submitted that it did not obtain the consent of the landowners as on date.

14.6 On the ground of quashing of acquisition due to promissory estoppel, the Learned Senior Counsel submitted that the virtual expectation that the Respondents would take steps to secure notified lands for the Appellant, cannot be converted into a right to compel compulsory acquisition of a particular parcel of lands belonging to Respondent No. 5 and 6. Neither promissory estoppel nor legitimate expectation can be invoked to compel the State to exercise its power of compulsory acquisition against the wishes of private landowners, thereby not creating an indefeasible right over the lands. It was further submitted that the learned Single Judge, in the impugned order, made the point clear that merely because the lands were notified does not infer that the

Respondents could assure allotment of the said lands, taking into consideration the physical status of the lands.

14.7 It was further contended that the judgement and decree passed by the Civil Court in O.S. 6021/2004 dated 31.07.2009 did not set aside the sale deeds executed on 09.11.2001 and 07.11.2003 wherein Respondent Nos. 5 and 6 obtained titles over the subject lands. The Appellant cannot draw a better title over the subject lands merely on the basis of a decree rendered between the Respondent-landowners. It was further contended that the Appellant's right over the subject lands is not subject to the decree passed in O.S. 6021/2004, which can be evidenced from the order of the learned Single Judge dated 03.11.2009 in setting aside the acquisition.

14.8 On the aspect of incurring significant expenditure towards the Appellant's project, the learned Senior Counsel submitted that the expenditure incurred by a prospective entrepreneur in anticipation of acquisition cannot create title or vested interest in private lands. However, the expenditure incurred by Respondent Nos. 5 and 6 were in accordance with the statutory process, which included delivery of possession, execution of

registered lease-cum-sale agreement, approval of building plan, and statutory clearances from various authorities.

14.9 Learned Counsel Shri Bharat K, appearing for Respondent No.7 in W.A. 2901/2013, submitted that the lands in Sy.Nos. 20/1B, 20/2A, 20/2B, and 20/3 belong to Respondent No.7 and not to Respondent Nos. 5 and 6. Respondent Nos. 5 and 6 do not have a valid title deed to substantiate the same. It was further submitted that the subject lands were inherited by Respondent No.7 from his grandmother, late Smt. Damegunta Rajeswaramma vide will dated 25.03.2011.

14.10 It was contended that Smt. Rajeswaramma purchased the subject lands from the vendors vide sale deed dated 08.12.1999, and the same was executed and registered on 15.01.2002, with one Sri P M Nagaraju as one of the attesting witnesses. During the time period between the sale agreement dated 08.12.1999 and registration of sale deed dated 15.01.2002, the same vendors executed a sale deed dated 09.11.2001 over the very same property in favour of Sri P M Nagaraju, and the subject lands were mutated in his name. In the meanwhile, one of the vendors of the subject lands, Sri

Narayanaswamy, executed a power of attorney in favour of Sri Nagaraju, and subsequently executed another sale deed in favour of Respondent No.5 – Sri Balkrishna Naidu.

14.11 It was contended that Smt. Rajeswaramma filed an appeal before the Assistant Commissioner, Bengaluru for setting aside the wrong mutation of entry in the Mutation Register. The Assistant Commissioner directed Smt. Rajeswaramma to establish her right before the Civil Court. Smt. Rajeswaramma filed a suit in O.S. 1009/2003 and obtained an order of status quo over the subject lands. Smt. Rajeswaramma filed a suit for declaration in O.S. 6021/2004 seeking to declare her title over the subject lands. The Civil Court decreed the suit vide judgement and decree dated 31.07.2009, declaring Smt. Rajeswaramma as the absolute owner of the subject lands vide sale deed dated 08.12.1999. Respondent No.5 filed an appeal in R.F.A. 895/2009 before this Court, challenging the judgement and decree dated 31.07.2009, and the same is pending adjudication.

14.12 It was submitted that the Respondent No.1 – Board had a statutory obligation u/s 28(2) of the KIAD Act to serve

notice not only upon the owner of the notified lands, but also upon any other person believe to be interested therein to show cause as to why the lands must not be acquired. This due diligence of finding out the true owners of the subject lands was not conducted by the Respondent No.1 – Board, as a result of which, the Respondent No.7 was not given an opportunity of being heard, which vitiates the acquisition proceedings.

14.13 It was further submitted that the Appellant, in its representation dated 31.12.2009, and before the writ court in its statement of objections, had put forth the fact that Respondent Nos. 5 and 6 are not the rightful and legal owners of the subject lands.

14.14 Learned Counsel Shri H L Pradeep Kumar, appearing for Respondent Nos.1 – Board and Respondent No.2 – SLAO, submitted that the acquisition over certain notified lands were challenged in W.P. 9040/2005 and connected matters. The learned Single Judge, vide order dated 03.11.2009, allowed the petitions in part and remanded the matter back to the Respondent No.2 – SLAO for hearing the objections placed by various landowners. During the proceedings, the Respondent

No.2 – SLAO observed that the lands notified in Sy.No. 20/1A measuring 23 guntas were developed into a residential layout consisting of 147 villa plots, and other lands had undergone conversion and development. The Respondent No.2 – SLAO passed an order dated 28.12.2017 u/s 28(3) of the KIAD Act, and a Final Notification was issued on 03.02.2018 for acquisition of 5 acres 11.5 guntas.

14.15 It was further submitted that the Final Notification dated 03.02.2018 was challenged by one M/s Panchajanya Infrastructure Pvt. Ltd. in W.P. 50240/2018. Vide order dated 15.11.2022, the learned Single Judge allowed the petition, quashed the final notification, and remanded the matter to the SLAO for fresh consideration.

14.16 It was submitted that pursuant to the remand, Respondent No.2 SLAO conducted a fresh enquiry and passed an order dated 14.03.2023 u/s 28(3) of the KIAD Act. The Respondent No.2 – SLAO observed that the land in Sy.No. 20/1A measuring 23 guntas was developed into a residential layout with villa constructions, and demolition of the same was not feasible, thereby excluding such land from acquisition

proceedings. It was also observed that the land in Sy.No. 20/1B measuring 36 guntas was subject of many litigations, and the surrounding areas, being subject to residential development, were excluded from acquisition proceedings. The said order was challenged by the Appellant in W.P. 8464/2023, and the learned Single Judge was pleased to set aside the order dated 15.11.2022 and restored the file in W.P. 50240/2018 before the writ court for fresh consideration. Thus, the matter is pending adjudication.

V. ISSUES FOR CONSIDERATION:

- i. Whether the procedure for acquisition of lands undertaken by the Respondent No.1 – KIAD Board were in accordance with the provisions of the KIAD Act, 1966?
- ii. Whether, in the facts and circumstances of the case, the principle of promissory estoppel can be invoked against the Respondents in favour of the Appellant in respect of the notified lands, particularly in view of the pending dispute regarding title between Respondent Nos.5 and 7 over the subject lands in Sy.Nos. 20/1B, 20/2A, 20/2B, and 20/3 of Kadubeesanahalli Village?

VI. ANALYSIS AND CONCLUSION:

Re: Issue (i)

15. Before we delve into analysing the issues at hand, it is necessary to extract Sections 28 and 29 of the KIAD Act.

Sections 28 and 29 of the Act are as follows:

"28. Acquisition of land-

(1) If at any time, in the opinion of the State Government, any land is required for the purpose of development by the Board, or for any other purpose in furtherance of the objects of this Act, the State Government may by notification, give notice of its intention to acquire such land.

(2) On publication of a notification under sub-section (1), the State Government shall serve notice upon the owner or where the owner is not the occupier, on the occupier of the land and on all such persons known or believed to be interested therein to show cause, within thirty days from the date of service of the notice, why the land should not be acquired.

(3) After considering the cause, if any, shown by the owner of the land and by any other person interested therein, and after giving such owner and person an opportunity of being heard, the State Government may pass such orders as it deems fit.

(4) After orders are passed under sub-section (3), where the State Government is satisfied that any land should be acquired for the purpose specified in the notification issued under sub-section (1), a declaration shall, by notification in the official Gazette, be made to that effect.

(5) On the publication in the official Gazette of the declaration under subsection (4), the land shall vest absolutely in the State Government free from all encumbrances.

(6) Where any land is vested in the State Government under sub-section (5), the State Government may, by notice in writing, order any person who may be in possession of the land to surrender or deliver possession thereof to the State Government or any person duly authorised by it in this behalf within thirty days of the service of the notice.

(7) If any person refuses or fails to comply with an order made under subsection (5), the State Government or any officer authorised by the State Government in this behalf may take possession of the land and may for that purpose use such force as may be necessary.

(8) Where the land has been acquired for the Board, the State Government, after it has taken possession of the land, may transfer the land to the Board for the purpose for which the land has been acquired."

16. Section 28 prescribes for the procedure for acquisition of land. Sub-section (1) provides for the issuance of preliminary notification to acquire the lands when the State is of the opinion that such is required for the purpose of development by the Board. Sub-sections (2) and (3) provide for the issuance of notice to the landowner and interested third parties, and passing of orders after considering the objections filed by the landowners respectively. Sub-section (4) provides for the

publication of Final Declaration in the Official Gazette by the State Government after passing orders under sub-section (3). Sub-section (5) provides for the State to take over the lands acquired, free from encumbrances. Sub-section (6) and (7) provide that the State Government may order for surrendering or delivering possession over the acquired lands, and if the order made under sub-section (6) is not complied with, the State may take such possession with necessary force. Sub-section (8) provides that upon the State taking possession over the lands acquired, it may transfer the same to the Board for the requisite purposes.

The Contention Regarding Prior Consent of the Landowners is not contrary to the Statutory Scheme of Section 28 of KIAD Act

17. It is the contention of the learned Senior Counsel appearing for Respondent Nos.5 and 6 that Respondent No.1 – Board had specifically required the Appellant to obtain the consent of the landowners before proceeding with the allotment of the notified lands, and that the Appellant admittedly failed to obtain such consent. It is therefore contended that, having failed to comply with the condition imposed by the Board, the

Appellant cannot claim an enforceable right over the subject lands.

18. Per contra, the contention of the learned Counsel for the Appellant is that the requirement of obtaining prior consent of the landowners was not stipulated as a pre-condition at the stage when the lands were notified under the Preliminary Notification dated 09.03.2004 and the Final Notification dated 07.09.2004 and that such requirement could not subsequently be relied upon to defeat the Appellant's claim in respect of the notified lands.

19. The Respondent No.1 – Board has put a condition for taking consent from the landowners which the Appellant had failed to obtain. The Respondent No.1 – Board would be empowered to put or impose such a condition as it does not run contrary to, as well as not in conflict with the provisions of Section 28 of the KIAD Act.

20. We are of the considered view that the requirement of obtaining the consent of the landowners, as imposed by Respondent No.1 – Board, cannot be said to be contrary to or

in conflict with the statutory scheme of Section 28 of the KIAD Act. The Appellant, having admittedly failed to comply with the said condition, cannot contend that the condition itself was without authority merely on the ground that it is not expressly incorporated in Section 28.

The Order dated 22.12.2009 u/s 28(3) by the SLAO is not in Violation of the Orders of the learned Single Judge dated 03.11.2009 and 04.11.2009

21. It is the contention of the Learned Counsel for the Appellant that the Respondent No.2 – SLAO, while passing the order u/s 28(3) dated 22.12.2009 - which culminated into issuing the Final Notification dated 24.07.2010 – did not consider the objections filed by the Appellant, which is in violation of the orders of the learned Single Judge dated 03.11.2009 and 04.11.2009 in W.P. 46827/2004 and connected matters, along with W.P. 16105/2007 respectively.

22. The learned Single Judge, vide orders dated 03.11.2009 and 04.11.2009, allowed the writ petitions in part, set aside the Final Notification dated 07.09.2004, and directed the Appellant

as well as the landowners to appear before the Respondent No.2 – SLAO and submit their representation and objections respectively. The relevant extracts of the orders are as follows:

Order dated 03.11.2009:

"I have already held in the connected writ petitions bearing W.P.No.9040/2005 and other connected matters, that if the Land Acquisition Officer does not consider the objections raised by the affected persons or merely over-rules the objections reiterating that as the lands had been notified for industrial area they had to be acquired then the mandatory requirement of issuing notices to the affected individuals and providing opportunity to file their objections coupled with opportunity being heard will be frustrated. The final notification issued is set aside on the said ground with a direction to reconsider the matter.

For the reasons stated above, these writ petitions succeed in part. The impugned final notification is set aside. The petitioners-land owners shall appear before the Land Acquisition Officer on 23.11.2009 at 3.00 p.m. and file their objections, if any. The Land Acquisition Officer shall provide a fair and reasonable opportunity to the petitioners to have their say in the matter and reconsider the objections filed by them in accordance with law and in the light of the observations made herein above and proceed further in the matter."

Order dated 04.11.2009

"3. At the instance of the land owners, the final notification issued to acquire the lands involved in this writ petition has been set aside by this Court with a direction to the Land Acquisition Officer to provide fresh opportunity to the land

owners to have their say in the matter and the Land Acquisition Officer is directed to pass orders afresh after considering such objections. This order is passed in W.P.No.9040/2005 and other connected cases on 03.11.2009.

4. In the light of the said order setting aside the final notification, the reliefs as sought for by the petitioner in this writ petition does not survive for consideration. However it will be open to the petitioner to appear before the Land Acquisition Officer or the other competent authorities to present its case. Reserving such liberty, this writ petition is dismissed."

23. In the order dated 03.11.2009, reference was made to the order passed on the same day by the learned Single Judge in W.P. 9040/2005. The relevant extract of the said order is as follows:

"17. In the result and for the foregoing, these writ petitions are allowed in part. The final notification issued on 07.09.2004 impugned in these writ petitions alone is set aside. The petitioner-land owners shall appear before the Land Acquisition Officer on 23.11.2009 at 3.00 p.m. and file their objections, if any. The Land Acquisition Officer shall provide a fair and reasonable opportunity to the petitioners to have their say in the matter and consider the objections to be filed by them in accordance with law and in the light of the observations made herein above and proceed further in the matter."

24. On a combined reading of the order dated 03.11.2009 and the subsequent proceedings, it is evident that the learned

Single Judge, while setting aside the earlier acquisition proceedings, directed the landowners as well as the Appellant to appear before the Respondent No.2 – SLAO on 23.11.2009 and submit their respective objections and representations for consideration in accordance with law. Thus, the orders dated 03.11.2009 and 04.11.2009 contemplated that the parties would place their respective cases before the SLAO pursuant to the remand. The landowners thereafter submitted their objections on 02.12.2009, whereas the Appellant submitted its representation only on 31.12.2009.

25. In this factual background, the contention of the Appellant that the SLAO acted in violation of the order dated 03.11.2009 merely because the Appellant's representation dated 31.12.2009 was not considered cannot be accepted. The direction of the learned Single Judge was to afford the parties an opportunity to place their objections and representations before the SLAO and thereafter reconsider the matter in accordance with law. The date fixed by the learned Single Judge for the parties to appear before the SLAO was 23.11.2009. The Appellant, however, did not submit its representation on that date or within the proceedings then

undertaken and chose to submit the same only on 31.12.2009. The delay in placing the representation before the SLAO cannot, therefore, be attributed to any failure on the part of the SLAO to comply with the order of the learned Single Judge.

26. The fact that the Appellant subsequently submitted its representation on 31.12.2009 cannot retrospectively convert the proceedings undertaken by the SLAO pursuant to the order dated 03.11.2009 into a violation of that order. The direction was to provide an opportunity to the concerned parties and to reconsider the matter in accordance with law. The Appellant was aware of the order and of the date fixed for appearance before the SLAO. Having failed to place its representation within the time and opportunity contemplated under the order dated 03.11.2009, the Appellant cannot subsequently contend that the SLAO's proceedings became invalid merely because its representation was filed at a later point of time. The SLAO was required to consider the objections and material that were placed before him in the course of the proceedings. The subsequent representation of the Appellant dated 31.12.2009, filed after the proceedings had already progressed pursuant to

the order dated 03.11.2009, cannot by itself establish disobedience or non-compliance with the said order.

27. In **ALOK KOTAHWALA v. JAIPUR METRO RAIL CORPN. LTD. (2026 SCC ONLINE SC 1324)**, the Supreme Court, relying on the decisions in **AIRCRAFT EMPLOYEES' HOUSING COOP. SOCIETY LTD. v. SECY., RURAL DEVELOPMENT AND PANCHAYAT RAJ, GOVT. OF KARNATAKA [(1996) 11 SCC 475]** and **RAMBHAI LAKHABAI BHAKT v. STATE OF GUJARAT [(1995) 3 SCC 752]**, held as follows:

"39. A landowner's right to object is, however, neither unqualified nor unlimited. The right is subject to the overarching principle that the State's power of eminent domain for public purpose should prevail. It is circumscribed by the purpose of the provision itself, which is to enable the Collector to consider the objections and opine whether the acquisition should proceed. The objection(s) of the landowner must, therefore, be germane to the purpose of acquisition. He cannot dictate which land the State should acquire. Land acquisition can be resisted only on grounds such as no real public purpose is involved, or that the land is not suitable for the purpose for which it is intended to be acquired, or that the proceedings smack of legal and/or factual malice (attracting colourable exercise of power, excessive acquisition, etc.) or that the

acquisition is likely to cause disproportionate hardship. Beyond this, the right does not seem to extend.

...

49. **A party might choose not to prosecute its own objection; but the LAO cannot be expected to compel such party to prosecute its objection. Absence of the appellants on 9th April, 2012 coupled with their subsequent silence, appears to have goaded the LAO to proceed on the footing that the appellants had nothing further to submit beyond the written objections. We see no infirmity in the approach.**

50. On the face of such lack of diligence and interest of the appellants, there is no basis to hold that there was colourable compliance or substantial non-compliance of Section 5A, so much so that the very essence and purpose of the right of hearing was defeated. In the absence of any request from the appellants, we find no breach of duty by the LAO and, consequently, no violation of the right of hearing.

...

52. **Why did the appellants abstain from appearing before the LAO on 9th April, 2012 has not been explained. In a judicial setting, a court would have ordinarily granted one more opportunity as ex parte adjudication is generally disfavoured. However, the LAO is not a court. It is an administrative authority, whose role is limited to considering objections and making a recommendation. The absence of trappings of a court is material. Even assuming that granting one more date would have caused no prejudice, the failure to do so is at best an indiscretion. A mere error of discretion or indiscretion is**

not malice in law. Such non-exercise of discretion cannot, without anything more, be elevated to a breach of Section 5A resulting in violation of the statutory right of hearing and vitiating the acquisition. The non-grant of another opportunity, by itself, in the facts of this case cannot be urged as a ground to invalidate the acquisition.

53. Bearing in mind the decisions in Rambhai Lakhabai Bhakt (supra) and Aircraft Employees' Housing Coop. Society Ltd. (supra), the submission of Mr. Rohatgi that a further date should have been fixed does not impress us.

54. We, thus, hold that the mandate of Section 5A was not ignored by the LAO and that there was substantial compliance; also, no fault can be attributed to the LAO in forwarding the recommendation without the appellants being personally heard. Appellants, by their own conduct, abandoned their right of hearing; they cannot now be heard to complain of denial of hearing when they themselves failed to avail the same."

28. In the circumstances, we are unable to accept the contention that the order dated 22.12.2009 passed by the SLAO under Section 28(3) was in violation of the directions contained in the orders dated 03.11.2009 and 04.11.2009. The chronology of events clearly demonstrates that the SLAO proceeded pursuant to the remand order and in accordance with the opportunity contemplated therein, whereas the

Appellant submitted its representation only subsequently on 31.12.2009. The subsequent filing of such representation does not render the earlier proceedings undertaken by the SLAO contrary to the orders of the learned Single Judge dated 03.11.2009 and 04.11.2009. We therefore hold that there was no violation of the orders dated 03.11.2009 and 04.11.2009 by the SLAO in passing the order dated 22.12.2009 under Section 28(3) of the KIAD Act.

Notice u/s 28(2) of the KIAD Act was not issued to Respondent No.7-Landowner

29. It is the contention of the learned Counsel for Respondent No.7 that the notice u/s 28(2) of the Act was not issued to him, despite him being a 'person believed to be interested'. However, there is no submission from the counsel for Respondent No.2 – SLAO to counter the same. Section 28(2) mandates that upon the publication of a preliminary notification under Section 28(1), the State Government is required to serve a notice upon the owner of the land, or upon the occupier in cases where the owner is not the occupier. Furthermore, such notice must be served on all persons known or believed to be interested in the land, calling upon them to show cause within thirty days from

the date of service of the notice as to why the land in question should not be acquired.

30. In **BALASAHEB & ORS. v. GOVERNMENT OF KARNATAKA & ORS.** (order dated 20.02.2023 in W.P. 109897/2015), the learned Single Judge of this Court laid down the twin conditions to be followed by the SLAO during the enquiry u/s 28(3) as follows:

"A plain reading of Section 28(3) of the KIAD Act will clearly indicate that before passing any order under the said provision, it is incumbent upon the SLAO to comply with the following requirements:

(a) Consider the claim / objections filed by the land owner or any other person as regards proposed acquisition of the land;

(b) Provide sufficient & reasonable opportunity to such owner or other persons and hear them and thereafter pass appropriate orders.

The aforesaid twin / two fold requirement of considering the objections of the land losers and also providing them an opportunity of hearing is an essential part of the procedure to be followed by the SLAO before he passes orders in terms of Section 28(3) of the KIAD Act."

In the present case, there is no material on record to establish that notice under Section 28(2) was served upon Respondent

No.7, despite his being a person interested in the land. Such notice is a mandatory precondition to the opportunity contemplated under Section 28(3). In the absence of notice, the subsequent opportunity to submit objections and be heard could not have been effectively availed.

31. In **A. JANARDHAN SHETTY v. SHANTAMMA (2008 SCC ONLINE KAR 529)**, a Coordinate Bench of this Court held that the requirement of issuing notice to the owners and persons interested in the land and affording them an opportunity to submit their objections is an integral part of the procedure contemplated under Section 28 of the KIAD Act. The Court emphasised that the persons having an interest in the land must be given an effective opportunity to place their objections before the competent authority and that such objections are required to be considered before the acquisition proceedings are proceeded with. The statutory requirement of notice and opportunity to object is thus not a mere procedural formality, but a safeguard intended to ensure that the decision to acquire the land is taken after the authority has considered the case of the affected owners and interested persons. The

observations of the Court in this regard are apposite and are extracted hereunder:

"27. Again in the case of Hindustan Petroleum at paragraph 12 reference has been made to Union of India v. Mukesh Hans and the para 35 has been extracted.

"35. At this stage, it is relevant to notice that the limited right given to an owner/person interested under Sections 5-A of the Act to object to the acquisition proceedings is not an empty formality and is a substantive right, which can be taken away for good and valid reason and within the limitations prescribed under Section 17(4) of the Act. The object and importance of Section 5-A inquiry was noticed by this Court in the case of Munshi Singh v. Union of India wherein this Court held thus: (SCC p.342, para 7)

"7. Section 5-A embodies a very just and wholesome principle that a person whose property is being or is intended to be acquired should have a proper and reasonable opportunity of persuading the authorities concerned that acquisition of the property belonging to that person should not be made..... The legislature has, therefore, made complete provisions for the persons interested to file objections against the proposed acquisition and for the disposal of their objections. It is only in cases of urgency that special powers have been conferred on the appropriate Government to dispense with the provisions of Section 5-A."

28. Again at para 13 of the Hindustan Petroleum case, the Apex Court after referring to Mohinder Singh Gill v. Chief Election Commissioner [(1978) 1 SCC 405] has extracted para 43 of the said decision, which reads thus:

"43. Indeed, natural justice is a pervasive facet of secular law where a spiritual touch elivens legislation, administration and adjudication, to make fairness a creed of life. It has many colours and shades, many forms and shapes and, save where valid law excludes it, applies when people are affected by acts of authority. It is the home of healthy Government, recognised from earliest times and not a mystic testament of judge-made law. Indeed, from the legendary days of Adam -and of Kautilya's Arthashastra — the rule of law has had this stamp of natural justice which makes it social justice. We need not go into these deeps for the present except to indicate that the roots of natural justice and its foliage are noble and not new-fangled. Today its application must be sustained by current legislation, case-law or other extant principle, not the hoary chords of legend and history. Our jurisprudence has sanctioned its prevalence even like the Anglo-American System."

29. The decision of Apex Court in Hindustan Petroleum Case reported in (2005) 7 SCC 636, the relevant paras extracted above in this judgment with all fours are applicable to the facts of these cases and therefore we should accept the submissions made on behalf of the appellants regarding in not conducting enquiry before passing order and declaring the proposed land acquired by issuing. Section 28(4) of KIAD Act and therefore the same is in violation of the provisions of Section 28(3) of KIAD Act and the principles of natural justice.

30. Since the appellants are the owners/interested persons of the land in question giving personal hearing to them by the land Acquisition officer is mandatory as held by the Supreme Court in the aforesaid cases. In the case on hand the objections filed by the appellants were rejected by the State Government represented by its political

executive of the concerned Department without conducting an enquiry and without applying his mind independently. Accordingly we answer the points No. 1 & 4 in the negative and in favour of the appellants."

32. In the present case, the mandatory requirement of serving notice under Section 28(2) upon Respondent No.7, a person interested in the land, has not been shown to have been complied with. Consequently, the opportunity to submit objections and to be heard, as contemplated under Section 28(3), was also not effectively afforded. In view of the principles laid down in **A. JANARDHAN SHETTY** (*Supra*) and **BALASAHEB & ORS. v. GOVERNMENT OF KARNATAKA & ORS.** (*Supra*), the requirements of notice, consideration of objections and hearing constitute an integral part of the procedure prescribed under Section 28 of the KIAD Act. Non-compliance with these requirements vitiates the acquisition process. Accordingly, the impugned proceedings cannot be sustained on this ground, as the procedure mandated under Section 28 of the KIAD Act was not duly followed.

33. We conclude with the judgement of this Court in **MUKESH KUMAR v. STATE OF KARNATAKA (2026 SCC ONLINE KAR 4019)**, wherein it was held as follows:

*22. Thus, Sections 28 and 29 provide a complete mechanism for acquiring the land under the provisions of the KIAD Act i.e. issuing the notification under Section 28(1), filing the objections, considering the objections, providing opportunity of hearing, issuing the final notification under Section 28(4), issuing notice to surrender or deliver possession of the land to the State Government and thereafter, for payment of compensation. **All the steps are to be taken in the manner as provided for in the statute and if time has not been granted for filing the objections or the objectors have not been heard or no notice has been issued for surrendering possession or no compensation has been paid, then the land acquisition proceedings cannot be said to be complete and would be susceptible to be declared illegal and ultra vires the statute and the Constitution of India being in violation of Articles 14, 21 and 300A of the Constitution.***

Re: Issue (ii):

34. It is the contention of the learned Counsels for the Appellant and Respondent No.7 that Respondent No.5 has no valid title over the subject lands in Sy.Nos. 20/1B, 20/2A, 20/2B, and 20/3, which were notified for acquisition. However, the learned Senior Counsel for Respondent Nos. 5 and 6

contends that Respondent No.5 has valid title over the subject lands.

35. The undisputed facts relating to the title dispute over the subject lands may be summarised as follows. Smt. Rajeswaramma claims title to the subject lands under a sale deed dated 08.12.1999, which was registered on 15.01.2002. In the meantime, the same vendors executed another sale deed dated 09.11.2001 in favour of Sri P.M. Nagaraju, pursuant to which his name came to be mutated in the revenue records. Thereafter, Sri Narayanaswamy executed a power of attorney in favour of Sri P.M. Nagaraju, who, acting thereunder, executed a subsequent sale deed in favour of Respondent No.5. Smt. Rajeswaramma challenged the mutation of the revenue records and instituted O.S. 1009/2003 and O.S. 6021/2004. O.S. 6021/2004 came to be decreed on 31.07.2009, declaring Smt. Rajeswaramma to be the absolute owner of the subject lands. Respondent No.5 challenged the said judgment and decree by filing R.F.A. 895/2009, which is stated to be pending adjudication.

36. On a perusal of the impugned order dated 06.03.2013, it can be seen that the learned Single Judge did not consider the aspect of the civil suit in O.S. 6021/2004 and the decree dated 31.07.2009. The Appellant submitted the said submission before the writ court, but in the impugned order, the same was neither mentioned in the contentions of the parties, nor was it considered while passing the impugned order. The learned Single Judge focused on the illegality and the sheer negligence of the Respondents in not following the procedure laid down in Section 28 of the KIAD Act. Considering the irreversibility of the actions done by the Respondents – State authorities and private parties, the learned Single Judge directed the Respondents to allot an alternate land to the Appellants and granted liberty to the Appellant to claim damages from the appropriate forum.

37. Before this Court, the Chief Executive Officer of Respondent No.1 – Board filed his personal affidavit, stating that when the Appellant was offered alternate lands, the same was rejected. On a direction issued by this Court on 16.10.2025, it was submitted by the Officer that there is no un-litigated land available as a single plot in the areas of High-Tech

Defense & Aero Space Park, Devanahalli and Aveerahalli, Dobaspet Industrial Area 4th phase, measuring 8 acres, for the project of the Appellant.

38. On a perusal of the decree dated 31.07.2009 in O.S. 6021/2004, we observe that the learned Civil Judge, relying on Section 47 of the Registration Act, 1908 and Section 48 of the Transfer of Property Act, 1882, held that the title was conveyed vide unregistered sale deed dated 08.12.1999 executed in favour of Smt. Rajeswaramma, and the fact of subsequent registration of the said deed on 15.01.2002, which is in consonance with Section 47 of the Registration Act, 1908, only affirmed the title which was already created, and that the instrument operates from the date of execution and not from date of registration, even though it is immaterial if the same is compulsorily registerable. It is pertinent to note that the consideration for the sale was paid by Smt. Rajeswaramma on the date of execution of the unregistered sale deed.

39. Without commenting on the facts of the dispute pending adjudication between Respondent Nos. 5 and 7, we *prima facie* agree with the holding of the learned Civil Judge. In **KANWAR**

RAJ SINGH v. GEJO [(2024) 2 SCC 416], the Supreme

Court held as follows:

"6. The High Court, in the impugned judgment [Gejo v. Kanwar Raj Singh, 2010 SCC OnLine P&H 4067], has relied upon Section 47 of the Registration Act, 1908 ("the Registration Act"), which reads thus:

"47. Time from which registered document operates.— A registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration."

7. On plain reading of Section 47, it provides that a registered document shall operate from the time from which it would have commenced to operate if no registration thereof was required. Thus, when a compulsorily registerable document is registered according to the Registration Act, it can operate from a date before the date of its registration. The date of the operation will depend on the nature of the transaction. If, in a given case, a sale deed is executed and the entire agreed consideration is paid on or before execution of the sale deed, after it is registered, it will operate from the date of its execution. The reason is that if its registration was not required, it would have operated from the date of its execution.

8. Now, we come to the decision of the Constitution Bench in Ram Saran Lall [Ram Saran Lall v. Domini Kuer, 1961 SCC OnLine SC 133: AIR 1961 SC 1747]. In para 8 of the judgment, the Constitution Bench held thus: (SCC OnLine SC)

"8. We do not think that the learned Attorney General's contention is well founded. We will assume that the learned Attorney General's construction of the instrument of sale that the property was intended to pass under it on the date of the instrument is correct. Section 47 of the Registration Act does not, however, say when a sale would be deemed to be complete. It only permits a document when registered, to operate from a certain date which may be earlier than the date when it was registered. The object of this section is to decide which of two or more registered instruments in respect of the same property is to have effect. The section applies to a document only after it has been registered. It has nothing to do with the completion of the registration and therefore nothing to do with the completion of a sale when the instrument is one of sale. A sale which is admittedly not completed until the registration of the instrument of sale is completed, cannot be said to have been completed earlier because by virtue of Section 47 the instrument by which it is effected, after it has been registered, commences to operate from an earlier date. Therefore we do not think that the sale in this case can be said, in view of Section 47, to have been completed on 31-1-1946. The view that we have taken of Section 47 of the Registration Act seems to have been taken in *Tilakdhari Singh v. Gour Narain* [*Tilakdhari Singh v. Gour Narain*, 1920 SCC OnLine Pat 283: AIR 1921 Pat 150]. We believe that the same view was expressed in *Nareshchandra Datta v. Gireeshchandra*

Das [Nareshchandra
Datta v. Gireeshchandra Das, 1935
SCC OnLine Cal 146 : ILR (1935) 62 Cal
979] and Gobardhan Bar v. Guna Dhar
Bar [Gobardhan Bar v. Guna Dhar Bar,
1940 SCC OnLine Cal 113 : ILR
(1940) 2 Cal 270] .”

(emphasis supplied)

9. The Constitution Bench held that Section 47 of the Registration Act does not deal with the issue when the sale is complete. The Constitution Bench held that Section 47 applies to a document only after it has been registered, and it has nothing to do with the completion of the sale when the instrument is one of sale. It was also held that once a document is registered, it will operate from an earlier date, as provided in Section 47 of the Registration Act.

10. Section 54 of the Transfer of Property Act, 1882 (“the Transfer of Property Act”) reads thus:

“54. “Sale” defined.—“Sale” is a transfer of ownership in exchange for a price paid or promised or part-paid and part-promised.

Sale how made.—Such transfer, in the case of tangible immovable property of the value of one hundred rupees and upwards, or in the case of a reversion or other intangible thing, can be made only by a registered instrument. In the case of tangible immovable property of a value less than one hundred rupees, such transfer may be made either by a registered instrument or by delivery of the property.

Delivery of tangible immovable property takes place when the seller places the

buyer, or such person as he directs, in possession of the property.

Contract for sale.—A contract for the sale of immovable property is a contract that a sale of such property shall take place on terms settled between the parties.

It does not, of itself, create any interest in or charge on such property."

11. Every sale deed in respect of property worth more than Rs 100 is compulsorily registerable under Section 54 of the Transfer of Property Act. Thus, a sale deed executed by the vendor becomes an instrument of sale only after it is registered. The decision of the Constitution Bench only deals with the question of when the sale is complete; it does not deal with the issue of the date from which the sale deed would operate. **Section 47 of the Registration Act does not deal with the completion of the sale; it only lays down the time from which a registered document would operate.**

12. **Now, coming to the facts of this case, the consideration was entirely paid on the date of the execution of the sale deed. The sale deed was registered with the interpolation made about the description/area of the property sold. The first defendant admittedly made the said interpolation after it was executed but before it was registered. In terms of Section 47 of the Registration Act, a registered sale deed where entire consideration is paid would operate from the date of its execution. Thus, the sale deed as originally executed will operate."**

40. The judgement and decree dated 31.07.2009 was challenged by Respondent No.5 in R.F.A. 895/2009 before this

Court. Vide order dated 25.07.2025, the learned Single Judge referred the matter to mediation. As on date, there is no update on the proceedings in the said case.

41. Applying the aforesaid principles to the facts of the present case, it is not in dispute that the sale deed in favour of Smt. Rajeswaramma was executed on 08.12.1999 and that the entire sale consideration was paid on the date of its execution. The said instrument was thereafter registered on 15.01.2002. Consequently, upon registration, the sale deed is, by virtue of Section 47 of the Registration Act, 1908, capable of operating from the date on which it would have commenced to operate had registration not been required. The subsequent registration on 15.01.2002 does not, therefore, by itself postpone the operation of the registered instrument to the date of registration. At the same time, as clarified by the Constitution Bench in **RAM SARAN LALL v. DOMINI KUER (1961 SCC ONLINE SC 133)** and reiterated in **KANWAR RAJ SINGH (Supra)**, Section 47 does not dispense with the requirement of registration or determine the point at which a compulsorily registrable sale is completed – it merely determines the date from which the registered instrument operates. In the present

case, the sale deed dated 08.12.1999, having been subsequently registered and the consideration having admittedly been paid on the date of its execution, would operate from 08.12.1999. Thus, as between the competing transactions, the subsequent sale deed dated 09.11.2001 in favour of Sri P.M. Nagaraju would have to be considered in the light of the prior transaction embodied in the sale deed dated 08.12.1999, subject, however, to the rights and contentions of the parties in the pending appellate proceedings. We therefore find no apparent error in the finding recorded by the learned Civil Judge that Smt. Rajeswaramma derived title under the sale deed dated 08.12.1999. Accordingly, *prima facie*, the subsequent transaction in favour of Sri P.M. Nagaraju cannot, merely by reason of its earlier registration, be treated as having precedence over the transaction in favour of Smt. Rajeswaramma, whose registered sale deed operates from the date of its execution.

42. It is the contention of the learned Senior Counsel appearing for Respondent Nos. 5 and 6 that the sale deeds dated 09.11.2001 and 07.11.2003, by which the Respondent No.5 allegedly obtained title over the subject lands, were not

set aside by the learned Civil Judge in the judgement and decree dated 31.07.2009 and thus, by virtue of the mutation entries made in the name of Respondent No.5, the title over the subject lands is valid. However, it is contended by the learned Counsel for the Appellant that the Respondents are bound by the doctrine of promissory estoppel, by which the State, after issuance of the Preliminary and Final Notifications, and by virtue of the expenditure incurred by the Appellant towards the proposed project, is bound to direct possession of lands in favour of the Appellant due to creating legitimate expectation in favour of the Appellant. We do not find force in the contention of the learned Senior Counsel that the Respondent No.5 derives his title from the mutation entry in the revenue records. It is well settled that through Revenue entries, the claim to title is not proven. In **VADIYALA PRABHAKAR RAO v. STATE OF A.P. (2026 SCC ONLINE SC 815)**, the Supreme Court held as follows:

16. Let us summarise the precedents on Revenue Entries and their legal effect on the question of title:

16.1 Entries in Revenue Records or Jamabandi serve only a "fiscal purpose". Their primary function is to enable the person whose name is mutated in the records to pay the land revenue in

question. [Suraj Bhan v. Financial Commissioner, (2007) 6 SCC 186; Jitendra Singh v. State of MP, 2021 SCC OnLine SC 802; Bhimabai Mahadeo Kambekar v. Arthur Import & Export Co., (2019) 3 SCC 191; Sawarni v. Inder Kaur, (1996) 6 SCC 223]

16.2 A Revenue Record is not a document of title and does not confer any ownership or title upon the person whose name appears in it. Further, mutation does not create or extinguish title and has absolutely no presumptive value regarding title. [Balwant Singh v. Daulat Singh (D) By Lrs., (1997) 7 SCC 137; Sawarni (supra); Bhimabai Mahadeo Kambekar. (supra)]

...

43. It was contended on behalf of Respondent Nos.5 and 6 that a registered sale deed can be set aside only by a competent Civil Court and not otherwise. There can be no quarrel with the said proposition, insofar as a duly registered instrument conveying title cannot ordinarily be annulled by an administrative or revenue authority. However, the said principle would have no application where the subsequent transactions are founded upon a document which, in law, is void or non-existent. A void document, being without legal efficacy from its inception, does not require a decree of cancellation merely to bring about its non-existence in the eye of law. The distinction

between a void and a voidable instrument is therefore material. While a voidable transaction continues to operate unless and until it is set aside by a competent court, a transaction which is void *ab initio* does not create or confer any enforceable right merely by reason of its execution or registration.

44. In the present case, the sale deed dated 08.12.1999 executed in favour of Smt. Rajeswaramma was subsequently registered on 15.01.2002. Having regard to Section 47 of the Registration Act, 1908, and the principles laid down by the Hon'ble Supreme Court in **KANWAR RAJ SINGH** (*Supra*), the said registered instrument operates from the date on which it would have commenced to operate had registration not been required. The Civil Court, in O.S. No.6021/2004, has accordingly declared Smt. Rajeswaramma to be the absolute owner of the subject lands. In the facts presently before us, and subject to the final adjudication in the pending appeal, the subsequent sale deed dated 09.11.2001 in favour of Sri P.M. Nagaraju and the sale deed dated 07.11.2003 executed in favour of Respondent No.5 cannot, merely by reason of their subsequent execution or registration, confer a better title than that possessed by the transferor. The principle embodied in

Section 48 of the Transfer of Property Act, 1882, namely, that where a person purports to create rights in respect of the same immovable property at different times, the later rights are subject to the rights previously created, is attracted to the extent applicable. Thus, if the prior transaction in favour of Smt. Rajeswaramma is upheld, the subsequent transactions cannot operate to prejudice the rights flowing from the earlier conveyance.

45. The consequence of the aforesaid position is also material while considering the plea of promissory estoppel. The doctrine of promissory estoppel cannot be invoked to compel a statutory authority to act contrary to the governing statutory framework or to confer a right which has no legal foundation. A writ of mandamus can issue only where the petitioner establishes a subsisting legal right and a corresponding public or statutory duty on the part of the authority. In **MANI SUBRAT JAIN v. STATE OF HARYANA [(1977) 1 SCC 486]**, the Supreme Court reiterated that a person seeking a writ of mandamus must establish a judicially enforceable and legally protected right, coupled with a corresponding legal duty upon the person

against whom the writ is sought. The relevant extract of the judgement is as follows:

*9. The High Court rightly dismissed the petitions. It is elementary though it is to be restated that no one can ask for a mandamus without a legal right. **There must be a judicially enforceable right as well as a legally protected right before one suffering a legal grievance can ask for a mandamus. A person can be said to be aggrieved only when a person is denied a legal right by someone who has a legal duty to do something or to abstain from doing something.** (See Halsbury's Laws of England, 4th Edn., Vol. I, para 122; State of Haryana v. Subash Chander Marwaha [(1974) 3 SCC 220 : 1973 SCC (L&S) 488 : (1974) 1 SCR 165] ; Jasbhai Motibhai Desai v. Roshan Kumar Haji Bashir Ahmed [(1976) 1 SCC 671 : (1976) 3 SCR 58] and Ferris : Extraordinary Legal Remedies, para 198.)*

46. In **STATE OF U.P. v. HARISH CHANDRA [(1996) 9 SCC 309]**, the Supreme Court held that mandamus can be issued only when the applicant establishes a legal right to the performance of a legal duty and that no mandamus can be issued to direct the Government to do something contrary to law. Consequently, an assurance, representation or expectation, even if assumed to have been made, cannot be elevated into an enforceable right so as to require the statutory

authority to act beyond the powers conferred upon it by the statute. The relevant extract of the judgement is as follows:

*10. Notwithstanding the aforesaid Statutory Rule and without applying the mind to the aforesaid Rule the High Court relying upon some earlier decisions of the Court came to hold that the list does not expire after a period of one year which on the face of it is erroneous. Further question that arises in this context is whether the High Court was justified in issuing the mandamus to the appellant to make recruitment of the writ petitioners. **Under the Constitution a mandamus can be issued by the court when the applicant establishes that he has a legal right to the performance of legal duty by the party against whom the mandamus is sought and the said right was subsisting on the date of the petition. The duty that may be enjoined by mandamus may be one imposed by the Constitution or a Statute or by Rules or orders having the force of law. But no mandamus can be issued to direct the Government to refrain from enforcing the provisions of law or to do something which is contrary to law.** This being the position and in view of the Statutory Rules contained in Rule 26 of the Recruitment Rules we really fail to understand how the High Court could issue the impugned direction to recruit the respondents who were included in the select list prepared on 4-4-1987 and the list no longer survived after one year and the rights, if any, of persons included in the list did not subsist...*

47. There is a further factual circumstance which assumes significance in this regard. The affidavit filed by the Chief

Executive Officer of the Board states that no alternate land is available. The said assertion, unless displaced by cogent material, bears directly upon the feasibility of any direction requiring the Board to provide alternate land. The Court, in exercise of its jurisdiction under Article 226 of the Constitution, cannot compel the statutory authority to provide an alternative which is neither contemplated by the governing statutory scheme nor factually available with the authority. The absence of alternate land, as specifically stated in the affidavit of the Chief Executive Officer, therefore constitutes a relevant circumstance while examining the nature and enforceability of the relief sought by the petitioners.

48. Accordingly, the question is not merely whether a registered sale deed can ordinarily be set aside only by a decree of a competent Civil Court, but whether, in the facts of the present case, any enforceable legal right survives in favour of the subsequent purchasers so as to warrant a direction against the statutory authority. If the subsequent conveyances are founded upon a transaction which is legally ineffective by reason of the subsisting prior title of Smt. Rajeswaramma, such transactions cannot, by themselves, furnish the foundation for

a writ of mandamus or for the application of the doctrine of promissory estoppel. The statutory authority cannot be directed to recognise or act upon a right which is not legally subsisting, nor can the Court direct performance of an act which would be contrary to the governing statutory provisions. The same principle applies with greater force where the very statutory foundation of the subsequent action is itself vitiated. In **ANIL AMENCHERLA** (*Supra*), this Court, while considering the mandatory requirement under Section 28(3) of the KIAD Act, held that the SLAO is required to meaningfully consider the objections of the landowners and that a mechanical or stereotyped rejection does not constitute the consideration contemplated by the statute. The Court further held that the Section 28(3) order constitutes the 'raw-material' for the Government's decision under Section 28(4), and that where the Section 28(3) order is deficient, the consequential notification under Section 28(4) also becomes unsustainable. Thus, where the statutory authority has failed to comply with the mandatory requirement of considering the landowners' objections and the order under Section 28(3) is consequently vitiated, the final notification founded upon such order cannot independently sustain the rights or obligations claimed thereunder. *A fortiori*,

the Court cannot, by invoking promissory estoppel, compel the statutory authority to give effect to or perpetuate the consequences of a final notification which is itself legally unsustainable. Promissory estoppel cannot operate so as to compel the performance of an act which the statute does not permit or to validate an action which has no sustainable statutory foundation.

49. In view of the foregoing discussion, we are of the considered view that although the Appellant cannot be granted a direction for allotment of alternate land in the absence of such land being available with the Board, the Appellant cannot be left without an effective remedy for the consequences occasioned by the actions of the Respondents. The acquisition proceedings had been acted upon, and the Appellant had altered its position and incurred expenditure in furtherance of the project pursuant to the representations and actions of the Respondent-authorities. At the same time, in view of the subsisting title dispute and the pendency of R.F.A. No.895/2009, this Court cannot issue a direction which would have the effect of conclusively determining the rights of the

parties to the subject lands or compelling the Respondent authorities to act contrary to the statutory framework.

50. Having regard to the peculiar facts and circumstances of the case, including the manner in which the acquisition proceedings were dealt with, the irreversibility of the subsequent acts, the expenditure and other prejudice suffered by the Appellant, the finding recorded by the Civil Court in O.S. No.6021/2004, the pendency of R.F.A. No.895/2009, and the categorical statement of the Chief Executive Officer that no alternate land is presently available as a single plot of the requisite extent, we are of the view that the ends of justice would be met by directing the Respondents to compensate the Appellant monetarily in lieu of allotment of alternate land.

51. Accordingly, the Respondent-Authorities are directed to refund the amount deposited by the Appellant along with interest at the rate of 8% per annum from the date of the order of Respondent No.2 – SLAO, i.e., 28.12.2009 till the date of actual payment. The aforesaid amount shall be paid to the Appellant within a period of eight weeks from the date of this judgment. The payment of compensation shall be without

prejudice to the rights and contentions of the parties in R.F.A. No.895/2009 and shall not be construed as an adjudication by this Court upon the final title to the subject lands.

52. The writ appeals stand disposed of in the aforesaid terms.

Pending interlocutory applications, if any, do not survive for consideration and accordingly, stand disposed of.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

CT: SN
BKV