

WA No. 4520 of 2015
C/W WA No. 1518 of 2014
WA No. 1519 of 2014
AND 5 OTHERS

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH 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. 4520 OF 2015 (LA-KIADB)

C/W

WRIT APPEAL NO. 1518 OF 2014 (LA-KIADB)

WRIT APPEAL NO. 1519 OF 2014 (LA-KIADB)

WRIT APPEAL NO. 1520 OF 2014 (LA-KIADB)

WRIT APPEAL NO. 1521 OF 2014 (LA-KIADB)

WRIT APPEAL NO. 4517 OF 2015 (LA-KIADB)

WRIT APPEAL NO. 4518 OF 2015 (LA-KIADB)

WRIT APPEAL NO. 4521 OF 2015 (LA-KIADB)

IN WA NO. 4520/2015

BETWEEN:

1. THE CHIEF EXECUTIVE OFFICER
AND EXECUTIVE MEMBER,
KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD,
NO.14/3, R.P. BUILDING,
NRUPATHUNGA ROAD,
BANGALORE-560 001
PRESENTLY AT NO.49,
4TH AND 5TH FLOOR,
KHANIJA BHAVAN,
RACE COURSE ROAD,
BANGALORE-560 001.



**WA No. 4520 of 2015
C/W WA No. 1518 of 2014
WA No. 1519 of 2014
AND 5 OTHERS**

2. SPECIAL LAND ACQUISITION OFFICER,
KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD, NO.3,
KHENY BUILDING, 1ST CROSS,
GANDHINAGAR, BANGALORE-9
PRESENTLY AT NO.49,
4TH AND 5TH FLOOR,
KHANIJA BHAVAN,
RACE COURSE ROAD,
BANGALORE-560 001.

...APPELLANTS

(BY SRI BASAVARAJ V SABARAD, SENIOR COUNSEL FOR
SRI H L PRADEEP KUMAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REP. BY ITS SECRETARY,
(INDUSTRIES DEVELOPMENT),
DEPARTMENT OF INDUSTRIES
AND COMMERCE,
M.S. BUILDING,
BANGALORE-560 001.
 2. SRI GOVINDAPPA,
SINCE DEAD BY LRS,
 - 2(a) SMT. NEELAMMA,
W/O LATE GOVINDAPPA,
AGED ABOUT 63 YEARS,
 - 2(b) SRI BABU G,
S/O LATE GOVINDAPPA,
AGED ABOUT 40 YEARS,
 - 2(c) SRI NANDISHA G,
S/O LATE GOVINDAPPA,
AGED ABOUT 34 YEARS,
- R2(a) TO R2(c) ARE R/AT NO.309,
VEERASANDRA VILLAGE,

ATTIBELE HOBLI, ANEKAL TALUK,
BENGALURU - 560 099.
(AMENDED V/O DT. 25.02.2026)

3. M/S. EESHA SOLUTIONS,
NO.139, 1ST CROSS ROAD,
5TH BLOCK, KORAMANGALA,
BENGALURU-560 095,
REP. BY ITS PARTNER,
SRI H.R. RAJASHEKAR.

...RESPONDENTS

(BY SRI N BYRE GOWDA, AGA FOR R1;
SRI G.V.P. DAS, ADVOCATE FOR SRI H.R.ANANTHA KRISHNA
MURTHY, ADVOCATE FOR R2(A TO C);
SRI NITIN PRASAD, ADVOCATE FOR R3;
SRI ABHINAV RAMANAND, ADVOCATE FOR
SRI CHANDRAKANTH R PATIL, ADVOCATE FOR IMPLEADING
APPLICANT IN IA NO.1/2018)

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.9325/2007 DATED
12.11.2013.

IN WA NO. 1518/2014

BETWEEN:

1. THE CHIEF EXECUTIVE OFFICER
(WRONGLY SHOWN IN WP AS
EXECUTIVE OFFICER),
KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD,
NO.14/3, R.P. BUILDING,
NRUPATHUNGA ROAD,
BANGALORE-560 001.
2. SPECIAL LAND ACQUISITION OFFICER,
KARNATAKA INDUSTRIAL AREAS

**WA No. 4520 of 2015
C/W WA No. 1518 of 2014
WA No. 1519 of 2014
AND 5 OTHERS**

DEVELOPMENT BOARD,
KHENY BUILDING,
I CROSS, GANDHINAGAR,
BANGALORE-9.

PRESENTLY AT NO.14/3,
R.P. BUILDING,
NRUPATHUNGA ROAD,
BANGALORE-560 001.

...APPELLANTS

(BY SRI BASAVARAJ V SABARAD, SENIOR COUNSEL FOR
SRI H L PRADEEP KUMAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY ITS CHIEF SECRETARY,
VIDHANA SOUDHA,
BANGALORE-01.
2. THE SECRETARY,
MINISTRY OF INDUSTRIES
AND COMMERCE,
STATE OF KARNATAKA,
VIKASA SOUDHA,
BANGALORE-01.
3. M/S JS SOFTWARE INDIA PVT LTD.,
A COMPANY REGISTERED UNDER
THE PROVISIONS OF
INDIAN COMPANIES ACT, 1956,
HAVING ITS REGISTERED OFFICE
AT NO.10/82, SRINIVASA NAGARA,
BSK III STGE, BANGALORE-560 085.
PRESENTLY HAVING ITS
CORPORATE OFFICE AT NO.326/32,
RAJENDRA PARTY NILAYA,
ERAMMA LAYOUT, HULIMANGALA POST,
ANEKAL TALUK, BANGALORE-560 005.
REP. BY ITS MANAGING DIRECTOR,
H.P.RAJAGOPALA REDDY,

**WA No. 4520 of 2015
C/W WA No. 1518 of 2014
WA No. 1519 of 2014
AND 5 OTHERS**

4. SMT. CHINNAMMA,
SINCE DEAD BY LRS,
- 4(a) SRI MUNIYAPPA,
HUSBAND OF CHINNAMMA,
AGED ABOUT 75 YEARS,
- 4(b) SRI RAJASHEKAR M,
S/O LATE CHINNAMMA,
AGED ABOUT 55 YEARS,
- 4(c) SRI JAGADISH M,
S/O LATE CHINNAMMA,
AGED ABOUT 34 YEARS,

R-4(a) TO 4(c) ARE
R/AT NO.E-240,
NEAR MUNESHWARA TEMPLE,
VEERASANDRA,
BENGALURU-560 100.
**(IMPLEADED V/O
DATED 25.06.2026)**

...RESPONDENTS

(BY SRI N BYREGOWDA, AGA FOR R1 & R2;
SRI D R RAVISHANKAR, SENIOR ADVOCATE FOR
SRI AJAY J NANDALIKE, ADVOCATE FOR R3;
SRI UDAYA HOLLA, SENIOR ADVOCATE FOR
SRI V N SHANKARE GOWDA, ADVOCATE FOR R4[A TO C])

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER PASSED
IN WRIT PETITION NO.14723/2007 DATED 12.11.2013.

IN WA NO. 1519/2014

BETWEEN:

1. THE CHIEF EXECUTIVE OFFICER,
(WRONGLY SHOWN IN W.P. AS

**WA No. 4520 of 2015
C/W WA No. 1518 of 2014
WA No. 1519 of 2014
AND 5 OTHERS**

EXECUTIVE OFFICER),
KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD,
NO.14/3, R.P.BUILDING
NRUPATHUNGA ROAD,
BANGALORE-560 001.

2. SPECIAL LAND ACQUISITION OFFICER,
KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD,
KHENY BUILDING,
1ST CROSS, GANDHINAGAR,
BANGALORE-9
PRESENTLY AT NO.14/3, R.P.BUILDING,
NRUPATHUNGA ROAD,
BANGALORE-560 001.

...APPELLANTS

(BY SRI BASAVARAJ V SABARAD, SENIOR COUNSEL FOR
SRI H L PRADEEP KUMAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY ITS CHIEF SECRETARY,
VIDHANA SOUDHA,
BANGALORE-01.
2. THE SECRETARY,
MINISTRY OF INDUSTRIES AND COMMERCE,
STATE OF KARNATAKA,
VIKASA SOUDHA, BANGALORE-01.
3. M/S GOYAL PROJECTS PVT LTD.,
REGD. OFFICE AT NO.326/32,
RAJENDRA PATIL NILAYA,
YERAMMA LAYOUT,
HULIMANGALA POST,
ANEKAL TALUK,
BANGALORE-560 105,
REP. BY ITS MANAGING DIRECTOR
SRI H P RAJAGOPAL REDDY.

**WA No. 4520 of 2015
C/W WA No. 1518 of 2014
WA No. 1519 of 2014
AND 5 OTHERS**

4. SMT. BHAGYALAKSHMI,
W/O R BASKAR,
AGED ABOUT 63 YEARS,
R/AT POOJAPPA LAYOUT,
VEERASANDRA VILLAGE,
ATTIBELE HOBLI, ANEKAL TALUK,
BANGALORE-560 105.

**(R5 TO R45 ARE DELETED
V/O DATED 08.04.2026)**

...RESPONDENTS

(BY SRI N BYREGOWDA, AGA FOR R1 & R2;
SRI DHYAN CHINNAPPA, SENIOR ADVOCATE FOR
SRI AJAY J NANDALIKE, ADVOCATE FOR R3;
SRI M SHIVAPRAKASH, ADVOCATE FOR R4, R5, R9, R12,
R13, R16, R18, R19, R23, R24, R28, R29, R32, R33, R42,
R43 & R45;
R5 TO 45 ARE DELETED V/O DT. 08.04.2026)

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.15813/2007 DATED
12.11.2013.

IN WA NO. 1520/2014

BETWEEN:

1. THE CHIEF EXECUTIVE OFFICER
(WRONGLY SHOWN IN W.P. AS
EXECUTIVE OFFICER),
KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD,
NO.14/3, R.P. BUILDING,
NRUPATHUNGA ROAD,
BANGALORE-560 001

**WA No. 4520 of 2015
C/W WA No. 1518 of 2014
WA No. 1519 of 2014
AND 5 OTHERS**

2. SPECIAL LAND ACQUISITION OFFICER
KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD,
KHENY BUILDING, 1ST CROSS,
GANDHINAGAR, BANGALORE-09,
PRESENTLY AT NO.14/3,
R.P BUILDING,
NRUPATHUNGA ROAD,
BANGALORE-560 001.

...APPELLANTS

(BY SRI BASAVARAJ V SABARAD, SENIOR COUNSEL FOR
SRI H L PRADEEP KUMAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
DEPARTMENT OF INDUSTRIES AND
COMMERCE,
MULTISTORIED BUILDING
VIDHANA VEEDHI,
BANGALORE-01,
REP. BY ITS SECRETARY.
2. SRI RAMAKRISHNAPPA,
S/O JEDAPPA,
AGED ABOUT 47 YEARS,
NO.57, VEERASANDRA VILLAGE,
ANEKAL HOBLI (TALUK),
BANGALORE DISTRICT.

**(R3 TO R15 ARE DELETED
V/O DATED 08.04.2026)**

...RESPONDENTS

(BY SRI N BYREGOWDA, AGA FOR R1 & R2;
SRI M SHIVAPRAKASH, ADVOCATE FOR R3, R5, R12 &
R15;
R2, R4, R6 TO R11, R13, R14 SERVED;
R-3 TO 15 ARE DELETED V/O DT. 08.04.2026)

**WA No. 4520 of 2015
C/W WA No. 1518 of 2014
WA No. 1519 of 2014
AND 5 OTHERS**

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.16509/2007 DATED 12.11.2013.

IN WA NO. 1521/2014

BETWEEN:

1. THE CHIEF EXECUTIVE OFFICER
& EXECUTIVE MEMBER,
THE KARNATAKA INDUSTRIAL
AREAS DEVELOPMENT BOARD
(KIADB), NO.14/3, SECOND FLOOR,
R P BUILDING, NRUPATHUNGA ROAD,
BANGALORE-560 001.
2. THE SPECIAL LAND ACQUISITION OFFICER,
KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD,
INTERNATIONAL AIRPORT,
DIVISION OFFICE, NO.14/3,
R P BUILDING, NRUPATHUNGA ROAD,
BANGALORE-560 001.

...APPELLANTS

(BY SRI BASAVARAJ V SABARAD, SENIOR COUNSEL FOR
SRI H L PRADEEP KUMAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
M S BUILDING,
DR. AMBEDKAR VEEDHI,
BANGALORE-01, REP. BY ITS
PRINCIPAL SECRETARY TO GOVERNMENT,
COMMERCE AND INDUSTRIES DEPARTMENT.
2. K ANAND S/O KRISHNAPPA,
AGED ABOUT 18 YEARS,
R/AT VEERASANDRA VILLAGE,

**WA No. 4520 of 2015
C/W WA No. 1518 of 2014
WA No. 1519 of 2014
AND 5 OTHERS**

ATTIBELE HOBLI,
ANEKAL TALUK,
BANGALORE-560 105.

...RESPONDENTS

(BY SRI N BYREGOWDA, AGA FOR R1;
SRI V ANAND, ADVOCATE FOR R2)

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.5382/2008 DATED
12.11.2013.

IN WA NO. 4517/2015

BETWEEN:

1. THE CHIEF EXECUTIVE OFFICER
AND EXECUTIVE MEMBER,
KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD,
NO.14/3, R.P. BUILDING,
NRUPATHUNGA ROAD,
BANGALORE-560 001,
PRESENTLY AT NO.49,
4TH & 5TH FLOOR,
KHANIJA BHAVAN,
RACE COURSE ROAD,
BANGALORE-560 001.
2. SPECIAL LAND ACQUISITION OFFICER,
KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD, NO.3,
KHENY BUILDING, 1ST CROSS,
GANDHINAGAR,
BANGALORE-9,
PRESENTLY AT NO.49,
4TH AND 5TH FLOOR,
KHANIJA BHAVAN,

**WA No. 4520 of 2015
C/W WA No. 1518 of 2014
WA No. 1519 of 2014
AND 5 OTHERS**

RACE COURSE ROAD,
BANGALORE-560 001.

...APPELLANTS

(BY SRI BASAVARAJ V SABARAD, SENIOR COUNSEL FOR
SRI H L PRADEEP KUMAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REP. BY ITS SECRETARY,
(INDUSTRIES DEVELOPMENT),
DEPARTMENT OF INDUSTRIES
AND COMMERCE, M.S. BUILDING,
BANGALORE-01.
2. SRI KANAKAPPA,
SINCE DEAD BY LRS
- 2(a) SMT. RAJAMMA,
W/O LATE KANAKAPPA,
AGED ABOUT 58 YEARS,
R/AT #28/2, 1ST CROSS,
KANAKAPPA BUILDING,
VEERASANDRA,
ELECTRONIC CITY,
BENGALURU-560 100.
- 2(b) SRI NAGARAJ K,
S/O LATE KANAKAPPA,
AGED ABOUT 37 YEARS,
R/AT #24/1, 1ST CROSS,
NEAR GOVT. PRIMARY SCHOOL,
VEERASANDRA, BANGALORE,
KARNATAKA-560 100.
- 2(c) SRI RAVI V K,
S/O LATE KANAKAPPA,
AGED ABOUT 36 YEARS,
R/AT #24/1, 1ST CROSS
NEAR GOVT. PRIMARY SCHOOL,
VEERASANDRA,

BANGALORE,
KARNATAKA-560 100.

- 2(d) SMT. SUSHILA,
D/O LATE KANAKAPPA,
W/O NAGARAJU,
AGED ABOUT 48 YEARS,
R/AT #221/2, CHANDAPUR CIRCLE
VEERASANDRA, ELECTRONIC CITY,
ANEKAL, BENGALURU-560 100.
- 2(e) SMT. K RAJAMMA,
D/O LATE KANAKAPPA,
W/O N RAJENDRA,
AGED ABOUT 47 YEARS,
R/AT #03, 20TH CROSS,
NEAR BAJENEMANE, EJIPURA,
BANGALORE SOUTH,
BANGALORE,
KARNATAKA-560 047.
- 2(f) SMT. GOWRAMMA K,
D/O LATE KANAKAPPA,
W/O MUNIRAJ G,
AGED ABOUT 45 YEARS,
R/AT #28/2, 1ST CROSS,
NEAR GOVT. PRIMARY SCHOOL,
VEERASANDRA, BANGALORE SOUTH,
BANGALORE, ELECTRONIC CITY,
KARNATAKA-560 100.
- 2(g) SRI MANJUNATH @ MANJU K,
S/O LATE KANAKAPPA,
R/AT #24/2, KANAKAPPA BUILDING
VEERASANDRA, ELECTRONIC CITY,
BANGALORE SOUTH, BANGALORE,
KARNATAKA-560 100.
**(R2(A) TO R2(G) ARE IMPEADED
V/O DATED 09.09.2026)**
3. M/S EESHA SOLUTIONS
NO.139,1ST CROSS ROAD,

**WA No. 4520 of 2015
C/W WA No. 1518 of 2014
WA No. 1519 of 2014
AND 5 OTHERS**

5TH BLOCK, KORAMANGLA,
BANGALORE-560 095,
REP. BY ITS PARTNER
SRI H.R. RAJASHEKAR.

...RESPONDENTS

(BY SRI N BYREGOWDA, AGA FOR R1;
SRI A RAMESH GOWDA, ADVOCATE FOR R2(A,B,D,F & G);
R2(C) SERVED;
SRI SIDDA REDDY K G, ADVOCATE FOR R2(E);
SRI NITIN PRASAD, ADVOCATE FOR R3;
SRI ABHINAV RAMANAND, ADVOCATE FOR
SRI CHANDRAKANTH R PATIL, ADVOCATE FOR IMPLEADING
APPLICANT IN I.A.NO.2/2017)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER PASSED
IN WRIT PETITION NO.27425/2009 DATED 12.11.2013.

IN WA NO. 4518/2015

BETWEEN:

1. THE CHIEF EXECUTIVE OFFICER,
KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD,
NO.14/3, R.P. BUILDING,
NRUPATHUNGA ROAD,
BANGALORE-560 001,
PRESENTLY AT NO.49,
4TH AND 5TH FLOOR,
KHANIJA BHAVAN,
RACE COURSE ROAD,
BANGALORE-560 001.
2. SPECIAL LAND ACQUISITION OFFICER,
KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD,
KHENY BUILDING, 1ST CROSS,
GANDHINAGAR, BANGALORE-9,
PRESENTLY AT NO.49,

**WA No. 4520 of 2015
C/W WA No. 1518 of 2014
WA No. 1519 of 2014
AND 5 OTHERS**

4TH AND 5TH FLOOR,
KHANIJA BHAVAN,
RACE COURSE ROAD,
BANGALORE-560 001

...APPELLANTS

(BY SRI BASAVARAJ V SABARAD, SENIOR COUNSEL FOR
SRI H L PRADEEP KUMAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REP. BY ITS SECRETARY,
DEPARTMENT OF INDUSTRIES
AND COMMERCE,
VIKASA SOUDHA,
BANGALORE-01
2. SRI G PERIYANNA,
S/O LATE GOVINDAPPA,
AGED ABOUT 90 YEARS,
3. DR. CHANDIL KUMAR,
S/O LATE P GUNASHEKAR,
AGED ABOUT 37 YEARS,

R2 AND R3 ARE R/AT
GOLLAHALLI VILLAGE,
ATTIBELE HOBLI,
ANEKAL TALUK,
BANGALORE DISTRICT-560 099

...RESPONDENTS

(BY SRI N BYREGOWDA, AGA FOR R1;
SERVICE OF NOTICE TO R2 & R3 HELD SUFFICIENT
V/O DATED 13.06.2019)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE

**WA No. 4520 of 2015
C/W WA No. 1518 of 2014
WA No. 1519 of 2014
AND 5 OTHERS**

ORDER PASSED IN WRIT PETITION NOS.13055-13056/2012
DATED 12.11.2013.

IN WA NO. 4521/2015

BETWEEN:

1. THE CHIEF EXECUTIVE OFFICER
(WRONGLY SHOWN IN W.P. AS
EXECUTIVE OFFICER),
KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD,
NO.14/3, R.P. BUILDING,
NRUPATHUNGA ROAD,
BANGALORE-560 001
PRESENTLY AT NO.49,
4TH AND 5TH FLOOR,
KHANIJA BHAVAN,
RACE COURSE ROAD,
BANGALORE-560 009
2. SPECIAL LAND ACQUISITION OFFICER,
KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD, KHENY BUILDING,
1ST CROSS, GANDHINAGAR,
BANGALORE-9,
PRESENTLY AT NO. 49,
4TH AND 5TH FLOOR,
KHANIJA BHAVAN,
RACE COURSE ROAD,
BANGALORE-560 009

...APPELLANTS

(BY SRI BASAVARAJ V SABARAD, SENIOR COUNSEL FOR
SRI H L PRADEEP KUMAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
BY ITS CHIEF SECRETARY,

**WA No. 4520 of 2015
C/W WA No. 1518 of 2014
WA No. 1519 of 2014
AND 5 OTHERS**

VIDHANA SOUDHA,
BANGALORE-01.

2. THE SECRETARY,
MINISTRY OF INDUSTRIES
AND COMMERCE,
STATE OF KARNATAKA,
VIKASA SOUDHA,
BANGALORE-01.
3. M/S. AAREL TECH PARK,
NO. 4, 6TH CROSS ROAD,
NANDI DURGA ROAD,
BANGALORE-560 046.
4. SRI M. RAHMATHULLA,
AGED ABOUT 55 YEARS,
S/O SRI AJMATHULLA,
R/AT NO. 1014B, 4TH M BLOCK,
RAJAJINAGAR, BANGALORE-560 010.

...RESPONDENTS

(BY SRI N BYREGOWDA, AGA FOR R1 & R2;
SERVICE OF NOTICE TO R3 IS DISPENSED WITH
VIDE ORDER DATED 05.04.2017;
R4 SERVED THROUGH PAPER PUBLICATION VIDE
ORDER DATED 23.05.2023)

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.3293/2012 DATED
12/11/2013.

THESE APPEALS HAVING BEEN HEARD AND RESERVED
FOR JUDGMENT ON 11.08.2026, 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 writ appeals are filed against the judgement and order of the learned Single Judge dated 12.11.2013 passed in W.P. 14723/2007 and connected matters, quashing the notification dated 27.08.2003 issued under Sections 3(1), 1(3) and 28(1) of the Karnataka industrial Areas Development Act, 1966 (hereinafter referred to as 'the KIAD Act'), along with notification dated 14.05.2007 issued under Section 28(4) of the Act, thereby quashing the land acquisition proceedings.

II. BRIEF FACTS:

The Brief facts leading to the present writ appeals are as follows:

2. The Karnataka Industrial Areas Development Board (hereinafter referred to as 'the Board'), vide its Board Resolution dated 16.12.2000, had resolved to acquire an extent of 300 acres of land in Veerasandra, Konappana Agrahara, Doddathogur and Berathena Agrahara villages for Electronic

City IV Phase. Subsequently, the Appellant No.1 – CEO placed a note before the Board that it would be expedient to acquire lands in Hebbagodi and Veerasandra villages, and accordingly, vide Board resolution dated 10.04.2002, it was resolved to acquire 320.14 acres for the purpose of expansion of existing Electronics City.

3. Pursuant to a proposal dated 02.05.2002 wherein it was proposed to notify 322.03 acres of land as Industrial Area, the Board issued a letter to the Appellant No.2 – SLAO wherein it was directed to exclude 93.33 acres of land on the ground that it was found to be fully developed on spot inspection conducted by the Appellant No.1.

4. The State Government, pursuant to a proposal issued by the Board, issued a preliminary notification u/s 1(3), 3(1), and 28(1) of the Act dated 27.08.2003, declaring lands to an extent of 224.33 acres situated in Veerasandra and Hebbagodi villages, Attibele Hobli, Anekal Taluk, as Industrial Areas. On the same day, another preliminary notification was issued u/s 28(1) of the Act by the State Government, reducing the extent

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of lands to 193.22 acres, as lands to an extent of 32.32 acres were excluded as being government lands.

5. During the proceedings u/s 28(2) and 28(3) of the Act, the Respondents-landowners filed their objections dated 21.10.2003 before the Appellant No.2 – SLAO. It was noticed by the Appellants that the following extent of lands were not available for acquisition along with reasons:

Reasons	Extent A-G
Change of land use already given by the Bangalore Development Authority (residential purpose)	18-27
Land acquired under Bangalore Development Authority Act	18-02
Project Clearance by SLSWCC under Karnataka Industries Facilitation Act in favour of Parasam Associates P Ltd and Abharan Infotec etc	15-37
Government tank	31-08
Land falling outside the compactness and contiguity Sy No. 38 of Veerasandra village	02-25
Total	86-19

Accordingly, the lands to an extent of 73.39 acres and 12.20 acres from Veerasandra and Hebbagodi villages respectively

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were deleted from acquisition proceedings vide notification dated 14.05.2007 issued by the State u/s 4 of the Act. The remaining land left for acquisition was 60.28 acres and 77.20 acres from Veerasandra and Hebbagodi villages respectively, totalling to an extent of 138.08 acres.

6. The State issued the Final Notification dated 14.05.2007 u/s 28(4) of the Act, proposing to acquire 138.08 acres of land in the said villages. On 30.08.2007, the State issued a notification, deleting an extent of 89.25 acres from the acquisition proceedings due to the time gap between the preliminary and final notifications, approval of projects by the State Level Single Window Clearance Committee (SLSWCC), and projects awaiting approvals and lands being situated in the midst of developed areas. Subsequent to such notification, the final extent of lands sought to be acquired are as follows:

Village	Extent A-G
Veerasandra	42-30
Hebbagodi	05-33
Total	48-23

7. The SLSWCC granted clearances for the projects of the following companies, along with their respective shares of land:

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Name	Date of clearance	Veerasandra	Hebbagodi
RGR Techpark P Ltd.	23.03.2007	14-04	-
Goyal Projects P Ltd	23.03.2007	14-31	-
JS Software India P Ltd.	23.03.2007	07-19	-
Easha Solutions Ltd.	26.11.2007	03-00	-
New Gen R&D Centre P Ltd.	18.08.2007	-	02-10
Bangalore Social & Educational Association	27.09.2007	-	01-15
AAR EL Tech Park	27.09.2007	-	00-32
Land required for Road	-	-	00-16
Proposed Oxide Business Solutions P Ltd.	-	-	01-00
TOTAL		48-23	

Subsequent to the Final Notification dated 14.05.2007, possession was taken over lands to the extent of 38.35 ¼ acres and transferred to KIADB u/s 28(8) of the Act. Compensation of Rs. 15,24,65,625/- was paid at the agreed rate of Rs. 65 lakhs per acre.

8. W.P. 9325/2007 and connected matters were filed by the landowners challenging the Preliminary and Final notifications issued by the State and prayed for quashing of the notifications dated 27.08.2003 and 14.05.2004. The learned Single Judge, vide order dated 15.12.2010 in W.P. 14723/2007, allowed the writ petitions and quashed the impugned notifications. Vide order dated 14.09.2011, the learned Single Judge allowed W.P. 9375/2007 with the same effect as that of order dated 15.12.2010.

9. Aggrieved by the orders dated 15.12.2010 and 14.09.2011, the Appellants filed W.A. 758/2011 and 1021-22/2012 respectively. The Coordinate Bench of this Court, vide common order dated 04.10.2012, allowed the writ appeals and remanded the batch of petitions for reconsideration before the Learned Single Judge. The Coordinate Bench of this Court passed the following order:

"14. From the above narration of the order of the learned Single Judge, it is clear to the court, none of the contentions urged by the Board or by the allottee has been considered by the learned Single Judge. No point is formulated by the learned Single Judge to decide the Writ Petition on merits. In

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paragraphs-17 to 19, the learned Single Judge has stated that the practice of the Board in identifying the beneficiaries even prior to the acquisition proceedings as bad and the same is nothing but disastrous to the maintenance of law and he however stated that State is always required to treat all the citizens equally. Exercise of the said power for acquisition of private lands which is an inroad into the private rights of citizens can be characterized as an exception to the enforcement of rule of Law. In order to come to this conclusion, the learned Single Judge was required to consider the objections filed by the Board as well as by the allottee. But unfortunately, the learned Single Judge did not consider the case of the parties. Though the appellant has contended that the Writ Petition filed by the petitioner was barred by principles of res judicata, whether really filing of second petition was res judicata or not, Single Judge was required to give a finding and if the case of the appellant and the allottee had been considered by the learned Single Judge, we would not have interfered with the order of the learned Single Judge. Because the learned Single Judge has proceeded on a footing that the acquisition procedure is bad in law on account of misuse of power and with a mala fide intention to give benefit to the 5th respondent, without considering their case, we are of the view that an error is committed by the learned Single Judge. If he had formed such a opinion after considering the objections of the allottee and the appellant, the matter would have been different. Therefore, we are of the view that the order of the learned Single Judge suffers

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from infirmity and that the matter requires to be reconsidered by the learned Single Judge afresh.

15. In the circumstances, the appeal is allowed. The order passed in W.P.No.14723/2007 dt. 15.12.2010 is set aside. We request the Registry to place the matter before the Bench which deals with the roaster and we further request the learned Single Judge to consider the case of all the parties on merits and in accordance with law.

Since the Writ Petitioner was enjoying the Interim order when the matter was pending before the learned Single Judge, the same shall be continued till the disposal of the matter."

10. Subsequent to the order dated 04.10.2012, the batch of connected petitions were reconsidered by the learned Single Judge. Vide impugned common order dated 12.11.2013, the learned Single Judge allowed the batch of petitions and quashed the acquisition proceedings arising from notifications dated 27.08.2003 and 14.05.2007. Aggrieved by the Impugned Common order, the present appeals are filed.

11. This Court vide order dated 24.11.2016, passed the following interim order:

"Issue notice in connection with the application for condonation of delay.

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Ms. Niloufer Akbar, learned additional government advocate, accepts notice for the respondent No.1.

Therefore, formal service of notice to the respondent No.1 is dispensed with.

During the pendency of the application for condonation of delay, the parties are directed to maintain status quo, as of today, in relation to the property-in-dispute."

12. This Court, vide order dated 11.04.2019, allowed the application or condonation of delay of 684 days, and the parties were directed to maintain *status quo*. The order reads as follows:

"ORDER ON I.A. NOS.3 OF 2016 AND 4 OF 2016

Heard learned counsels.

There is a delay of 684 days in filing the writ appeal.

The reasons assigned for the delay in filing the appeal are that, after disposal of the matter by the learned Single Judge the papers were sent to the Advocate to prepare an appeal. The Advocate took time to prepare the appeal. In the interregnum, the aforesaid delay has occurred.

On hearing learned counsels, we are of the view that the reasons assigned for the delay in filing the writ appeal

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constitutes sufficient cause. Hence, the delay in filing the appeal is condoned.

IA.No.3 of 2016 is disposed of accordingly.

Admit.

Stay of the Order dated 12.11.2013 passed in Writ Petition No.9325 of 2007 [LA-KAIDB] by the learned Single Judge.

Both the parties are directed to maintain status quo with regard to the possession of the land in question.

IA.No.4 of 2016 is accordingly disposed of.

I.A. No.1 of 2018 filed for impleading is to be considered at the stage of final hearing after compliance of the office objections.

List this appeal along with Writ Appeal No.4517 of 2015."

13. On 10.06.2026, this Court passed the following order, directing the Board to furnish details of landowners who accepted compensation and did not challenge the acquisition proceedings:

"IN W.A.No.4520/2015:

Learned counsel for the appellant/KIADB submits that he will file details of the landowners, who had accepted the compensation in respect of their lands acquired for the formation of Extension

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of Electronic City, III Phase, and have filed writ petitions along with their writ petition numbers.

Learned counsel for the KIADB should also provide details of the extent of land involved in each of the writ petition.

It has been stated at the Bar that many land losers, who had accepted the compensation did not challenge the land acquisition proceedings. However, the learned Single Judge has quashed the entire land acquisition proceedings of 48 acres. The details of the land losers, who had accepted the amount of compensation and did not challenge the land acquisition proceedings, extent of land involved in respect of such each land loser should also be provided in a tabular form. For completing this exercise and filing the details before this Court, we adjourn the hearing of these appeals.

Post these appeals on 25.06.2026."

14. As per the directions vide order of this Court dated 10.06.2026, the Board filed a memo containing the details of the landowners who challenged the land acquisition proceedings and the extent of lands involved, along with the details of landowners who accepted compensation and did not challenge the acquisition proceedings.

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The details of the landowners who have challenged the acquisition proceedings, along with the extent of lands involved, are as follows:

Sl. No.	Case No. WA & WP	Names of Landowners	Land Details Sy.No. and extent	Village
1.	W.A. 4520/2015 in W.P. 9325/2007	Sri Govindappa	Sy.No. 3 of 0.30 acres	Veerasandra, Attibele Hobli, Anekal Taluk
2.	W.A. 1518/2014 in W.P. 14723/2007	Smt. Chinnamma	Sy.No. 89/1 of 2.14 acres	Veerasandra, Attibele Hobli, Anekal Taluk
3.	W.A. 1519/2014 in W.P. 15183/2007	Smt. Bhagyalakshmi, w/o. R Bhaskar	Sy.No. 88 of 0.0375 acres	Veerasandra, Attibele Hobli, Anekal Taluk
4.	W.A. 1520/2014 in W.P. 16509/2007	Sri Ramakrishnappa	Sy.No. 90 of 0.0375 acres	Veerasandra, Attibele Hobli, Anekal Taluk
5.	W.A. 1521/2014 in W.P. 5382/2008	Sri K Anand, s/o Krishnappa	Sy.No. 97/2 of 2.12 acres	Veerasandra, Attibele Hobli, Anekal Taluk
6.	W.A. 4517/2015 in W.P. 27425/2009	Sri Kanakappa	Sy.No. 3 of 0.30 acres	Veerasandra, Attibele Hobli, Anekal Taluk
7.	W.A. 4518/2015 in W.P. 13055- 056/2012	G Periyanna & Dr. Chandil Kumar	Sy. No. 121/15 of 1.16 acres	Hebbagodi, Attibele Hobli, Anekal Taluk

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8.	W.A. 4521/2015 in W.P. 3293/2012	Sri M Rahmathulla	Sy.No. 121/4 of 0.57 acres	Veerasandra, Attibele Hobli, Anekal Taluk
TOTAL EXTENT OF LANDS		8.02 acres		

The details of the landowners who accepted compensation and did not challenge the acquisition proceedings are as follows:

Sl. No.	Khatedar / Landowner	Sy.No.	Extent (acres)
1.	V. Ramanjanaya & S Venkatachalaya	86/1	3.24
2.	K. Varadaiah Muthappa	87/1	2.07
3.	Pappamma, Padmaraju, Shammanna,	92/1A	2.07
4.	V. Y. Lakshmana	96/1	1.37
5.	Poojappa, Pranca Jassarica, Sin Sajwal Rasna, G A Raju & Others SD Owners	96/2P	1.38
6.	J. S Subramanyam & J. S. Venu	82/1	1.35
7.	Savithramma, T. V. Nagaraju	82/2	2.13
8.	J. S Subramanyam & J. S. Venu	83/2	2.30
9.	J.C. Munirathnam & J.C.Rajagopal	84/2	0.20
10.	K. Subramani	84/3	0.16
11.	Muniraju	84/4	0.21
12.	J. C Munirathnamma & J.C. Rajagopal	84/5	1.14
13.	Munivenkatappa	85/1	2.04

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14.	K. Varadaiah Muthappa	86/2	2.11
15.	Poojappa, Gayathri, S. R. Uma, R. P. Chandra, Munigaman, Sujatha, M. Appanna, S. Kumara, G. Thomas, C. V. shankar, L. Indrani, R. G Pal, G Sathayamurthy, Robbin Thomas, C.B Shajj, Suswacharirag, G D Jayasheela	88/P	4.02
16.	Chilikappa Chinnamma, Chinnapaiah, P Rangappa Shetty	89/2P	2.08
17.	Government Land	90	1.24

III. SUBMISSIONS ON BEHALF OF THE APPELLANTS:

15. Learned Senior Counsel Shri Basavaraj V Sabarad appearing for the Appellants submitted that the impugned order suffers from the same infirmities as the order of the learned Single Judge dated 15.12.2010 in W.P. 9325/2007 and connected matters, which was pointed out by a Coordinate Bench of this Court in its order dated 04.10.2012 in W.A. 758/2011 and connected matters. The observations of the Coordinate Bench were that the learned Single Judge did not consider the objections of the Board or the allottees of the land.

15.1 It was further submitted that the learned Single Judge, in the impugned order, did not frame points for consideration and did not consider the objections raised by the Appellants. Further, it did not note that even when the extent of lands was progressively whittled down, the remaining lands acquired were done after paying compensation to the landowners.

15.2 It was contended that the observation of the learned Single Judge in the impugned order that the notifications were quashed, as well as, that the State can resume such land after reverting the monies received from the allottee, is contradictory. Once the notifications are quashed, the land no longer vests in the hands of either the Board or the State. The lands must go back to the original landowners. The Appellants have paid a compensation of Rs. 15,24,65,625 to the landowners, and the process of refunding the compensation and ensuring restitution of the lands to the landowners would be placing the Board in an unfair situation.

15.3 It was further submitted that the learned Single Judge, in the impugned order, did not consider that the preliminary notification dated 27.08.2003 specified for lands to be declared

as Industrial Areas, and nowhere it was mentioned that the acquisition was for the purpose of formation of Electronic City Phase IV.

15.4 Learned Counsel further submitted that the following grounds were raised in W.A. 758/2011 and connected matters:

- i. The acquisition proceedings cannot be quashed merely because some lands were deleted without assigning any reasons.
- ii. The preliminary objections as well as the additional objections raised by the Appellants, justifying the acquisition, were not considered by the learned Single Judge in his order dated 15.12.2010.
- iii. The learned Single Judge did not consider that the preliminary notification dated 27.08.2003 specified for lands to be declared as Industrial Areas, and nowhere it was mentioned that the acquisition was for the purpose of Electronic City 4th Phase.
- iv. The fact that the lands are acquired for development of private industries does not exclude

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the acquisition from the scope of 'public purpose'. The acquisition was made in accordance with the Karnatak industries Facilitation Act, 2002, and the said policy decision cannot be subjected to judicial review. Further, the development of industries is monitored by the Board and such industries would generate employment opportunities for the public. Reliance was placed on the cases of **PRATIBHA NEMA v. STATE OF MADHYA PRADESH (AIR 2003 SC 3140)** and **GIRIAS INVESTMENT v. STATE OF KARNATAKA [(2008) 7 SCC 53]** to contend that there is no illegality or vitiation of public purpose when the acquisition is for development of private industries. The order of the learned Single Judge dated 15.12.2010 is contrary to the observations made by the Supreme Court in **BAJI RAO KOTE BY LRS. v. STATE OF MAHARASHTRA [(1995) 2 SCC 442]** wherein it was observed that even when a private Trust approached the State for acquisition of land, the land acquisition stands valid.

- v. The lands subject to the acquisition proceedings are abutting the Veerasandra Industrial Area, which was developed by the Appellants. Further, 90% of the lands acquired have been allotted to the allottees, and compensation has been duly paid to the landowners. Further, the learned Single Judge has quashed the entire acquisition proceedings when the challenge before the writ Court was limited to the extent of land of the Petitioner and other connected matters.

IV. SUBMISSIONS ON BEHALF OF THE RESPONDENTS:

16. Learned Counsel for the Respondents submitted that the allotment of lands in favour of RGR Tech Park Pvt Ltd. was made before the conclusion of the acquisition proceedings. The allottee-company was incorporated in March 2007. Subsequent to its incorporation, the Final Declaration was issued.

16.1 It was submitted that the financial status of RGR Tech Park Pvt Ltd. and the other allottee-companies is not forthcoming. They are bogus and fraudulent companies with the main aim of acquiring lands through the Board for personal gain. It was further submitted that the Director of the allottee-

company, JS Software India Pvt Ltd., has political ties with the then Minister of the Board, thereby questioning the bona fides of the company and the object of the acquisition proceedings. Further, RGR Tech Park Pvt Ltd., JS Software India Pvt Ltd., and Goyal projects Pvt Ltd. were incorporated solely for the purpose of allotment of valuable lands of the farmers/landowners.

16.2 It was further submitted that the land bearing Sy.No.90 to the extent of 1.24 Acres is utilised for the construction of houses under the Ashraya Scheme. The subject land was sub judice in the W.P. 31768-31839/2009, wherein the learned Single Judge vide order dated 04.11.2009 prohibited the dispossession of the landowner from the subject land except in pursuance of the acquisition proceedings by the Board. The same Sy.No.90 was sub judice in W.P. 8302/2026, wherein the learned Single Judge vide order dated 18.03.2026 granted an interim stay on the dispossession of the landowners. As such, the acquisition proceedings over Sy.No.90 is invalid and goes against the orders of this Court.

16.3 It was contended that during the proceedings before the Board u/s 28(2) and 28(3) of the Act, written correspondences

were made by the Minister for Industries, the then Chief Minister and the Governor for dropping of certain lands from the acquisition proceedings by the Board. Despite such correspondences on record of the Board, the subject land is part of the acquisition proceedings in the present case.

16.4 It was further contended that the land over which the Veerasandra Tank was situated was allotted in favour of the Managing Director of RGR Tech Park Pvt Ltd., and is occupied by the said allottee-company, which has resulted in the lake being destroyed. Further, it was submitted that the entire scheme of the acquisition proceedings is in the garb of acquiring agriculturist properties and conveniently supporting the allottee-companies for their developments, thereby deviating from the object and purpose of establishment of the KIADB Board.

16.5 It was contended that M/s Easha Solution Pvt Ltd. instituted W.P. 48937-940/2013 seeking the refund of development charges amounting to Rs. 9,60,335 and the acquisition cost of Rs. 59,47,500, along with interest, predicated on the complete absence of infrastructure facilities and amenities despite the requisite payments having been duly made. Vide impugned order dated 12.11.2013,

the learned Single Judge allowed the said writ petition along with connected matters, quashing the acquisition notifications. The Court directed the Appellants to refund the monies received from the allottee, subject to the deduction of legitimate expenses incurred pursuant to the transaction, and to resume the land—where the landowners are not inclined to seek restitution—to be dealt with as State property. Following the aforesaid order, the deposited amount was withdrawn by the allottee-company. The Appellants herein preferred no appeal against the said order, thereby allowing the same to attain finality. This circumstance demonstrates that the allottee-company has chosen not to establish its project upon the subject lands.

V. ISSUES FOR CONSIDERATION:

- I. Whether the procedure for acquisition of lands undertaken by the KIAD Board were in accordance with the provisions of the KIAD Act, 1966?
- II. Whether the learned Single Judge duly consider the Appellants' objections before passing the impugned order, and, in any event, was the KIADB's

identification and allotment of acquired land to private industries a valid exercise of power under the KIAD Act, 1966, insofar as such allotment serves a "public purpose" within the meaning and object of the Act?

VI. ANALYSIS AND CONCLUSION:

Re. Issue No. I:

17. Before we proceed to decide on the issues at hand, it would be apt to extract the Section 28 of the Act:

"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."

18. 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.

19. Before the writ court, it was vehemently submitted by the learned counsel for the landowners that they were not given an opportunity of being heard, thereby violating the procedure laid down in Section 28(3) of the KIAD Act. The learned Counsel for the Board submitted that the Appellants had not only filed their objections on 20.10.2003 and 21.10.2003 but also appeared before the Appellant No.2 – SLAO on the said dates and submitted their written and oral objections. A perusal of the order passed u/s 28(3) by the Appellant No.2 – SLAO would indicate that, while some landowners appeared personally, other persons appeared through their advocate. The objections were taken into consideration by the Appellant No.2 – SLAO at Annexure 3 of the said Order. The Appellant No.2 – SLAO, in the said order, has rejected certain unclear and non-specific allegations, while giving specific consideration to the different objections raised by the landowners. The contention raised by the learned counsel for the landowners that no opportunity of being heard was given during the proceedings is untenable and does not stand.

20. From a plain reading of the provisions, it can be observed that there is no time limit specified between the issuance of preliminary notification and final declaration under the Act. Unlike the Land Acquisition Act, 1894, which provides for time limits for issuance of a final notification under Provisos (i) and (ii) of Section 6(1), the KIAD Act does not provide for the same. It is well settled by many courts that the Act is a self-contained code and the provisions of the Land Acquisition Act, 1894 do not apply to the KIAD Act. However, it is also well settled that when there is no time limit specified for exercise of power under a statute, it must be done so within a reasonable time **[See: MEHER RUSI DALAL v. UNION OF INDIA [(2004) 7 SCC 362], P.K. SREEKANTAN v. P. SREEKUMARAN NAIR [(2006) 13 SCC 574] and K.B NAGUR v. UNION OF INDIA [(2012) 4 SCC 483].** In **RAM CHAND v. UNION OF INDIA [(1994) 1 SCC 44]**, the Supreme Court held as follows:

"14. The Parliament has recognised and taken note of the inaction and non-exercise of the statutory power on the part of the authorities, enjoined by the provisions of the Act to complete the

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acquisition proceedings within a reasonable time and because of that now a time-limit has been fixed for making of the award, failing which the entire proceeding for acquisition shall lapse. But, can it be said that before the introduction of the aforesaid amendment in the Act, the authorities were at liberty to proceed with the acquisition proceedings, irrespective of any schedule or time-frame and to complete the same as and when they desired? **It is settled that in a statute where for exercise of power no time-limit is fixed, it has to be exercised within a time which can be held to be reasonable.**

16. ...Can the statutory authority take a plea that although it has not performed its duty within a reasonable time, but it is of no consequence because the person, who has been wronged or deprived of his right, has also not invoked the jurisdiction of the High Court or of this Court for a suitable writ or direction to grant the relief considered appropriate in the circumstances? **The authorities are enjoined by the statute concerned to perform their duties within a reasonable time, and as such they are answerable to the Court why such duties have not been performed by them, which has caused injury to claimants.** By not questioning, the validity of the acquisition proceedings for a long time since the declarations were made under Section 6, the relief of quashing the acquisition proceedings has become inappropriate, because in the meantime, the lands notified have been developed and put to public use. The lands are

being utilised to provide shelter to thousands and to implement the scheme of a planned city, which is a must in the present set-up. The outweighing public interest has to be given due weight. That is why this Court has been resisting attempts on the part of the landholders, seeking quashing of the acquisition proceedings on ground of delay in completion of such proceedings. But, can the respondents be not directed to compensate the petitioners, who were small cultivators holding lands within the ceiling limit in and around Delhi, for the injury caused to them, not by the provisions of the Act, but because of the non-exercise of the power by the authorities under the Act within a reasonable time?"

21. In **STATE OF GUJARAT v. RAGHAV NATHA (1969) 2 SCC 187**, the Supreme Court observed that where no time is prescribed for exercise of power under a statute, it does not mean that it can be exercised at any time. Such powers must be exercised within a reasonable time. In **SANTOSHKUMAR SHIVGONDA PATIL v. BALASAHEB TUKARAM SHEVALE, (2009) 9 SCC 352**, the Supreme Court held as follows:

"11. It seems to be fairly settled that if a statute does not prescribe the time-limit for exercise of revisional power, it does not mean that such power can be exercised at any time; rather it should be exercised within

a reasonable time. It is so because the law does not expect a settled thing to be unsettled after a long lapse of time. Where the legislature does not provide for any length of time within which the power of revision is to be exercised by the authority, suo motu or otherwise, it is plain that exercise of such power within reasonable time is inherent therein.”

22. The absence of time limit under the KIAD Act was observed by this Court in a catena of cases. The declaration must follow within a reasonable period from after Section 28 (1) notification. The KIAD Act does not prescribe a specific time limit, but the process under Sections 28 (1) to 28 (4) must proceed continuously within a reasonable period, otherwise the preliminary notification becomes stale. A preliminary notification cannot be kept alive indefinitely and that an unexplained delay of several years between the issuance of the notification under Section 28 (1) and declaration under Section 28 (4) renders the acquisition invalid. The principle has been reaffirmed by the Supreme Court in **C. PADMA AND OTHERS v. DEPUTY SECRETARY TO THE GOVT. OF TAMIL NADU AND OTHERS (1997) 2 SCC 627**, wherein the Supreme Court

held that the lethargic inaction of the State breaks the statutory connectivity.

23. A Coordinate Bench of this Court in **H.N. SHIVANNA v. STATE OF KARNATAKA (2012 SCC ONLINE KAR 8956)** interpreted the decision laid down in **RAM CHAND** (*Supra*) as follows:

*"39. From the aforesaid discussion, it is clear if a period is prescribed under the Act for issue of a final declaration as well as for passing of the award, if the final declaration is not issued and the award is not passed within the stipulated period, the entire acquisition lapses, unless it is shown by virtue of any order of stay or injunction issued by any Court, the authorities were precluded from completing the acquisition proceedings. It is by operation of law as contained in the statute. **Merely because such a provision is not found in an enactment, it does not mean limitation is not a bar at all. If such a prescription is not there expressly in any enactment it is not possible to hold that such an acquisition has lapsed relying on the provisions contained in the Land Acquisition Act. In other words, the provisions of the Land Acquisition Act cannot be read into the Act or such similar statutes. But nonetheless in order to decide what is the reasonable time within which authorities have to exercise their power either for issue***

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of a final notification or for passing of the award is concerned, certainly the Parliament intendment as contained in this provision cannot be completely lost sight of on the contrary, it acts as a guide. It expresses the will of the Parliament. It has to be given due weight. When this acquisition proceedings were delayed endlessly and landowners were deprived of just compensation under law and consequently the constitutional right was violated, the Parliament amended the Land Acquisition Act prescribing the time limit. According to the Parliament, one year is the reasonable time for passing of a final declaration and two years is the time for passing of an award. If within those periods the final declaration is not issued, the award is not passed, the whole acquisition lapses. **The Act is enacted for industrial development which has to be done expeditiously. Such an industrial development results in generation of employment and economic growth of the State. If the land is required for such public purpose a special enactment was enacted for speedy acquisition of land. Merely because the provisions contained in Section 6(1) and 11A is not incorporated in this Act or after the Parliament amended the Land Acquisition Act in 1984, the State legislature did not think it fit to bring in similar provisions under the Act, it does not mean that the State Government can exercise its power for issue of a final declaration or passing of an award without any regard to time limit. It has to be done within a reasonable time. As**

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held by the Apex Court in Ram Chand's case, two years is held to be a reasonable time within which a final declaration has to be issued, if there are no hurdles placed in the acquisition by the land owners or if there are no hurdles in law. If the final declaration is not issued within two years, certainly the land acquisition has to lapse, notwithstanding the absence of any specific provision in the Act as contained in the Land Acquisition Act. When we say it is two years or one year it does not mean on expiry of the said two years or one year, as calculated under the L.A. Act, the acquisition has to lapse. It is roughly two years or one year. Few days or months this way or that way should not matter. Except for this absence of mathematical precision in calculating the period, the substance has to be applied. The parliamentary intention in prescribing time limit under the L.A. Act cannot be ignored. However, it all depends on the facts of that particular case, the conduct of the parties, the purpose for which the land is sought to be acquired and the problems faced by the acquiring authorities in concluding the acquisition. Therefore, it is not possible to accept the contention of the acquiring authority that in the absence of any specific provision under the Act, no such time limit can be imposed and the same is without any substance. Even in the absence of any such prescriptions expressly under the statute, having regard to the fact that the right to property is a constitutional right and the person

whose land is sought to be acquired is entitled to compensation at the market rate, such a compensation has to be paid to him at the earliest and therefore, the power of acquisition should be exercised within a reasonable time so that the person who lost the land is duly compensated at the earliest point of time.

44. In fact the material on record discloses that after the issuance of second final notification, it is the purchaser, who challenged the order. The writ petitions came to be dismissed on the ground of want of locus-standi. It is thereafter the very same purchaser through his sons as power of attorney holders has preferred these writ petitions. Therefore, the petition lacks bona fides and therefore on the ground of delay in issuing final notification and passing of the award, these acquisitions cannot be vitiated. **As held above, though no time limit is prescribed under the Act and the acquisition is to be completed within a reasonable time, say two years, still what is reasonable time has to be decided in the facts of that particular case.**

24. Referring to the above decision and interpreting on the question of delay in issuing the Final Declaration, along with its effect on the landowner, this Court, in its judgement and order

dated 05.03.2014, in **M R SUJATHA v. KIADB & OTHERS**

(W.P. 21613-21615/2010) observed as follows:

"14. It has to be seen that the Division Bench has particularly referred to the observation of the Apex Court in P Narayanappa's case, which has been relied upon by the learned Counsel for the respondents, and further in so far as Nagabhusan's case was concerned, it would be pertinent to note that it was a decision with reference to the delay in passing of the award and therefore, the contention whether Section 11(a) could be incorporated or put forth the limit prescribed therein would be read in KIADB Act was answered in negative and this was therefore not with reference to the delay in issuance of notification. The delay becomes significant to the present petitioner as the petitioner intended to eke out his livelihood by establishing an industrial unit and preparations were well on, at the time when the notification was issued and the petitioner had lodged her objection on the same grounds.

15. Therefore, the petitioner was kept in the dark for several years without indication as to whether the scheme is being implemented, which would certainly affect the petitioner's interest in moving forward with her plans. That would be one of the reasons as to the how the delay would affect the petitioner and therefore is material. The

contention that the respondents sought to acquire such extent of land and since there were innumerable owners involved in process of claim of the land involved and their objection consumed much time and therefore, the Code ought to be given longer rope in publishing the notification in accordance with the procedure ought not to be fettered with reference to any time limitation and it cannot be accepted as observed by the division bench legislation being expropriate, it was necessary that the authority proceeded with the same with the acceptance expedition was to that person who were effectively planned their affairs of life. If the persons such as the petitioner has kept in suspense as to the result that would follow pursuant to the disbursal proceedings, it would certainly affect them in a serious manner. Therefore, the dictum of the division bench judgment of this Court accords with the reason and justice."

25. Taking note of the various observations made by the Courts above, we revert back to the present case. The preliminary notification issued u/s 28(1) of the Act was issued on 27.08.2003, and the final declaration u/s 28(4) was issued on 14.05.2007 i.e., after a gap of 3 years and 8 months. Considering the settled time limit of 2 years as laid down in

H.N. SHIVANNA (*Supra*), there is a delay of 1 year and 8 months from the end of the 2-year time limit. It is the contention of the Learned Senior Counsel for the Landowners that on a reading of Section 30 of the KIAD Act, the provisions of the Land Acquisition Act, 1894 are applicable to the KIAD Act and thus, the time limit as provided u/s 6(1) of the 1894 Act is applicable to the proceedings and Final Declaration issued by the State under the KIAD Act. We do not find force in this contention, inasmuch it is well settled that KIAD Act is a self-contained code, and the provisions of the Central Act cannot be used to interpret the provisions of the KIAD Act. The Appellants have not justified the delay in issuing the Final Declaration, although a faint mention is made that due to the delay between the preliminary and final notifications, an extent of 89.25 acres was deleted from the acquisition proceedings. This aspect will be dealt with by us in subsequent discussions.

26. It can be observed that the landowners submitted before the writ court that there was a delay in issuing the Final Declaration as the procedure laid down under the Land Acquisition Act, 1894, was not followed. The learned Single Judge, neither in the order dated 15.12.2010, nor in the

impugned order dated 12.11.2013, has taken note of the said contention of the landowners. Therefore, we consider the contention raised by the landowners before the writ Court and accordingly, in view of the findings above, do not find any force in the same.

27. Thus, the Preliminary Notification dated 27.08.2003 and the Final Declaration dated 14.05.2007 deserve to be set aside on this count.

Re. Issue No.II:

28. It is the contention of the Appellants that the objections filed before the writ court were not taken into consideration by the learned Single Judge, which led to the impugned order being passed. The impugned order suffers from the very same infirmities in the order of the learned Single Judge dated 15.12.2010 as pointed out by the Coordinate Bench.

29. Before we delve into a reading of the impugned order, it is necessary to consider the order dated 04.10.2012 passed by the Coordinate Bench of this Court. The Coordinate Bench enunciated the contentions of the parties, the holding of the learned Single Judge, and the ratio decidendi behind the order

of the learned Single Judge. The issues framed by the Coordinate Bench are as hereunder:

"1) Whether the learned Single Judge has considered the contentions urged by the appellants while allowing the Writ Petition?

2) Whether the contentions raised by the allottee were required to be considered by the learned Single Judge while allowing the Writ Petition? and

3) Whether the order of the learned Single Judge suffers from any infirmity?"

The Coordinate Bench observed as follows:

"14. From the above narration of the order of the learned Single Judge, it is clear to the court, none of the contentions urged by the Board or by the allottee has been considered by the learned Single Judge. No point is formulated by the learned Single Judge to decide the Writ Petition on merits. In paragraphs-17 to 19, the learned Single Judge has stated that the practice of the Board in identifying the beneficiaries even prior to the acquisition proceedings as bad and the same is nothing but disastrous to the maintenance of law and he however stated that State is always required to treat all the citizens equally. Exercise of the said power for acquisition of private lands which is an inroad into the private rights of citizens can be characterized as an exception to the enforcement of rule

of Law. In order to come to this conclusion, the learned Single Judge was required to consider the objections filed by the Board as well as by the allottee. But unfortunately, the learned Single Judge did not consider the case of the parties. Though the appellant has contended that the Writ Petition filed by the petitioner was barred by principles of res judicata, whether really filing of second petition was res judicata or not, Single Judge was required to give a finding and if the case of the appellant and the allottee had been considered by the learned Single Judge, we would not have interfered with the order of the learned Single Judge. Because the learned Single Judge has proceeded on a footing that the acquisition procedure is bad in law on account of misuse of power and with a mala fide intention to give benefit to the 5th respondent, without considering their case, we are of the view that an error is committed by the learned Single Judge. If he had formed such a opinion after considering the objections of the allottee and the appellant, the matter would have been different. Therefore, we are of the view that the order of the learned Single Judge suffers from infirmity and that the matter requires to be reconsidered by the learned Single Judge afresh."

The Coordinate Bench allowed the appeals filed by the Board and remanded the batch of petitions back to the learned Single Judge for fresh consideration.

30. It is to be noted that the Coordinate Bench observed in its order that the learned Single Judge proceeded on two footings: the entire acquisition is done with mala fide intention coupled with the identification of the beneficiaries of the acquired lands before completion of acquisition proceedings. The learned Single Judge did not consider the objections filed by the Board, SLAO, and allottee. The Division Bench acknowledged the same and observed that its decision would be different if the objections of the Board, SLAO, and the allottees were considered.

31. On a reading of the impugned order dated 12.11.2013, we observe that the contentions of the parties in each of the connected matters were mentioned before the issues were framed. The learned Single Judge proceeded with the undisputed chain of events of the acquisition proceedings. The writ court then went on to the order in W.P. 48937-940/2013 wherein the allottee-company M/s Easha Solutions Pvt Ltd. had

sought refund of monies paid as acquisition cost and development charges over the lands allotted to them. The issue framed by the learned Single Judge in the impugned order is as follows:

*"9. In the light of the above developments, the glaring circumstance that is apparent and which would be required to be addressed as the primary point for consideration, is **whether the very object of the acquisition is any longer relevant with virtually the entire extent of land declared as an industrial area, Electronic City, Phase-IV, having been dropped from the acquisition proceedings.***

*In that, it is on record that the Electronic City Phase – I spread over 370 acres. Phase II is spread over 340 acres and Phase III was again spread over several hundred acres of land. It was keeping in such a cohesive development that an extent of about 320.03 acres was recommended for acquisition for Phase IV. THE Industrial area was spread over 224.1 acres. However, in the circumstances above, the said extent has been progressively and liberally whittled down to infinitesimal parcels, and from the tenor of the latest resolutions of the Board the process of deleting the lands duly notified under section 28(4) of the KIADB Act, continues. The legality of that exercise having been carried out even earlier, by recourse to section 4, is itself seriously doubtful. **Therefore, whether the object of acquisition, to wit, the***

**formation of Electronic City Phase IV
was any longer identifiable, is the
point that rears up for
consideration."**

32. The learned Single Judge noted that even though the acquisition was set aside, the State Government could still protect allottee-companies on plots where consenting landowners took compensation and did not ask for their land back or offer to return the money. In such cases, the State Government could exercise its power under Section 37 of the KIADB Act. Further, if any allottee-company no longer wanted their land, the State was required to take back the property and refund their money (after deducting valid expenses), provided the original landowners were also not seeking restitution. This relief was granted to the allottee-company JS Software India Pvt Ltd. as a consequence of the order of refund of monies in W.P. 48937-940/2013, as a result of which the lands, which were not sought for restitution by the original landowners, reverted back to the State Government and were to be dealt with as State Property. Considering the same, the learned Single Judge quashed the Preliminary Notification dated

27.8.2003 and Final Notification dated 14.5.2007 along with all consequential orders.

33. It can be observed that the learned Single Judge, vide the impugned order, without considering the objections of the Board and SLAO, expected the Borad to demonstrate that the extent of 48.33 acres of land notified was of a size to qualify as one of the phases of Electronic City and not merely consisting of a few additional industrial units apart from the existing phases. It was also expected of the Board to demonstrate that the lands notified form a reasonable compact block for the industrial facilities to be developed, and that the lands notified were in proximity and contiguous to the existing phases of Electronic city. The learned Single Judge observed that the Board vaguely stated that the compact development of the Industrial Layout would be affected if the claims of the landowners were accepted. He proceeded on the notion that the continuous reduction of lands for multiple reasons, including the claims of the landowners, indicated gross arbitrariness of treatment and proceeded to suggest that the quashing of the acquisition proceedings would not bar the State from allotting the lands of the landowners who consented to

surrender their lands and receive compensation to the allottee companies.

34. On a perusal of the impugned order, we observe that the learned Single Judge not only quashed the notifications and consequential orders but also directed the State to refund the monies as per the order in W.P. 48937-940/2013 to the allottee-company JS Software India Pvt Ltd. and that the land can be used as State Property. We find force in the contention of the Board that the observations of the learned Single Judge in the impugned order run contrary to each other. On one hand, the acquisition notifications issued by the State are quashed, and on the other hand, the land surrendered by the allottee-companies are to be dealt with by the State as State Property. Even when the allottee-companies obtain clearance from the SLSWCC for the proposed industrial projects, the lands allotted for the projects must be vested with the State. The State has the power to acquire the lands for industrial purpose under the KIAD Act. The Board issues Preliminary Notification notifying the lands required for industrial development, conducts proceedings by hearing the objections to the acquisition, and issues Final Notification notifying the revised lands required for

industrial development, all done in accordance with Section 28(1), (2), (3), and (4) the KIAD Act. On a reading of section 28(5) of the Act, it can be inferred that the lands are vested with the State after the publication of the Final Notification in the Official Gazette. As per Section 28(7), after such vesting of lands, the State Government transfers the notified lands to the Board for the purpose for which the land has been acquired i.e. industrial development projects.

35. In the present case, since the preliminary and final notifications were quashed as per the impugned order, the lands revert back to the landowners and the State shall not be vested with the said lands, ultimately rendering the transfer of the lands to the Board null and void. As a result, the Board cannot allot the notified lands to the allottee-companies to carry out the SLSWCC-approved industrial projects. Thus, the clearances granted by the SLSWCC are ineffective, inasmuch as there are no lands with the Board to allot to the allottee companies for the industrial projects.

36. It is the further contention of the Board that the learned Single Judge did not consider the objections filed before the

writ court. The broad objections of the Board and the allottee-companies were as follows:

- i. The preliminary notification dated 27.08.2003 did not specify that the lands notified for acquisition would be utilised for the project 'Electronic City 4th Phase.'
- ii. The allotment of lands by the Board to the private industries i.e., the allottee-companies in the present case does not exclude the allotment from the scope of 'public purpose'.
- iii. The lands notified for acquisition are abutting the Veerasandra Industrial Area.
- iv. The learned Single Judge quashed the acquisition proceedings over all the lands notified while the challenge was limited to the extent of 8.02 acres owned by the landowners who were petitioners in W.P. 9375/2007, W.P. 14723/2007, W.P. 15183/2007, W.P. 16509/2007, W.P. 5382/2008, W.P. 27425/2009, W.P. 13055-056/2012, and W.P. 3293/2012, with the remaining landowners having accepted the

compensation and consequently, their writ petitions before the writ court being dismissed.

37. As observed, despite the order dated 04.10.2012 of the Coordinate Bench directing the learned Single Judge to consider the matter afresh with the objections and additional objections filed by the Board and allottee-companies, the impugned order does not consider the said objections. The learned Single Judge termed the objections made by the Board as 'vague', without going into the specific objections made by the Board and allottee-companies.

38. It is trite law that a quasi-judicial or judicial authority must pass a reasoned and speaking order, as reasoned decisions form the cornerstone of the rule of law. A speaking order reveals the mind of the adjudicating authority, demonstrating that the relevant facts, material evidence, and legal submissions raised by the parties were objectively evaluated. When an authority fails to consider, address, or deal with specific objections raised by an aggrieved party, the resulting order is rendered non-speaking and unreasoned. Such an omission violates the core principles of natural justice –

specifically the rule of fair procedure (*audi alteram partem*) – as affected parties are entitled to know the precise grounds upon which their claims or objections were rejected. Consequently, an unreasoned order that turns a blind eye to material objections is arbitrary, procedurally defective, and unsustainable in the eyes of the law. In **UNION OF INDIA v. ESSEL MINING & INDUSTRIES LTD. [(2005) 6 SCC 675]**, the Supreme Court observed as follows:

*"4. We find that though the High Court referred to various statutes relating to the mining activities e.g. the Mining Act, etc. it did not indicate any reason as to why it was of the view that the authority issuing the notification lacked statutory power to issue the notification. Though the judgment runs to several pages, after noticing the rival submissions, the High Court in a very cryptic manner, disposed of the writ petition coming to the aforesaid view. **It is not the number of pages in a judgment which is relevant. It is on the other hand, the sufficiency of reasons indicated to justify the conclusions.** We may only add here that paras 28 and 29 of the judgment which are supposed to contain the conclusions are not only confusing, but also make little sense. They, to quote the immortal words of Lord Sumner in *R. v. Nat Bell Liquors Ltd.* [(1922) 2 AC 128 : 127 LT 437 (PC)] "speak only with the inscrutable face of a sphinx". It is "unspeaking*

*order” as classically described by Lord Cairns, IC in Overseers of the Poor of Walsall Overseers v. London & NWR Co. [(1878) 4 AC 30 : 39 LT 453 (HL)]
...”*

39. In **SBI v. AJAY KUMAR SOOD [(2023) 7 SCC 282]**, the Supreme Court laid down the important elements and the comprehensibility of a judgement as follows:

*“9. The judgment [SBI v. Labour Court, 2020 SCC OnLine HP 4325] of the Division Bench of the High Court of Himachal Pradesh is incomprehensible. This Court in appeal found it difficult to navigate through the maze of incomprehensible language in the decision of the High Court. **A litigant for whom the judgment is primarily meant would be placed in an even more difficult position. Untrained in the law, the litigant is confronted with language which is not heard, written or spoken in contemporary expression. Language of the kind in a judgment defeats the purpose of judicial writing. Judgment writing of the genre before us in appeal detracts from the efficacy of the judicial process. The purpose of judicial writing is not to confuse or confound the reader behind the veneer of complex language. The Judge must write to provide an easy-to-understand analysis of the issues of law and fact which arise for decision. Judgments are primarily meant for those whose cases are***

decided by Judges. Judgments of the High Courts and the Supreme Court also serve as precedents to guide future Benches. A judgment must make sense to those whose lives and affairs are affected by the outcome of the case. While a judgment is read by those as well who have training in the law, they do not represent the entire universe of discourse. Confidence in the judicial process is predicated on the trust which its written word generates. If the meaning of the written word is lost in language, the ability of the adjudicator to retain the trust of the reader is severely eroded.

12. In Shakuntala Shukla v. State of U.P. [Shakuntala Shukla v. State of U.P., (2021) 20 SCC 818 : 2021 SCC OnLine SC 672] as well, a two-Judge Bench of this Court, was faced with an order [Swami Nath Yadav v. State of U.P., 2018 SCC OnLine All 5465] of the High Court of Judicature at Allahabad which made it difficult to discern between the submissions of counsel and the reasons of the court. Laying emphasis on the purpose of a judgment, this Court elaborated on what should be the content of a judgment. The Court observed that : (Shakuntala Shukla case [Shakuntala Shukla v. State of U.P., (2021) 20 SCC 818 : 2021 SCC OnLine SC 672] , SCC para 9)

"9. ... 9.2. ... "Judgment" means a judicial opinion which tells the story of the case; what the case is about; how the court is resolving the case and why. "Judgment" is defined as any decision given by a

court on a question or questions or issue between the parties to a proceeding properly before court. It is also defined as the decision or the sentence of a court in a legal proceeding along with the reasoning of a Judge which leads him to his decision. The term "judgment" is loosely used as judicial opinion or decision. **Roslyn Atkinson, J., Supreme Court of Queensland, in her speech once stated that there are four purposes for any judgment that is written:**

(i) to spell out Judge's own thoughts;

(ii) to explain your decision to the parties;

(iii) to communicate the reasons for the decision to the public; and

(iv) to provide reasons for an appeal court to consider.

9.3. It is not adequate that a decision is accurate, it must also be reasonable, logical and easily comprehensible. ... What the court says, and how it says it, is equally important as what the court decides.

9.4. **Every judgment contains four basic elements and they are (i) statement of material (relevant) facts, (ii) legal issues or questions, (iii) deliberation to reach at decision, and (iv) the ratio or**

conclusive decision. A judgment should be coherent, systematic and logically organised. It should enable the reader to trace the fact to a logical conclusion on the basis of legal principles. It is pertinent to examine the important elements in a judgment in order to fully understand the art of reading a judgment. **In the Path of Law, Holmes, J. has stressed the insentient factors that persuade a Judge. A judgment has to formulate findings of fact, it has to decide what the relevant principles of law are, and it has to apply those legal principles to the facts. The important elements of a judgment are:**

(i) Caption

(ii) Case number and citation

(iii) Facts

(iv) Issues

(v) Summary of arguments by both the parties

(vi) Application of law

(vii) Final conclusive verdict

9.5. The judgment replicates the individuality of the Judge and therefore it is indispensable that it should be written with care and caution. The reasoning in the judgment should be intelligible and logical. Clarity and

precision should be the goal. All conclusions should be supported by reasons duly recorded. The findings and directions should be precise and specific.

Writing judgments is an art, though it involves skilful application of law and logic. We are conscious of the fact that the Judges may be overburdened with the pending cases and the arrears, but at the same time, quality can never be sacrificed for quantity. Unless judgment is not in a precise manner, it would not have a sweeping impact. There are some judgments that eventually get overruled because of lack of clarity.

Therefore, whenever a judgment is written, it should have clarity on facts; on submissions made on behalf of the rival parties; discussion on law points and thereafter reasoning and thereafter the ultimate conclusion and the findings and thereafter the operative portion of the order.

There must be a clarity on the final relief granted. A party to the litigation must know what actually he has got by way of final relief. The aforesaid aspects are to be borne in mind while writing the judgment, which would reduce the burden of the appellate court too. We have come across many judgments which lack clarity on facts, reasoning and the findings and many a times it is very difficult to appreciate what the learned Judge wants to convey through the

judgment and because of that, matters are required to be remanded for fresh consideration. **Therefore, it is desirable that the judgment should have a clarity, both on facts and law and on submissions, findings, reasonings and the ultimate relief granted."**

(emphasis supplied)

17. A judgment culminates in a conclusion. But its content represents the basis for the conclusion. A judgment is hence a manifestation of reason. The reasons provide the basis of the view which the decision-maker has espoused, of the balances which have been drawn. That is why reasons are crucial to the legitimacy of a Judge's work. They provide an insight into judicial analysis, explaining to the reader why what is written has been written. The reasons, as much as the final conclusion, are open to scrutiny. A judgment is written primarily for the parties in a forensic contest. The scrutiny is first and foremost by the person for whom the decision is meant — the conflicting parties before the court. At a secondary level, reasons furnish the basis for challenging a judicial outcome in a higher forum. The validity of the decision is tested by the underlying content and reasons. But there is more. Equally significant is the fact that a judgment speaks to the present and to the future. Judicial outcomes taken singularly or in

combination have an impact upon human lives. Hence, a judgment is amenable to wider critique and scrutiny, going beyond the immediate contest in a courtroom. Citizens, researchers and journalists continuously evaluate the work of courts as public institutions committed to governance under law. Judgment writing is hence a critical instrument in fostering the rule of law and in curbing rule by the law."

40. The Board contended before the writ court that W.P. 9784/2007, filed by the very same petitioners-landowners in W.P. 14723/2007 on the same subject matter, was disposed of as withdrawn vide order dated 02.09.2008 in terms of a memo stating that the State had dropped the acquisition proceedings over the subject lands in the said writ petition. We do not agree with the said contention. The order dated 02.09.2008 was disposed of as having become infructuous in terms of the memo filed by the Appellant No.2 – SLAO that the subject lands were excluded from acquisition proceedings. The writ petition was not withdrawn by the petitioners. The decision of the Supreme Court in **SARGUJA TRANSPORT SERVICE v. S.T.A.T. [(1987) 1 SCC 5]**, which was relied upon by the allottee-company in its objections before the writ court, is not applicable to the facts in the present case. Therefore, the

objection that, the principle of *res judicata* barred the landowner from filing the writ petition in W.P. 14723/2007 on the ground of suppression of material fact of filing the prior writ petition, is not tenable. In ***KAILASH CHAND SHARMA v. STATE OF RAJASTHAN (2025 SCC ONLINE RAJ 4219)***, the learned Single Judge of the Rajasthan High Court held as follows:

**"44. In support of the
aforementioned observations, it
would be prudent to place reliance
upon the dictum of the Hon'ble Apex
Court as enunciated in State (NCT of
Delhi) v. BSK Realtors LLP, (2024) 7
SCC 370 where it was held that it is
a well-settled principle of law that
the fact suppressed or concealed by
a party must be material in nature,
in the sense that such suppression
would have a bearing on the merits
of the case. A 'material fact', as
expounded by the Hon'ble Apex Court, in
this context denotes a fact that is
material for the purpose of determining
the lis between the parties. The logical
consequence of this principle is that the
materiality of the suppressed fact is to be
assessed in relation to its impact on the
grant or denial of the relief sought. In
instances, such as the present one,
where the suppressed fact is not material
for the determination of the dispute
between the parties entirely, especially
looking to the subsequent developments
(declaration of final result and issuance**

of appointment orders) as noted above, the court may not deem it appropriate to refuse the exercise of its discretionary jurisdiction. **It was further held that in situations where larger public interest is at stake, courts ought not to allow technicalities to be applied in a rigid or inflexible manner. Instead, in such cases, a more flexible and nuanced approach should be adopted by the courts in considering the implications of the suppression of facts.** The relevant extract of the dictum enunciated in BSK Realtors LLP (Supra) is reproduced herein-under:—

"25. The law, as we noticed aforesaid, aptly resolves the first issue. **Res judicata, as a technical legal principle, operates to prevent the same parties from relitigating the same issues that have already been conclusively determined by a court. However, it is crucial to note that the previous decision of this Court in the first round would not operate as res judicata to bar a decision on the lead matter and the other appeals; more so, because this Rule may not apply hard and fast in situations where larger public interest is at stake. In such cases, a more flexible approach ought to be adopted by courts, recognizing that certain matters transcend individual disputes and have far-reaching public interest implications.**"

45. At this juncture, this Court deems it appropriate to reference the dictum of the Hon'ble Apex Court as enunciated in National Confederation of Officers Association of Central Public Sector Enterprises v. Union of India, (2022) 4 SCC 764, where the Hon'ble Apex Court held that the principle of res judicata would not apply when there was no decision on the merits of the case in a previous petition. In essence, the Hon'ble Court clarified that the previous dismissal of a similar petition did not involve a substantive adjudication on merits. Therefore, the principle of res judicata would not bar the subsequent litigation. Similarly, upon a corresponding application of the said holding in the present factual matrix of the case at hand, it becomes glaringly obvious that S.B. CWP No. 7264/2022 was withdrawn without having any discussion/adjudication on the merits of the prayers sought, which have also been significantly altered since the declaration of the impugned final result dated 01.06.2023.

48. Therefore, upon undertaking a cumulative consideration of the observations delineated herein above, it becomes conclusively evident that within the factual context of the present batch of writ petitions, when juxtaposed with the petition previously filed in the Year 2022, what emerges is an 'omission' on the part of the petitioners rather than a 'material concealment'. This is because the omission in question does not possess the requisite power

or magnitude to substantially impact or resolve the lis presently before this Court. Furthermore, the bar of constructive res judicata shall also not be applicable in the facts and circumstances of the present case.

This is owing to the fact that the petition withdrawn in the Year 2022 did not involve an adjudication on the merits of the prayers sought therein. Additionally, the prayers in the present petitions are noted to be unidentical to those in the previously withdrawn petition. Hence, given that the previous petition was merely withdrawn without any adjudication on the merits, it does not operate as a bar to the present proceedings and being adjudicated upon.

Thus, the mere fact that the landowners 'omitted' in mentioning the filing of the prior writ petition does not bar them from filing subsequent writ petition before the writ court.

41. The observations of the Supreme Court in **STATE BANK OF INDIA v. AJAY KUMAR SOOD [(2023) 7 SCC 282]** underscore that a judgment is essentially a manifestation of reason, designed to convey a clear, logical, and intelligible resolution of the dispute to the litigants and the public at large. Adherence to these principles requires that judicial writing refrain from sweeping, unreasoned generalizations and instead deliver an articulate analysis that squarely resolves the distinct

legal issues and factual complexities before the Court. In the present batch of appeals, the learned Single Judge passed a blanket quashing order without evaluating the specific preliminary and additional objections filed by the Board and the allottees, thereby failing to provide the transparent legal reasoning mandated by the Supreme Court. To uphold the integrity of the judicial process, this Court must supply that missing analysis by measuring the statutory delay under the KIAD Act against the doctrine of severability and the established principles of laches.

42. It is trite law that when a statute does not prescribe a specific time limit for the exercise of statutory power, such power must nevertheless be exercised within a reasonable timeframe. Under Section 28 of the KIAD Act, 1966, while the statute operates as a self-contained code without a fixed statutory deadline between the Section 28(1) Preliminary Notification and the Section 28(4) Final Declaration, the acquiring authority cannot keep land acquisition proceedings hanging indefinitely to the detriment of landowners. As settled by a Division Bench of this Court in **H.N. SHIVANNA v. STATE OF KARNATAKA** (*Supra*), a period of roughly two years

constitutes a reasonable timeframe to issue a final declaration unless delayed by court orders or genuine hurdles. In the present case, an unexplained delay of 3 years and 8 months elapsed between the Preliminary Notification dated 27.08.2003 and the Final Declaration dated 14.05.2007. This lethargic inaction on the part of the State breaks the statutory connectivity, rendering the acquisition proceedings stale, arbitrary, and legally unsustainable as against landowners who seasonably raised their grievances.

43. However, the Court cannot turn a blind eye to the subsequent developments and the distinct categories of landowners involved. The doctrine of severability allows this Court to strike down the acquisition to the extent of its statutory infirmity while preserving completed transactions that have attained finality. A clear distinction must be drawn between those contesting landowners who actively challenged the notifications and those who either accepted compensation without protest, withdrew their challenges, or never approached the Court. Landowners who accepted agreed compensation under Section 29(2) or allowed possession to be taken without timely demur are barred by the principles of

estoppel and laches. As rightly contended by the Settled acquisitions cannot be unsettled at their instance after significant time lapses and infrastructural developments. Consequently, the delay in issuing the Section 28(4) declaration vitiates the acquisition only in respect of the lands belonging to active, contesting petitioners who have steadfastly prosecuted their claims and declined compensation.

44. Furthermore, this Court must address the findings of the learned Single Judges in their orders dated 15.12.2010 and 12.11.2013 i.e., the impugned order, regarding the public purpose of the acquisition. The learned Single Judges observed that utilizing the machinery of the KIAD Act to identify and allot lands to specific private entities — often prior to the issuance of the Final Declaration — cannot qualify as a bona fide "public purpose" and represents a misuse of statutory power. The contesting landowners have placed reliance on the decision of this Court dated 10.04.2026 in **KRISHNAREDDY & ORS. v. STATE OF KARNATAKA & ORS.** (W.A. 99/2013 & connected matters), which forcefully reiterated that public purpose cannot be employed as a mere garb to facilitate the acquisition of private lands for the ultimate benefit of private beneficiaries.

While the legal principle articulated in **KRISHNAREDDY** (*Supra*) remains an unquestionable safeguard against expropriatory arbitrariness, its rigid application in the present factual matrix must be balanced against the overarching demands of equity.

45. Judicial intervention under Article 226 is inherently guided by principles of equity, justice, and good conscience. Even where procedural irregularities exist, such as the premature identification or allotment of lands to private beneficiaries prior to the Section 28(4) notification, a court of equity cannot ignore decades of intervening ground realities. Where industrial projects have already been set up, third-party rights have accrued, and substantial compensation has been disbursed to and accepted by consenting landowners, striking down the entire scheme *in toto* would work grave injustice and cause uncompensated disruption. Therefore, while acknowledging the constitutional principles laid down in **KRISHNAREDDY** (*Supra*), equity demands a modified order that harmonizes legal dogma with pragmatic reality.

46. In view of the foregoing analysis, the Writ Appeals are partly allowed. The impugned common order of the learned Single Judge dated 12.11.2013 is modified accordingly. The Preliminary Notification dated 27.08.2003 and Final Declaration dated 14.05.2007 are quashed *pro tanto* solely to the extent of the lands belonging to the contesting petitioners who have continuously prosecuted their writ petitions and have not accepted compensation. The possession of the lands covered under the quashed portion shall revert to the respective contesting landowners, provided that in the event any such landowner has drawn compensation during the pendency of proceedings, restitution shall be subject to refunding the entire compensation amount with interest @ 6% per annum to KIADB within eight weeks from the date of this order. Conversely, the acquisition proceedings, vesting of lands, and subsequent allotments in respect of landowners who accepted compensation, surrendered possession, or did not challenge the notifications are upheld as valid and complete. Finally, lands where allotments stand cancelled or where third-party allottees have withdrawn their funds from KIADB shall automatically revert to their original owners, subject to the condition of

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returning any compensation received along with interest @ 6% per annum.

Pending Interlocutory Applications, if any, do not survive for consideration and accordingly, they stand disposed of.

**SD/-
(D K SINGH)
JUDGE**

**SD/-
(H.SHANTHI BHUSHAN)
JUDGE**

BKV
CT:SN