



IN THE HIGH COURT OF KARNATAKA AT
BANGALORE

DATED THIS THE 22nd DAY OF JULY 2014

BEFORE:

THE HON'BLE MR. JUSTICE ANAND BYRAREDDY

WRIT PETITION No. 4550 OF 2008 (LA-BDA)

CONNECTED WITH

WRIT PETITION No.16120 OF 2007 (LA-BDA)

WRIT PETITION No.18037 OF 2007 (LA-BDA)

WRIT PETITION Nos.49622-49721 OF 2012 (LA-BDA)

WRIT PETITION No.45444 OF 2012 (LA-BDA)

WRIT PETITION No.12340 OF 2008 (LA-BDA)

WRIT PETITION No.6199 OF 2008 (LA-BDA)

WRIT PETITION No.566 OF 2008 (LA-BDA)

WRIT PETITION No.726 OF 2008 (LA-BDA)

WRIT PETITION No.11651 OF 2008 (LA-BDA)

WRIT PETITION No.20340 OF 2007 (LA-BDA)

WRIT PETITION No.19293 OF 2007 (LA-BDA)

WRIT PETITION No.19651 OF 2007 (LA-BDA)

WRIT PETITION No.9975 OF 2008 (LA-BDA)

WRIT PETITION No.10126 OF 2010 (BDA)

WRIT PETITION No.10071 OF 2007 (LA-BDA)

WRIT PETITION No.10098 OF 2007 (LA-BDA)

WRIT PETITION No.19984 OF 2007 (LA-BDA)

WRIT PETITION No. 13321 OF 2008 (LA-BDA)

WRIT PETITION No.10548 OF 2008 (LA-BDA)

WRIT PETITION No.400 OF 2009 (LA-BDA)

WRIT PETITION Nos.19148-19152 & 25423-25425 OF
2009(LA-BDA)

WRIT PETITION No.22461 OF 2009 (LA-BDA)
WRIT PETITION Nos.3645-48 OF 2010 (LA-BDA)
WRIT PETITION No.890 OF 2008 (LA-BDA)
WRIT PETITION No.11921 OF 2009 (LA-BDA)
WRIT PETITION No.12339 OF 2008 (LA-BDA)
WRIT PETITION No.17416 OF 2007 (LA-BDA)
WRIT PETITION No.20187 OF 2007 (LA-BDA)
WRIT PETITION No.20159 OF 2007 (LA-BDA)
WRIT PETITION No.11653 OF 2008 (LA-BDA)
WRIT PETITION No.19603 OF 2007 (LA-BDA)
WRIT PETITION No.20161 OF 2007 (LA-BDA)
WRIT PETITION No.14579 OF 2007 (LA-BDA)
WRIT PETITION No.16257 OF 2007 (LA-BDA)
WRIT PETITION Nos.17763 AND 21993-21997 OF 2012
(LA-BDA)

IN W.P.No.4550 OF 2008

BETWEEN:

1. Sri. Sudhakar Hegde,
Son of Late Kunjanna Shetty,
Aged about 59 years,
2. Smt. Ranjintha Hegde,
Wife of Sudhakar Hegde,
Aged about 45 years,

Both are residing at
No.948, 6th Cross,
Asha Town Ship,
Bilishivale Village,
Dodda Gubbi (Post),
Bangalore – 560 049.

...PETITIONERS

(By Shri. Padmanabha V Mahale, Senior Advocate for
Shri. Hareesh Bhandary .T, Advocate)

AND:

1. State of Karnataka,
Represented by its Secretary,
Housing and Urban Development,
M.S.Buildings,
Bangalore – 560 001,
2. Bangalore Development Authority,
Represented by its Commissioner,
T. Chowdaiah Road,
(Sankey Tanki Road)
Bangalore.
3. The Land Acquisition Officer,
Bangalore Development Authority,
T. Chowdaiah Road,
Bangalore.

...RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for
Respondent No.1
Shri I.G.Gachchinamath, Advocate for Respondent Nos.2and 3)

This Writ Petition filed under Articles 226 and 227 of the
Constitution of India, praying to quash the notifications dated
15.11.2006 issued by third respondent vide Annexure-N and
notification dated 29.6.2007 vide Annexure-O respectively, in
respect of the petitioners land situated in 11/1 of Billishivale
village, site bearing No.948, house list khatha No.183, Asha
Township 6th 'A' Cross, Bidarahalli Hobli, Bangalore East

Taluk, Bangalore, measuring East to West 112 feet, North to South 80 feet in all measuring 8960 sq. ft. and bounded on the east by: 6th Cross Road, west by : Private Property, North by: site No.947, south by: site no.949.

IN W.P.No.16120 OF 2007

BETWEEN:

1. Sri. M.Venkat Reddy,
Son of Venkatarama Reddy,
Aged 41 years,
Residing at No.8/201,
2nd Cross, 'B' Block,
AECS Layout,
Kundalahalli,
Bangalore – 560 037.
2. Sri. M.M.Venkatesh Kumar,
Son of L. Mohan Reddy,
Aged 39 years,
Residing at No.586/51,
10th Cross, Kanakapura Main Road,
7th Block, Jayanagar West,
Bangalore – 560 082.

...PETITIONERS

(By Shri. P. Krishnappa, Advocate)

AND:

1. The State of Karnataka,
Housing and Development Board
Department, represented by
Secretary, M.S.Buildings,
Vidhana Veedhi,

Bangalore – 560 001.

2. The Commissioner,
Bangalore Development Authority,
Kumara Park West,
Bangalore – 560 020. ...RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for
Respondent No.1
Shri. B.V. Shankaranarayana Rao, Advocate for Respondent
No.2)

This Writ Petition filed under Articles 226 and 227 of the
Constitution of India praying to quash the preliminary
notification issued by the second respondent, dated 15.11.2006,
and published in the Gazette dated 16.11.2006, so far it relates
to formation of Peripheral Ring Road with providing truck
terminals, BMTC Depot, which is produced and marked as
Annexure-F and etc;

IN W.P.No.18037 OF 2007

BETWEEN:

Sri. B.M. Nagaraj,
Son of Mudda Reddy,
Aged about 45 years,
Residing at No.2, A.C.Complex,
Suddaguntepalya,
D.R.C.Post,
Bangalore – 560 029.

...PETITIONER

(By Shri. Jayakumar S Patil, Senior Advocate for Shri. Devi
Prasad Shetty, Advocate)

AND:

1. The State of Karnataka,
Housing and Development Board
Department, M.S.Buildings,
Vidhana Veedhi,
Bangalore – 560 001.
represented by its Principal Secretary.
2. The Commissioner,
Bangalore Development Authority,
Kumara Park West,
Bangalore – 560 020. ...RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for
Respondent No.1
Shri. Basavaraj V Sabarad, Advocate for Respondent No.2)

This Writ Petition filed under Articles 226 and 227 of the
Constitution of India praying to quash the preliminary
notification issued by the second respondent, dated 15.11.2006,
and published in the Gazette dated 16.11.2006, so far it relates
to formation of Peripheral Ring Road with providing truck
terminals, BMTC Depot, which is produced and marked as
Annexure-J and etc;

W.P.Nos 49622-49721 OF 2012

BETWEEN:

1. Sri. S. Shankar,
Aged about 68 years,
Son of Late Seetharamaiah,
#108, Nagananda Nilaya,

Vishwaprkruthi Layout,
Maruthinagar II Division,
Yelahanka,
Bangalore – 560 064.

2. Sri. H. Rajagopal Reddy,
Aged about 45 years,
Son of V.N. Hanumanth Reddy,
#24, II Floor,
Vishveswaraiah Layout,
Maruthinagar II Division,
Yelahanka,
Bangalore – 560 064.
3. Sri. H.V. Venugopal,
Aged about 58 years,
Son of Late HG Venkatasubbaiah,
#410, 1st Main Road,
Hebbal, Bangalore – 560 024.
4. Sri. Rebbinon,
Aged about 69 years,
Son of Vardarajulu,
Secretary,
Beersheba Assembly of God Church,
#97 and 98,
Vishwaprkruthi Layout,
Maruthinagar II Division,
Yelahanka,
Bangalore – 560 064.
5. Smt. Seetha Narsimhan,
Aged about 73 years,
#318, Palanahalli,
Yelahanka,

Bangalore – 560 064.

6. Smt. R. Vasantha,
Aged about 68 years,
Son of T.V. Aananthakrishnan,
#105, Vishwaprakruthi Layout,
Maruthinagar II Division,
Yelahanka,
Bangalore – 560 064.
7. Sri. Abdul Rehman,
Aged about 54 years,
Son of Late K. Mohammad Abdulla,
#27, Ex-Servicemen Colony,
R.T.Nagar, Bangalore – 560 032.
8. Smt. K. Rajeswari,
Aged about 68 years,
Wife of Thrimesh,
#1, 2nd Gullappa Cross,
Sampige Road,
Kullappa Circle,
Kammanahalli,
Bangalore – 560 033.
9. Sri. H. Madaiah,
Aged about 54 years,
Son of Doddaiah,
Bharathi Nagar, HM Halli Post,
Bangalore – 560 057.
10. Sri. N. Arun,
Aged about 37 years,
Son of D.N.Murthy,
#873, Indira Nilaya,

10th Cross, 3rd Main Road,
Gokula, Bangalore – 560 054.

11. Sri. Vittal Puthraya,
Aged about 55 years,
Son of Krishna Puthraya,
#2475, 15th Main Road,
2nd Stage, Kumaraswamy Layout,
Bangalore – 560 078.
12. Sri. S. Narayanan,
Aged about 47 years,
c/o. S.N. Sundaram,
#44, Devi Krupa, 2nd E Cross,
Hanumanthappa Layout,
Sultanpalya,
Bangalore – 560 032.
13. Smt. Lakshmi Iyer,
Aged about 46 years,
C/o. S.N. Sundaram,
#44, Devi Krupa, 2nd E Cross,
Hanumanthappa Layout,
Sultanpalya,
Bangalore – 560 032.
14. Smt. Rajalakshmi Hariharan,
Aged about 57 years,
C/o. S.N. Sundaram,
#44, Devi Krupa, 2nd E Cross,
Hanumanthappa Layout,
Sultanpalya,
Bangalore – 560 032.

15. Sri. V N S Anantha Narayanan,
Aged about 54 years,
C/o. S.N. Sundaram,
#44, Devi Krupa, 2nd E Cross,
Hanumanthappa Layout,
Sultanpalya,
Bangalore – 560 032.
16. Sri. P.V. Ramachandran,
Aged about 70 years,
Son of Late Raman Nair,
Flat No.3, Plot No.52A,
2nd Cross, GKW Layout,
Vijaynagar,
Bangalore – 560 040.
17. Dr. Bhavani,
Aged about 40 years,
C/o. Mrs. Parvathi Parameswara,
#1218, 4th Main Road,
E Block, 2nd Stage,
Rajajinagar,
Bangalore – 560 010.
18. Sri. P.V. Shivshankar,
Aged about 67 years,
Son of Late Raman Nair,
#53, Alkananda Apartment,
2nd Main Road, Coconut Garden,
Nagarbhavi,
Bangalore – 560 072.
19. Smt. Gayathri Devi A.C,
Wife of S. Ramesh Kumar,
#552, 16th Cross,

Indrianagar 2nd Stage,
Bangalore – 560 038.

20. Smt. Subbamma,
Aged about 53 years,
Wife of V. Madaiah,
#12, Bharathi Nagar,
HM Halli Post,
Bangalore – 560 057.
21. Smt. S.M. Premalatha,
Aged about 43 years,
Wife of Shivalingappa,
#36, Viswaprakruthi Layout,
Maruthinagar II Division,
Yelahanka,
Bangalore – 560 064.
22. Sri. C.V. Ramakrishna,
Aged about 62 years,
Represented by GPA Holder,
Sri C.V. Parshuram,
#411, Vignesh, 8th Main,
BDA Layout, Avalahalli,
Girinagar,
BSK III Stage,
Bangalore – 560 085,
Represented by his GPA holder
Sri Parasurama
23. Smt. K.R. Vijaya Narayanan,
Aged about 40 years,
Wife of S. Narayanan,
#44, Devi Krupa, 2nd E Cross,
Hanumanthappa Layout,

Sultanpalya,
Bangalore – 560 032.

24. Sri. Venkatramana Mohan Iyer,
Aged about 51 years,
Son of M. Seetharaman,
#44, Devi Krupa, 2nd E Cross,
Hanumanthappa Layout,
Sultanpalya,
Bangalore – 560 032.
25. Smt. Mohanamba,
Aged about 59 years,
Wife of Shivaji Rao,
#2, Ground Floor,
8th Cross, 8th Main,
SBM Colony, Brindavan Nagar,
Mathikere,
Bangalore – 560 054.
26. Sri. R. Krishnakumar,
Aged 49 years,
Son of P.K. Ramachandran,
#1196, Dr. Ambedkar Layout,
Kavalbyrasandra Road,
Bangalore – 560 032.
27. Sri. R. Raghunath,
Aged about 47 years,
Son of P.K. Ramachandran,
#1196, Dr. Ambedkar Layout,
Kavalbyrasandra Road,
Bangalore – 560 032.
28. Sri. M. Venkateshwarlu,

Aged about 37 years,
Son of M Konka Reddy,
#15, Bharathi Nagar,
Opp. Sneha Complex,
HM Halli Post, Bangalore – 560 057.

29. Sri. R. Ramesh,
Aged about 38 years,
Son of Sreeramulu Naidu,
#13, D Rukmini Nilaya,
Near Maruthieswara Temple,
Maruthi Nagar, Papanna Layout,
Bangalore – 560 064.
30. Smt. Leelavathi,
Aged about 33 years,
Wife of R. Ramesh,
#13, D Rukmini Nilaya,
Near Maruthieswara Temple,
Maruthi Nagar, Papanna Layout,
Bangalore – 560 064.
31. Sri. Srinivasulu,
Aged about 70 years,
Son of Penchalaiah,
#120, Bharathi Nagar,
HM Halli Post,
Bangalore – 560 057.
32. Sri. K. Maheeja,
Aged about 32 years,
Son of Mallikarjuna Rao,
#6, 5th Cross, Ramaiah Layout,
Kammanahalli Main Road,
Bangalore – 560 084.

33. Sri. K.B. Sandesh,
Aged about 23 years,
Son of K.S. Balachandran,
#321, 11th Main,
1st Stage, 2nd Block,
Banashankari, Bangalore – 560 050.
34. Sri. K.S. Varadamurthi,
Aged about 45 years,
Son of K.S. Balakrishna,
#34, 1st C Main, 6th Cross,
BTM Layout, Bangalore – 560 076.
35. Smt. Maya Suresh Bhat,
Aged about 46 years,
Wife of Suresh M Bhat,
#75 A, Sri Mathru Kripa,
31st Cross, 2nd Block,
Rajajinagar,
Bangalore – 560 010.
36. Sri. Shankar .S,
Aged about 58 years,
Son of Late M Shamanna,
#6, 2nd Cross, Verma Layout Extension,
Opposite R R Towers,
Amruth Nagar,
Bangalore – 560 024.
37. Smt. N. Prabhavathi,
Aged about 45 years,
Wife of S. Shankar,
#6, 2nd Cross, Verma Layout Extension,
Opposite R R Towers,

Amruth Nagar,
Bangalore – 560 024.

38. Smt. Madhu Upadhye,
Aged about 35 years,
Daughter of Arvind S Upadhye,
#44/1, 5th Main Road,
Opposite Cha Cha Nehru Park,
Jayamahall Extension,
Bangalore – 560 046.
39. Smt. Prabha S Upadhye,
Aged about 67 years,
Daughter of Sripal S Upadhye,
#44, 4th Main Road,
Sree Nilaya, Jayamahall Extension,
Bangalore – 560 046.
40. Smt. K.P. Vyjayanthi,
Aged about 48 years,
Wife of Narsimha Babu,
#15, Rajeswari Layout,
TC Palya Main Road,
Rammurthy Nagara,
Bangalore – 560 036.
41. Smt. H.S. Janaki,
Aged about 69 years,
Wife of Late Krishnadas M,
#123, Daddy's South Board,
Thammasandra Road,
Hebbagodi,
Bangalore.
42. Sri. K. Ravi,

Aged about 47years,
M/s. Ravi Medicals, Rajendra Nagara,
Opposite Sridhar Nursing Home,
Shimoga – 577 204.

43. Sri K Mohan,
Aged about 51 years,
M/s. Ravi Medicals, Rajendra Nagara,
Opposite Sridhar Nursing Home,
Shimoga – 577 204.
44. Sri. N. Narasanna,
Aged about 62 years,
Son of B Narayana Shetty,
£No 86, 5th Cross,
D.V. Gundappa Road,
Telecom Layout, Vidyaranyapura Post,
Bangalore – 560 097.
45. Smt. S. Shashikala,
Aged about 36 years,
Daughter of Subhash S Sanka
£ 31, 7th Cross, Krurubarahalli,
Mahalakshmpuram Post,
Bangalore – 560 086.
46. Sri. K.R.Naveen Kumar,
Aged about 43 yearse,
Son of K. Raghunathshah,
#24, Rangaswamy Temple Street,
Bangalore – 560 053.
47. Sri. K.S.Sridhar,
Aged about 49 years,
Son of K. Shahjanand,

#24, Rangaswamy Temple Street,
Bangalore – 560 053.

48. Sri. P. Rajendran,
Aged about 48 years,
Son of Late V Perumal,
#24, Balaji Layout,
Maruthi Nagar,
II Division, Yelahanka,
Bangalore – 560 064.
49. Sri. N Shivakumar,
Aged about 38 years,
Son of G Nagabhushana Rao,
79, Balaji Layout,
Maruthi Nagar,
II Division, Yelahanka,
Bangalore – 560 064.
50. Sri. H. Keshavamurthy,
Aged about 56 years,
Son of Hanumanchachar,
#66, Balaji Layout,
Maruthi Nagar,
II Division, Yelahanka,
Bangalore – 560 064.
51. Sri. H Byrappa,
Aged about 67 years,
Son of Late Hanumanthappa,
#58, Balaji Layout,
Maruthi Nagar,
II Division, Yelahanka,
Bangalore – 560 064.

52. Sri. L A Lumen,
Aged about 70 years,
Son of A.S. Anthony,
#5/1, 2nd Cross, Pemmegowda Road,
J C Nagar, Bangalore – 560 006.
53. Sri. V.S.Kadam,
Aged about 77 years,
GPA Holder for Ruchita A Saluke,
#68-B, 21st Cross, 2nd Block,
Rajajinagar, Bangalore – 560 010.
54. Sri. B G S Shastry,
Aged about 55 years,
Son of Late B Ganesha Shastry,
#2, Swarnamba Krupa, 2nd Cross,
2nd Main, MICO Layout,
Mahalakshmpuram,
Bangalore – 560 086.
55. Sri. H Vamadevappa,
Aged about 46 years,
Son of Ramappa H,
195, Utsavamba Nilaya,
Basavalingappa Layout,
Chikkabettahalli,
Near Sambram Engineering College,
Vidyaranya pura (P.O)
Bangalore – 560 097.
56. Smt. Chandramma,
Aged about 56 years,
Wife of Y L Krishnappa,
#76, Balaji Layout,
Maruthi Nagar II Division,

Yelahanka, Bangalore – 560 064.

57. Smt.Latha Neelakantan,
Aged about 38 years,
Wife of Late N Neelakantan,
#82, Balaji Layout,
Maruthi Nagar II Division,
Yelahanka, Bangalore – 560 064.
58. Sri. B.A. Shanthakumar,
Aged about 40 years,
Son of N Anantharamaiah,
#69, Balaji Layout,
Maruthi Nagar II Division,
Yelahanka, Bangalore – 560 064.
59. Sri. C.S. Thimaiah,
Aged about 68 years,
Son of Subbaiah,
65, Balaji Layout,
Maruthi Nagar II Division,
Yelahanka, Bangalore – 560 064.
60. Sri. Lokesh,
Aged about 49 years,
Son of Sheshappa,
#58, Balaji Layout,
Maruthi Nagar II Division,
Yelahanka, Bangalore – 560 064.
61. Sri. Probal Ray,
Aged about 37 years,
GPA Holder for Kalyan Choudhary,
#62, Balaji Layout,
Maruthi Nagar II Division,

Yelahanka, Bangalore – 560 064.

62. Sri. S.E. Rangaswamy,
Aged about 54 years,
Son of Venkataramanappa,
#34, 1st Cross, 2nd Main,
Venkatappa Layout,
Maruthinagar, Venkata,
Bangalore – 560 064.
63. Smt. Sudha N Kshirasagar,
Aged about 41 years,
Wife of Nagabhushan Rao R,
#581, 17th Cross, Indiranagar,
Bangalore – 560 038.
64. Smt. Shoba S Rao,
Aged about 43 years,
Wife of R Sajjan Rao,
581, 17th Cross, Indiranagar,
Bangalore – 560 038.
65. Smt. Manjula Reddy,
Aged about 37 years,
Daughter of G.V.K.Reddy,
#1848, 2nd Main, 6th Cross,
HAL 3rd Stage, New Thippasandra,
Bangalore – 560 075.
Represented by her GPA Holder
GVK Reddy.
66. Smt. N Dhanalakshmi,
Aged about 47 years,
Wife of Sudarshan,
#74, Masti Road,

Visveswaraiah Layout,
Maruthi Nagar II Division,
Yelahanka, Bangalore – 560 064.

67. Sri. N Ravi,
Aged about 49 years,
Son of Narayanachar,
#63, 18th Cross, Muthyalnagara,
Bangalore – 560 054.
68. Sri Narsimhamurthy,
Aged about 48 years,
Son of Venkatswamappa,
#75, Sumuka, Masti Road,
Visveswaraiah Layout,
Maruthi Nagar II Division,
Yelahanka, Bangalore – 560 064.
69. Sri. Bharadwaj,
Aged about 69 years,
Son of N. Narayanswamy,
#60, Masti Road,
Visveswaraiah Layout,
Maruthi Nagar II Division,
Yelahanka, Bangalore – 560 064.
70. Smt. K Lalitha,
Aged about 54 years,
Wife of R B Kodandaraman,
#142, 4th Cross, Nagappa Block,
Near Angala Parmeshwari Temple,
Srirampuram,
Bangalore – 560 020.
71. Sri .Mubarak N Zhad,

Aged about 34 years,
c/o. Rahmathulla,
#17, 2nd Main, 2nd Cross,
Cauverynagar,
Bangalore – 560 032.

72. Sri P Purushotham,
Aged about 57 years,
Son of Veerappa,
#57/18, 2nd A Cross,
Mohammed Layout,
Bhoopasandra RMV 2nd Stage,
Bangalore – 560 094.
73. Smt. N G Lalithamma,
Aged about 78 years,
Wife of Sethuram,
#37, 1st R Block, Rajajinagar,
Bangalore – 560 010.
74. Smt. Y.K. Induamthi,
Aged about 28 years,
Wife of G Srinivas,
#76, Balaji Layout,
Maruthi Nagar II Division,
Yelahanka, Bangalore – 560 064.
75. Sri. T.K. Girigowda,
Aged about 28 years,
Son of Kalasappa Gowda,
#62, Visweswaraiah Layout,
Maruthi Nagar II Division,
Yelahanka, Bangalore – 560 094.
76. Sri G Devaraju,

Aged about 39 years,
Son of Govindappa,
#58/1, Yeshodhanagar,
Bellary Road, Opp. Jakkur Aerodrome,
Bangalore – 560 064.

77. Smt. Sujatha Agnihotri,
Aged about 36 years,
Wife of Sunil Kumar Prasad,
#10/1, Gundulu Muneshwara Temple Road,
R.T.Nagar, Bangalore – 560 032.
78. Sri. Nanjappa,
Aged about 67 years,
Son of Late Siddaiah,
#83, 5th B Main, Narayanappa Block,
R T Nagar, Bangalore – 560 032.
79. Smt. Malini Srinivas,
Aged about 47 years,
Wife of M Srinivas,
#18, 5th Mian,
'Ganganagar Extension',
Bangalore – 560 032.
80. Sri. R Srinivasan,
Aged about 52 years,
Son of B H Rajanna,
Shakthi, 17-2, 3rd Main,
S.K. Garden,
Benson Town, Bangalore – 560 046.
81. Smt. Manjula Srinivasan,
Aged about 50 years,
Wife of R Srinivasan,

Shakthi, 17-2, 3rd Main,
S.K. Garden,
Benson Town, Bangalore – 560 046.

82. Sri. B Ashok Kumar,
Aged about 47 years,
Son of Late B Shankar Rao,
Sapthagiri Kalyan Mantapa (Back)
Byreswara Nagara,
Nelamangala,
Bangalore Rural.
83. Sri. M G Lokanna Rao,
Aged about 58 years,
Son of Late Gurappa Rao,
#21, 28th Cross, 1st Main,
Maruthinagar II Division,
Yelahanka , Bangalore – 560 064.
84. Smt. Siddagamma,
Aged about 45 years,
Wife of Late Basavaraj,
#181/2, 2nd Allotment,
3rd Main, 1st Cross,
Maruthinagar,
Yelahanka , Bangalore – 560 064.
85. Sri. Dinesh S R
Aged about 36 years,
Son of K Sindukumara Nair,
#131, Seahills, 3rd Main,
8th Cross, Maruthinagar,
Yelahanka,
Bangalore – 560 604.
86. Sri. Gireesh Kumar P,

Aged about 42 years,
Son of P N Ramachandran Pillai,
#1, Sathalanilayam, 24th Cross,
Maruthi Nagar, Palanahalli Thotta,
Yelahanka, Bangalore – 560 064.

87. Sri. K P Narsimhamurthy,
Aged about 49 years,
Son of Pillappa,
Old Post Office Road,
Muninagappa Street,
Lalithamma Building,
Yelahanka,
Bangalore -- 560 064.
88. Smt. Sulochana,
Wife of Late M Krishnamurthy,
Aged about 62 years,
Daughter of Late Muniswamy,
#17/229, Venkatala Village,
Yelahanka, Bangalore – 560 064.
89. Smt. G S Indira,
Wife of Sinivasa Murthy,
Aged about 75 years,
#25/7, 6th Main,
K G Nagar, Bangalore – 560 019.
90. Smt. Susheela,
Wife of Kiranchand Nahar,
Aged about 48 years,
#209/2, Rama Iyengar Road,
V V Puram, Bangalore – 560 014.
91. Sri P Rakesh Kumar,

Son of S. Prakashchand,
Aged about 29 years,
And Sri. G. Rahul Kumar,
Son of Sri. G Goutham Chand,
Aged about 24 years,
#25, Chowdappa Layout,
Shanthy Nagar,
Bangalore – 560 027.

92. Sri Dinesh Kumar,
Son of Motilal Daha,
Aged about 30 years,
#208, Ashoka Road,
Mysore – 570 001.
93. Smt. K V Padma,
Wife of R Shankar,
Aged about 56 years,
#18/3, Gangadhar Chetty Road,
Bangalore – 560 042.
94. Sri S Sandeep,
Son of Late Shanmukha Swamy,
Aged about 47 years,
#9, 4th Cross, M G Road,
Tumkur – 572 101.
95. Sri. G Prakash,
Son of G I Srinivas Murthy,
Aged about 55 years,
#C-3, Sheltar, B Main Road,
BCC Layout, Jayanagar 4th T Block,
Bangalore – 560 041.
96. Sri V Kiran,

Son of B R Vijaya Narasimhan,
Aged about 33 years,
#12/1, A (new 12/2) BRV Layout,
Kumara Park West,
Bangalore – 560 020.

97. Sri. M. Ramachandrappa,
Son of Late M Venkataramaiah,
Aged about 75 years,
No.141, Bestara Street Cross,
Yelahanka Old Town,
Bangalore – 560 064.

98. M. Chinnaraju,
Aged about 73 years,
Son of Late M Venkataraju,
No.196, Bestara Street,
Yelahanka,
Bangalore – 560 064.

99. M. Ramakrishnappa,
Aged about 71 years,
Bestara Street,
Yelahanka,
Bangalore – 560 064.

...PETITIONERS

(By Shri. D.R. Ravishankar, Advocate)

AND:

1. The State of Karnataka,
By the Secretary to the Housing
And Urban Development Department,
M.S.Buildings, Ambedkar Beedhi,
Bangalore – 560 001.

2. The Bangalore Development Authority,
Kumara Park (West),
Bangalore,
Represented by its Commissioner.
3. The Town Planner Member,
Bangalore Development Authority,
Kumara Park (West),
Bangalore – 560 020. ...RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for Respondent No.1
Shri. C.R. Gopaldaswamy, Advocate for Respondent Nos. 2 and 3)

These Writ Petitions filed under Articles 226 and 227 of the Constitution of India praying to call for the records from the second respondent leading to the resolution No.91/05 dated 29.6.2005 and Resolution No.146/2006 dated 7.11.2006 and to quash the Annexure-A the provisionally approved master plan dated 10.6.2005 and Annexure-J the master plan approved by the State Government- R1, dated 26.6.2007.

IN W.P.No.45444 OF 2012

BETWEEN:

Sri. S Narayan,
Son of Late Siddappa,
Aged about 52 years,
Residing at No.32/2,
18th Cross, 8th Main,
Sadashivanagar,

Bangalore – 560 080.

..PETITIONER

(By Shri. K.S. Nagaraja Rao, Advocate)

AND:

1. The State of Karnataka,
Department of Urban Development
M.S.Building,
Bangalore – 560 001.
By its Secretary.
2. The Commissioner,
Bangalore Development Authority,
Kumara Park West,
Bangalore – 560 020.
3. The Special Land Acquisition Officer,
Bangalore Development Authority,
Kumara Park West,
Bangalore – 560 020.

...RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for Respondent No.1

Shri. C.R. Gopalswamy, Advocate for Respondent Nos.2 and 3)

This Writ Petition filed under Articles 226 and 227 of the Constitution of India, praying to quash the preliminary notification under Section 17(1) and (3) of the BDA Act 1976 dated 23.9.2005 Gazetted on 27.9.2005 vide Annexure-E and declaration dated 29.6.2007 Gazetted on 3.7.2007 at Annexure-F in view of non-execution of the scheme under the said notifications within five years from the date of the declaration

under Section 19(1) of the BDA Act in respect of the land bearing Sy.No.32/2 of Avalahalli Village, Bidarahalli Hobli, Bangalore East Taluk, Bangalore is to the extent of 1 acre 27.50 guntas.

IN W.P.No.12340 OF 2008

BETWEEN:

1. S. Krishna Reddy,
Son of Anjanappa,
Since deceased by his
Legal representatives
- 1a) Smt. Narayanamma,
Wife of Late Krishna Reddy,
Aged about 70 years,
- 1b) S.K. Srinivasa Reddy,
Son of Late S. Krishna Reddy,
Aged about 46 years,
- 1c) S.K.Janardhana Reddy,
Son of Late S Krishna Reddy,
Aged about 42 years,

All are residing at
No.27, Sorahunse Village and Post,
Varthur Hobli, Bangalore East,
Bangalore – 560 087.

...PETITIONERS

(By Shri. Padmanabha V Mahale, Senior Advocate, for
Shri. Hareesh Bhandary .T, Advocate)

AND:

1. State of Karnataka,
Represented by its Secretary,
Department of Housing Urban
Development, M.S.Building,
Bangalore – 560 001.
2. Bangalore Development Authority,
Represented by its Commissioner,
T. Chowdaiah Road,
(Sankey Tanki Road),
Bangalore.
3. Land Acquisition Officer,
Bangalore Development Authority,
T. Chowdaiah Road,
(Sankey Tanki Road),
Bangalore.

...RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for
Respondent No.1

Shri. Basavaraj V Sabarad, Advocate for Respondent Nos.2 and
3)

This Writ Petition filed under Articles 226 and 227 of
Constitution of India praying to quash the notification dated
23.9.2005 Gazetted on 27.9.2005 vide Annexure-B and the
notification dated 29.6.2007 Gazetted on 3.7.2007 vide
Annexure-E1 so for as concern to the land of the petitioners and
etc;

IN W.P.No.6199 OF 2008

BETWEEN:

Mrs. B. Ratna Kumari,
Wife of D. Jayarpakash,
Aged about 55 years,
Residing at 93/10, Lalji Nagar,
1st Line, Shankarappa Layout,
Bangalore – 560 030.

...PETITIONER

(By Shri. Reuben Jacob, Advocate)

AND:

1. State of Karnataka,
Department of Urban Development,
M.S.Building,
Vidhana Veedhi,
Bangalore – 560 001,
By its Secretary.
2. Bangalore Development Authority,
Sankey Road,
Bangalore – 560 020,
By it's Commissioner.
3. The Special Land Acquisition Officer,
Bangalore Development Authority,
Sankey Road,
Bangalore – 560 020.

...RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for
Respondent No.1

Shri. Ravi G Sabhahit, Advocate for Respondent No.2)

This Writ Petition filed under Articles 226 and 227 of the Constitution of India praying to quash the preliminary notification dated 15.11.2006, and final notification dated 29.6.2007, issued by the second respondent and first respondent vide Annexures-E and J to the writ petition, insofar the petitioner's schedule site is concerned.

IN W.P.No.566 OF 2008

BETWEEN:

1. Sri. Narasimharaju,
Son of Muddappa,
Aged about 32 years,
Residing at No.1369,
5th Cross, Gokula 1st Stage,
Yeshwanthpur,
Bangalore – 560 022.
2. Kum. Rajini .E,
Daughter of H. Eswar Sa,
Aged about 28 years,
Residing at No.81,
5th Main Road, 2nd Phase,
Manjunathnagara,
West of Chord Road,
Rajajinagar,
Bangalore – 560 010.
3. Sri. T.G. Govindaiah,
Son of Late Govindappa,
Aged about 40 years,
Residing at No.22/8,
2nd 'D' Main Road,
Gokula 3rd Phase, Yeshwanthpur,

Bangalore – 560 022.

4. Sri. A.S.Halappa,
Son of P Shivaramaiah,
Aged about 52 years,
Residing at No.1369,
5th Cross, Gokula 1st Stage,
Yeshwanthpur,
Bangalore – 560 022.
5. Sri. H.E.Harish,
Son of H.Eswar,
Aged about 34 years,
Residing at No.81,
5th Main Road,
Manjunathanagara 2nd Stage,
West of Chord Road,
Bangalore – 560 010.
6. Smt. Vasanthi J Shetty,
Wife of Sri. A. Jagannatha Shetty,
Aged about 37 years,
Residing at No.839, (55-56),
3rd Cross Road, 9th Main Road,
K.N.Extension, Yeshwanthpur,
Bangalore – 560 022.
7. Sri. K.C.Nataraj,
Son of Sri. Chinnegowda,
Aged about 31 years,
Residing at No.43/3,
“Sri Shyla Nilaya”, Parimalanagara,
Nandini Layout, Bangalore – 560 096.
8. Sri. Kere Swamy,

Son of Ningappa Madival,
Aged about 45 years,
Residing at No.10/41,
2nd cross, Jaimaruthinagara,
Nandini Layout,
Bangalore – 560 0096.

9. Sri. M.K.Devaraj,
Son of Sri. Krishna Shetty,
Aged about 28 years,
Residing at No.165, 23rd Main Road,
Srinivasanagara,
Nandini Layout,
Bangalore -- 560 096.
10. Sri. Dhananjaya K.R,
Son of K.R.Ramaiah,
Aged about 31 years,
Residing at No.A1, ISPW Quarters,
Behind Telephone Exchange,
Basavangudi,
Bangalore – 560 004.
11. Smt. Kavitha,
Wife of Sri. Kiran,
Aged about 30 years,
Residing at No.81,
5th Main Road,
Manjunathanagara,
2nd Stage, West of Chord Road,
Bangalore – 560 064.
12. Dr. M.D.Mustaquim Jawaid,
Son of M.S.Zoha,
Aged about 28 years,

Residing at No.34, 5th Cross,
Maruthi Layout,
Basaveshwarnagara,
Bangalore – 560 079.

13. Smt. G Saroja,
Wife of Sri Ganesh Rao,
Aged about 57 years,
Residing at No.
6th Main Road, Subbaiah Compound,
Beerigepalya,
Bangalore – 560 010.
14. Sm.t K.A. Yashoda,
Wife of K.S. Thimmashetty,
Aged about 48 years,
Residing at No.17/1,
D.S.Hanumanthappa Building,
9th Main Road, Shivanagara,
Rajajinagar,
Bangalore – 560 010.
15. Sri. K. Subramanyam,
Son of Late K Venkataramana,
Aged about 24 years,
Residing at No.209/6,
Kempanna Building,
17th Main Road,
Bagalagunte Main Road,
Bangalore – 560 073.

...PETITIONERS

(By Shri. K.N.Patil, Advocate)

AND:

1. The State of Karnataka,
Represented by its Principal Secretary,
Urban Development Department,
M.S.Buildings,
Bangalore – 560 001.
2. The Commissioner,
Bangalore Development Authority,
Bangalore – 560 020.
3. The Additional Land Acquisition
Officer, Bangalore Development Authority,
Bangalore -- 560 020. ... RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for
Respondent No.1,
Shri. Basavaraj V Sabarad and Shri. V.B. Shivakumar,
Advocates for Respondents No. 2 and 3)

This Writ Petition filed under Articles 226 and 227 of the
Constitution of India praying to quash the preliminary
notification under Section 17(1) and (3) of the BDA Act of
1976 dated 23.9.2005 and published in the Gazette dated
27.9.2005 vide Annexure-R and to quash the final notification
dated 23.4.2007 and published in Gazette dated 29.6.2007 vide
Annexure-T.

IN W.P. No.726 OF 2008

BETWEEN:

1. Smt. Lakshamma,
Wife of Late Muddappa Reddy,
Aged 72 years,

2. Ramachandra Reddy,
Son of Late Muddappa Reddy,
Aged 55 years,

Both are residing at
Chokanahalli Village,
Yelahanka Hobli,
Bangalore North Taluk.

...PETITIONERS

(By Shri. B. Ramesh, Advocate)

AND:

1. State of Karnataka,
Represented by its Secretary,
Department of Urban Development
M.S.Building,
Vidhana Veedhi,
Bangalore – 560 001.

2. The Commissioner,
Bangalore Development Authority,
Sankey Road,
Bangalore – 560 020.

3. The Special Land Acquisition Officer,
Bangalore Development Authority,
Sankey Road,
Bangalore – 560 020.

...RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for
Respondent No.1

Shri. B.V. Shankaranarayana Rao, Advocate for Respondent
Nos.2 and 3)

This Writ Petition filed under Articles 226 and 227 of the Constitution of India praying to quash the preliminary notification dated 15.10.2005 published in news paper and final notification dated 29.6.2007 issued by second respondent and first respondent vide Annexure-D and F in so far as the petitioners property bearing Sy.No.30 measuring to an extent of 3 acres 20 guntas and Sy.No.32 measuring 2 acres 20 guntas situated at Chokanahalli Village, Yeiahanka Hobli, Bangalore North Taluk and etc;

IN W.P.No.11651 OF 2008

BETWEEN:

1. Lisa's Home
A registered Charitable Trust,
Dodda Gubbi Village,
Bangalore – 560 049.
Represented by its author
Dr. Mrs. Aleyamma Abraham, @
Molly Abraham,
Wife of Dr. K.C.Abraham,
Aged about 63 years,
2. Dr. K.C. Abraham,
Son of C.T. Abraham,
Aged about 70 years,
Lisa's Home,
Dodda Gubbi Village,
Bangalore – 560 049.
3. Smt Saramma Jhon,
Wife of Late Abraham Jhon,

Aged about 60 years,
Residing at No.316,
Petra Park,
Rama Murthy Nagar,
Bangalore – 560 016.

...PETITIONERS

(By Shri. Padmanabha Mahale, Senior Advocate for
Shri. Hareesh Bhandary .T, Advocate)

AND:

1. State of Karnataka,
Represented by its Secretary,
Department of Housing Urban Development
M.S Building,
Bangalore – 560 001.
2. Bangalore Development Authority,
Represented by its Commissioner,
T. Chowdaiah Road,
(Sankey Tanki Road),
Bangalore.
3. Land Acquisition Officer,
Bangalore Development Authority,
T. Chowdaiah Road,
(Sankey Tanki Road),
Bangalore.

...RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for
Respondent No.1
Shri. M.N. Ramanjaneya Gowda, Advocate for Respondent
Nos. 2 and 3)

This Writ Petition filed under Articles 226 and 227 of the
Constitution of India praying to quash the notification dated

15.11.2006 vide Annexure-K Gazetted on 16.11.2006, and the final notification dated 29.6.2007 Gazetted on 3.7.2007 vide Annexure-M so far as concerned to the lands of the petitioners and etc;

IN W.P.No.20340 OF 2007

BETWEEN:

1. Sri. M. Govinda Raju,
Aged about 51 years,
Son of Jalige Munishamappa,
Residing at B.100,
5th Cross, Prakruthi Nagar,
Kogilu, Yelahanka Hobli,
Bangalore North Taluk.
2. Smt. R. Rathnamma,
Aged about 38 years,
Wife of M. Govindaraj,
Residing at B.100,
5th Cross, Prakruthi Nagar,
Kogilu, Yelahanka Hobli,
Bangalore North Taluk.
3. Sri. G. Sridhar,
Aged about 20 years,
Son of M. Govindaraj,
Residing at B.100,
5th Cross, Prakruthi Nagar,
Kogilu, Yelahanka Hobli,
Bangalore North Taluk.
4. Sri. G. Ranjit,
Aged about 18 years,

Son of M. Govindaraj,
Residing at B.100,
5th Cross, Prakruthi Nagar,
Kogilu,
Yelahanka Hobli,
Bangalore North Taluk.

...PETITIONERS

(By Shri. S. Chennaraya Reddy, Advocate)

AND:

1. The State of Karnataka,
Represented by its Principal Secretary,
Urban Development Department,
M.S Building,
Dr. B.R.Ambedkar Veedhi,
Bangalore – 560 001.
2. The Bangalore Development Authority,
T. Chowdaiah Road,
Bangalore – 560 020,
Represented by its Commissioner.
3. The Special Land Acquisition
Officer, Bangalore Development Authority,
T. Chowdaiah Road,
Bangalore – 560 020.

...RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for
Respondent No.1

Shri. C.R. Gopaldaswamy, Advocate for Respondent Nos. 2 and
3)

This Writ Petition filed under Articles 226 and 227 of the Constitution of India, praying to quash the final notification dated 29.7.2007 vide Annexure-P in respect of serial Nos. 458, 461 and 463 in respect of lands bearing Nos. 67/1, 68/3 and 69 of Kogilu Village, Yelahanka Hobli, Bangalore North Taluk, belonging to the petitioners and drop the said lands from acquisition.

IN W.P.No.19293 OF 2007

BETWEEN:

1. Sri. Suresh Kumar Sharma,
Son of Late D.P.Sharma,
Aged about 39 years,
PAN No.ABXPS2091M,
2. Sri. Sunil Kumar Sharma,
Son of Late D.P.Sharma,
Aged about 29 years,
PAN No.ABXPS 2093K,

Both residents of
No.328, Sangeetha Bhavan,
Tippu Sultan Palace Road,
Bangalore.

...PETITIONERS

(By Shri. G. Gangi Reddy, Advocate)

AND:

1. The Commissioner,
Bangalore Development Authority,
Sankey Road,
Bangalore.

2. The Government of Karnataka,
Urban Development,
By its Secretary and Commissioner,
M.S.Building,
Bangalore. ...RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for
Respondent No.2
Shri. Basavaraj V Sabarad, Advocate for Respondent No.1)

This Writ Petition filed under Articles 226 and 227 of the
Constitution of India praying to quash Annexure-A dated
15.11.2006 in Notification dated 16.11.2006 and Annexure-F
final notification dated 29.6.2007 which was published in Kar.
Gazette dated 03.07.2007.

IN W.P.No.19651 OF 2007

BETWEEN:

1. N. Narayanappa,
Dead by legal representatives,
 - a) Devamma,
aged about 75 years,
wife of N. Narayanappa,
 - b) N. Varadaraju,
aged about 58 years,
son of N. Narayanappa,
 - c) N. Nagaraja,
aged about 50 years,
son of N. Narayanappa,

- d) N. Ram Murthy,
aged about 43 years,
son of N. Narayanappa,
- e) N. Manjunath,
aged about 38 years,
son of N. Narayanappa,
- f) N. Ramesh,
aged about 34 years,
son of N. Narayanappa,

all are residing at Sy.No.66,
Seegehalli, Bidarahalli (Ho),
Bangalore East Taluk,
Bangalore – 560 067.

2. T. Narayanappa,
Aged about 60 years,
Son of Thammaana,
Residing at Khaneshmari No.838,
Sy.No.85, Seegehalli,
Bidarahalli Hobli,
Bangalore East Taluk,
Bangalore – 560 067.

...PETITIONERS

(By Shri. N. Bayya Reddy, Advocate)

AND:

1. State of Karnataka,
Represented by its Secretary,
Housing and Urban Development,
M.S.Building,

Bangalore – 560 001.

2. Bangalore Development Authority,
Represented by its Commissioner,
T. Chowdaiah Road,
Bangalore.
3. The Land Acquisition Officer,
Bangalore Development Authority,
T. Chowdaiah Road,
Bangalore.

...RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for
Respondent No.1
Shri. Basavaraj V Sabarad, Advocate for Respondent Nos. 2
and 3)

This Writ Petition filed under Articles 226 and 227 of the
Constitution of India praying to declare the issue of the
Additional Preliminary Notification dated 15.11.2006 vide
Annexure-D under Section 17(1) and (3) of the B.D.A. Act
1976 in so far as it relates to the proposal to acquire the second
petitioners land and buildings shown as per the schedule in
Sy.No.85 of Seegehalli vide item Nos. 925 is illegal arbitrary,
unconstitutional and void and quash the same and etc;

IN W.P.No.9975 OF 2008

BETWEEN:

1. C. Devaraju,
Son of Chinnaiah Reddy,
Aged about 41 years,
2. A. Narayana Reddy,

Son of Anjanappa,
Aged about 47 years,
Since dead by
Legal representatives:

- 2a) Muniyamma,
Wife of late A. Narayan Reddy,
Aged about 65 years,
- 2b) Srirama Reddy,
Son of Late A. Narayana Reddy,
Aged about 52 years,
- 2c) Gopala Reddy,
Son of Late A. Narayana Reddy,
Aged about 45 years,
- 2d) Chandrashekara Reddy,
Son of Late A. Narayana Reddy,
Aged about 38 years,
- 2e) Prakash Reddy,
Son of Late A. Narayana Reddy,
Aged about 29 years,

All are residing at
Sora Hunse Village and Post,
Varthur Hobli,
Bangalore East,
Bangalore.

[cause title amended
As per order dated 30.3.2010]

3. Smt. Lakshamma,

Wife of Late Venkataswamy Reddy,
Aged about 70 years,

4. Smt. Muniyamma,
Wife of Late Chikka Chennappa,
Aged about 82 years,
5. Smt. Chennamma,
Wife of Krishnappa,
Aged about years,

All are residing at
Sora Hunse Village and Post,
Varthur Hobli,
Bangalore East,
Bangalore.

...PETITIONERS

(By Shri. Padmanabha V Mahale, Senior Advocate for
Shri. Hareesh Bhandary.T, Advocate)

AND:

1. State of Karnataka,
Represented by its Secretary,
Department of Housing Urban Development,
M.S Building,
Bangalore – 560 001.
2. Bangalore Development Authority,
Represented by its Commissioner,
T. Chowdaiah Road,
(Sankey Tanki Road)
Bangalore.
3. Land Acquisition Officer,

Bangalore Development Authority,
T. Chowdaiah Road,
(Sankey Tanki Road),
Bangalore.

...RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for
Respondent No.1
Shri. I.G. Gachchinamath, Advocate for Respondent Nos. 2 and
3)

This Writ Petition filed under Articles 226 and 227 of the
Constitution of India praying to quash notification dated
23.9.2005 Gazetted on 27.9.2005 vide Annexure-J and the
notification dated 29.6.2007 Gazetted on 3.7.2007 vide
Annexure-N so far as concern to the lands of the petitioners and
etc;

IN W.P. No.10126 OF 2010

BETWEEN:

Sri. N. Narayanappa,
Son of Late Marisonnappa,
Aged about 73 years,
Residing at Nagareswaranagenahalli Village,
K.R.Puram Hobli,
Bangalore East Taluk.

...PETITIONER

(By Shri. Vishwanath R Hegde, Advocate)

AND:

1. Bangalore Development Authority,
Represented by its Commissioner,
T. Chowdaiah Road,

Bangalore – 560 020.

2. The State of Karnataka,
Represented by its Secretary,
Urban Development Department,
M.S.Building,
Vidhana Veedhi,
Bangalore – 560 001. ...RESPONDENTS

(By Shri. B.V. Shankaranarayana Rao, Advocate for Respondent No.1
Shri. D. Nagaraj, Additional Government Advocate, for Respondent No.2)

This Writ Petition filed under Articles 226 and 227 of the Constitution of India praying to quash the preliminary notification, Bangalore dated 15.11.2006 and the final notification, Bangalore dated 29.6.2007 issued by the first and second respondent respectively vide Annexures-D and G to the W.P. in so far it relates to the land belonging to the petitioner and etc;

IN W.P.No.10071 OF 2007

BETWEEN:

1. M. Ramachandrappa,
Son of Late M. Venkataramaiah,
Aged about 70 years,
2. M. Chinnaraju,
Son of Late M. Venkataramaiah,
Aged about 67 years,

3. M. Ramakrishnappa,
Son of Late M. Venkataramaiah,
Aged about 64 years,

All residing at
No.141, Bestara Street,
Yelahanka,
Bangalore – 560 064.

...PETITIONERS

(By Shri. Ganapathi Hegde, Advocate)

AND:

1. The Bangalore Development Authority,
Represented by its Commissioner,
T Chowdaiah Road,
Bangalore – 560 020.

2. The State of Karnataka,
Represented by Chief Secretary,
Government of Karnataka,
Vidhana Soudha,
Bangalore – 560 001.

...RESPONDENTS

(By Shri. Basavaraj V Sabarad, Advocate for Respondent No.1
Shri. D. Nagaraj, Additional Government Advocate, for
Respondent No.2)

This Writ Petition filed under Article 226 of the Constitution of India praying to declare that first preliminary notification dated 23.9.2005 for acquiring the schedule land at serial no.499 for the formation of Peripheral Ring Road (PRR) between Tumkur Road – Old Madras Road – Hosur Road in the outskirts of Bangalore City which has been published in the Karnataka Gazette dated 27.9.2005 at Annexure-E and final

notification dated 29.6.2007 which was published in Karnataka Gazette dated 3.7.2007 at Annexure-N is non-est and etc;

IN W.P.No.10098 OF 2007

BETWEEN:

1. Sri. Narasimha Murthy,
Aged about 43 years,
Son of Venkataswamappa,
No.75, Sumukha,
Masti Road,
Vishweshwariaha Layout,
Maruthinagar 2nd Division,
Yelahanka,
Bangalore – 560 064.
2. Sri. G. Devaraju,
Aged about 34 years,
Son of Govindappa,
No.58/1, Yesdhaanagar,
Bellary Road,
Opp: Jakkur Aerodrum,
Bangalore – 560 064.
3. Sri. Mubarak N Zhad,
Aged about 29 years,
C/o. Rahamathulla,
No.17, 2nd Main,
2nd Cross, Cauvery Nagar,
Bangalore – 560 032.
4. Sri. P. Purushotham,
Aged 52 years,
Son of Veerappa,

No.57/18, 2nd 'A' Cross,
Mohammed Layout,
Bhoopsandra,
RMV 2nd Stage,
Bangalore – 560 094.

5. Smt. Y.K. Indumathi,
Aged about 23 years,
Wife of G. Srinivas,
No.76, Balaji Layout,
Maruthinagar 2nd Division,
Yelahanka,
Bangalore – 560064.
6. Sri. T.K. Giri Gowda,
Aged about 28years,
Son of Kalasappa Gowda,
No.62, Masti Road,
Vishweshwariah Layout,
Maruthinagar 2nd Division,
Yelahanka,
Bangalore – 560 064.
7. Smt. N.G. Lalithamma,
Aged about 73 years,
Wife of Sethuram,
No.37, 1st 'R' Block,
Rajajinagar,
Bangalore – 560 010.
8. Sri. N. Ravi,
Aged about 44 years,
Son of Narayanchar,
C/o. Dhanalaksmi,
No.74, Masti Road,

Vishweshwariaha Layout,
Maruthinagar 2nd Division,
Yelahanka,
Bangalore – 560 064.

9. Smt. N. Dhanalakshmi,
Aged about 42 years,
Wife of Sudharshan,
No.74, Masti Road,
Vishweshwariaha Layout,
Maruthinagar 2nd Division,
Yelahanka,
Bangalore – 560 064.
10. Smt. Navaneetha,
Aged 34 years,
Daughter of Muniraju Shetty,
C/o. Susheela,
No.168, BEL Colony,
Jalahalli Post,
Bangalore – 560 013.
11. Smt. K. Lalitha,
Aged about 49 years,
Wife of R.B. Kodandaraman,
No.142, 4th Cross,
Nagappa Block,
Near Angala Parmeshwari Temple,
Bangalore.
12. Sri. P. Sriram,
Aged about 42 years,
Son of Parthasarathy,
No.60, Masti Road,
Vishweshwariaha Layout,

Maruthinagar 2nd Division,
Yelahanka,
Bangalore – 560 064.

13. Sri. Sunil Kumar Prasad,
Since dead by legal representatives are

13a) Smt. Sujatha Agnihotri,
Wife of Late Sunil Kumar Prasad,

13b) Mr. Sushanth Prasad,
Son of Late Sunil Kumar Prasad,

Both are residing at No.10/21,
Gundulu Munseshwara Temple Road,
Matadahalli Main Road,
R.T.Nagar Post,
Bangalore – 560 032.

14. Smt. Malini Srinivas,
Wife of M. Srinivas,
Aged about 42 years,
No.18, 5th Main,
Ganganagar Extension,
Bangalore – 560 032.

15. Smt. Manjula Reddy,
Aged about 32 years,
Daughter of G.V.K. Reddy,
GPA Holder of G.V.K.Reddy,
NO.1848, 2ND Main, 6th Cross,
HAL 3rd Stage, New Thippasandra,
Bangalore – 560 064.

16. Sri. Narendra Singh Shakya,
Aged 40 years,
No.18, Thimmanna Complex,
Sugatta Road,
Hunsamaranahalli,
Jala Hobli,
Bangalore.
17. Smt. R. Shakunthala,
Since dead by legal representatives are
- 17a) Mr. Shankar S,
Husband of Late R. Shakunthala,
- 17b) Mr. Balaji,
Son of Late R. Shakunthala,
- Both are residing at
No.108, Nagananda Nilaya,
Vishwaprkruthi Badavane,
Maruthinagar 2nd Division,
Yelahanka,
Bangalore – 560064.
18. Smt. Leelavathi,
Aged about 28 years,
Wife of R. Ramesh, No.51,
K.H.B. Colony,
Gandhinagar,
Yelahanka,
Bangalore – 560 064.
19. Sri. Ravi .K,
Aged about 42 years,
No.137, 26th Cross,

6th Block, Jayanagar,
Bangalore – 08.

20. Sri. Mohan .K,
Aged about 46 years,
c/o.Dr. Naidu B.S.,
No.149, 1st Main,
Mathru Layout,
G.K.V.K. Post,
Yelahanka New Town,
Bangalore – 560 064.
21. Sri. Ramakrishna C.V,
Aged about 57 years,
Represented by GPA Holder,
Mr.C.V. Parasurama,
No.411, Vignesh,
8th Main, B.D.A.Layout,
Avalahalli, Girinagar,
BSK 3rd Stage,
Bangalore – 560 085.
22. Sri. P.V. Ramachandran,
Aged about 65 years,
Son of Late M.K. Raman Nair,
Flat No.3, Plot No.52-A,
2nd Cross, G.K. W Layout,
Vijayanagara,
Bangalore – 40.
23. Sri. Narayana .S,
Aged about 42 years,
C/o. Sundaram S.N,
Devi Krupa, No.44,
2nd 'E' Cross, Hanumanthappa Layout,

Sultan Palya,
Bangalore – 32.

24. Sri. P.V. Shivashankar,
Aged about 62 years,
Son of Late M.K.Raman Nair,
No.53, Alakananda Apartment,
2nd Main Road, Coconut Garden,
Nagarbhavi,
Bangalore – 560 072.
25. Smt. K.R. Vijaya Narayanan,
Aged about 40 years,
Wife of Narayanan .S,
Devi Krupa, No.44,
2nd 'E' Cross, Hanumanthappa Layout,
Sultan Palya,
Bangalore – 32.
26. Smt. Lakshmi S Iyer,
Aged about 41 years,
C/o. Sundram S.N,
44,2nd 'E' Cross,
Hanumanthappa Layout,
Sulthan Palya,
Bangalore – 32.
27. Sri. Venkataraman Mohan Iyer,
Aged about 46 years,
Son of M. Seetharaman,
44, 2nd 'E' Cross,
Hanumanthappa Layout,
Sulthan Palya,
Bangalore – 32.

28. Sri. Anantha Naryana V.N.S,
Aged about 49 years,
C/o. Sundram S.N,
44, 2nd 'E' Cross,
Hanumanthappa Layout,
Sulthan Palya,
Bangalore – 32.
29. Sri. Krishna Kumar .R,
Aged about 44 years,
Son of P.K. Ramachandran,
No.1196, Dr. Ambedkar Layout,
Kavalbyrasandra Road,
Bangalore -- 560 032.
30. Sri. Raghunath .R,
Son of P.K. Ramachandran,
Aged about 42 years,
No.1196, Dr. Ambedkar Layout,
Kavalbyrasandra Road,
Bangalore – 560 032.
31. Smt. Rajalakshmi Hari Haran,
Aged about 52 years,
C/o. S.N. Sundaram,
No.44, 2nd 'E' Cross,
Hanumanthappa Layout,
Sulthanpalya,
Bangalore – 32.
32. Sri. Vittal Puthraya,
Aged about 50 years,
Son of Krishna Puthraya,
2475, Pallavi, 15th Main Road,
Kumaraswamy Layout 2nd Stage,

Bangalore .

33. Smt. P. Vijaya Narayanan,
Aged about 40 years,
Wife of Narayanan .S,
Devi Krupa, No.44,
2nd 'E' Cross, Hanumanthappa Layout,
Sultanpalya,
Bangalore – 560 032.
34. Smt. Mohanamba,
Aged about 53 years,
Wife of Shivaji Rao,
No.3, 1st Floor, 8th Cross,
S.B.M. Colony,
Brindavan Nagar,
Mathikere,
Bangalore – 560 054.
35. Smt. S.M. Premalatha,
Aged about 39 years,
Wife of Shivalingappa,
No.36, Vishwaprakruthi Badavane,
Maruthinagar 2nd Division,
Venkatala Grama,
Yelahanka, Bangalore – 560 064.
36. Sri. Penchaliah,
Aged about 65 years,
Son of Narayana,
No.128, Bharathinagar,
H.M.Halli Post,
Bangalore – 562157.
37. Sri. H. Madiah, son of Doddaiah,

Aged about 49 years,
Bharathinagar,
H.M.Halli Post,
Bangalore – 562 157.

38. Smt. Subamma,
Aged about 48 years,
Wife of V. Madiah,
No.12, Bharathinagar,
H.M.Halli Post,
Bangalore – 562 157.
39. Sri. Vyjayanthi K.P,
Aged about 44 years,
Wife of Sri. Narasima Babu,
Residing at No.68,
Srirama Geetha Mandira,
2nd Cross, Pemmagowda Road,
J.C.Nagar,
Bangalore – 560 006.
40. Smt. Prabha S Upadhaye,
Aged about 62 years,
Daughter of Sripal Rao Upadhaye,
No.44, 5th Main,
Near Cha Cha Park,
Jayamahall Extension,
Bangalore – 560 006.
41. Sri. Abdul Rehman,
Aged about 49 years,
Son of K. Mohammed Abdulla,
No.27, Ex-servicemen Colony,
R.T.Nagar, Bangalore – 560 032.

42. Smt. Seetha Narasimhan,
Aged about 68 years,
Residing at No.318,
Palanahalli,
Yelahanka, Bangalore – 560 064.
43. Smt. R. Vasantha,
Aged about 63 years,
No.105, Maruthinagar 2nd Division,
Yelahanka, Bangalore – 560 064.
44. Sri. H.V. Venugopal,
Aged about 53 years,
Son of H.G. Venkatasubbaiah,
No.4 10, 1st Main Road,
Hebbal, Bangalore – 560 024.
45. Sri. S. Mahesh,
Aged about 22 years,
Son of Srinivas Murthy,
No.272, Mysore Road,
GEF Post,
Near Telephone Exchange,
Bangalore – 560 026.
46. Sri. M. Venkateshwaralu,
Aged about 32 years,
Son of M. Konda Reddy,
Bharathinagar,
H.M.Halli Post,
Bangalore – 562 157.
47. Rev. P.G.Thomas,
Son of Late P.A.George,
Aged about 53 years,

Beersheba Assembly of God Church,
No.97 and 98, Maruthinagar 2nd Division,
Yelahanka, Bangalore – 560 064.

48. Sri. H. Rajgopal Reddy,
Aged 40 years,
Son of V.N. Hanumantha Reddy,
No.24, Vishveshwariah Layout,
Maruthinagar 2nd Division,
Yelahanka,
Bangalore – 560 064.
49. Sri. R. Ramesh,
Aged about 33 years,
Son of Sriramalunaidu,
No.51, KHB Colony,
Gandhinagar,
Yelahanka,
Bangalore – 560 010.
50. Dr. Bhavani,
Aged 35 years,
No.12/18, IV Main,
'E' Block, 2nd Stage,
Rajajinagar,
Bangalore – 560 010.
51. Chi. K.B. Sandesh,
Aged about 18 years,
Minor represented by
S.S.Srilatha,
Wife of K.S.Balakrishna,
At No.321, 11th Main, 1st Stage,
2nd Block, Banashankari ,
Bangalore – 560 050.

52. Sri. Vardamurthi K.S,
Aged about 40 years,
Son of K.S. Balakrishna,
No.321, 11th Main,
Banashankari 1st Stage,
2nd Block,
Bangalore – 560 050.
53. Sri. N. Arun,
Aged about 32 years,
Son of D.N. Murthy,
No.873, Indiranilaya,
10th Cross, 3rd Main Road,
Gokula, Bangalore -- 560054.
54. Smt. Maya Suresh Bhat,
Wife of Suresh M Bhat,
Aged about 41 years,
No.75/A, Shri Matru Krupa,
31st Cross, 2nd Block,
Rajajinagar,
Bangalore – 560 010.
55. Sri. P. Rajendran,
Aged about 42 years,
Son of V. Perumal,
No.24, Balaji Layout,
Maruthinagar II Division,
Yelahanka,
Bangalore – 560 064.
56. Sri. Lokesh,
Aged about 45 years,
Son of Sheshappa,

No.58, Balaji Layout,
Maruthinagar, 2nd Division,
Yelahanka,
Bangalore – 560 064.

57. Sri. B.G.S. Shastry,
Aged about 50 years,
Son of Late B. Ganesha Shastry,
No.2, Swaranamba Krupa,
2nd Cross, 2nd Main,
Mico Layout, Mahalakshmpuram,
Bangalore - 560 086.
58. Sri. H. Keshava Murthy,
Aged about 51 years,
Son of Hanumathachar,
No.66, Balaji Layout,
Maruthinagar II Division,
Yelahanka,
Bangalore – 560 064.
59. Sri. H. Vamedevappa,
Aged about 41 years,
Son of Ramappa .H,
No.14, Maruthinagar,
Venkatappa Layout,
Venkatala,
Yelahanka,
Bangalore – 560 064.
60. Sri. Y.L.Krishnappa,
Since dead by his
Legal representatives are
- 60a) Smt. G. Chandrakumari,

Wife of late Y.L.Krishnappa,
Aged about 52 years,

- 60b) Mrs. Indumathi Y.K,
Daughter of Late Y.L. Krishnappa,
Aged about 29 years,

Both are residing at
No.76, Balaji Layout,
Maruthinagar II Division,
Yelahanka,
Bangalore – 560 064.

61. Sri. N. Shivakumar,
Aged about 33 years,
Son of G. Nagabhushana Rao,
No.79, Skandashri, Balaji Layout,
Maruthinagar II Division,
Yelahanka, Bangalore – 560 064.

62. Sri. N. Neelakantan,
Since dead by his
Legal representatives are

- 62a) Smt. Latha .N,
Wife of Late Sri. N. Neelakantan,
Aged about 45 years,

- 62b) Mr. Manoj .N,
Son of Late Sri. N. Neelakantan,
Aged about 27 years,

- 62c) Ms. Prarthanan .N,
Daughter of Late Sri. N Neelakantan,
Aged about 25 years,

62(a) to (c) are residing at
No.82, Balaji Layout,
Maruthinagar II Division,
Yelahanka, Bangalore – 560 064.

63. Sri. S.A. Lumen,
Aged about 65 years,
Son of A.S.Anthony,
No.5/1, 2nd Cross,
Pemmegowda Road,
J.C.Nagar, Bangalore – 560006.
64. Sri. B.A. Shantha Kumar,
Aged about 35 years,
Son of N. Anantharamaiah,
No.69, Balaji Layout,
Maruthinagar 2nd Division
Bangalore – 560 064.
65. Sri. S.K. Karunakaran,
Aged 58 years,
So of Ramachandrachar,
No.700, Vikram Srinivasa Nilaya,
7th Cross, 17th Main,
Judicial Layout, G.K.V.K. Post,
Bangalore – 560 065.
66. Smt. Irne Alphonso,
Aged about 56 years,
Wife of K. Natus Alphonso,
Villa, near Old Bus Stop,
Devanahalli.
67. Sri. S. Shankar,

Aged about 53 years,
Son of Late M Shamanna,
Residing at No.22,
1st Floor, 5th Main,
Hebbal, Bangalore – 560 024.

68. Smt. H.S.Janaki
Aged about 64 years,
Son of Late Krishnadas M,
No.3072/C, 1st Main Road,
Mariyappanapalya,
Near Harischandra Ghat Circle,
Bangalore – 560 021.
69. Sri. R. Srinivasan,
Aged 47 years,
Son of B.H.Rajanna,
Shakthi 17-2,
3rd Main, S.K.Garden,
Benson Town,
Bangalore – 560046.
70. Smt. Manjula Srinivasan,
Aged 45 years,
Wife of R Srinivasan,
Shakthi 17-2,
3rd Main, S.K.Garden,
Benson Town,
Bangalore – 560046.
71. Sri. K.P. Narasimha Murthy,
Aged 44 years,
Son of Pillappa,
Old Post Office Road,
Muninagappa Street,

Lalithamma Building,
Yelahanka,
Bangalore.

...PETITIONERS

(By Shri. Ganapathy Hege, Advocate)

AND:

1. The Bangalore Development Authority,
Represented by its Commissioner,
T. Chowdaiah Road,
Bangalore – 560 020.
2. The State of Karnataka,
Represented by Chief Secretary,
Government of Karnataka,
Vidhana Soudha,
Bangalore – 560 001.

...RESPONDENTS

(By Shri. Basavara V Sabarad, Advocate for Respondent No.1
Shri. D. Nagaraj, Additional Government Advocate for
Respondent No.2)

This Writ Petition filed under Articles 226 and 227 of the Constitution of India praying to declare that first preliminary notification dated 23.9.2005 which was published in the Karnataka Gazette on 27.9.2005 at Annexure-G is non-est and the said preliminary notification dated 23.9.2005 at Annexure-G and the second preliminary dated 15.11.2006 which was published in Karnataka Gazette dated 16.11.2006 at Annexure-Q and final notification dated 29.6.2007 which was published in Karnataka Gazette dated 3.7.2007 vide Annexure-X and etc;

IN W.P.No.19984 OF 2007

BETWEEN:

Mr. Marthand Singh Mahindra,
Aged about 44 years,
Son of Late Sri. Suresh Mahindra,
Residing at Avalahalli Estate,
Doddaballapur Road,
Bangalore.

...PETITIONER

(By Shri. Udaya Holla, Senior Advocate for Shri. Vivek Holla,
Advocate)

AND:

1. The Bangalore Development Authority,
Having its office at:
Kumara Park West,
Bangalore,
Represented by its Commissioner.

2. The Special Land Acquisition Officer,
Bangalore Development Authority,
Kumara Park West,
Bangalore.

3. The State of Karnataka,
Represented by its Secretary,
Department of Urban Development,
Vikas Soudha,
Bangalore – 560 001.

...RESPONDENTS

(By Shri. Basavaraj V Sabarad, Advocate for Respondent No.1
Shri. K. Krishna, Advocate for Respondent No.2)

Shri. D. Nagaraj, Additional Government Advocate for Respondent No.3)

This Writ Petition filed under Articles 226 and 227 of the Constitution of India praying to quash the notification dated 23.9.2005 issued by the third respondent (Annexure-C) and notification dated 29.6.2007 issued by the third respondent (Annexure-U) in so far as the same relates to the petitioner's land and to direct the respondents to pay the costs of this petition.

IN W.P.No. 13321/2008

BETWEEN:

1. Ms. Padma Sharma
Daughter of Late. S.S Upadhyay,
Aged about 52 years,
Residing at B-102,
Wellington Park Apartments,
Wellington Street, Richmond Town,
Bangalore-25.
2. Mr. Kul Bhusan Oberoi,
Son of Late. S.R. Oberoi,
Aged about 60 years,
3. Smt. Benjamine Oberoi,
Wife of Kul Bhusan Oberoi,
Aged about 52 years,

Petitioner 2 and 3 are residing at:
B-003, Wellington Park Apartments,
Wellington Street, Richmond Town,

Bangalore-560025.

4. Mr. Pushpa Ramesh Hemanani
Wife of Ramesh N. Hemanani
Aged about 58 years,
Residing at "Hazel" Flat No. 804,
St. Jhon's Wood,
No.80, St. Jhon's Cross Road,
Koramangala,
Bangalore-560029.

...PETITIONERS.

(By Shri.Padmanabha V. Mahale, Senior Advocate for Sri.
Hareesh Bhandary .T, Advocate)

AND:

1. State of Karnataka
Rep by its Secretary,
Department of Housing Urban Development,
M.S. Building
Bangalore-1.
2. Bangalore Development Authority,
Rep By its Commissioner,
T.Chowdaiah Road,
(Sankey Tanki Road),
Bangalore.
3. Land Acquisition Officer,
Bangalore Development Authority,
T.Chowdaiah Road,
(Sankey Tanki Road),
Bangalore.

...RESPONDENTS

AND:

1. The State of Karnataka,
Represented by its Secretary,
Department of Urban Development,
Vikasa Soudha,
Bangalore – 560 001.
2. The Special Land Acquisition Officer,
Bangalore Development Authority,
Kumara Park West,
Bangalore.
3. The Bangalore Development Authority,
Having its office at
Kumara Park West,
Bangalore,
Represented by its
Commissioner.

...RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for
Respondent No.1

Shri. Basavaraj V Sabarad, Advocate for Respondent Nos. 2
and 3)

This Writ Petition filed under Articles 226 and 227 of the
Constitution of India, praying to call for records pertaining to
the original demarcation of the land and subsequent change of
the alignment with regard to formation of Peripheral Ring
Road and to quash the notification dated 23.09.2005 issued by
the respondent No.3 (Annexure-A) and etc;

IN W.P.No.400/2009

BETWEEN:

Sri. K.B. Madhavan,
S/o. late K.G. Balakrishnan Nair,
Aged about 60 years,
Residing at No.Kochuparampil House,
Mamalassery (P.O),
Ernakulam District,
Kerala State.

...PETITIONER

(By Shri Padmanabha V. Mahale, Advocate for Shri Hareesh
Bhandary T, Advocate)

AND:

1. State of Karnataka,
Represented by its Secretary,
Department of Housing
and Urban Development,
M.S. Building,
Bangalore-560 001.
2. Bangalore Development Authority,
Represented by its Commissioner,
T. Chowdaiah Road,
(Sankey Tanki Road),
Bangalore.
3. Land Acquisition Officer,
Bangalore Development Authority,
T. Chowdaiah Road,
(Sankey Tanki Road),
Bangalore.

... RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for Respondent No.1, Shri H. Venkatesh Dodderi, Advocate for Respondents 2 and 3)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the notification dated 15.11.2006 vide Annexure-H gazetted on 16.11.2006 and the final notification dated 29.06.2007 gazetted on 3.7.2007 vide Annexure-J insofar as concern to the land of the petitioner measuring 9.04 guntas carved in Sy.No.110/2 of Goolimangala village, schedule to the petition and etc.

IN W.P.Nos.19148-19152 & 25423-25425/2009:

BETWEEN:

1. Sri. Munisonnappa,
S/o. late Doddanna,
Aged about 78 years.
2. Sri. Somanna,
S/o. Munisonnappa,
Aged about 34 years,
Both are residing at Vaderahalli village,
Bidarahalli Hobli, Bangalore East,
Bangalore-562 141.
3. Sri. A.V. Rajendra Gowda,
S/o. Veeranna Gowda,
Aged about 72 years.
4. Sri. Veere Gowda,
S/o. A.V. Rajendra Gowda,

Aged about 48 years,
Respondents 3 & 4 are residing
At Adur Village, Bidarahalli Hobli,
Bangalore East District,
Bangalore-562 141.

5. Sri. Col Ugrasan,
S/o. Shri Tej,
Aged about 51 years,
Resident of No.314, 'Nikita',
9th 'D' Main, 1st Block,
HRBR Layout, Kalyananagara,
Bangalore-43.

...PETITIONERS

(By Shri Padmanabha V. Mahale, Senior Advocate for Shri
Hareesh Bhandary T, Advocate)

AND:

1. State of Karnataka,
Urban Development Department,
Vikasa Soudha, Bangalore-560 001.
Represented by its Principal Secretary.
2. Bangalore Development Authority,
T. Chowdaiah Road,
Kumarapark West,
Bangalore-560 020,
Represented by its Commissioner,
3. Special Land Acquisition Officer,
Bangalore Development Authority,
T. Chowdaiah Road,
Kumarapark West,
Bangalore-560 020.

... RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for Respondent No.1, Shri D.L. Jagadeesh & Smt. Poornima M, Advocate for Respondents 2 and 3)

These Writ Petitions are filed under Articles 226 and 227 of the Constitution of India praying to quash the notifications (1) No.BDA/Commr/DC(LA)/SALAO/79/2005-06 dated 23.09.2005 vide Annexure-E; (2) BDA/COMR/DC (LA)/SALAO/79.2006-07 dated 15.11.2006, vide Annexure-J (3) and final notification / declaration No.UDD/399/MNX/2006 dated 29.6.2007 vide Annexure-L respectively.

IN W.P.22461/2009:

BETWEEN:

Sri. P. Munishamappa,
S/o. late Poojappa,
Aged about 60 years,
Residing at No.517, Chairman Street,
Ramaswampalya,
M.S. Nagar Post,
Bangalore-560 033.

...PETITIONER

(By Shri Padmanabha V. Mahale, Senior Advocate for Shri Hareesh Bhandary T, Advocate)

AND:

1. State of Karnataka,
Urban Development Department,
Vikasa Soudha, Bangalore-560 001.
Represented by its Principal Secretary.

2. Bangalore Development Authority,
T. Chowdaiah Road,
Kumarapark West,
Bangalore-560 020,
Represented by its Commissioner.

3. Special Additional Land Acquisition Officer,
Bangalore Development Authority,
T. Chowdaiah Road,
Kumarapark West,
Bangalore-560 020.

... RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for Respondent No.1, Shri H. Venkatesh Dodderi, Advocate for Respondents 2 and 3)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the notifications dated 23.09.2005 dated 15.11.2006 and final notification / declaration dated 29.06.2007 vide Annexures C, F, and J respectively, and etc.

IN W.P.Nos.3645-48/2010

BETWEEN:

1. C. Narashimaiah,
S/o. late Chinnappa,
Aged about 71 years,
Residing at No.Gatta Halli Post,
Sarjapura Hobli,
Anekal Taluk,
Bangalore District.

2. M. Jayaram,
S/o. late Pete Muniyappa,
Aged about 43 years,
Sanjeevanagar,
Huskur Post, Sarjapura Hobli,
Anekal Taluk,
Bangalore District.

3. D. Venkateshappa,
S/o. late Doddanna,
Aged about 63 years,
Resident of No.Gatta Halli Post,
Sarjapura Hobli,
Anekal Taluk,
Bangalore District.

...PETITIONERS

(By Shri Padmanabha V. Mahale, Sernior Advocate for Shri
Hareesh Bhandary T, Advocate)

AND:

1. State of Karnataka,
Represented by its Secretary,
Department of Housing & Urban Development,
M.S. Building,
Bangalore-560 001.

2. Bangalore Development Authority,
Represented by its Commissioner,
T. Chowdaiah Road,
(Sankey Tanki Road),
Bangalore.

3. Land Acquisition Officer,
Bangalore Development Authority,
T. Chowdaiah Road,
(Sankey Tanki Road),
Bangalore.

... RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for
Respondent No.1, Shri D.L. Jagadeesh, Shri V.B. Shivakumar
and Shri G. Shankar Goud, Advocates for Respondents 2 and 3)

These Writ Petitions are filed under Articles 226 and 227
of the Constitution of India praying to quash the notification
dated 15.11.2006 vide Annexure-H gazetted on 16.11.2006 and
the final notification dated 29.6.2007 gazetted on 3.7.2007 vide
Annexure-M so far as concern to the petitioner's land, schedule
to the petition and etc.

IN W.P.890/2008

BETWEEN:

A. Yaliappa,
S/o. Ajjappa,
Aged about 49 years,
Resident of Kurubara Pally,
Balathatana Pally (Post),
Denkani Kotta (Tq),
Dharmapuri District,
Tamil Nadu State.

...PETITIONER

(By Shri Reuben Jacob, Advocate)

AND:

1. State of Karnataka,
Department of Urban Development,
M.S. Building, Vidhana Veedhi,
Bangalore-560 001.
Represented by its Secretary.
2. Bangalore Development Authority,
Sankey Road,
Bangalore-560 020,
Represented by its Commissioner.
3. The Special Additional Land
Acquisition Officer,
Bangalore Development Authority,
Sankey Road,
Bangalore-560 020.

... RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for Respondent No.1, Shri Basavaraj V. Sabarad, Advocate for Respondents 2 and 3)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the preliminary notification dated 15.11.2006 and final notification dated 29.06.2007 issued by respondent Nos. 2 and 1 vide Annexures C, and L to the writ petition, insofar as the petitioner's schedule site is concerned.

IN W.P.No.11921/2009:BETWEEN:

1. Sri. N. Krishna Reddy,

S/o. late K.R. Narayana Reddy,
Aged about 55 years,

2. Sri. Chandra Reddy,
S/o. late K.R. Narayana Reddy,
Aged about 50 years,

3. Dr. N. Nagaraj Reddy,
S/o. late R. Narayana Reddy,
Aged about 34 years,

All are residents of No.147,
“Green House”,
Old Madiwala,
Bangalore-560 068.

...PETITIONERS

(By Shri V. Lakshminarayana, Advocate)

AND:

1. State of Karnataka,
Represented by the Principal
Secretary to Urban Development
Department, M.S. Building,
Dr. Ambedkar Road,
Bangalore-560 001.

2. Bangalore Development Authority,
T. Chowdaiah Road,
Kumarapark West,
Bangalore-560 020,
Represented by its Commissioner.

3. The Special Land Acquisition Officer,
Bangalore Development Authority,

T. Chowdaiah Road,
Kumarapark West,
Bangalore-560 020.

... RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for Respondent No.1, Shri Basavaraj V. Sabarad, Advocate for Respondents 2 and 3)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the final notification dated 29.6.2007 and preliminary notification dated 15.11.2006, copies of which are produced at Annexures E and C respectively and award notices dated 13.11.2007 produced at Annexure-J as without jurisdiction and unenforceable against the petitioners, and etc.

IN W.P.No.12339/2008:

BETWEEN:

1. Lalitha Chandrashekar,
W/o. Prabhat Chandrashekar,
Aged about 57 years,
2. Prabhat Chandrashekar,
S/o. M.M. Chandrashekar,
Aged about 60 years,
3. Vikram Chandrashekar,
S/o. Prabhat Chandrashekar,
Aged about 27 years,

All are residing at Shanthi Nikethan,

Mini Forma, Dodda Gubbi Village,
Bangalore-49.

...PETITIONERS

(By Shri Padmanabha V. Mahale, Senior Advocate for Shri
Hareesh Bhandary T, Advocate)

AND:

1. State of Karnataka,
Represented by its Secretary.
Department of Housing and
Urban Development,
M.S. Building, Bangalore-560 001.
2. Bangalore Development Authority,
Represented by its Commissioner
T. Chowdaiah Road,
(Sankey Tanki Road)
Bangalore.
3. Land Acquisition Officer,
Bangalore Development Authority,
T. Chowdaiah Road,
(Sankey Tanki Road),
Bangalore.

... RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for
Respondent No.1, Shri M.N. Ramanjaneya Gowda, Advocate
for Respondents 2 and 3)

This Writ Petition is filed under Articles 226 and 227 of
the Constitution of India praying to quash the notification dated
15.11.2006 vide Annexure-C, gazetted on 16.11.2006 and final

notification dated 29.06.2007 gazetted on 03.07.2007, vide Annexure E, so far as concern to the lands of the petitioners.

IN W.P.No.17416/2007:

BETWEEN:

Shri G.A. Govinda Reddy,
S/o. late Gunjur Appanna Sidda Reddy,
Aged 64 years,
Resident of Sairam, No.405/7,
13th Main Road,
Lakkasandra, Wilson Garden,
Bangalore-560 030. ...PETITIONER.

(By Shri B. Ramesh, Advocate)

AND:

1. State of Karnataka,
Represented by its Secretary.
Department of Urban Development,
M.S. Building,
Vidhana Veedhi,
Bangalore-560 001.
2. The Commissioner,
Bangalore Development Authority,
Sankey Road
Bangalore-560 020.
3. The Special Land Acquisition Officer,
Bangalore Development Authority,
Sankey Road,
Bangalore-560 020. ... RESPONDENTS.

(By Shri. D. Nagaraj, Additional Government Advocate for Respondent No.1, Shri C.R. Gopaldaswamy, Advocate for Respondents 2 and 3)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the preliminary notification dated 15.11.2006 and final notification dated 29.06.2007 issued by Respondents 2 and 1 vide Annexure G and D insofar as the petitioner property bearing Sy.No.25 measuring two acres 35 guntas, including four guntas kharab situated at Chikkanagamangala village, Sarjapur Hobli, Anekal taluk, Bangalore Urban District and etc.

IN W.P.No.20187/2007:

BETWEEN:

1. R. Pilla Reddy,
S/o. Rama Reddy,
Aged about 35 years,
Resident of No.712,
Sri.Tejashwini Nilaya,
Sridevi Complex,
Hebbagodi,
Anekal Taluk,
Bangalore-560 100.
2. Mrs. L. Sunanda,
W/o. R. Pilla Reddy,
Aged about 31 yars,
Resident of No.712, Sri. Tejashwini Nilaya,
Sridevi Complex,

Hebbagodi, Anekal Taluk,
Bangalore-560 100.

...PETITIONERS

(By Shri Reuben Jacob, Advocate)

AND:

1. State of Karnataka,
Department of Urban Development,
M.S. Building,
Vidhana Veedhi, Bangalore-560 001.
Represented by its Secretary.

2. Bangalore Development Authority,
Sankey Road,
Bangalore-560 020,
Represented by its Commissioner.

3. The Special Land Acquisition Officer,
Bangalore Development Authority,
Sankey Road,
Bangalore-560 020.

... RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for
Respondent No.1, Shri U. Abdul Khader & Shri Basavaraj V.
Sabarad, Advocates for Respondents 2 and 3)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the preliminary notification dated 15.11.2006 and final notification dated 29.06.2007 issued by the second and first respondents vide Annexure G and L to the writ petition, in so far the petitioner's schedule site is concerned and etc.

IN W.P.No.20159/2007:

BETWEEN:

K. Raman,
S/o. P. Kannan,
Aged about 44 years,
Residing at No.27,
Choudeshwari Nilaya,
1st Main, S.G. Palya, D.R.C. Post,
Bangalore-560 029. ...PETITIONER

(By Shri Reuben Jacob, Advocate)

AND:

1. State of Karnataka,
Department of Urban Development,
M.S. Building,
Vidhana Veedhi, Bangalore-560 001.
Represented by its Secretary.
2. Bangalore Development Authority,
Sankey Road,
Bangalore-560 020,
Represented by its Commissioner.
3. The Special Land Acquisition Officer,
Bangalore Development Authority,
Sankey Road,
Bangalore-560 020. ... RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for Respondent No.1, Shri U. Abdul Khader & Shri Basavaraj V. Sabarad, Advocates for Respondents 2 and 3)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the preliminary notification dated 15.11.2006 and final notification dated 29.06.2007 issued by the second and first respondents vide Annexure G and L to the writ petition, insofar the petitioner's schedule site is concerned and etc.

IN W.P.No.11653/2008:

BETWEEN:

K.P. Murthy,
S/o. late G. Papaiah Reddy,
Aged about 55 years,
Residing at No.1972, Kachukanahalli,
St. Thomas Town and Post,
Bangalore-89.

...PETITIONER.

(By Shri Padmanabha V. Mahale, Senior Advocate for Shri Hareesh Bhandary T, Advocate)

AND:

1. State of Karnataka,
Represented by its Secretary.
Department of Housing and Urban Development,
M.S. Building, Bangalore-560 001.
2. Bangalore Development Authority,
Represented by its Commissioner.
T. Chowdaiah Road,

(Sankey Tanki Road)
Bangalore.

3. Land Acquisition Officer,
Bangalore Development Authority,
T. Chowdaiah Road,
(Sankey Tanki Road),
Bangalore.

... RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for Respondent No.1, Shri M.N. Ramanjaneya Gowda, Advocate for Respondents 2 and 3)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the notification dated 23.09.2005 gazetted on 27.09.2005 vide Annexure-E and the final notification dated 29.06.2007 gazetted on 3.7.2007 vide Annexure-J insofar as the lands of the petitioners, and etc.

IN W.P.No.19603/2007:

BETWEEN:

1. Muddu Krishnachari,
Aged about 60 years,
S/o. Muniswamachari,
Resident of Sy.No.86,
Seegehalli gate,
Bidarahalli (HO),
Bangalore East Taluk,
Bangalore-560 067.
2. Smt. Rajamma,
Aged about 48 years,

W/o. Gopalachari,
Resident of Sy.No.85,
Seegehalli Gate,
Bidarahalli (Ho), Bangalore East Taluk,
Bangalore-560 067.

3. A. Srinivas,
Aged about 38 years,
S/o. late Anjanappa,
House Kalte No.839, Sy.No 85,
Seegehalli Gate, Bidarahalli (Ho),
Bangalore East Taluk,
Bangalore-560 067.
4. Smt. Rathnamma,
Aged about 50 years,
W/o. A. Thimmaiah,
Resident of Sy.No.85,
Seegehalli Gate,
Bidarahalli (Ho), Bangalore East Taluk,
Bangalore-560 067.
5. Sri. Nagaraju,
Aged about 30 years,
S/o. late K. Narayanappa,
Resident of Sy.No.85, Seegehalli gate,
Bidarahalli (Ho), Bangalore East Taluk,
Bangalore-560 067.
6. Sri. T. Krishnappa,
Aged about 75 years,
S/o. late Thimmaiah,
Resident of Sy.No.81/1, Seegehalli
Village, Bidarahalli (Ho),
Bangalore East Taluk,

Bangalore-560 067.

7. Y. Narayanappa,
Aged about 57 years,
S/o. late Yerrappa,
Resident of Sy.No.81/1, Seegehalli,
Bidarahalli Hobli,
Bangalore East Taluk,
Bangalore-560 067.

...PETITIONERS

(By Shri N. Bayya Reddy, Advocate)

AND:

1. State of Karnataka,
Represented by its Secretary,
Housing and Urban Development,
M.S. Building,
Bangalore-560 001.
2. Bangalore Development Authority,
Represented by its Commissioner,
T. Chowdaiah Road,
Bangalore-560 020,
3. The Land Acquisition Officer,
Bangalore Development Authority,
T. Chowdaiah Road,
Bangalore.

... RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for
Respondent No.1, Shri Basavaraj V. Sabarad, Advocate for
Respondents 2 and 3)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to declare the issue of the Additional Preliminary notification dated 15.11.2006 vide Annexure-D under Section 17(1) and (3) of the BDA Act, 1976, insofar as it relates to the proposal to acquire the petitioner's land shown in the schedule in Sy.No.81/1, 81/2, 85 and 36 of Seegehalli, vide item Nos.511, 512, 515 and 516 is illegal, arbitrary, unconstitutional and void and quash the same, and etc.

IN W.P.No.20161/2007:

BETWEEN:

1. D. Ganesh
Son of S. Devappa
Aged about 30 years
Residing at GPR Royal No.01
Opposite New Fruit Market,
Singhena Agrahara
Bangalore-560 106.
2. D. Nagabhusan
Son of S. Devappa
Aged about 27 years
Residing at GPR Royal No.01
Opposite New Fruit Market,
Singhena Agrahara
Bangalore-560 106.

...PETITIONERS

(By Shri Reuben Jacob, Advocate)

AND:

1. State of Karnataka,
Department of Urban Development,
M.S. Building,
Vidhana Veedhi
Bangalore-560 001
By its Secretary.
2. Bangalore Development Authority,
Sankey Road,
Bangalore-560 020,
By its Commissioner.
3. The Special Land Acquisition Officer,
Bangalore Development Authority,
Sankey Road,
Bangalore-560 020

... RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for Respondent No.1, Shri Basavaraj V. Sabarad, Advocate for Respondents 2 and 3)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the preliminary notification dated 15.11.2006 and final notification dated 29.06.2007 issued by the second and first respondents vide Annexures G and L to the writ petition in so far as the petitioner's schedule site is concerned.

IN W.P.No.14579/2007:

BETWEEN:

1. M/s. Vakil Housing Development Corporation (P) Ltd.,

Represented by its Managing Director
Mohsin Ali Vakil,
Aged about 53 years,
S/o. Wahid Ali Vakil,
No.78, Koramangala Industrial Area,
Jyothi Nivas College Road,
Koramangala, Bangalore-560 095.

2. Mohammed Ali Vakil,
Aged about 25 years,
S/o. Mohsin Ali Vakil.

3. Mohsin Ali Vakil,
Aged about 53 years,
S/o. Wahid Ali Vakil,

Appellants 2 and 3 are residing at
No.78, Koramangala Industrial
Area, Jyothi Nivas College Road,
Koramangala, Bangalore-560 095.

...PETITIONERS

(By Shri N. Bayya Reddy, Advocate)

AND:

1. State of Karnataka,
Represented by its Secretary,
Housing and Urban Development,
Vidhana Soudha, Bangalore-560 001.
2. Bangalore Development Authority,
Represented by its Commissioner,
T. Chowdaiah Road,
Bangalore-560 020,

3. The Land Acquisition Officer,
Bangalore Development Authority,
T. Chowdaiah Road,
Bangalore.

... RESPONDENTS.

(By Shri. D. Nagaraj, Additional Government Advocate for Respondent No.1, Shri U. Abdul Khader, Advocate and Shri Basavaraj V. Sabarad, Advocate for Respondents 2 and 3)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to declare the issue of a final notification as per Annexure-N dated 29.06.2007 insofar as it relates to the lands of the petitioners detailed in para 1 of the writ petition as arbitrary, illegal, opposed to the statutory power, malafide and unconstitutional and etc.

IN W.P.No.16257/2007:

BETWEEN:

Shri G. Bhavani Singh,
Aged about 56 years,
S/o. late Gopal Singh,
Advocate, Residing at No.746,
'Shree Nidhi', Kadugodi,
White Field Railway Station,
Bangalore-560 067.

...PETITIONER

(By Shri N. Bayya Reddy, Advocate)

AND:

1. State of Karnataka,
Represented by its Secretary,
Housing and Urban Development,

M.S. Building, Bangalore-560 001.

2. Bangalore Development Authority,
Represented by its Commissioner,
T. Chowdaiah Road,
Bangalore-560 020,

3. The Land Acquisition Officer,
Bangalore Development Authority,
T. Chowdaiah Road,
Bangalore.

... RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for Respondent No.1, Shri Basavaraj V. Sabarad, Advocate for Respondents 2 and 3)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to declare the issue of the preliminary notification dated 15.11.2006 vide Annexure-D under Section 17(1) and (3) of the BDA Act, 1976 insofar as it relates to the proposal to acquire 30 guntas of land in Sy.No.64/2 of Seegehalli vide Item No.501 as illegal, arbitrary, unconstitutional and void and quash the same and etc.

IN W.P.Nos.17763 & 21993-21997/2012:

BETWEEN:

1. Sri. M. Chennakeshava,
S/o. late Mariyappa,
Aged about 45 years,
2. Sri. Puttaraj,
S/o. late Mariyappa,
Aged about 40 years,

Both are residing at
Machohalli Village,
Kadabegere Cross,
Dasanapura Hobli,
Bangalore North Taluk,
Bangalore District.

...PETITIONERS

(By Shri M. Shivaprakash, Advocate)

AND:

1. The State of Karnataka,
Represented by its Chief Secretary,
Vidhana Soudha, Bangalore.
2. The Principal Secretary,
Department of Housing and Urban Development,
State of Karnataka,
M.S. Building,
Bangalore.
3. The Commissioner,
Bangalore Development Authority,
Bangalore.
4. The Land Acquisition Officer,
Bangalore Development Authority,
Kumara Park West,
Bangalore.

... RESPONDENTS

(By Shri. D. Nagaraj, Additional Government Advocate for
Respondent Nos.1 & 2, Shri B.V. Shankaranarayana Rao,
Advocate for Respondents 3 and 4)

These Writ Petitions are filed under Articles 226 and 227 of the Constitution of India praying to call for the entire records in Preliminary notification dated 12.12.2005 vide Annexure-C and final notification dated 27.7.2011 vide Annexure-K from the office of respondent No.3 with respect of acquisition proceedings for peripheral ring road-II, and etc.

These petitions having been heard and reserved on 30.4.2014 and coming on for pronouncement of orders this day, the Court delivered the following:-

ORDER

These petitions are heard and disposed of by this common order having regard to the fact that the petitioners are said to be similarly aggrieved by the common acquisition proceedings initiated in respect of their respective lands. Common questions of fact and law arise for consideration and it is hence convenient to consider all the petitions together.

2. The brief particulars of the several lands involved in these petitions are shown briefly in tabular form hereunder.

No.	Name of the Petitioners	W.P.No.	Village	Hobli	Sy. No.	Extent Acre Gunta
1	Sudhakar Hegde & another	4550/2008	Bilishivale	Bidarahalli	11/1	House - 8960 Sq.ft.
2	M.Venkat Reddy	16120/2007	Sulikunte	Varthur	79/3A	22½

	M.M.Venkatesh Kumar				79/3A	22½
3	B.M.Nagaraj	18037/2007	Sulikunte	Varthur	78/1 78/2 78/3	3
4	Shankar & others	49622-721/ 2012	Venkatala	Yelahanka	67/2, 69/1, 70, 71	Sites
			Kattigena-Halli	Jala	127/2 127/3 128/1 128/3	
			Kogilu	Yelahanka	12, 15/1, 112/ 2B2	
5	S.Narayan	45444/2012	Avalahalli	Bidarahalli	32/2	1 27½
6	S.Krishna Reddy	12340/2008	Sora Hunase	Varthur	65/3	1 15
7	B.Ratna Kumari	6199/2008	Hebbagodi	Attibele	60/9 to 60/14	Site
8	Narasimharaju & Others	566/2008	Thammena Halli	Dasanapura	Asses sment No.55/ 1	Sites
9	Lakshmamna & another	726/2008	Chokkana Halli	Yelahanka	30 32	3 20 2 20
10	Lisa Homes	11651/2008	Doddagubbi	Bidarahalli	House List No.13 9/1 -do - House List Khata No.26/ 1/2	Sites

11	Govindaraju & others	20340/2007	Kogilu	Yelahanka	67/1 68/3 69	0 0 0	5 60 25
12	Suresh Kumar & another	19293/2007	Doddagubbi	Bidarahalli	23/2	0	33
13	N.Narayanappa & another	19651/2007	Shigehalli	Bidarahalli	66 85	3	31 02
14	C.Devaraju & others	9975/2008	Sorahunase	Varthur	60/1 61/2 64/5 65/3 64/2 40/2 61/1 61/1	1 1 1 2 1 1	34 06 30 34 2½ 14 15
15	N.Narayanappa	10126/2010	Nagareswara nagenhalli	Krishnarajapuram	29/3	1	20
16	Ramachandra & others	10371/2007	Kogilu	Yelahanka	112/ 2B2	1	23
17	Narasimha-murthy & others	10098/2007	Venkatala	Yelahanka	69/1, 70,71, 72,73	70 houses	
18	Padma Sharma & others	13321/2008	Gulimangala	Sarjapur	110/2		30.94
19	M.S.Mahindra	19984/2007	Avalahalli	Yelahanka	69/1, 70,71, 72/1, 73	12 + house	95
20	M.B.Patil & another	10548/2008	Venkatala	Yelahanka	74/1	3	
21	K.B.Madhavan	400/2009	Gulimangala	Sarjapur	110/2		9.04
22	Munisonappa	19148- 52/2009 25423- 425/2009	Vaderahalli/ Aduru	Bidarahalli	5/1,12, 13/1, 26/2, 32/4 32/5 32/6 32/7	10 + site	04
23	P.Munishamappa	22461/2009	Bilishivale	Bidarahalli	11/1, 11/2		22 20
24	C.Narasimhaiah & others	3645- 48/2010	Gattahalli	Sarjapur	8/1, 8/2, 155, 4/1	1 1 1	12 30 5

25	Yalliappa & others	890/2008	Hebbagodi	Attibele	61/1	Site	
26	N.Krishna Reddy And others	11921/2009	Huskur	Sarjapur	135/1 136/1 136/2 137, 138	3 3 3 2 1	28 11 13 26 3
27	Lalitha Chandrashekar & others	12339/2008	Doddagubbi	Bidarahalli	109/ 2A	5	30
28	G.A.Govinda Reddy	17416/2007	Chikkana mangala	Sarjapur	25	2	35
29	Pilla Reddy & another	20187/2007	Hebbagodi	Attibele	60/9 to 14	Site	
30	K.Raman	20159/2007	Hebbagodi	Attibele	60/9 to 14	Site	
31	K.P.Murthy	11653/2008	Doddagubbi	Bidarahalli	14/P 26	1	
32	Muddu Krishnachari	19603/2007	Shigehalli	Bidarahalli	81/1 81/2, 85,86	3	30
33	D.Ganesh & another	20161/2007	Hebbagodi	Attibele	60/9 to 6014	Site	
34	Vakil Housing and Developers and others	14579/2007	Shigehalli	Bidarahalli	118/ 4, 118/7, 118/2 118/12 118/15 118/ 16 134	16	34
35	G.Bhavani Singh	16257/2007	Shigehalli	Bidarahalli	64/2,	1	09
36	M.Channakeshava & another	17763/2012 & 21993-997/2012	Machohalli	Dasanapura	134/1 135/1 136/1 137/1 140/p 140/p1	5 4 5 4 2 1	02 26 08 14 15 15

The respondents, namely, the Housing and Urban Development Department of the Government of Karnataka (Hereinafter referred to as the 'HUD', for brevity) and the

Bangalore Development Authority (Hereinafter referred to as the 'BDA', for brevity) are the Town Planning Authorities for the local planning area comprising the City of Bangalore under Section 2(7)(a)(i) and Section 81-B of the Karnataka Town and Country Planning Act, 1961 (Hereinafter referred to as the 'KTCP Act', for brevity). Under the provisions of the KTCP Act, there is an obligation cast on the said respondents to prepare a Master Plan, which was called the Outline Development Plan and Comprehensive Development Plan, before it was christened as the Master Plan by a later amendment to the KTCP Act. It was in furtherance of the said obligation and in the backdrop of the intention of the respondents to form a 'Peripheral Ring Road' (PRR), the respondents are said to have prepared a draft publication, which is said to have been provisionally approved by the State government, on 10.6.2005, under Section 12 of the KTCP Act. The same is said to have been kept on public display, inviting suggestions and objections, if any.

According to the petitioners, the BDA is said to have appointed consultants for providing inputs in relation to the formation of the PRR. They were, M/s Indian Resource Information and Management Technologies Ltd. (IRIMT) and M/s Alcon Consulting Engineers and Architects (Alcon). It is stated that IRIMT had, in their report, in relation to the formation of the ring road, projected the need of a total extent of 2968.36 acres of land and a further extent of 651 acres for other purposes, totally measuring 3619.36 acres, spread over 104 villages in five taluks. The said report of IRIMT was said to have been accepted by the BDA as on 29.6.2005.

However, it is stated that the Commissioner, BDA had issued instructions requiring realignment in an extent of 48.30 KM in the original route. It is stated that Alcon had prepared alternative proposals in respect of realignment in respect of the said 48.30 KM. It is further stated that the realignment was accepted by the BDA as on 7.11.2006.

It is said that the development of the PRR, for purposes of identification, was considered in two parts. The section comprising Tumkur Road to Hosur Road, was considered as Phase-I, measuring about 63.40 KM and Hosur Road through Bannerghatta Road, Kanakapura Road, Mysore Road, Magadi Road to Tumkur Road – was considered as Phase – II, measuring about 50.04 KM. The total alignment of the PRR was thus 113.44 KM.

A preliminary notification under Section 17(1) and (3) of the Bangalore Development Authority Act, 1976 (Hereinafter referred to as the 'BDA Act', for brevity), dated 27.9.2005 was said to have been issued proposing to acquire an extent of 1962.26 acres in respect of Phase-I and an extent of 1862.10 acres in respect of Phase-II. The said preliminary notification dated 27-9-2005 is said to have been challenged in a batch of writ petitions before this court in WP 213/2006 and connected petitions, on the ground that the preliminary notification was not in accordance with the scheme for

development as approved nor was it in consonance with the proposed development of the peripheral road logistic area, as per the provisionally approved Master Plan. The said petitions were said to have been disposed of by this court by an order dated 16.1.2006, with a direction to the BDA to consider objections which were filed to the preliminary notification, but which had not been taken into account by the BDA .

Further, in view of the realignment, an additional preliminary notification was issued on 16.11.2006 in respect of the PRR, Phase-I -- between Tumkur Road and Hosur Road, in respect of additional lands measuring 989.32.25 acres. It is stated that the State Government granted sanction of the Scheme, under Section 18(3) of the BDA Act on 24.3.2007 and issued a final notification under Section 19(1) of the BDA Act, dated 29.6.2007, for acquisition of a total extent of 1810 acres and 18.5 guntas of land spread over 67 villages in the Bangalore Urban District. It further transpires that yet another preliminary notification dated 16.8.2010 was issued under

Section 17(1) and (3) of the BDA Act in respect of 372 acres and 26 guntas of land. This is said to have been warranted after the issuance of the final notification on account of a petroleum pipe line running across the PRR, which was a project of the Government of India. The strict design parameters of the laying of the pipe line did not permit the shifting of the same. The PRR had thus to yield. The total length that required alignment on account of this hurdle was 4.24 Km. A further alignment was found necessary on account of a BDA approved layout and multi-storeyed buildings, which would have required to be cleared – apart from a government school and the Chikkabannahalli tank, which were in the way. Incidentally, it was also proposed to provide Toll Plazas, Truck Terminals and other facilities. The total length was 6.77 KM. And an extent of 193 acres and 34.25 guntas of land was dropped as not required for the project, in view of the change in alignment. The net effect of those notifications and the realignment is a total extent of 1989 acres and 10.25 guntas of land was notified

for acquisition for the purposes of the PRR – Phase – I. The said extent included the following :

a. Government land	216.18 acres
b. Forest land	25
c. Earmarked for junctions	29.04
d. Earmarked for Toll plazas	55.31
e. Earmarked for Transport zone	259.06

It is pertinent to state that the additional preliminary notification dated 16.8.2010 was the subject matter of challenge in a Writ petition before this court in WP 21920-922/2011. While allowing the said petition by an order dated 8.9.2011, the learned single judge having found that the project had never taken off even after several years, had thought it fit to quash all the notifications pertaining to the PRR.

This was challenged by the BDA, in a Writ appeal, WA 17005-07/2011, the Division bench by its judgment dated 15.7.2013 confirmed the Order of the learned single judge, in so

far as it pertained to the notification dated 16.8.2010 and set aside the order in so far as the other notifications, referred to hereinabove are concerned. The same is said to have been challenged by the BDA before the apex court and is said to be pending consideration.

It further transpires that the State Government by its Order dated 19.1.2013 has further permitted modification of the Scheme of construction of the PRR, reducing the width of the road from 100 metres to 70 metres, with reservation of 5 metres as a buffer area to provide for services and utilities.

The other change that has taken place is a decision to integrate the PRR – Phase-I with the BMICP Expressway, which connects National highway No.4 with National Highway no.7, this would render the need to implement PRR Phase-II, unnecessary, as the BMICP Expressway serves the purpose for which Phase-II was intended.

3. In the above background, before proceeding to consider the several contentions urged by the several

petitioners, the effect of the earlier proceedings before this court and the views expressed therein are very pertinent.

The learned single judge in dealing with the petition in WP 21920-21922/2011 by his order dated 8.9.2011 has sought to justify addressing the implementation of the PRR Project in its entirety and not merely the propriety of the additional preliminary notification dated 16.8.2010, issued after a final notification was issued in respect of the acquisition proceedings pertaining to Phase - I of the PRR project, in these words:

“ 19. This court has time and again indicated that while the court examines the matter in exercise of writ jurisdiction i.e., judicial review of administration action, this court does not function either as a court of appeal or for the purpose of finding out what can be given to the petitioners or what can be saved to the petitioners.

20. An undisputed legal aspect is the existence of locus. A person who approaches the court invoking writ jurisdiction if complains that some administrative authority or statutory authority or the State in exercise of its power has been functioning in a manner which is not law conforming, not acting in a bona fide manner and on occasions in a malafide manner are all situations which warrant examination and the examination is not for

protecting or safeguarding anything in favour of the petitioners, but always to look in to the manner in which the State and the lesser versions of the State have been exercising the power and authority, as to whether it is statute conforming and in a bona fide manner for a proper purpose.

21. *The scrutiny in these writ petitions is not any different. Unfortunately, when the action of the BDA is tested on such touchstone, It does not stand scrutiny for the reason that this is a clear case of the BDA going about in a most haphazard, ill prepared manner: that it has embarked upon issuing three preliminary notifications so far in the name of one scheme i.e., 'peripheral ring road' to a length of about 100 kilometers around Bangalore city and with the width of 100 meters etc. The BDA is also quite ambitious in its scheme, proposing not only to develop toll plazas, but also to provide truck terminals, bus depots for transport authorities and what not.*

22. *However, Sri Shanmukhappa, learned Counsel for the petitioners sounds a note of caution that all these things are done not for the purpose of development or in public interest, but to transfer all projects to private agencies on the pretext of a latest phrase employed by public authority, namely, "Build, Operate and Transfer" and it is the experience of the citizens that these private agencies exploit the citizens and act in a high handed manner over which illegal and high handed actions of*

these private agencies the BDA also will not have any control who pleads helplessness thereafter.

23. The manner in which the BDA has been looking for guidance and advice from outside agencies by outsourcing all phases of a scheme like this only shows that they are professionally incompetent to execute a scheme of this nature. The manner in which they go about altering, re-altering, notifying additional extents of land in the name of realignment of the road only shows their haphazard manner of handling things and not handling its schemes in a professional manner for implementation.

24. The BDA being a statutory authority should know how to go about its functioning and should also know in what areas it has capacity and competence; what areas are within its statutorily defined duties and functions and adhere to that and would be better advised to hone its skills in those areas, than to embark on many ambitious projects, but leaving them half done, undone and in the bargain squandering large sums of public funds.

25. Unfortunately, in our country, public functioning has no sanctity any more and public authorities revel in squandering public money as though it is for charity! It is the duty of the Government and even the BDA which is State within the meaning of Article 12 of the Constitution of India, to account every pie of its expenditure. Instead, the BDA acts in a rather secretive

manner, does not reveal its activities, does not open its doors to the public, does not even notify or place in public domain as to what projects it has undertaken, which are the projects which are outsourced to private contractors and even during implementation of a scheme do not publicise, do not reveal what is going on and on the contrary acts in a rather secretive, fishy manner to cover up its operations. It is a most undesirable development in public domain.

26. Be that as it may, the manner in which the BDA has issued a preliminary notification for the third time in respect of a scheme perceived in the year 2004 only shows its total lack of professionalism. There is no guarantee or assurance that it will not go about issuing further preliminary notifications etc., but the insurmountable statutory hurdle that the present notification faces is that it is not a notification in compliance with the requirements of section 17(1) of the Act, but one in the name of section 17(1) of the Act.

27. The BDA – a statutory authority under the Act when once propounds a scheme has to go about with different stages of section 17 of the Act, forward it to the State Government under section 18 of the Act, elicit its approval under section 18(3) of the Act and thereafter the State Government issuing a declaration under section 19(1) of the Act, is statutorily bound to adhere to the scheme as approved and published by the State

Government. A declaration by the state Government brings about a finality and is also taken to be a presumption that the subject lands are required for implementation of a project in public interest and for a public purpose. When such is the legal position, it is not open to the BDA to go about issuing additional preliminary notifications at variance with the scheme as had been proposed and finalised by its and then forwarded to the State Government for eliciting its approval, and later the state government approving the scheme and following it up by the present act in publishing the declaration, putting a seal of finality that the lands proposed for acquisition are required for a public purpose! Issuing notification at Annexure-L is clearly an overreaching act on the part of the BDA and not in consonance with the declaration of the State Government, but at variance. Whether it is for proper implementation or in the name of proper implementation or practical difficulties and as submitted by Sri V.Y.Kumar, learned counsel for the respondent – BDA that the BDA has realized ground realities now in the year 2010, is only a true reflection of the manner in which the BDA is functioning and is a typical situation where the BDA wants to take rearguard action having realised its lack of preparedness in going about implementing the scheme even during the preparatory stage and during the next stage of hearing objections from the public at large etc.

28. *Even as per the verison of the State and the BDA, if the stage of hearing public girevance are over and the matter had received government's approval in terms of the final notification of the year 2007, it is definitely not open to the BDA to go about hearing again and again and going through some pretext of action, an action which is not permitted in law, but is used as a ruse for its wavered and statutorily non-supporting activities.*

29. *The present writ petitions reveal a definite situation, a clear case of calling in aid a statutory provision when it is no more available and going about issuing notification in the name of non available statutory powers at the particular stage and is also therefore an obvious instance of colorable exercise of power.*

30. *Even in the limited examination of the manner in which the BDA has implemented developmental schemes for formation of layouts in the Bangalore city, it was found that the BDA does not go about in a professional, clinical manner, but the schemes are not implemented for 25 to 30 years; that the implementation is only partial; that the State Government, on the other hand, in the meanwhile indulges in activities at cross purposes with the propounded scheme by issuing notification for withdrawal of the land from acquisition !*

31. *In the instant case also while the proposal even as indicated in the aerial map which is an extract of Google satellite map at Annexure-M indicates that the peripheral ring road having been subjected to*

realignments time and again and having totally deviated from its original scheme and plan, the BDA is blissfully tightlipped about the details of the lands encountering difficulties from out of the lands which had been notified and the course of the path as it envisaged or visualized as per its scheme and as per its realigned scheme, inclusive of which perhaps declaration is issued, but has gone about issuing yet another preliminary notification for acquisition of additional extents of lands in the name of further realignment of the road, having regard to the ground realities.

32. A ground reality is to yield particularly, when a statutory authority is exercising its power and cannot keep popping up at every stage even at the final stage of implementation of the scheme. If the BDA had not shown awareness to the ground realities, it again shows its lack of preparedness and making a farce of going through the statutory provisions of sections 17 and 18 of the Act. That again shows lack of due application of mind on the part of the BDA about the purpose for which the statutory notifications are issued. While in this state of affairs, the BDA may be better advised to confine its role to formulation of some additional layouts if it is possible and inevitable, in a proper manner, projects such as formation of roads, highways, peripheral ring roads may be left to the professional bodies like the Highway authorities and other authorities and it is also to be noticed that the technical wing of the BDA are totally

incapable or incompetent of supporting the schemes formulated by the BDA and if the BDA is to go about shopping for guidance, expertise and light within the country and outside the country time and again, it is better that the BDA relieves the technical and other staff who are supposed to support the BDA for such functions and who have come on deputation from other agencies of the State Government and raise a force of its own comprising of persons with some professional competence who can, not only guide but also serve the BDA with a little sense of dedication and expertise.

33. *While it is for the BDA to make efforts to professionalise itself for the benefit of the public at large, the present action in issuing a third preliminary notification for acquiring additional lands is per se not permitted nor tenable in law, which is nothing short of an illegal act.*

34. *While the respondent – BDA has put forth a strong and formidable preliminary objection to the maintainability or for examination of the writ petitions on the premise that what is challenged is only a preliminary notification, what is not revealed and what is suppressed is the fact that this is not preliminary notification in the real sense of the word, but a second/third preliminary notification in respect of the same scheme and preliminary notification issued after the State Government has approved and finalised the scheme pursuant to the earlier two preliminary notifications that*

had been issued by the BDA and had sanctioned the scheme as per that proposal and had further issued a declaration under section 19(1) of the Act finalizing the acquisition of the notified lands, being satisfied that the lands proposed for acquisition are required for a public purpose, namely, the scheme as had been proposed and approved by the State Government. The present preliminary notification is one which is issued after this stage and is therefore not really a preliminary notification in the true sense and in the true meaning of the concept of preliminary notification in terms of section 17(1) of the Act.

35. The preliminary objection raised on behalf of the State and the BDA are of no consequence when it is demonstrated before this court that the BDA is embarking on exercising statutory powers which it is otherwise not permitted in law to exercise.

36. Therefore, these writ petitions are allowed. All the notifications in its entirety pertaining to the scheme of peripheral ring road are hereby quashed by issue of a writ of certiorari. Rule made absolute.”

The said Order when challenged in appeal, the Division bench in its judgment in WA 17005-07/2011 dated 15.7.2013

had framed the following points for consideration and were answered thus :

“Having heard the learned counsel appearing for the parties, what is required to be considered in this appeal is:

- (a) Whether the learned Single Judge is justified in quashing the entire scheme which was not the subject matter of the writ petition?*
- (b) Whether the learned Single Judge is justified in quashing the preliminary notification without permitting the authority to exercise the power vested in it to consider the objections of the landlords?*
- (c) Whether the direction issued by the learned Single Judge to hold a detailed enquiry into the feasibility of the scheme through Lokayuktha agency is required to be interfered?*

14. So far as the first point is concerned, we do agree with the arguments advanced by the learned counsel Mr. Shankar Narayana Rao that, the learned Single Judge has committed an error in quashing the acquisition proceedings, which are not the subject matter of the writ petition. The subject matter of the writ petition is in regard to the challenge to the additional land notified for the construction of Toll Plaza and other utilities, whereas the earlier notification is concerning the land required for the

formation of Peripheral Ring Road. It is a fact that the BDA has not implemented the scheme of formation of Peripheral Ring Road for more than eight years. The original scheme of formation of Peripheral Ring Road has seen a sea change by the issuance of several notifications, and change of alignment of the road, which has not lost the character of original Peripheral Ring road. Even though such serious lapses have been committed by the BDA in matter of the construction of Peripheral Ring road in not commencing the work and not implementing the scheme for more than eight years, this Court sitting in a writ petition, filed challenging the notification for acquisition of additional lands cannot quash the acquisition proceedings, which have attained finality. Therefore, we are of the view that point No.1 has to be answered in favour of the appellant.

15. *Insofar as the second point is concerned, we also see some force in the arguments of Sri Shankar Narayana Rao, so far as the maintainability of the writ petition, questioning the preliminary notification alone. If we consider the entire background of this case it amply proves that initiation of acquisition proceedings is nothing but a colourable exercise of power by the BDA since it has not used the land acquired for constructions of the ring road and in words the BDA is incapable of implementing the scheme of formation of Peripheral Ring road for more than eight years. Still they are intending to acquire additional land for construction of Toll Plaza. According*

to us, the construction of toll plaza would arise only after the project is completed. The BDA after completion of the project if need be, can initiate action for acquisition of the land. Before issuance of the notification for acquisition of the lands, the BDA should have thought over about the area required for construction of Toll Plaza or parking of truck or a truck bay. If the BDA has conceived the idea of construction of Peripheral Ring road even without making any provision for construction of Toll Plaza and other utilities, it only shows that the learned Single Judge is justified in holding that there is lack of professionalism in BDA in implementing its project. Therefore, we are of the view that it would be unfair to interfere with the order of the learned Single Judge on the ground that the preliminary notification should not have been quashed by the learned Single Judge.

16. Our view is also supported by the submission made by B.V.Shankaranarayana Rao, learned counsel since the Government has decided to reduce the width of the Peripheral Ring road from 100 Mts to 70 mts, the remaining 30 meters wide through out the area of 120 Kms. Of peripheral ring road will be in the command of BDA. When they have 30 meters at their command, there is no reason for the BDA to acquire additional lands under the guise of construction of Toll Plaza. Therefore, we are of the view that even though Court cannot interfere with the preliminary notification of acquisition proceedings, still in the background of the present case, we are of the view that

the Court can interfere with the acquisition proceedings. In addition to that as stated supra, there is no guarantee that the BDA would implement the scheme of formation of Peripheral ring road. For eight years it has not shown any progress. Indeed the area has now reduced from 100 meters to 70 meters. As stated earlier, as 30% of the acquired area is in command of the BDA, they can very well construct any other utilities or toll plaza. Therefore we are of the view that the learned Single Judge has not committed any error in quashing the notification pertaining to the writ petitioners.

17. So far as the direction issued by the learned Single Judge directing the Registry to forward a copy of this order to Karnataka Lokayukta for holding an enquiry at its level in the case of expenditure insofar as the scheme is concerned, and that it should be satisfied about the bona fide meaning of incurring expenditure is concerned, we decline to interfere with the same considering the background of this project. Accordingly, writ appeal is allowed in part.

18. The quashing of acquisition of the petitioner's land under the preliminary notification dated 16.08.2010 as per Annexure-L is hereby confirmed.

We set aside the quashing of other notification in entirety pertaining to the scheme of Peripheral ring road.

Parties to bear their own costs. “

4. At the time of hearing of these petitions – it was noticed that the Division bench has particularly opined as above (underlined portion) and since the challenge in these petitions is to those very acquisition proceedings, a clarification was sought for from the very division bench- whether the opinion expressed would be a bar to hearing these petitions. The division bench is said to have refrained from expressing any view or affording any clarification. Therefore, this bench is left to draw its own conclusion.

Irrespective of the reasons, on which the Division bench set aside the order of the learned single judge, the categorical view expressed that the impugned notifications which were 8 years old (9 now) had attained finality and could not be quashed, would hold good – no matter what ever other reasoning could be offered to quash the acquisition proceedings. In other words, the result is foreclosed. The opinion expressed by the Division bench is binding on this bench.

It is however, noticed that the additional land which was proposed to be acquired in an extent 372.26 acres under the preliminary notification dated 16.8.2010 is vital for the project, as one of the reasons for the realignment was to avoid crossing the petroleum pipeline being laid by the Government of India. A length of 4.24 KM of the road requires to be re-aligned in this regard. As the said notification has been quashed, even if the other part of the acquisition proceedings are upheld, it is an exercise in futility. The very implementation of the project is now dependant on the outcome of the pending proceeding before the apex court vis-à-vis the notification dated 16.8.2010.

5. Be that as it may, there are two legal issues raised which require to be answered, as the legal position that would emerge is material to the petitioners, if the acquisition proceedings are sustained.

- a. Whether the repeal of the Land Acquisition Act 1894, has the effect of frustrating any proceedings with reference to Section 36 of the BDA Act.

- b. Whether the acquisition proceedings can be said to have lapsed by virtue of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 having come into force.

In so far as the first point for consideration is concerned, the question that if the provisions of the LA Act are to be construed as legislation by incorporation vis-à-vis the regulation of acquisition proceedings under the BDA, then without an amendment to Section 36 of the BDA Act, the same would become inoperable. We may first notice the language of Section 36 of the BDA Act. The same is reproduced hereunder for ready reference.

“36. Provisions applicable to the acquisition of land otherwise than by agreement.-

(1) The acquisition of land under this Act otherwise than by agreement within or without the Bangalore Metropolitan Area shall be regulated by the provisions, so far as they are applicable, of the Land Acquisition Act, 1894.

(2) For the purpose of sub-section (2) of section 50 of the Land Acquisition Act, 1894, the Authority shall be deemed to be the local authority concerned.

(3) After the land vests in the Government under section 16 of the Land Acquisition Act, 1894, the Deputy Commissioner shall, upon payment of the cost of the acquisition, and upon the Authority agreeing to pay any further costs which may be incurred on account of the acquisition, transfer the land to the Authority, and the land shall thereupon vest in the Authority.”

We may usefully refer to decided cases wherein the apex court and this court have dealt with the interplay of the provisions of the LA Act vis-a- vis the provisions of the BDA Act.

In the case of *Khoday Distilleries Ltd v. The State of Karnataka*, ILR 1997 Karnataka 1419, a division bench of this court meticulously analyzed the provisions of the BDA Act and the LA Act with reference to the primary contention raised therein, namely, that the LA Act as amended by Mysore Act 17/1961, was no longer in force in view of Act No. 68 of 1984,

amending the provisions of the LA Act and that, that LA Act alone was applicable. Hence a preliminary notification published in the Gazette on 12.1.1989, under Section 17 of the BDA Act and the Notification under Section 19 having been published on 27.7.1991 in the Gazette, was beyond the period of one year provided under proviso (2) to Section 6(1) of the LA Act.

In addressing the above it was expressed thus:

“8. We shall now examine the provisions of BDA Act and L.A. Act with reference to contentions raised on either side. Chapter III of the BDA Act provides for developmental schemes. Section 15 empowers the Authority to undertake a development scheme. Section 16 requires the particulars, to be provided in such a scheme. Sub-section (1)(a) thereof refers to stating the land which is required for acquisition for the purpose of the scheme or which may be affected by the scheme. After preparation of a scheme, under Section 17, the authority will have to draw up a notification stating the fact of a scheme having been made which shall also contain specifications of the land proposed to be acquired and on such a notification being published and a notice thereto is served upon the owners of the land, they may file objections to the same. Those

objections are processed and reference is made to the Government which is thereafter sanctioned under Section 18 by the Government with such modification as it may deem fit. Under Section 4 of the L.A. Act, a preliminary notification is issued setting out the lands required for acquisition for a public purpose and objections thereto can be filed and there is a provision for hearing the objections and the same may be referred to the Government and ultimately, the Government makes a final notification under Section 6 of the L.A. Act. The two sets of provisions under Sections 4, 5A and 6 of the L.A. Act are comparable with the provisions of Sections 17 and 18 of the B.D.A. Act. Under the provisions of the L.A. Act, if the final notification is not issued within the period mentioned therein and if any award is not made within the time prescribed under Section 11-A of the Act, the acquisition proceedings would lapse. In the case of schemes covered by the B.D.A. Act, the authority has to execute the schemes within a period of 5 years and if the authority fails to execute the scheme substantially, the scheme shall lapse and the provisions of Section 36 shall become inoperative. Thus in substance there are provisions under the B.D.A. Act to indicate the proposals for acquisition, considering the objections thereto, sanctioning the proposal for acquisition on consideration of such objections and if such acts do not take place within a period of 5 years the proceedings would lapse. The Supreme Court in several decisions where questions of delay in the implementation of the proposals

made under the L.A. Act for purpose of completion of the acquisition proceedings occurs, has taken the view that if the same is unreasonable, the acquisition proceedings could be quashed, prior to the introduction of Section 6 and 11-A of the L.A. Act prescribing limitation on the powers and the time within which such action should be taken. It would be a matter of policy for the Legislature to indicate the time within which such acts should be taken. In the case of B.D.A. Act, considering the nature and complexity of the implementation of the scheme, a period of 5 years has been fixed for purpose of completion of the scheme from the date of issue of the notification under Section 19 of the B.D.A. Act on sanction of the scheme. Therefore, when the Legislature itself has taken note of within what period the schemes have to be implemented and prescribes an authority thereto and also provides for as to what consequence would follow on non-implementation of the scheme within that period, we do not think this Court can take a view that such implementation of the scheme is in any way discriminatory when compared to the provisions of the L.A. Act. In substance, both the provisions provided for identical situation - may be in case of L.A. Act more details are set forth such as the period within which final notification has to be issued and the period within which award has to be passed. But in case of the B.D.A. Act implementation of the scheme has been limited to a period of 5 years as provided in Section 27 of the B.D.A. Act.

9. Section 27 of the B.D.A. Act provides that where within a period of 5 years from the date of the publication in the official gazette of the declaration under Section 19(1), the authority fails to execute the scheme substantially, the scheme shall lapse and the provisions of Section 36 shall become inoperative. In the L.A. Act certain period has been fixed which is considered to be reasonable within which the final notification will have to be issued and award has to be passed and if such acts are done beyond the time prescribed therein, the acquisition of land will lapse. To the same effect is Section 27 of the B.D.A. Act. If the B.D.A. Act provides for 5 years to be reasonable period for substantial compliance with the scheme, we cannot state that the said provision is unreasonable or not proper. Thus the scheme of the L.A. Act as modified by the B.D.A. Act would be applicable by reason of the provisions of Sections 17, 18, 27 and 36 of the B.D.A. Act.

10. The City of Bangalore Improvement Act, 1945 (herein-after referred to as the Improvement Act) was applicable to the Bangalore area prior to coming into force of the B.D.A. Act. The Supreme Court in *THE LAND ACQUISITION OFFICER, CITB, BANGALORE vs. H. NARAYANAIAH AND OTHERS* (AIR 1976 SC 2403) examined the various provisions of the Improvement Act and observed thus:-

"4. The Bangalore Act, as its preamble states, is really concerned with the "improvement and future expansion of the City of Bangalore, and for the appointment of a Board of Trustees with special powers to carry out the aforesaid purposes". As an incident of this improvement and expansion it provides for acquisition of land also. It does not, however, contain a separate code of its own for such acquisitions. But, Section 27 of the Bangalore Act lay down:

27. Provisions applicable by the acquisition of land otherwise than by agreement. The acquisition other than by agreement of land within or without the City under this Act shall be regulated by the provisions, so far as they are applicable, of the Mysore Land Acquisition Act, 1894, and by the following further provisions....."

In that decision, the words "so far as they are applicable" appearing in Section 27 of the Improvement Act were examined. It was stated that the intention was to exclude only those provisions of the acquisition Act which became inapplicable because of any special procedure prescribed by the Improvement Act corresponding with that found in the Acquisition Act under Section 4(1). These words bring in or make applicable, so far as this is reasonably possible, general provisions such as Section 23(1) of the Acquisition Act. They cannot be reasonably construed to exclude the application of any general provisions of the Acquisition Act. They amount to laying down the principle that what is not either expressly, or, by necessary implication, excluded must be applied.

11. *It is only for purpose of determining the compensation, the provisions of the L.A. Act can be looked into and not for other purposes. The application of the L.A. Act is only in so far as it is applicable that is, wherever there are provisions made in the Act itself, in other cases the provisions of the L.A. Act would not be applicable. Therefore, when the Act provides that if the scheme is not implemented substantially within a period of 5 years, the same would lapse, the other provisions in the L.A. Act would not be attracted to the present case at all because L.A. Act is made applicable to schemes under the Act as modified by the Act. The L.A. Act is not independently applicable to the schemes framed under the B.D.A. Act. Otherwise, it would become impossible for the authority to implement the schemes in terms of the L.A. Act. Thus, we find no substance in the first contention advanced on behalf of the petitioners nor do we find any substance in the contention that the procedures prescribed under the two enactments are so different as to result in discrimination.*

12. *We shall now consider the contention as to whether there are no provisions akin to L.A. Act regarding acquisition. In THE SPECIAL LAO, CITB, MYSORE v. P. GOVINDAN (AIR 1976 SC 2517) it was noticed that although the procedure laid down in Section 16 of the Mysore Act (i.e., Improvement Act) is more elaborate than the procedure prescribed under Section 4(1) of the Acquisition Act, yet, the purpose of Section 16 of the*

Mysore Act is same as that of Section 4(1) of the L.A. Act. We have also now drawn similar comparison between the provisions of the B.D.A. Act and the L.A. Act. Therefore, we must hold that the provisions of Section 36(1) of the BDA Act provides an identical situation in so far as they are applicable. In view of the decisions in Narayanaiah's case and Govindan's case by the Supreme Court in identical context, it must be held that the provisions of LA Act to the extent as are made applicable in BDA Act are attracted. Separate provisions are made regarding the issue of preliminary notification and the final notification as well as the period within which the proceedings under the B.D.A. Act would lapse when notified for acquisition as is clear from Chapter III of the B.D.A. Act r/w Section 36 thereof. What is therefore either expressly provided or necessarily excluded must be taken out of consideration. We hold therefore that the provisions of the Section 6 and Section 11-A of the Land Acquisition Act which provide for the period of limitation within which final notification can be made and award could be passed are excluded from application to acquisition made under B.D.A. Act by necessary implication. The rest of the provisions other than those relating to the issue of preliminary notification, final notification or period within which the award should be passed and lapsing of proceedings under the B.D.A. Act, or the L.A. Act would certainly be applicable.

13. *The argument that the L.A. Act would be applicable as amended, is advanced only with reference to the applicability of the provisions of Section 6 of the L.A. Act where the period of limitation is prescribed for issue of the final notification and Section 11A of the L.A. Act the period within which the award is to be passed. We have just now held that these two provisions are not applicable on the basis of interpretation adopted by us. In that view of the matter the general question whether reference to the L.A. Act in the BDA Act amounts to legislation by reference or incorporation or the effect thereof is not necessary to be examined or decided in this case.*”

The above decision has been approved by the Apex court in the case of *Munithimmaiah v. State of Karnataka and others*, (2002) 4 SCC 326. In the said case, the Apex court was dealing with an appeal against a judgment of a division bench of this court, which was rendered following the decision in *Khoday Distilleries Ltd. case*.

The point canvassed was that having regard to the provisions contained in Section 11 A of the LA Act, the award passed beyond the stipulated period of limitation is illegal and that after the expiry of the stipulated period of limitation is

illegal and that after expiry of the stipulated period under Section 11A the acquisition proceedings stood lapsed.

It was observed thus with reference to paragraph 12 of *Khoday Distilleries Ltd.* case :

“Thus, a decision as to the inapplicability of the provisions of Section 6 and 11-A where the period of limitation is prescribed respectively for the issue of final notification and for passing the Award, in relation to proceedings for acquisition under the B.D.A. Act came to be rendered on a mere construction of the relevant provisions in the light of the very principles laid down by this Court in the earlier decisions, noticed supra, even without reference to the general question as to whether the reference in the B.D.A. Act to the provisions of the L.A. Act amounts to legislation by reference or incorporation. We are in entire agreement with the reasoning and also affirm the ultimate conclusions arrived at by the High Court in Khoday Distilleries Ltd case (supra) which, in our view also, is squarely in conformity with the ratio of the earlier decisions of this Court specifically noticed and relied upon, in support thereof.”

And it was held as follows :

“15. So far as the B.D.A. Act is concerned, it is not an Act for mere acquisition of land but an Act to provide for the establishment of a Development Authority to facilitate and ensure a planned growth and development of the city of Bangalore and areas adjacent thereto and acquisition of lands, if any, therefor is merely incidental thereto. In pith and substance the Act is one which will squarely fall under, and be traceable to the powers of the State Legislature under Entry 5 of List II of the VIIth Schedule and not a law for acquisition of land like the Land Acquisition Act, 1894 traceable to Entry 42 of List III of the VIIth Schedule to the Constitution of India, the field in respect of which is already occupied by the Central Enactment of 1894, as amended from time to time. If at all, the B.D.A. Act, so far as acquisition of land for its developmental activities are concerned, in substance and effect will constitute a special law providing for acquisition for the special purposes of the B.D.A. and the same was not also considered to be part of the Land Acquisition Act, 1894. It could not also be legitimately stated, on a reading of Section 36 of the B.D.A. Act that the Karnataka legislature intended thereby to bind themselves to any future additions or amendments, which might be made by altogether a different legislature, be it the Parliament, to the Land Acquisition Act, 1894.

The procedure for acquisition under the B.D.A. Act vis-à-vis the Central Act has been analysed elaborately by the Division Bench, as noticed supra, and, in our view, very rightly too, considered to constitute a special and self-contained code of its own and the B.D.A. Act and Central Act cannot be said to be either supplemental to each other, or pari materia legislations. That apart, the B.D.A. Act could not be said to be either wholly unworkable and ineffectual if the subsequent amendments to the Central Act are not also imported into consideration. On an overall consideration of the entire situation also it could not either possibly or reasonably stated that the subsequent amendments to the Central Act get attracted or applied either due to any express provision or by necessary intendment or implication to acquisitions under the B.D.A. Act. When the B.D.A. Act, expressly provides by specifically enacting the circumstances under which and the period of time on the expiry of which alone the proceedings initiated thereunder shall lapse due to any default, the different circumstances and period of limitation envisaged under the Central Act, 1894, as amended by the amending Act of 1984 for completing the proceedings on pain of letting them lapse forever, cannot be imported into consideration for purposes of B.D.A. Act without doing violence to the language or destroying and

defeating the very intendment of the State Legislature expressed by the enactment of its own special provisions in a special law falling under a topic of legislation exclusively earmarked for the State Legislature. A scheme formulated, sanctioned and set for implementation under the B.D.A. Act, cannot be stultified or rendered ineffective and unenforceable by a provision in the Central Act, particularly of the nature of Sections 6 and 11-A, which cannot also on its own force have any application to actions taken under the B.D.A. Act. Consequently, we see no infirmity whatsoever in the reasoning of the Division Bench of the Karnataka High Court in Khoday Distilleries Ltd. case (Supra) to exclude the applicability of Sections 6 and 11-A as amended and inserted by the Central Amendment Act of 1984 to proceedings under the B.D.A. Act. The submissions to the contra on behalf of the appellant has no merit whatsoever and do not commend themselves for our acceptance.”

It is evident from a reading of the above opinions that the general question whether the reference to the LA Act in the BDA Act amounts to legislation by reference or incorporation or the effect thereof, was found not necessary to be examined nor was decided.

Keeping the above decisions in view, if we are to address the question whether on the repeal of the LA Act with effect from 1.1.2014, the provisions of that Act, in so far as they may be applicable to the BDA Act, would be deemed to remain in force, by virtue of Section 36 of the BDA Act, in order to complete the process of acquisition – is to be examined.

As to which are the provisions of the LA Act that would regulate the acquisition proceedings under the BDA Act and would be applicable, has been incidentally considered in *Khoday Distilleries Ltd.* at paragraphs 10, 11 and 12 of the report extracted above. The further question which would require to be answered however, is whether the relevant provisions of the LA Act which would be applicable to the acquisition proceedings under the BDA Act, should be considered as legislation by reference or by incorporation.

In the case of *Mariayappa & others v. State of Karnataka* (1998) 3 SCC 276, the Apex court was dealing with the issue whether Section 11-A of the LA Act was applicable and was attracted to proceedings under the Karnataka Acquisition of Land for Grant of House Sites Act, 1972. (Karnataka Act, 1972, for brevity). After observing that the Karnataka Act, 1972 contains only seven sections and that it did not contain any independent machinery or provisions for the purposes of inquiry, reference, award and apportionment and payment of compensation, and that Section 5 of the said Act specified that the provisions of the LA Act shall:

“..mutatis mutandis apply in respect of enquiry and award by the Deputy Commissioner, the reference to court, the apportionment of amount and the payment of amount in respect of lands acquired under this Act”

proceeded to examine whether the amendments brought to the LA Act in the year 1984 could be read into the Karnataka Act 1972.

It was held thus:

“18. The words “mutatis mutandis” have been explained by this Court in Ashok Service Centre Vs. State of Orissa- (1983) 2 SCC 82. It was stated by Venkataramiah, J, (as he then was): (SCC p.93, para 17)

“Earl Jowitt’s The Dictionary of English Law (1959) defines ‘mutatis mutandis’ as ‘with the necessary changes in points of detail’. Black’s Law Dictionary (Revised 4th Edn., 1968) defines ‘mutatis mutandis’ as ‘with the necessary changes in points of detail, meaning that matters or things are generally the same, but to be altered when necessary, as to names, offices, and the like...’ ...Extension of an earlier Act mutatis mutandis to a later Act, brings in the idea of adaption, but so far only as it is necessary for the purpose, making a change without altering the essential nature of the things changed, subject of course to express provisions made in the later Act.”

If, therefore, the words “mutatis mutandis” merely permit the application of the Central Act, 1894 (as modified by Karnataka Act, 1961) with necessary changes and without altering the essential nature of the thing changed then the said principle is applicable to the Central Act, 1894 as it stood in 1972 with the amendments brought about the Karnataka Act, 1961. Therefore the contention for the appellant that subsequent changes made in the Central Act after 1972 also get into the Karnataka Act, 1972, cannot be accepted. That question again depends upon whether the Central Act, 1894 has been “incorporated” into the Karnataka Act, 1972 or falls within the exceptions to the said principle or whether

Section 5 is to be treated as a piece of “referential legislation”.

Incorporation of referential legislation and exceptions to Incorporation – “supplemental legislation”

19. As the case before us, as we shall presently show, falls within the “exceptions” to the rule of “incorporation”, we shall refer to the relevant rulings in this behalf.

20. The leading case in which the broad principles were laid down is the one in State of M.P. Vs. M.V. Narasimhan - 1975 (2) SCC 377. On a consideration of the case-law, it was stated by Fazal Ali, J. as follows:

“Where a subsequent Act incorporates provisions of a previous Act, then the borrowed provisions become an integral and independent part of the subsequent Act and are totally unaffected by any repeal or amendment in the previous Act. This principle, however, will not apply in the following cases:

(a) Where the subsequent Act and the previous Act are supplemental to each other.

(b) Where the two Acts are in pari materia.

(c) Where the amendment in the previous Act, is not imparted into the subsequent Act also, would render the subsequent Act wholly unworkable and ineffectual; and

(d) Where the amendment of the previous Act, either expressly or by necessary intendment, applies the said provisions to the subsequent Act."
(emphasis supplied)

21. *In that case, the position was that the Prevention of Corruption Act, 1947 adopted the definition of public servant from Section 21 of the Indian Penal Code. The question was whether the subsequent amendments made in 1958 and 1964 to section 21 of the Penal Code enlarging the definition of "public servant", could be read into the Prevention of Corruption Act, 1947. Though it was held that the 1947 Act dealt with a specific offence of "criminal misconduct", while the Penal Code dealt with 'bribery' and were not in pari materia still, it was held that having regard to the preamble and object of the Prevention of Corruption Act, 1947 and the Penal code, there could be no doubt that the former Act was undoubtedly a statute supplemental to the latter. Hence it was held that the amendments of 1958 and 1964 in the I.P.C. should be read into the Prevention of Corruption Act, 1947, as the case fell within one of the exceptions to the principle of "incorporation".*

22. *Similarly, in Western Coalfields Ltd. Vs. Special Area Development Authority [1982 (1) SCC 125], Section 69(d) of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam (Act 23 of 1973) stated that the Special Area Development Authority under that Act would, for the*

purpose of taxation, have the powers which a Municipal Corporation or a Municipal Council has under the M.P. Municipal Corporation Act, 1956 or the M.P. Municipalities Act, 1961, as the case may be. Chandrachud, C.J. gave two reasons as to why the subsequent amendments made in the 1956 and 1961 Acts could be read into the 1973 Act. One reason was that the Act of 1973 did not, in Section 69(d), incorporate any particular provision of the 1956 and 1961 Acts but said that for the "purposes of taxation" the Authority shall have the powers which a Municipal Corporation or a Municipal Council would have under the 1956 and 1961 Acts respectively. It was not therefore a case where merely some provisions of one Act were bodily lifted into another. The other reason was that the 1973 Act did not provide for any independent power of taxation or any machinery of its own for the exercise of the power of taxation. Further, the three Acts were supplemental to each other.

23. Ujagar Prints (II) Vs. Union of India [1989 (3) SCC 488] is again a similar case. Under Section 3(3) of the Additional Duties of Excise (Goods of Special Importance) Act, 1957 it was said that the provisions of the Central Excise and Salt Act, 1944 and rules made thereunder - including those relating to refunds and exemptions from duty - shall, so far as may be, apply in relation to the levy and collection of the additional duties as they apply in relation to the levy and collecting of the duties of excise on

the goods specified in sub-section (1). Now section 3(1) provided for levy and collection of additional duties in respect of goods described in the First Schedule to the 1957 Act which were produced or “manufactured” in India. It was held that the definition of the term “manufacture” enacted in the Central Excise and Salt Act, 1944 - as enlarged by Amendment Act 6 of 1980 - had to be read into the 1957 Act. It was observed that the Additional Duties Act, 1957 was merely supplemental to the 1944 Act. While the 1944 Act imposed a general levy of excise duty on all goods manufactured and produced, the aim of the 1957 Act was to supplement the levy by an additional duty of the same nature on certain goods. Unlike the Finance Act, the 1957 Act was incomplete as to the basis of the charge and its provisions would become totally unworkable unless the concepts of “manufacture” and “assessable value” as determined under the 1944 Act were carried into it.

24. Yet another case where the legislation was held by itself to be “unworkable” and supplemental to another Act is the one in State of Kerala Vs. M/s. Attesee (Agro Industrial Trading Corpn.) [1989 suppl. (1) SCC 733]. It was there held that the scope of exemption under the head “cotton fabrics” in schedule III item 7 of the Kerala General Sales Tax Act, 1963 would depend upon the definition in item 19 of Schedule I to Central Excise and Salt Act, 1944 with reference to its amendments upto the

relevant date. Hence it was held that the amendments to the Central Act were to be read into the Kerala Act.

25. Two other rulings of this Court relating to land acquisition and which arose from Karnataka are relevant in this context. In the State of Karnataka, there are two statutes,- the Mysore Improvement Act, 1903 and the City of Bangalore Improvement Act, 1945. In each of these Acts there is a provision (Section 23 in the former and Section 27 in the latter) stating that the acquisition under the Act "shall be regulated by the provisions, so far as they are applicable, of the Mysore Land Acquisition Act, 1894" and also by certain other provisions of these Acts. (The Mysore Act of 1894 and the Central Act 1894 are almost identical). Now both these Acts of 1903 and 1945 contained provisions which require compensation to be paid with reference to the second notification which publishes the "declaration" (i.e. corresponding to Section 6 of the Central Act, 1894) and not the one which corresponds to Section 4 of the Central Act. However in 1927, the Mysore Land Acquisition Act, 1894 was amended by directing compensation to be paid with reference to the first notification (corresponding to Section 4 (1) of the Central Act). The question arose in two cases, one under each of these Acts, as to whether the said amendment of 1927 would have to be read into the said Acts.

26. Now so far as the Bangalore Act of 1945 is concerned, the case was decided in *Land Acquisition Officer Vs. H. Narayaniah* [1976 (4) SCC 9]. This case presents no difficulty because the said Act was passed in 1945 and by that, the Mysore Land Acquisition Act, 1894 already stood amended in 1927. The reference in Section 27 of the 1945 Act to the Mysore Act of 1894 therefore obviously included all the amendments made to the Mysore Land Acquisition 1894 by 1945 including the one made in 1927 and, therefore, compensation was to paid only as per the first notification (i.e. the one corresponding to Section 4(1) of the Central Act).

27. The case more in point is the one in *Special Land Acquisition Officer Vs. P. Govindan* [1976 (4) SCC 697] which dealt with the Mysore Act of 1903 because the question there was whether the subsequent amendment of 1927 to the Mysore Land Acquisition Act, 1894 shifting the relevant date for fixing compensation from the corresponding Section 6 notification to Section 4(1) notification, would have to be read into the Mysore Act, 1903. It was held that it should - notwithstanding certain obiter observation to the contrary in *Naravanaih's* case. The provision in section 23 of the Mysore Act, 1903 read as follows:

"23. The acquisition, otherwise than by agreement of land within or without the city under this Act, shall be **regulated** by the

provisions, so far as they are applicable, of the Mysore Land Acquisition Act 1894 and by the following further provisions, namely,....."

(emphasis supplied)

It was held by this Court that the amendments in 1927 to the Mysore Land Acquisition Act, 1894 have to be read into the Mysore Act, 1903. The decision of the Full Bench of the Mysore High Court to the contrary in Venkatamma Vs. Special Land Acquisition Officer, [AIR 1972 Mysore 193] was overruled. In that context Beg J. (as he then was) observed: (SCC p.700, paras 6 & &)

*"If Section 23(1) of the (Mysore) Acquisition Act (1903) lays down, as we think it does, **the only procedure for award of compensation** it has to be followed as **it exists at the time of acquisition proceedings.** No one has a vented right in a particular procedure. It is a fair interpretation of Section 23 of the Mysore Act of 1903 to hold that it means that whichever may be the procedure there, with regard to matters regulating compensation under the (Mysore) Acquisition Act (1894) at the time of acquisition proceedings, will apply to acquisition under the Mysore Act, (1903)"....*

*It was enough to lay down, as Section 23 of the Mysore Act (1903) does, that the general procedure found in the Acquisition Act (1894) will apply except to the extent it was inapplicable. This means that amendments of the procedure in the Acquisition Act, (1894) will apply **if it is capable of application**"*

(emphasis supplied)

From the above passage emphasis supplied, it is clear that when the Mysore Act, 1903 adopted the procedure under the Mysore Act, 1894, the provisions of the latter Act as they stood "at the time of acquisition" had to be applied for "regulating" the acquisition of land under the Mysore Act, 1903. This was because the Mysore Act, 1903 said that the "general procedure" under the Mysore Act, 1894 applied except to the extent it was inapplicable.

28. In our view, the above rulings of this Court are more in point and are directly applicable to the Karnataka Act, 1972. But, before we draw our final conclusions, it is necessary to refer to three more rulings, one decided by the Privy Council and two decided by this Court recently and state why, in our opinion, those decisions are distinguishable.

29. The decision of the Privy Council is the one in Secretary of State Vs. Hindustan Coop. Society Ltd. [AIR 1931 PC 148]. There the provisions of the Calcutta Improvement Act, 1911 (Act 13/1911) fell for consideration. That Act coupled with its schedule contained provisions not only for issuing relevant notification in regard to acquisition but also for reference to a Tribunal for passing an award relating to compensation. By Act 18 of 1911 a right of appeal was given to the High Court against the Award of the Tribunal. Under the Act, there was no further right of appeal to the Privy Council. In 1921, the Central Act, 1894 was amended in two respects,

one by introducing Section 26(2) which deemed the award of the reference Court a "decree" and the reasons a "Judgment" and the other an amendment in Section 54 of the Central Act, 1894 giving a right of appeal to the Privy Council from any decree passed by the High Court from an award of the reference Court. Now the Calcutta Act, 1911 contained a provision in Section 69 that the "Board may acquire land under the Land Acquisition Act, 1894 for carrying out the purposes of the Act". Section 70 related to the constitution of a Tribunal - as detailed in Section 72 - for the purpose of performing the functions of the Court in reference to the acquisition of land for the Board under the land Acquisition Act, 1894. However, Section 71 modified the Central Act, 1894 as follows:

"Section 71: Modification of Land Act, 1894: For the purpose of acquiring land under the said Act for the Board -

(a) the Tribunal shall (except for the purpose of Section 54 of that Act) be deemed to be the Court, and the President of the Tribunal shall be deemed to be the Judge, under the said Act;

(b) the said Act shall be subject to the further modifications indicated in the Schedule;

(c).....

(d) the award of the Tribunal shall be deemed to be the award of the Court under the Land Acquisition Act, 1894."

The modification made by section 71 (a) was crucial to the case."

30. Section 77 referred to the passing of the award' by the Tribunal under the provisions of the Land

Acquisition Act 1894, for determining the compensation, apportionment, etc.

*31. The appellant, the Secretary of State, contended that the appeal to the Privy Council lay because the amendment to the Central Act in 1921 by substituting Section 26(2) which deemed the "award" a "decree" had to be read into the Calcutta Act, 1911 and if that was done, then an appeal would lie, under Section 54 of the Central Act, 1894 to the Privy Council. The respondents contended that such a telescoping of Section 26(2) of the Central Act, 1894 into the Calcutta Act, 1911 would be repugnant to the express words in Section 71(a): "except for the purposes of Section 54 of the Act". The said contention of the respondents was accepted by the privy Council. Their Lordships also Lord Wrenbury in *Ex parte St. Sepulchre* (1864) [33 L.J. Ch. 372] to the effect that it will not be possible to read the provisions of an earlier Act into a latter Act, if the earlier Act "gives in itself a complete rule on the subject matter"*

It was also observed that the provision in Section 70(a) of the Calcutta Act, 1911 deliberately excluding Section 54 of the Central Act, 1894 was "an indication of the local legislature's intention that there should be, under the special Code applicable to the Improvement Trust, no appeals beyond the High Court".

In other words, two reasons were given by their lordships as to why section 26(2) of the Central Act, 1894 could not be read into the Calcutta Act, 1911. One was that

reading Section 26(2) of the Central Act, 1894 into the Calcutta Act, 1911 would be repugnant to Section 70(a) of the Calcutta Act, 1911 which expressly excluded Section 54 of the Central Act, 1894 from the purview of the Calcutta Act. The other was that such telescoping would not be permissible if the latter statute which, in certain respects, referred to an earlier statute, was otherwise a complete Code by itself. This is clear from the fact that the Calcutta Act, 1911 contains 177 sections and a schedule, Chapter III relates to schemes and publication of notifications in that behalf and Chapter IV deals with acquisition and disposal of land containing sections 68 to 81; among these, section 70 deals with reference to the Tribunal: Section 77 deals with passing of award by the Tribunal; Section 71(b) and the Schedule to the Act (which contains 14 clauses) deals with various matters relating to notifications as well as fixation of market value. On the other hand, we have no such elaborate machinery provided in the Karnataka Act, 1972 and the Act has only seven sections. The Karnataka Act does not contain any separate procedure for inquiry, award nor does it constitute a Tribunal in the place of the reference Court as done by the Calcutta Act of 1911. That is why we are of the view that the Privy Council decision is clearly distinguishable.

32. The other two recent decisions of this Court in Gauri Shankar Vs. State of up [1994 (1) 92] and UP Avas Vikas Parishad Vs. Jainul Islam [1998 (1) Scale 185], both relate to acquisition under the UP Avas Vikas Parishad

Adhinyam 1965. We shall refer to the scheme of the UP Act, 1965 Chapter III of that Act deals with formulation of schemes and issue of notifications (sections 15 to 49); Chapter V deals with land acquisition etc. Sections 55 to 63, Chapter VI with constitution of Tribunal and its purposes, section 55 of the Act reads as follows:

"55(1): Any land or any interest therein required by the Board for any of the purposes of this Act, may be acquired under the provisions of the Land Acquisition Act, 1894 (Act No. 1 of 1894) as amended in its application to Uttar Pradesh, which for the purpose shall be subject to the modifications specified in the schedule to this Act". (emphasis supplied)

33. Section 64 (1) says that the Tribunal shall perform the functions of the reference Court under the Central Act, 1894 as modified by the Schedule, in the matter of determining the compensation. Section 66 says that the Award of the Tribunal shall, in case of land acquisition under Central Act, 1894 as modified by the Schedule, be deemed to be an award of the Court under the Central Act and shall, subject to section 54 of that Act, be final. Section 67 says award of the Tribunal shall be deemed to be a decree and the grounds, a "judgment". In other words, the UP Act, 1965 contains an elaborate machinery like the Calcutta Act, 1911.

34. In Gauri Shankar's case ((1994) 1 SCC 92)), decided by K.Ramaswamy & Sahai, JJ. the notifications for acquisition under Section 28 (1) were of the year 1973

while the notifications under Section 32 (1) were of 1977. Before 1948, the Allahabad High Court had taken the view that the notification under Section 32 (1) corresponding to declaration under Section 6 (1) of the Central Act need not be issued within 3 years of the notification under Section 28(1) corresponding to section 4(1) of the Central Act. In cases arising after 1948, it was also held by the Allahabad High Court that Section 11-A was not applicable to the UP Act. Gauri Shankar's case related to the 3 year rule in the proviso to Section 6 of the Central Act. K.Ramaswamy, J. held (para 8) that the principle of incorporation' applied and that the provisions of Section 28, 32 of the UP Act, 1965 were a separate and complete code, that Section 55 read with clause (2) of the Schedule, which contained the need for issuing the preliminary and final notification under sections 28 and 32 of the UP Act, formed an integral scheme (para 25). The Schedule amended Sections 4, 6, 17 and 23 of the Central Act, 1894. It was pointed out that Section 28(2) and Section 32 (1) related to the publication of notifications without prescribing any limitation and that the UP Act 1965 was "a complete code in itself". It was also held that the Act was not otherwise unworkable or ineffectual, though it may be incompatible with the provisos to Section 6(1) of L.A. Act (para 33). On the other hand, sahai, J. held that the principle of "incorporation" did not apply but that of facts, it was not a fit case for interference inasmuch as the Parishad had already taken possession. In that view of the matter, both the learned Judges directed

compensation as on the date when the notification corresponding to Section 6 declaration was issued. We shall next to refer to the recent judgment in Jainul Islam's case where the opinion of K.Ramaswamy, J. was accepted.

35. The question which arose in Jainul Islam's case [1998 (1) SCALE 185] under the same UP Act, 1965 was whether Section 23(1-A), Section 23(2) and Section 28 of the Central Act, 1894 as amended in 1984, were attracted to the UP Act. Approving the view of K.Ramaswamy, J. in Gauri Shankar's case [1994 (1) SCC 92], Agrawal, J. held that the principle of incorporation' applied and therefore the above amendments of 1948 to the Central Act, 1894 did not apply. Reference was also made to the Privy Council Judgment in Secretary of State Vs. Hindustan Cooperative Insurance Society Ltd. [AIR 1931 PC 149]. After considering the various provisions of the UP Act, 1965, it was held (para 21), that provisions of Section 55 and Schedule to the Act were "on the same lines" as the provisions of the Calcutta Improvement Act, 1911 and that the principles laid down by the Privy Council were equally applicable. Adverting to the exceptions referred to in State of M.P. Vs. M.V. Narasimhan [1975 (2) SCC 377], it was observed that the UP Act, 1965 and the Central Act, 1894 did not come within the exceptions and that the provisions of the UP Act, 1965 were not supplemental' to each other, nor was the UP Act in pari materia with the Central Act because it dealt with other matters which did not fall within

the ambit of the Central Act. The UP Act was self contained and complete . Agrawal, J. observed (para 23) as follows:

"The Adhinyam and the L.A. Act cannot be regarded supplemental to each other. The Adhinyam contains provisions regarding acquisition of land which are complete and self- contained. Nor can the provisions in the Adhinyam be said to be in pari materia with the L.A. Act because the Adhinyam also deals with matters which do not fall within the ambit of the L.A. Act".

36. In our view, these three rulings, namely Secretary of State Vs. Hindustan Cooperative Society Ltd. [AIR 1931 PC 149], Gauri Shankar's case [1994 (1) SCC 92] and Jainu: Islam's case [1998 (1) Scale 185], are clearly distinguishable. As pointed out earlier the Karnataka Act, 1972 has only 7 Sections which deal with the issuance of notification corresponding to Sections 4 and 6, and 9 of Central Act and certain other minor modification relating to acquisition and payment of compensation. The Act has no provision for a separate inquiry or award or reference to a Tribunal, or a machinery for payment of compensation of apportionment. The Central Act, 1894 alone is to apply in so far as it related to "inquiry and award, the reference to Court, the apportionment of amount and the payment of amount in respect of lands acquired under the Act". There are no detailed provisions as in the Calcutta Act, 1911 or as in the UP Act, 1965.

37. We are of the view that the Karnataka Act, 1972 clearly comes within the exceptions stated in *M.V. Narasimhan's case* for the following reasons: Firstly there being no detailed machinery whatsoever in the Karnataka Act, 1972, that Act cannot be treated as a self-contained or complete Code. Secondly, the Karnataka Act, 1972 and the Central Act, 1894 (as amended by the Karnataka Act, 1961) are supplemental to each other for unless the Central Act supplements the Karnataka Act, the latter cannot function. Thirdly, these acts are in *pari materia* because the Karnataka Act, 1972 - unlike the Calcutta Act, 1911 and the UP Act, 1965 - does not deal with any other subject but deals with the same subject of land acquisition which otherwise would have fallen within the ambit of the Central Act, 1894. For the aforesaid reasons, we are of the view that the amendments made in 1948 to the Central Act, 1894 including Section 11-A have to be read into the Karnataka Act, 1972, so far as enquiry, award, reference to Court, apportionment of amount and the payment of amount in respect of land acquired under the Act.

38. Admittedly, the prescribed period under section 11-A has elapsed and it is stated that even now, the award is not passed. Therefore, it is clear that the conditions of section 11-A are violated, and accordingly, the entire land acquisition proceedings including the notifications under section 3(1) and 3(4) of the Karnataka Act, 1972 lapse. We declare accordingly.

39. Before parting with the case, we may say that in this appeal we are concerned only with the question whether section 11-A as introduced by the Amendment in 1984 to the Central Act 1894 could be read into the Karnataka Act, 1972 and we have held that it should be read into the Karnataka Act, 1972 because there is not such provision in the Karnataka Act, 1972 as amended by the Karnataka Act, 1961. The question as to the telescoping of other amendments brought to the Central Act, 1894 by the 1984 amendment and the consequential impact thereof is not before us and we should not be understood as deciding any such matter. If the question of applicability of any other amendment brought by the Central Act in 1984 to the Karnataka Act, 1972 arises in Karnataka, such a question may have to be decided separately.

40. Further, in the impugned Judgment, certain rulings under the Bangalore Development Act, 1976 have been followed. We have gone by the provisions of the Karnataka Act, 1972. We are not to be understood as having said anything with regard to the Bangalore Development Act, 1976. We are in fact told that some appeals are pending in this Court in regard to the said Act of 1976.

41. In the result, the appeals are allowed and it is declared that the notifications issued under the Act under Section 3(1) and Section 3(4) have lapsed.”

However, in *Munithimmaiah's* case, supra, the following observation is made :

"The decision in Mariyappa and Others case (supra) has no relevance or application to the case on hand for more than one reason. In SCC p.291 para 40 of the report it is found stated: "We are not to be understood as having said anything with regard to the Bangalore Development Act, 1976". That apart, this Court, on an analysis of the provisions of the Karnataka Acquisition of Land for Grant of House Sites Act, 1972 in contrast to the provisions of the Land Acquisition Act, 1894, observed that not only the Karnataka Act, 1972 had a skeleton of only seven sections without any full machinery for being treated as a complete code without depending on the Central Act, 1894, for being functional so far as the inquiry, passing of Award, seeking reference and apportionment and payment of compensation, etc. is concerned, but the Karnataka Act, 1972 and the Central Act, 1894 are supplemental to each other and both the Acts are in pari materia since the subject-matter of the 1972 Act could have otherwise also come within the ambit of the Central Act and, therefore, the Karnataka Act, 1972 cannot be considered to deal with any subject other than acquisition of land."

This observation was apparently made as the opinions expressed as regards the applicability of Section 11-A of the

LA Act was directly in question in both the sets of cases – and the contrary view expressed, in context, in *Mariayappa's* case was stated to be not relevant. This need not be implied as being a view expressed that any interpretation given therein should be overlooked or ignored – when the discussion and the case law cited therein would be very relevant to addressing the points for consideration in the present case on hand. The reference to and reliance on the decision in the case of *Special LAO vs. P. Govindan* (1976) 4 SCC 697, is especially pertinent.

In *Bondu Ramaswamy vs. BDA* (2010) 7 SCC 129, the position of law and the extent of applicability of the provisions of the LA Act to the BDA Act has been succinctly spelt out thus:

“80. The BDA Act contains provisions relating to acquisition of properties, up to the stage of publication of final declaration. The BDA Act does not contain the subsequent provisions relating to completion of the acquisition, that is, issue of notices, enquiry and award, vesting of land, payment of compensation, principles relating to determination of compensation etc. Section 36

of the BDA Act does not make the LA Act applicable in its entirety, but states that the acquisition under the BDA Act, shall be regulated by the provisions, so far as they are applicable, of the LA Act. Therefore it follows that where there are already provisions in the BDA Act regulating certain aspects or stages of acquisition or the proceedings relating thereto, the corresponding provisions of the LA Act will not apply to the acquisitions under the BDA Act. Only those provisions of the LA Act, relating to the stages of acquisition, for which there is no provision in the BDA Act, are applied to the acquisitions under the BDA Act.

81. The BDA Act contains specific provisions relating to preliminary notification and final declaration. In fact the procedure up to final declaration under the BDA Act is different from the procedure under the LA Act relating to acquisition proceedings up to the stage of final notification. Therefore, having regard to the Scheme for acquisition under sections 15 to 19 of the BDA Act and the limited application of LA Act in terms of Section 36 of the BDA Act, the provisions of Sections 4 to 6 of the LA Act will not apply to the acquisitions under the BDA Act. If section 6 of the LA Act is not made applicable, the question of amendment to section 6 of the LA Act providing a time limit for issue of final declaration, will also not apply.”

And further, in so far as the scope of Section 36 of the BDA Act is concerned, it is stated thus:

“89. Section 36 of the BDA Act provides that the "acquisition of land under this Act", shall be regulated by the provisions, so far as they are applicable of the LA Act. In view of the categorical reference in section 36 of the BDA Act, to acquisitions under that Act, there cannot be any doubt that the acquisitions for BDA are not under the LA Act, but under the BDA Act itself. It is also clear from Section 36 that the LA Act, in its entirety, is not applicable to the acquisition under the BDA Act, but only such of the provisions of the LA Act for which a corresponding provision is not found in the BDA Act, will apply to acquisitions under the BDA Act. In view of sections 17 to 19 of the BDA Act, the corresponding provisions - Sections 4 to 6 of the LA Act--will not apply to acquisitions under the BDA Act. We therefore reject the contention that the BDA Act does not contemplate acquisition and that the acquisition which is required to be made as a part of the development scheme, should be made under the LA Act, applying sections 4, 5A and 6 of LA Act.”

Therefore, the general question whether the reference to the LA Act in the BDA Act and the provisions of the LA Act that would be applicable in regulating the acquisition

proceedings under the provisions of the BDA Act, can be construed as legislation by reference or by incorporation is to be answered.

A constitution bench of the Apex Court in the case of *Girnar Traders (3) v. State of Maharashtra*, (2011) 3 SCC 1 has expounded on the doctrines of “legislation by reference” and “legislation by incorporation”, while prefacing the reason for examination thus :

“4. Amongst others, doctrines of “legislation by reference” and “legislation by incorporation” are the creation of judicial pronouncements. One of the earliest instances, where the Privy Council, then responsible for Indian Judicial system, accepted the plea of “legislation by incorporation” and interpreted the statute accordingly in the case of Secretary of State for India in Council v. Hindusthan Co-operative Insurance Society Ltd. [AIR 1931 PC 149]. This judicial pronouncement was followed in different subsequent judgments and these doctrines were analyzed in greater depth for bringing out the distinction between them. The judgment of the Privy Council was referred with approval by this Court in different judgments including Municipal Commissioner of Howrah v. Shalimar Wood Products [(1963) 1 SCR 47]; Bolani Ores Ltd. v.

State of Orissa [(1974) 2 SCC 777]; Mahindra & Mahindra v. Union of India [(1979) 2 SCC 529]; Ujagar Prints v. Union of India [(1989) 3 SCC 488]; U.P. Avam Vikas Parishad v. Jainul Islam [(1998) 2 SCC 467]; Nagpur Improvement Trust v. Vasant Rao [(2002) 7 SCC 657] and Maharashtra State Road Transport Corporation v. State of Maharashtra [(2003) 4 SCC 200].

5. *The principle that was enunciated by the Privy Council in the case of Hindusthan Co-operative Insurance Society Ltd. (supra) stated,*

"... where certain provisions from an existing Act have been incorporated into a subsequent Act, no addition to the former Act, which is not expressly made applicable to the subsequent Act, can be deemed to be incorporated in it, at all events, if it is possible for the subsequent Act to function effectually without the addition".

Though this principle has been reiterated from time to time, with the development of law, still certain doubts were reflected in the judicial pronouncements of the courts as to the application of this principle as an absolute proposition of law. On the contrary, this principle received criticism from various quarters. The critics said that it was causing impediments in smooth operation of the later law as well as abdication of legislative power by the legislative constituent concerned.

6. Another criticism and argument which, in fact, was even advanced before us is that while approving the principle stated by the Privy Council, the subsequent Benches have not taken into consideration the impact of the judgment of the Constitution Bench of this Court in *B. Shama Rao v. Union Territory of Pondicherry* [(1967) 2 SCR 650]. A pertinent constitutional aspect that ought to have been brought to the notice of different Benches was that the federal structure of the Constitution had come into force which controlled governance of the country and therefore the principles, inter alia, stated by the Privy Council could not be adopted as law of universal application without appropriately modifying the stated position of law to bring it in complete harmony with the constitutional mandate.

7. In *Gauri Shankar Gaur v. State of U.P.* [(1994) 1 SCC 92], one member of the Bench of this Court, relied upon the principle stated in *Hindusthan Co-operative Insurance Society Ltd.* (*supra*) and held that in a case of legislation by incorporation, subsequent amendment or repeal of the provisions of an earlier Act adopted cannot be deemed to have been incorporated in the adopting Act which may be true in the case of legislation by reference. This judgment was relied upon by another Bench of this Court in *State of Maharashtra v. Sant Joginder Singh Kishan Singh* [1995 Supp.(2) SCC 475].

8. *The amendments in various relevant laws and introduction and application of newly enunciated principles of law resulted in varied opinions. A Bench of this Court in Girnar Traders (1) v. State of Maharashtra [(2004) 8 SCC 505] (hereinafter referred to as “Girnar Traders-(1)”) expressed certain doubts on the correctness of the law stated in Sant Joginder Singh (supra) and referred the matter to a larger Bench. The Bench in Girnar Traders-I (supra) felt that there were good reasons for reading the provisions introduced by the Land Acquisition (Amendment) Act, 1984 (hereinafter referred to as the “Central Act 68 of 1984”) into Chapter VII of the Maharashtra Regional and Town Planning Act, 1966 (for short, “the MRTP Act” or “the State Act”) and Section 11A of the Land Acquisition Act, 1894 (for short, “the Land Acquisition Act” or “the Central Act”) is one of such provisions. Thus, the Constitution Bench is called upon to examine whether the MRTP Act is a self-contained Code or not, if so, to what effect? Further, whether, in any event, all the provisions of the Land Acquisition Act, as amended by Central Act 68 of 1984 with emphasis on Section 11A can be read into the provisions of the MRTP Act?”*

The Apex Court has held thus:

“87. . . . These principles have been applied by the courts for a considerable period now. When there is general reference in the Act in question to some earlier Act

but there is no specific mention of the provisions of the former Act, then it is clearly considered as legislation by reference. In the case of legislation by reference, the amending laws of the former Act would normally become applicable to the later Act; but, when the provisions of an Act are specifically referred and incorporated in the later statute, then those provisions alone are applicable and the amending provisions of the former Act would not become part of the later Act. This principle is generally called legislation by incorporation. General reference, ordinarily, will imply exclusion of specific reference and this is precisely the fine line of distinction between these two doctrines. Both are referential legislations, one merely by way of reference and the other by incorporation. It, normally, will depend on the language used in the later law and other relevant considerations. While the principle of legislation by incorporation has well defined exceptions, the law enunciated as of now provides for no exceptions to the principle of legislation by reference. Furthermore, despite strict application of doctrine of incorporation, it may still not operate in certain legislations and such legislation may fall within one of the stated exceptions.

(emphasis supplied)

88. *In this regard, the judgment of this Court in M.V. Narasimhan (supra) can be usefully noticed where the Court after analyzing various judgments, summed up the exceptions to this rule as follows :*

"(a) where the subsequent Act and the previous Act are supplemental to each other;

(b) where the two Acts are in pari materia;

(c) where the amendment in the previous Act, if not imported into the subsequent Act also, would render the subsequent Act wholly unworkable and ineffectual; and

(d) where the amendment of the previous Act, either expressly or by necessary intendment, applies the said provisions to the subsequent Act."

Applying the above test, it may safely be said that the provisions of the LA Act that are made applicable to the BDA Act are in the nature of legislation by reference. It would then follow that the only procedure to be followed in respect of proceedings – post Section 19 of the BDA Act – would be that which exists at the time of acquisition proceedings. It would be a fair interpretation of Section 36 of the BDA Act to hold that it means that whichever may be the procedure therein, with regard to matters regulating acquisition under the LA Act, in so far as they are applicable, at the time of acquisition proceedings will apply to acquisition made under the BDA Act.

In view of the repeal of the LA Act and the coming into force of the 2013 Act, during the pendency of these proceedings, it would be the corresponding provisions under the 2013 Act, in so far as they are applicable, that would regulate the acquisition proceedings.

It may hence be concluded that the repeal of the LA Act and the coming into force of the 2013 Act would not frustrate further acquisition proceedings under the BDA Act. For even without an amendment to Section 36 of the BDA Act, the provisions of the 2013 Act, in so far as they are applicable, would operate to regulate the acquisition proceedings under the BDA Act – according to settled principles as enunciated in the authoritative decisions referred to above. The first point framed for consideration is accordingly answered.

In considering the second question whether the acquisition proceedings are deemed to have lapsed in terms of Section 24 of the 2013 Act, it is to be observed that the further proceedings were stayed by this court by an

interim order of stay of all further proceedings. The effect of that order would have to be kept in view. It is settled law that any restraint imposed by the courts on any ongoing acquisition proceedings would extend to all aspects of the process and the entire period during which the order of stay was in operation would have to be excluded.

a) *Government of Tamil Nadu vs. Vasantha Bai*, AIR 1995 SC 1778;

b) *Municipal Corporation of Delhi vs. Lichhodevi*, AIR 1997 SC 3474;

c) *M.Ramalinga Thevar vs. State of Tamil Nadu*, (2000)4 SCC 322;

d) *Balak Ram Gupta vs. Union of India*, AIR 1987 Delhi 239.

If therefore the acquisition proceedings were kept in abeyance altogether by virtue of the interim order, the application of the provisions of the 2013 Act which have seamlessly replaced the provisions of the LA Act, in so far as

they are applicable, to the BDA Act would also be kept in abeyance. It cannot therefore be said that by virtue of Section 24 of the 2013 Act, the proceedings stood lapsed.

Yet another aspect that would be material is the question whether the acquisition proceedings could be resumed, by a deeming fiction, from the date the proceedings were stayed and if the procedure as applicable on that date, to wit, the procedure prescribed under the LA Act would be applicable. This would be impermissible for two reasons, firstly, that the change in the law is an independent development and in terms of the changed legal position, with reference to Section 24 of the 2013 Act, as no award was passed at the time the interim order was passed by this court, it is the provisions of the 2013 Act that shall apply in the determination of compensation and other reliefs that would have to be granted. Secondly, on principle it would be impermissible. In respect of acquisition of land as on date the determination of compensation cannot be contemplated

under two different sets of procedure. It is immaterial whether it is one Acquisition Act or another Acquisition Act under which the land is acquired. If the existence of two Acts could enable the State to give one owner different treatment from another equally situated, the owner who is discriminated against, can claim the protection of Article 14 of the Constitution of India. (*See: Nagpur Improvement Trust & another v. Vithal Rao & others, (1973) 1 SCC 500*).

Therefore, the further proceedings not having been taken would not attract the rigour of Section 24 of the 2013 Act. However, the procedure that would now regulate the acquisition proceedings are the provisions of the 2013 Act, in so far as they are applicable. This would include the determination of compensation in accordance with that Act, as no Award is passed in the present proceedings.

With the above findings on the legal issues involved, the petitions are dismissed.

The interim orders granted stand vacated. No order as to costs.

Sd/-
JUDGE

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