

WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3<sup>RD</sup> DAY OF JUNE 2026



PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 4647 OF 2013 (LA)

C/W

WRIT APPEAL NO. 4501 OF 2013 (LA)

WRIT APPEAL NO. 4504 OF 2013 (LA)

WRIT APPEAL NO. 4509 OF 2013 (LA)

WRIT APPEAL NO. 4544 OF 2013 (LA)

WRIT APPEAL NO. 4548 OF 2013 (LA)

WRIT APPEAL NO. 4554 OF 2013 (LA)

WRIT APPEAL NO. 4557 OF 2013 (LA)

WRIT APPEAL NO. 4855 OF 2013 (LA-KIADB)

WRIT APPEAL NO. 4856 OF 2013 (LA)

WRIT APPEAL NO. 4857 OF 2013 (LA)

WRIT APPEAL NO. 4858 OF 2013 (LA)



**IN WA No. 4647/2013**

**BETWEEN:**

1. SRI MUKESH KUMAR  
S/O SRI SURESH CHANDRA GUPTA,  
AGED ABOUT 40 YEARS,  
R/AT NO.1,  
ALLASANDRA CROSS,  
BELLARY ROAD,  
YELAHANKA,

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

BANGALORE-560 065

...APPELLANT

(BY SRI. MAINA VARMA., ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REP BY ITS CHIEF SECRETARY,  
VIDHANA SOUDHA,  
DR B.R. AMBEDKAR VEEDHI,  
BANGALORE-560 001
2. THE STATE OF KARNATAKA  
REP BY ITS SECRETARY,  
DEPARTMENT OF INDUSTRIES AND  
COMMERCE,  
VIKASA SOUDHA,  
DR B R AMBEDKAR VEEDHI,  
BANGALORE-560 001
3. KARNATAKA INDUSTRIAL AREA  
DEVELOPMENT BOARD  
NO.14/3, RASHTROTHANA BUILDINGS,  
N.R ROAD, BANGALORE -560 009  
REP BY ITS EXECUTIVE MEMBER
4. THE SPECIAL LAND ACQUISITION OFFICER  
THE KARNATAKA INDUSTRIAL AREAS  
DEVELOPMENT BOARD,  
BANGALORE DIVISION,  
NO.3/2, THIMMAIAH TOWERS,  
III FLOOR, GANDHINAGAR,  
BANGALORE-560 009
5. THE DEPUTY COMMISSIONER  
THE KARNATAKA INDUSTRIAL AREAS  
DEVELOPMENT BOARD,  
BANGALORE DIVISION,  
NO.3/2, THIMMAIAH TOWERS,  
III FLOOR, GANDHINAGAR,  
BANGALORE-560 009

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

6. M/S INDIAN MACHINE TOOLS  
MANUFACTURERS ASSOCIATION,  
S-906,9TH FLOOR  
MANIPAL CENTRE,SOUTH BLOCK,  
NO.47, DICKENSON ROAD,  
BANGALORE-560 042,  
REPRESENTED BY ITS DEPUTY DIRECTOR

...RESPONDENTS

- (BY SRI. M.N.SUDEV HEGDE, AGA FOR R1 AND R2;  
SRI. BASAVARAJ.V.SABARAD, SENIOR ADVOCATE FOR  
SRI. H.L.PRADEEP KUMAR, ADVOCATE FOR R3 TO R5;  
SRI. ADITYA NARAYAN, ADVOCATE FOR R6)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA  
HIGH COURT ACT, PRAYING TO SET ASIDE THE ORDER  
PASSED IN THE WRIT PETITION NO.24536/12 DATED  
20/6/2013.

**IN WA NO. 4501/2013**

**BETWEEN:**

1. SRI M B SHANTHAPPA  
S/O BASAVALINGAPPA,  
AGED ABOUT 51 YEARS,  
R/AT NO.3-A, GLENDEL APARTMENT,  
BENSON ROAD, BENSON TOWN,  
BANGALORE-560046.
2. MR KRISHNOJI PUROHIT  
S/O G.H.PUROHIT,  
AGED ABOUT 49 AS,  
R/AT NO.24, II MAIN ROAD,  
10TH CROSS, N R COLONY,  
BANGALORE-560019.
3. MR GIRIYAPPA  
**SINCE DEAD BY HIS LRS**
- 3(a) G.PUSHPAVATHY  
D/O LATE GIRIYAPPA  
AGED ABOUT 62 YEARS,

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

R/AT AASTHA, NO.389,  
7TH A CROSS, 5TH STAGE  
BEML LAYOUT, RR NAGAR,  
BENGALURU - 560098.

...APPELLANTS

(BY SRI. H.N.SHASHIDHARA SENIOR ADVOCATE FOR  
H.N. SUHAS, ADVOCATE FOR A1, A2, A3(a)  
SRI. HUSSAIN MODI AND YESHU MISHRA FOR  
IMPLEADING A4 ON IA 2/2021)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS  
CHIEF SECRETARY,  
VIDHANA SOUDHA,  
DR.B.R.AMBEDKAR VEEDHI,  
BANGALORE-560001.
2. THE STATE OF KARNATAKA  
REPRESENTED BY THE SECRETARY,  
DEPARTMENT OF INDUSTRIES &  
COMMERCE, VIKASA SOUDHA,  
DR.B.R.AMBEDKAR VEEDHI,  
BANGALORE-560001.
3. KARNATAKA INDUSTRIAL AREA  
DEVELOPMENT BOARD  
NO.14/3, RASHTROTHANA BUILDINGS,  
N.R.ROAD, BANGALORE-560009  
REPRESENTED BY ITS  
EXECUTIVE MEMBER.
4. THE DEPUTY COMMISSIONER  
THE KARNATAKA INDUSTRIAL  
AREAS DEVELOPMENT BOARD,  
BANGALORE DIVISION,  
NO.3/2, THIMMAIAH TOWERS,  
III FLOOR, GANDHI NAGAR,  
BANGALORE-560009.
5. THE SPECIAL LAND ACQUISITION OFFICER

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

THE KARNATAKA INDUSTRIAL AREAS  
DEVELOPMENT BOARD,  
BANGALORE DIVISION,  
NO.3/2, THIMMAIAH TOWERS,  
III FLOOR, GANDHI NAGAR,  
BANGALORE-560009.

6. M/S INDIAN MACHINE TOOLS MANUFACTURERS  
ASSOCIATION, S-906, 9TH FLOOR,  
MANIPAL CENTRE, SOUTH BLOCK, NO.47,  
DICKENSON ROAD,  
BANGALORE-560042,  
REPRESENTED BY ITS DEPUTY DIRECTOR.

...RESPONDENTS

(BY SRI. ADITYA NARAYAN FOR C/R6;  
SRI. H.N.PRAKASH, ADVOCATE FOR IA 2/21 AS R7,  
I.A. 3/21 AND 4/21 AS R8 AND R9;  
SRI. M.N.SUDEV HEGDE, AGA FOR R1 AND R2;  
SRI. BASAVARAJ V. SABARD, SENIOR ADVOCATE FOR  
SRI. H.L.PRADEEP KUMAR, ADVOCATE FOR R3, R4 & R5;  
SRI. D.R.RAJASHEKHARAPPA, ADVOCATE FOR  
IMPLEADING APPLICANT AS PSD R10-14;  
SRI. KARTHIK.C., ADVOCATE ON IA.6/2026 FOR  
IMPLEADING APPLICANT AS PSD R15)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA  
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER  
PASSED IN THE WRIT PETITION NO.19405-407/12 DATED  
20/6/2013.

**IN WA NO. 4504/2013**

**BETWEEN:**

1. SRI T KRISHNAPPA  
S/O LATE THIMMAIAH  
AGED ABOUT 61 YEARS  
R/AT SRIKANTAPURA VILLAGE  
MADHAVARA POST  
BANGALORE-562123
2. SRI T VASUDEVAIAH

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

S/O LATE THIMMAIAH  
AGED ABOUT 59 YEARS  
R/AT SRIKANTAPURA VILLAGE  
MADHAVARA POST  
BANGALORE-562123

3. SRI T RAJAGOPAL  
S/O LATE THIMMAIAH  
AGED ABOUT 57 YEARS  
R/AT SRIKANTAPURA VILLAGE  
MADHAVARA POST  
BANGALORE-562123
4. SRI T DEVARAJU  
S/O LATE THIMMAIAH  
AGED ABOUT 53 YEARS  
R/AT SRIKANTAPURA VILLAGE  
MADHAVARA POST  
BANGALORE-562123
5. SRI T UMESH  
S/O LATE THIMMAIAH  
AGED ABOUT 53 YEARS  
R/AT SRIKANTAPURA VILLAGE  
MADHAVARA POST  
BANGALORE-562123
6. SRI T SREENIVAS  
S/O LATE THIMMAIAH  
AGED ABOUT 61 YEARS  
R/AT SRIKANTAPURA VILLAGE  
MADHAVARA POST  
BANGALORE-562123

...APPELLANTS

(BY SRI. SWAROOP ANAND.R, ADVOCATE FOR A1 TO A6)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS  
CHIEF SECRETARY  
VIDHANA SOUDHA

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

DR B R AMBEDKAR VEEDHI  
BANGALORE-560001

2. THE STATE OF KARNATAKA  
REPRESENTED BY THE SECRETARY  
DEPARTMENT OF INDUSTRIES & COMMERCE,  
VIKASA SOUDHA  
DR B R AMBEDKAR VEEDHI  
BANGALORE-560001
3. KARNATAKA INDUSTRIAL AREA  
DEVELOPMENT BOARD  
NO.14/3, RASHTROTHANA BUILDINGS  
N R ROAD, BANGALORE-560009  
REPRESENTED BY ITS  
EXECUTIVE ENGINEER
4. THE SPECIAL LAND ACQUISITION OFFICER  
THE KARNATAKA INDUSTRIAL AREAS  
DEVELOPMENT BOARD  
BANGALORE DIVISION  
NO.3/2, THIMMAIAH TOWERS  
III FLOOR, GANDHI NAGAR  
BANGALORE-560009
5. THE DEPUTY COMMISSIONER  
THE KARNATAKA INDUSTRIAL  
AREAS DEVELOPMENT BOARD  
BANGALORE DIVISION  
NO.3/2, THIMMAIAH TOWERS  
III FLOOR, GANDHI NAGAR  
BANGALORE-560009
6. M/S INDIAN MACHINE TOOLS MANUFACTURERS  
ASSOCIATION, S-906, 9TH FLOOR  
MANIPAL CENTRE, SOUTH BLOCK  
NO.47, DICKENSON ROAD  
BANGALORE-560042  
REPRESENTED BY ITS  
DEPUTY DIRECTOR

...RESPONDENTS

(BY SRI. ADITHYA NARAYAN FOR C/R6;

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

SRI. M.N.SUDEV HEGDE, AGA FOR R1 AND R2;  
SRI. BASAVARAJ.V.SABARAD, SENIOR ADVOCATE FOR  
SRI. H.L.PRADEEP KUMAR, ADVOCATE FOR R3, R4 AND  
R5)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA  
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER  
PASSED IN THE WRIT PETITION NO.18562-567/2012 DATED  
20/06/2013.

**IN WA NO. 4509/2013**

**BETWEEN:**

1. SRI SURESH CHANDRA GUPTHA  
S/O LATE T C GUPTHA,  
AGED ABOUT 79 YEARS,  
R/AT NO.1581/C, BELALRY ROAD,  
YELAHANKA, BANGALORE-560064.
2. SRI RAVI AGARWAL  
S/O SURESH CHANDRA GUPTHA,  
AGED ABOUT 46 YEARS,  
R/AT O.1581/C, BELALRY ROAD,  
YELAHANKA, BANGALORE-560064.
3. SRI ANIL AGARWAL  
S/O SURESH CHANDRA GUPTHA,  
AGED ABOUT 42 YEARS,  
R/AT NO.208, 5TH MAIN ROAD,  
GANGANAGAR, BANGALORE-560032.
4. SMT USHA AGARWAL  
D/O SURESH CHANDRA GUPTHA,  
AGED ABOUT 44 YEARS,  
R/AT NO.1801,  
SHOBA MAY FLOWE, 8TH FLOOR,  
GREEN GLEN LAYOUT, BALLADUR,  
BANGALORE-560103.

...APPELLANTS

(BY SRI. H.N.SHASHIDHARA, SENIOR ADVOCATE FOR

SRI. H.N.SUHAS, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS  
CHIEF SECRETARY,  
VIDHANA SOUDHA,  
DR.B.R.AMBEDKAR VEEDHI,  
BANGALORE-560001.
2. THE STATE OF KARNATAKA  
REPRESENTED BY THE SECRETARY,  
DEPARTMENT OF INDUSTRIES &  
COMMERCE, VIKASA SOUDHA,  
DR.B.R.AMBEDKAR VEEDHI,  
BANGALORE-560001.
3. KARNATAKA INDUSTRIAL AREA  
DEVELOPMENT BOARD  
NO.14/3, RASHOTRODHANA BUILDINGS,  
N.R.ROAD, BANGALORE-560009  
REPRESENTED BY ITS  
EXECUTIVE MEMBER.
4. THE SPECIAL LAND ACQUISITION OFFICER  
THE KARNATAKA INDUSTRIAL  
AREAS DEVELOPMENT BOARD,  
BANGALORE DIVISION,  
NO.3/2, THIMMAIAH TOWERS,  
III FLOOR, GANDHI NAGAR,  
BANGALORE-560009.
5. THE DEPUTY COMMISSIONER  
THE KARNATAKA INDUSTRIAL AREAS  
DEVELOPMENT BOARD,  
BANGALORE DIVISION,  
NO.3/2, THIMMAIAH TOWERS,  
III FLOOR, GANDHI NAGAR,  
BANGALORE-560009.
6. M/S INDIAN MACHINE TOOLS MANUFACTURERS

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

ASSOCIATION, S-906, 9TH FLOOR,  
MANIPAL CENTRE, SOUTH BLOCK, NO.47,  
DICKENSON ROAD,  
BANGALORE-560042,  
REPRESENTED BY ITS,  
DEPUTY DIRECTOR.

...RESPONDENTS

(BY SRI. ADITYA NARAYAN FOR C/R6;  
SRI. M.N.SUDEV HEGDE, AGA FOR R1 AND R2;  
SRI. BASAVARAJ.V.SABARAD, SENIOR ADVOCATE FOR  
SRI. H.L.PRADEEP KUMAR, ADVOCATE FOR R3, R4 AND  
R5)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA  
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER  
PASSED IN THE WRIT PETITION 18558-561/12 DATED  
20/6/13.

**IN WA NO. 4544/2013**

**BETWEEN:**

1. INDIAN MACHINE TOOLS  
MANUFACTURERS ASSOCIATION  
HAVING ITS OFFICE AT:  
S-906, SOUTH BLOCK  
MANIPAL CENTRE  
47, DICKENSON ROAD  
BANGALORE-560042

AND ITS SITE OFFICE AT:  
10TH MILE, TUMKUR ROAD  
MADAVARA POST, BANGALORE-562123

NOW REPRESENTED HEREIN  
BY ITS DIRECTOR GENERAL  
MR ANBU VARATHAN

...APPELLANT

(BY SRI. ADITYA NARAYAN., ADVOCATE)

**AND:**

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS CHIEF  
SECRETARY  
VIDHANA SOUDHA  
DR B R AMBEDKAR VEEDHI  
BANGALORE-560001
2. THE STATE OF KARNATAKA  
REPRESENTED BY THE SECRETARY  
DEPARTMENT OF INDUSTRIES & COMMERCE  
VIKAS SOUDHA  
DR B R AMBEDKAR VEEDHI  
BANGALORE-560001
3. KARNATAKA INDUSTRIAL AREA  
DEVELOPMENT BOARD  
NO. 14/3, RASHTROTHANA BUILDINGS,  
N R ROAD, BANGALORE-560009  
REPRESENTED BY ITS  
EXECUTIVE MEMBER
4. THE SPECIAL LAND ACQUISITION OFFICER  
THE KARNATAKA INDUSTRIAL AREAS  
DEVELOPMENT BOARD  
BANGALORE DIVISION  
NO.3/2, THIMMAIAH TOWERS  
III FLOOR, GANDHI NAGAR  
BANGALORE-560009
5. THE DEPUTY COMMISSIONER  
THE KARNATAKA INDUSTRIAL  
AREAS DEVELOPMENT BOARD,  
BANGALORE DIVISION,  
NO.3/2, THIMMAIAH TOWERS  
III FLOOR, GANDHI NAGAR  
BANGALORE-560009
6. SURESH CHANDRA GUPTA  
S/O LATE T C GUPTA  
AGED ABOUT 78 YEARS  
RESIDING AT 1581/C  
BELLARY ROAD, YELAHANKA

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

BANGALORE-560064  
BANGALORE CITY

7. RAVI AGARWAL  
S/O SURESH CHANDRA GUPTA  
AGED ABOUT 45 YEARS  
RESIDING AT 1581/C  
BELLARY ROAD, YELAHANKA,  
BANGALORE-560064  
BANGALORE CITY
8. ANIL AGARWAL  
S/O SURESH CHANDRA GUPTA  
AGED ABOUT 41 YEARS  
RESIDING AT NO. 208,  
5TH MAIN ROAD, GANGANAGAR,  
BANGALORE-560032  
BANGALORE
9. USHA AGARWAL  
D/O SURESH CHANDRA GUPTA  
AGED ABOUT 43 YEARS  
RESIDING AT FLAT NO. 1801  
SHOBA MAYFLOWER  
8TH FLOOR, GREEN GLEN LAYOUT  
BALLADUR, BANGALORE-560103  
BANGALORE CITY

...RESPONDENTS

(BY SRI. M.N.SUDEV HEGDE, AGA FOR R1 AND R2;  
SRI. BASAVARAJ.V.SABARAD, SENIOR ADVOCATE FOR  
SRI. H.L.PRADEEP KUMAR, ADVOCATE FOR R3, R4 TO  
R5;  
SRI. H.N.SHASHIDHARA, SENIOR ADVOCATE FOR  
SRI. H.N. SUHAS, ADVOCATE FOR R6, R7, R8 AND R9)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA  
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER  
PASSED IN THE WRIT PETITION NO.18558-561/12 DATED  
20/6/2013.

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

**IN WA NO. 4548/2013**

**BETWEEN:**

1. INDIAN MACHINE TOOLS  
MANUFACTURERS ASSOCIATION  
HAVING ITS OFFICE AT:  
S-906, SOUTH BLOCK  
MANIPAL CENTRE  
47 DICKENSON ROAD  
BANGALORE 560042  
AND ITS SITE OFFICE AT  
10TH MILE, TUMKUR ROAD  
MADAVARA POST, BANGALORE 562123

REP. HEREIN BY ITS DIRECTOR  
GENERAL, MR. ANBU VARATHAN

...APPELLANT

(BY SRI. ADITYA NARAYAN., ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REP. BY ITS CHIEF SECRETARY  
VIDHANA SOUDHA  
DR. B.R. AMBEDKAR VEEDHI  
BANGALORE 560001
2. THE STATE OF KARNATAKA  
REP. BY THE SECRETARY  
DEPARTMENT OF INDUSTRIES AND COMMERCE  
VIKAS SOUDHA  
DR. B.R. AMBEDKAR VEEDHI  
BANGALORE 560001
3. KARNATAKA INDUSTRIAL AREA  
DEVELOPMENT BOARD  
NO.14/3, RASHTROTHANA BUILDINGS  
N.R. ROAD, BANGALORE 560009  
REP. BY ITS EXECUTIVE MEMBER
4. THE SPECIAL LAND ACQUISITION OFFICER

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

THE KARNATAKA INDUSTRIAL  
AREAS DEVELOPMENT BOARD  
BANGALORE DIVISION  
NO.3/2, THIMMAIAH TOWERS  
III FLOOR, GANDHI NAGAR  
BANGALORE 560009

5. THE DEPUTY COMMISSIONER  
THE KARNATAKA INDUSTRIAL AREAS  
DEVELOPMENT BOARD  
BANGALORE DIVISION  
NO.3/2, THIMMAIAH TOWERS  
III FLOOR, GANDHI NAGAR  
BANGALORE 560009
6. T. KRISHNAPPA  
S/O LATE THIMMAIAH  
AGED ABOUT 60 YEARS  
R/O SRIKANTAPURA VILLAGE  
MADHAVARA POST  
BANGALORE 560123  
BANGALORE CITY
7. T. VASUDEVIAH  
S/O LATE THIMMAIAH  
AGED ABOUT 58 YEARS  
R/O SRIKANTAPURA VILLAGE  
MADHAVARA POST  
BANGALORE 560123  
BANGALORE CITY
8. T. RAJAGOPAL  
S/O LATE THIMMAIAH  
AGED ABOUT 60 YEARS  
R/O SRIKANTAPURA VILLAGE  
MADHAVARA POST  
BANGALORE 560123
9. T. DEVARAJU  
S/O LATE THIMMAIAH  
AGED ABOUT 52 YEARS  
R/O SRIKANTAPURA VILLAGE

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

MADHAVARA POST  
BANGALORE 560123

10. T. UMESH  
S/O LATE THIMMAIAH  
AGED ABOUT 60 YEARS  
R/O SRIKANTAPURA VILLAGE  
MADHAVARA POST  
BANGALORE 560123

11. T. SRINIVAS  
S/O LATE THIMMAIAH  
AGED ABOUT 60 YEARS  
R/O SRIKANTAPURA VILLAGE  
MADHAVARA POST, BANGALORE 560123

...RESPONDENTS

(BY SRI. M.N.SUDEV HEGDE, AGA FOR R1 AND R2;  
SRI. BASAVARAJ V.SABARAD, SENIOR ADVOCATE FOR  
SRI. H.L.PRADEEP KUMAR, ADVOCATE FOR R3, R4 TO  
R5;  
SRI. SWAROOP ANAND R., FOR R6 TO R11)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA  
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER  
PASSED IN THE WRIT PETITION NO.18562-567/12 DATED  
20/6/2013.

**IN WA NO. 4554/2013**

**BETWEEN:**

1. INDIAN MACHINE TOOLS  
MANUFACTURERS ASSOCIATION  
HAVING ITS OFFICE AT:  
S-906, SOUTH BLOCK  
MANIPAL CENTRE  
47, DIKENSON ROAD  
BANGALORE-560042

AND ITS SITE OFFICE AT:  
10<sup>TH</sup> MILE, TUMKUR ROAD  
MADAVARA POST, BANGALORE-562123

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

NOW REPRESENTED HEREIN  
BY ITS DIRECTOR GENERAL  
MR ANBU VARATHAN

...APPELLANT

(BY SRI. ADITYA NARAYAN., ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS CHIEF  
SECRETARY  
VIDHANA SOUDHA  
DR B R AMBEDKAR VEEDHI  
BANGALORE-560001
2. THE STATE OF KARNATAKA  
REPRESENTED BY THE SECRETARY  
DEPARTMENT OF INDUSTRIES & COMMERCE  
VIKAS SOUDHA  
DR B R AMBEDKAR VEEDHI  
BANGALORE-560001
3. KARNATAKA INDUSTRIAL AREA  
DEVELOPMENT BOARD  
NO. 14/3, RASHTROTHANA BUILDINGS,  
N R ROAD, BANGALORE-560009  
REPRESENTED BY ITS  
EXECUTIVE MEMBER
4. THE SPECIAL LAND ACQUISITION OFFICER  
THE KARNATAKA INDUSTRIAL AREAS  
DEVELOPMENT BOARD  
BANGALORE DIVISION  
NO.3/2, THIMMAIAH TOWERS  
III FLOOR, GANDHI NAGAR  
BANGALORE-560009
5. THE DEPUTY COMMISSIONER  
THE KARNATAKA INDUSTRIAL AREAS  
DEVELOPMENT BOARD  
BANGALORE DIVISION

NO.3/2, THIMMAIAH TOWERS  
III FLOOR, GANDHI NAGAR  
BANGALORE-560009

6. M B SHANTAPPA  
S/O BASAVALINGAPPA  
AGED ABOUT 50 YEARS  
RESIDING AT NO.3-A,  
GLENDEL APARTMENTS  
BENSON ROAD, BENSON TOWN  
BANGALORE-560046  
BANGALORE CITY
7. KRISHNOJI PUROHIT  
S/O G H PUROHIT  
AGED ABOUT 48 YEARS  
RESIDING AT NO.24  
II MAIN ROAD, 10<sup>TH</sup> CROSS  
N R COLONY, BANGALORE-560019  
BANGALORE CITY
8. GIRIYAPPA  
S/O VENKATAPPA  
AGED ABOUT 40 YEARS  
RESIDING AT NO.19  
MOUNT JOY ROAD  
HANUMANTHA NAGAR  
BANGALORE-560018
- 8(a) G.PUSHPAVATHI  
WIFE OF GIRIYAPPA  
AGED 62 YEARS  
RESIDING AT A CROSS  
5TH STAGE , BEML LAYOUT  
R.R.NAGAR  
BENGALURU-560 098

...RESPONDENTS

(BY SRI. M.N.SUDEV HEGDE., AGA FOR R1 AND R2;  
SRI. BASAVARAJ.V.SABARAD, SENIOR ADVOCATE FOR  
SRI. H.L.PRADEEP KUMAR, ADVOCATE FOR R3, R4 TO  
R5;  
SRI. H.N.SHASHIDHARA, SENIOR ADVOCATE FOR

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

SRI. H.S. SUHAS, ADVOCATE FOR R6, R7, R8(a) AND  
PROPOSED R9)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA  
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER  
PASSED IN THE WRIT PETITION NO.19405-407/12 DATED  
20/6/2013.

**IN WA NO. 4557/2013**

**BETWEEN:**

1. INDIAN MACHINE TOOLS  
MANUFACTURERS ASSOCIATION  
HAVING ITS OFFICE AT:  
S-906, SOUTH BLOCK  
MANIPAL CENTRE  
47, DIKENSON ROAD  
BANGALORE-560042  
AND ITS SITE OFFICE AT:  
10TH MILE, TUMKUR ROAD  
MADAVARA POST  
BANGALORE-562123

REPRESENTED HEREIN BY ITS DIRECTOR GENERAL  
MR ANBU VARATHAN

...APPELLANT

(BY SRI. ADITYA NARAYAN., ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS CHIEF  
SECRETARY  
VIDHANA SOUDHA  
DR B R AMBEDKAR VEEDHI  
BANGALORE-560001
2. THE STATE OF KARNATAKA  
REPRESENTED BY THE SECRETARY  
DEPARTMENT OF INDUSTRIES & COMMERCE

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

VIKAS SOUDHA  
DR B R AMBEDKAR VEEDHI  
BANGALORE-560001

3. KARNATAKA INDUSTRIAL AREA  
DEVELOPMENT BOARD  
NO. 14/3, RASHTROTHANA BUILDINGS,  
N R ROAD, BANGALORE-560009  
REPRESENTED BY ITS  
EXECUTIVE MEMBER
4. THE SPECIAL LAND ACQUISITION OFFICER  
THE KARNATAKA INDUSTRIAL  
AREAS DEVELOPMENT BOARD  
BANGALORE DIVISION  
NO.3/2, THIMMAIAH TOWERS  
III FLOOR, GANDHI NAGAR  
BANGALORE-560009
5. THE DEPUTY COMMISSIONER  
THE KARNATAKA INDUSTRIAL AREAS  
DEVELOPMENT BOARD  
BANGALORE DIVISION  
NO.3/2, THIMMAIAH TOWERS  
III FLOOR, GANDHI NAGAR  
BANGALORE-560009
6. MUKESH KUMAR  
S/O SURESH CHANDRA GUPTA  
AGED ABOUT 40 YEARS  
RESIDING AT NO.1  
ALLASANDRA CROSS  
BELLARY ROAD, YELAHANKA  
BANGALORE-560065

...RESPONDENTS

(BY SRI. M.N.SUDEV HEGDE, AGA FOR R1 AND R2;  
SRI. BASAVARJ V. SABARAD, SENIOR ADVOCATE FOR  
SRI. H.L.PRADEEP KUMAR, ADVOCATE FOR R3, R4 TO  
R5;  
SMT. MAINAVERMA AND K.L.GANGADHAR, ADVOCATE  
FOR R6)

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER PASSED IN THE WRIT PETITION NO.24536/12 DATED 20/6/2013.

**IN WA NO. 4855/2013**

**BETWEEN:**

1. KARNATAKA INDUSTRIAL AREA  
DEVELOPMENT BOARD  
NO.14/3, RASHTROTHANA BUILDINGS  
N R ROAD, BANGALORE-560009  
REPRESENTED BY ITS  
EXECUTIVE MEMBER
2. THE SPECIAL LAND ACQUISITION OFFICER  
THE KARNATAKA INDUSTRIAL AREAS  
DEVELOPMENT BOARD  
B'LORE DIVISION  
NO.3/2, THIMMAIAH TOWERS  
IIIRD FLOOR, GANDHI NAGAR  
BANGALORE-560009
3. THE SPECIAL DEPUTY COMMISSIONER  
THE KARNATAKA INDUSTRIAL AREAS  
DEVELOPMENT BOARD  
BANGALORE DIVISION  
PRESENTLY AT NO.14/3,  
RASHTROTHANA BUILDINGS  
N R ROAD, BANGALORE-560009

...APPELLANTS

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

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS CHIEF SECRETARY  
VIDHANA SOUDHA  
DR B R AMBEDKAR VEEDHI  
BANGALORE-560001

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

2. THE STATE OF KARNATAKA  
REPRESENTED BY THE SECRETARY  
DEPARTMENT OF INDUSTRIES & COMMERCE  
VIKAS SOUDHA  
DR B RR AMBEDKAR VEEDHI  
BANGALORE-560001
3. SRI T KRISHNAPPA  
S/O LATE THIMMAIAH  
AGED ABOUT 60 YEARS  
R/A SRIKANTPURA VILLAGE  
MADHAVARA POST  
BANGALORE-562123
4. SRI T VASUDEVAIAH  
S/O LATE THIMMAIAH  
AGED ABOUT 58 YEARS  
R/A SRIKANTPURA VILLAGE  
MADHAVARA POST  
BANGALORE-562123
5. SRI T RAJGOPAL  
S/O LATE THIMMAIAH  
AGED ABOUT 56 YEARS  
R/A SRIKANTPURA VILLAGE  
MADHAVARA POST  
BANGALORE-562123
6. SRI T DEVARAJU  
S/O LATE THIMMAIAH  
AGED ABOUT 52 YEARS  
R/A SRIKANTPURA VILLAGE  
MADHAVARA POST  
BANGALORE-562123
7. SRI T UMESH  
S/O LATE THIMMAIAH  
AGED ABOUT 60 YEARS  
R/A SRIKANTPURA VILLAGE  
MADHAVARA POST  
BANGALORE-562123

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

8. SRI T SRINIVAS  
S/O LATE THIMMAIAH  
AGED ABOUT 60 YEARS  
R/A SRIKANTPURA VILLAGE  
MADHAVARA POST  
BANGALORE-562123
9. M/S INDIAN MACHINE TOOLS MANUFACTURES  
ASSOCIATION, S-906  
9TH FLOOR  
MANIPAL CENTRE, SOUTH BLOCK  
NO.47, DICKENSON ROAD  
BANGALORE-560042  
REPRESENTED BY ITS DEPUTY DIRECTOR  
...RESPONDENTS  
(BY SRI. M.N. SUDEV HEGDE. AGA FPR R1 AND R2)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA  
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER  
PASSED IN THE WRIT PETITION NO.18562-567/12 DATED  
20/6/2013.

**IN WA NO. 4856/2013**

**BETWEEN:**

1. KARNATAKA INDUSTRIAL AREA  
DEVELOPMENT BOARD  
NO.14/3, RASHTROTHANA BUILDINGS  
N R ROAD, BANGALORE-560009  
REPRESENTED BY ITS  
EXECUTIVE MEMBER
2. THE SPECIAL LAND ACQUISITION OFFICER  
THE KARNATAKA INDUSTRIAL AREAS  
DEVELOPMENT BOARD  
BLORE DIVISION  
NO.3/2, THAMMAIAH TOWERS  
IIIRD FLOOR, GANDHI NAGAR  
BANGALORE-560009

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

3. THE DEPUTY COMMISSIONER  
THE KARNATAKA INDUSTRIAL AREAS  
DEVELOPMENT BOARD  
BANGALORE DIVISION  
NO.14/3, RASHTROTHANA BUILDINGS  
N R ROAD, BANGALORE-560009

...APPELLANTS

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

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS CHIEF SECRETARY  
VIDHANA SOUDHA  
DR B R AMBEDKAR VEEDHI  
BANGALORE-560001
2. THE STATE OF KARNATAKA  
REPRESENTED BY THE SECRETARY  
DEPARTMENT OF INDUSTRIES & COMMERCE  
VIKAS SOUDHA  
DR B RR AMBEDKAR VEEDHI  
BANGALORE-560001
3. SRI SURESH CHANDRA GUPTHA  
S/O LATE T C GUPTHA  
AGED ABOUT 78 YEARS  
R/A NO.1581/C, BELLARY ROAD  
YELHANKA, BANGALORE-560064
4. SRI RAVI AGARWAL  
S/O SURESH CHANDRA GUPTHA  
AGED ABOUT 45 YEARS  
R/A NO.1581/C  
BELLARY ROAD  
YELHANKA, BANGALORE-560064
5. SRI ANIL AGARWAL  
S/O SURESH CHANDRA GUPTHA  
AGED ABOUT 42 YEARS  
R/A NO.208, 5TH MAIN ROAD

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

GANGANAGAR  
BANGALORE-560032

6. SMT USHA AGARWAL  
D/O SURESH CHANDRA GUPTHA  
AGED ABOUT 43 YEARS  
R/A NO.1801, SHOBA MAY FLOWER  
8TH FLOOR, GREEN GLEN LAYOUT  
NALLADUR, BANGALORE-560103
7. M/S INDIAN MACHINE TOOLS MANUFACTURES  
ASSOCIATION, S-906  
9TH FLOOR  
MANIPAL CENTRE, SOUTH BLOCK  
NO.47, DICKENSON ROAD  
BANGALORE-560042  
REPRESENTED BY ITS DEPUTY DIRECTOR  
...RESPONDENTS  
(BY SRI. H.N.SHASHIDHARA, SENIOR ADVOCATE FOR  
SRI. H.S. SUHAS, ADVOCATE FOR R4-R6;  
SRI. M.N.SUDEV HEGDE, AGA FOR R1 AND R2)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA  
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER  
PASSED IN THE WRIT PETITION NO.18558-561/12 DATED  
20/6/2013.

**IN WA NO. 4857/2013**

**BETWEEN:**

1. KARNATAKA INDUSTRIAL AREA  
DEVELOPMENT BOARD,  
NO.14/3, RASHTROTHANA BUILDINGS,  
N.R.ROAD, BANGALORE-560 009,  
REPRESENTED BY ITS  
EXECUTIVE MEMBER.
2. THE SPECIAL LAND ACQUISITION OFFICER  
THE KARNATAKA INDUSTRIAL AREAS  
DEVELOPMENT BOARD,  
BANGALORE DIVISION,

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

NO.3/2, THAMMAIAH TOWERS,  
III RD FLOOR, GANDHI NAGAR,  
BANGALORE-560 009.

3. THE DEPUTY COMMISSIONER  
THE KARNATAKA INDUSTRIAL AREAS  
DEVELOPMENT BOARD,  
BANGALORE DIVISION,  
NO.14/3, RASHTROTHANA BUILDINGS,  
N.R.ROAD, BANGALORE-560 009.

...APPELLANTS

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

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS CHIEF SECRETARY,  
VIDHANA SOUDHA,  
DR.B.R.AMBEDKAR VEEDHI,  
BANGALORE-560 001.
2. THE STATE OF KARNATAKA  
REPRESENTED BY THE SECRETARY,  
DEPARTMENT OF INDUSTRIES & COMMERCE,  
VIKAS SOUDHA,  
DR.B.R.AMBEDKAR VEEDHI,  
BANGALORE-560 001.
3. SRI M B SHANTHAPPA  
S/O BASAVALINGAPPA,  
AGED ABOUT 50 YEARS,  
R/AT NO.3-A, GLENDEL APARTMENT,  
BENSON ROAD, BENSON TOWN,  
BANGALORE-560 046.
4. MRS. KRISHNOJI PUROHIT  
S/O G.H.PUROHIT,  
AGED ABOUT 48 YEARS,  
R/AT NO.24, II MAIN ROAD,  
10TH CROSS, N.R.COLONY,  
BANGALORE-560 019.

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

5. MR GIRIYAPPA  
S/O VENKATAPPA,  
AGED ABOUT 40 YEARS,  
R/AT NO.19, MOUNT JOY ROAD,  
HANUMANTH NAGAR,  
BANGALORE-560 018.
6. M/S INDIAN MACHINE TOOLS MANUFACTURES  
ASSOCIATION S-906, 9TH FLOOR,  
MANIPAL CENTRE, SOUTH BLOCK,NO.47,  
DICKENSON ROAD,  
BANGALORE-560 042,  
REPRESENTED BY ITS DEPUTY DIRECTOR.

...RESPONDENTS

(BY SRI.H.N.SHASHIDHARA, SENIOR ADVOCATE FOR  
SRI. H.S.SUHAS, ADVOCATE FOR R3 AND R4;  
SRI. ADITYA NARAYAN, ADVOCATE FOR R6;  
SRI. M.N.SUDEV HEGDE, AGA FOR R1 AND R2;  
VIDE ORDER DATED:02.04.2019, R5 IS ABATED)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA  
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER  
PASSED IN THE WRIT PETITION NOS.19405-405/2012  
DATED 20/06/2013.

**IN WA NO. 4858/2013**

**BETWEEN:**

1. KARNATAKA INDUSTRIAL AREA  
DEVELOPMENT BOARD  
NO.14/3, RASHTROTHANA BUILDINGS  
N.R.ROAD, BANGALORE-560 009  
REPRESENTED BY ITS  
EXECUTIVE MEMBER.
2. THE SPECIAL LAND ACQUISITION OFFICER  
THE KARNATAKA INDUSTRIAL AREAS  
DEVELOPMENT BOARD  
BANGALORE DIVISION  
NO.3/2, THIMMAIAH TOWERS

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

III RD FLOOR, GANDHI NAGAR,  
BANGALORE-560 009.

3. THE SPECIAL DEPUTY COMMISSIONER  
THE KARNATAKA INDUSTRIAL AREAS  
DEVELOPMENT BOARD  
BANGALORE DIVISION- PRESENTLY AT  
NO.14/3, RASHTROTHANA BUILDINGS  
N.R.ROAD,  
BANGALORE-560 009  
(THE NAME AND DESIGNATION OF RESPONDENT NO.5  
IS MENTIONED CORRECTLY IN THE ABOVE APPEAL  
WHEREAS IN WRIT PETITION IT WAS WRONG)  
...APPELLANTS  
(BY SRI. BASAVARAJ.V.SABARAD, SENIOR ADVOCATE FOR  
SRI. H.L.PRADEEP KUMAR., ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS CHIEF SECFRETARY,  
VIDHANA SOUDHA,  
DR B.R.AMBEDKAR VEEDHI,  
BANGALORE-560 001.
2. THE STATE OF KARNATAKA  
REPRESENTED BY THE SECRETARY,  
DEPARTMENT OF INDUSTRIES & COMMERCE,  
VIKAS SOUDHA,  
DR.B.R.AMBEDKAR VEEDHI,  
BANGALORE-560 001.
3. SRI MUKESH KUMAR  
S/O SURESH CHANDRA GUPTHA,  
AGED ABOUT 40 YEARS,  
R/AT NO.1, ALLALASANDRA CROSS,  
BELLARY ROAD, YELHANKA  
BANGALORE-560 065.
4. M/S. INDIAN MACHINE TOOLS MANUFACTURES  
ASSOCIATION, S-906, 9TH FLOOR,  
MANIPAL CENTRE, SOUTH BLOCK, NO.47,

**WA No. 4647 of 2013**  
**C/W WA No. 4501 of 2013**  
**WA No. 4504 of 2013**  
**AND 9 OTHERS**

DICKENSON ROAD,  
BANGALORE-560 042  
REPRESENTED BY ITS DEPUTY DIRECTOR

...RESPONDENTS

(BY SRI. M.N.SUDEV HEGDE, AGA FOR R1 AND R2;  
SMT. MAINA VERMA AND K.GANGADHARA, ADVOCATE  
FOR C/R3;  
R4 IS SERVED AND UNREPRESENTED)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA  
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER  
PASSED IN THE WRIT PETITION NO.24536/12 DATED  
20/6/2013.

THESE APPEALS HAVING BEEN HEARD AND RESERVED  
FOR JUDGMENT ON 01.04.2026, COMING ON FOR  
PRONOUNCEMENT THIS DAY, **HON'BLE MR. JUSTICE**  
**D K SINGH** PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE D K SINGH  
and  
HON'BLE MR. JUSTICE T.M.NADAF

**CAV JUDGMENT**

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

The present batch of twelve (12) intra Court appeals have  
been filed against the common judgment and order dated  
20.06.2013 passed by the writ Court in W.P.Nos.18562-  
567/2012 connected with W.P.Nos.18558-561/2012,  
W.P.No.19405-407/2012 and W.P.No.24536/2012. The details  
of the twelve writ appeals are given under:

**WA No. 4647 of 2013**  
**C/W WA No. 4501 of 2013**  
**WA No. 4504 of 2013**  
**AND 9 OTHERS**

i. Appeals with respect to the order passed in W.P.Nos.18562-67/2012 (T Krishnappa & Ors-Sy.Nos.68, 69).

| Sl.No. | Writ Appeal Number | Filed by (Appellants)                                            |
|--------|--------------------|------------------------------------------------------------------|
| 1.     | 4505/2013          | T Krishnappa & Ors                                               |
| 2.     | 4855/2013          | KIADB - aggrieved by quashing of acquisition of 11 acres 1 gunta |
| 3.     | 4548/2013          | Indian Machine Tools                                             |

ii. Appeals with respect to the order passed in W.P.No.24536/2012 (Mukesh Kumar-Sy.No.72).

| Sl.No. | Writ Appeal Number | Filed by (Appellants)                                            |
|--------|--------------------|------------------------------------------------------------------|
| 1.     | 4657/2013          | Mukesh Kumar                                                     |
| 2.     | 4858/2013          | KIADB - aggrieved by quashing of acquisition of 11 acres 1 gunta |
| 3.     | 4557/2013          | Indian Machine Tools                                             |

iii. Appeals with respect to the order passed in W.P.Nos.19405-407/2012 (Shanthappa & Ors - Sy.Nos.18/316, 18/317).

| Sl.No. | Writ Appeal Number | Filed by (Appellants) |
|--------|--------------------|-----------------------|
| 1.     | 4501/2013          | Shanthappa & Ors      |

**WA No. 4647 of 2013**  
**C/W WA No. 4501 of 2013**  
**WA No. 4504 of 2013**  
**AND 9 OTHERS**

|    |           |                                                                  |
|----|-----------|------------------------------------------------------------------|
| 2. | 4857/2013 | KIADB - aggrieved by quashing of acquisition of 11 acres 1 gunta |
| 3. | 4554/2013 | Indian Machine Tools                                             |

iv. Appeals with respect to the order passed in W.P.Nos.18558-561/2012 (Suresh Chandra Guptha & Ors-Sy.No.72).

| Sl.No. | Writ Appeal Number         | Filed by (Appellants)                                            |
|--------|----------------------------|------------------------------------------------------------------|
| 1.     | 4657/2013                  | Suresh Chadra Guptha & Ors                                       |
| 2.     | 4856/2013                  | KIADB - aggrieved by quashing of acquisition of 11 acres 1 gunta |
| 3.     | 4557/2013<br>REPEATED-4544 | Indian Machine Tools                                             |

2. The appellant-M/s. Indian Machine Tool Manufacturers Association (IMTMA) in W.A.Nos.4548/2013, 4554/2013, 4544/2013 and 4557/2013 has been established as a charitable company under Section 25 of the Companies Act, 1956 (now Section 8 of the Companies Act, 2013). The Board of Directors of IMTMA comprises of several big/prominent industrialists, as of today. The company is managed by one Director General and CEO alongwith 24 Directors, details of which are available on the website of the Ministry of Corporate

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

Affairs. Further, The IMTMA has established the Bangalore International Exhibition Centre (BIEC) which was approved by the State Government vide Government Order dated 18.09.2003. Vide the said Government order, the State Government had directed the land required for the Centre (38 acres) to be transferred by Nandi Infrastructure Corridor Enterprises (NICE) out of the land acquired for Bangalore-Mysore Infrastructure Corridor Project (BMICP).

3. Pursuant to the said Government Order, the NICE transferred a total extent of 34 acres 11 guntas of land (i.e., 30 acres in 2003 and 4 acres and 11 guntas in 2006). Originally the BIEC project was established over 34 acres 11 guntas of land. In September 2013, IMTMA, being in need of an adequate access road for movement to and from the facility, acquired an extent of 6 acres 10 guntas more land from NICE. According to the IMTMA, the approach road has been developed by using the said land. Because of the exponential growth in the scale of its activities and since the the four exhibition halls put up on the said land originally made available was not sufficient, IMTMA sought and obtained approval for expansion of BIEC by construction of two additional halls. The land to the extent of

22 acres and 38 guntas was identified for this purpose and the Government order dated 25.11.2014 approved establishment of the project on the said land to be acquired after seeking permission under Section 109 of the Karnataka Land Revenue Act, 1964.

4. Pursuant to the said Government Order and after obtaining permission under Section 109 of the Land Revenue Act as mandated thereby, IMTMA purchased 22 acres 33 guntas from Mr. Mathukutty Vaidhyan and others vide sale deed dated 25.03.2015. The IMTMA had constructed two additional exhibition halls on the aforesaid extent of land. The IMTMA had acquired title to 73 acres and 14 guntas of land.

5. The IMTMA requested the State Government to initiate acquisition proceedings to acquire further lands in Sy.Nos.18/316, 18/317, 68, 69,70 and 71 of Madanayakanahalli village, in all measuring 23 acres 38 guntas in its favour for the purpose of construction of multi-level car parking facility. The State Authorities accepted the request of the IMTMA and issued notifications under Section 28(1) of the Karnataka Industrial Area Development Act, 1966 (for short,

'the KIAD Act'). Notices under Section 28(2) of the KIAD Act were issued to the land holders calling for objections in respect to the preliminary notification issued under Section 28(1) of the KIAD Act. The land holders filed their objections to the proposed land acquisition of their lands. However, rejecting their objections filed to the preliminary notification dated 19.08.2010, Final notification dated 02.05.2012 under Section 28(4) of the KIAD Act was issued restricting land acquisition to 17.38 acres as against 23.28 acres. The writ petitioners' lands were part of the final notification under Section 28(4) of the KIAD Act.

6. The landowners whose lands were part of the final notification, challenged the land acquisition proceedings by filing petitions before the writ Court.

7. The learned Single Judge vide impugned order has held that the land acquisition can be upheld only for pure public purpose that too after paying prevailing market value to the land holders. The learned Single Judge further observed that various unscrupulous methods are being adopted and the power is abused by the revenue authorities in granting land to

various persons from whom it had changed hands by way of sale even before the expiry of time granted for non-alienation.

8. The learned Single Judge took note of the fact that the Deputy Commissioner who was present before the Court, after spot inspection, had submitted that there was no adjacent Government land available for grant for allotment to the IMTMA. In the guise of acquisition, Government should not support the activities of IMTMA or any other similarly situated persons to go for excess acquisition at the cost of poor farmers/agriculturists. It was further noted that NICE had undertaken to provide 5 acres land to the IMTMA for multi-level parking area free of cost, and that would meet the needs of the IMTMA. So far as other expansion activities were concerned, the IMTMA was shown to have entered into an agreement with Mr. Mathukutty Vaidhyan to purchase 7 acres of land for value prevailing in the market. However, keeping in view the need of the IMTMA, it would be appropriate to part with 7 acres of the land in favour of the IMTMA out of total area proposed to be acquired. Thus, the land acquisition proceedings in respect of the 7 acres of land out of 17.38 acres have been upheld, but there are no demarcations such as survey numbers etc. in

**WA No. 4647 of 2013  
C/W WA No. 4501 of 2013  
WA No. 4504 of 2013  
AND 9 OTHERS**

respect of which the land acquisition for 7 acres has been upheld mentioned in the impugned judgment.

9. The appeals have been filed by the Karnataka Industrial Area Development Board (4 in number) as well as IMTMA (4 in number) and land owners (4 in number).

10. This Court on 26.03.2026 passed the following order in these batch of appeals:

*"Having heard the learned counsels for the parties, we would require a clear stand of the KIADB and Respondent No.6- Indian Machine Manufacturers Association (for short 'the Association') regarding the land in question, which was said to have been acquired by issuing a final notification under Section 28(4) as modified by the learned Single Judge on following aspects:*

*i. What is the total extent of land excluding/besides the seven (7) acres, which is under dispute in the possession and ownership of the respondent No.6, including the land purchased by them through private negotiation as well as from the BMIC project?*

*ii. Whether respondent No.6 requires the seven (7) acres or more land in dispute for its exhibition center and related facilities or not?*

*iv. If they require the land in question, whether they are willing to pay the compensation based on the market rates prevailing today inasmuch as no award has*

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*been passed and no compensation has been deposited or paid to the landowners till date. Despite there being no interim order against the KIADB not to pass the award and assess the compensation and deposit the same.*

*We direct the State Government to make its stand clear on whether the land in question is situated within the prohibited distance (i.e., 75 metres) from the bank of the waterbody.*

*We make it clear that we are not inclined to grant any further adjournment/accommodation, as the matter pertains to 2013. If the stand by the KIADB and Association (Respondent No.6) is not clarified on the next date of posting of these appeals, we will draw negative inference on these aspects and decide the matter accordingly.*

*Post this appeal on 01.04.2026."*

11. In compliance of the said order the IMTMA has filed the affidavit of Mr. Jibak Dasgupta, the Secretary, Director General and CEO of IMTMA. The details of the land besides the land in question have been given in the aforesaid affidavit and as per the affidavit, IMTMA had acquired title to 73 acres 14 guntas of land.

12. The Financial statement of the IMTMA for the year 2019-20 to 2020-24 would establish that the company is in huge profits and capable of acquiring lands on its own for its purposes through private negotiations. It is also not in dispute that no award has been passed and no compensation has been deposited or paid to the landowners till date despite there being no interim order for not to pass the award and assess the compensation and deposit the same.

13. The following issues arise for determination in these appeals:

i. Whether the land acquisition proceedings in respect of the land in question have become bad inasmuch as no award has been passed and no compensation has been paid till date, even after 14 years from the date of the final notification issued under Section 28(4) of the KIAD Act?

ii. Whether the land acquisition proceedings could have been undertaken on behest of a private entity which is in capacity to purchase the land through private negotiations and therefore, the land acquisition proceedings were bad in law?

14. The statements of objects and reasons of the KIAD

Act read as under:-

*"It is considered necessary to make provision for the orderly establishment and development of Industries in suitable areas in the State. To achieve this object, it is proposed to specify suitable areas for Industrial Development and establish a Board to develop such areas and make available lands therein for establishment of Industries."*

15. Thus, the object of the KIAD Act is for the orderly establishment and development of industries in suitable areas in the State and for such purpose, to make available lands therein for establishment of industries. The suitable area has to be identified by the State/KIADB and not the private/non-Government persons/agencies.

16. The object of the KIAD Act is to acquire the land for the purpose of setting up the industrial areas and not for acquiring the land for an individual entity. After setting up an industrial area, the Government may allot the land to an applicant for setting up the industries in the industrial area. The Government cannot acquire the land for an individual entity of its choice at the expense and cost of the poor landowners. The object of the Act is public purpose in creating industrial areas

for development of the industries and industrialisation of the State. The Government cannot acquire the land for an individual person/entity of its choice by exercising the power of eminent domain.

17. The functions and powers of the Board, as provided under Section 13 of the KIAD Act, are to promote and assist in the rapid and orderly establishment, growth and development of industries and to provide industrial infrastructural facilities and amenities in industrial areas. Therefore, the Government may acquire the land to set up the industrial area and the Board would then have to provide industrial infrastructural facilities and amenities for the rapid and orderly establishment, growth and development of industries in the said area. The Act does not contemplate to acquire the land for an individual entity and such a purpose cannot be said to be a public purpose. Setting up an industrial area is a public purpose and acquiring the land for a profit making entity for its expansion would not be in the line of the objects of the KIAD Act, and it is nothing but a fraud committed on statute by the authorities to divest the landowners from their land holdings for a pittance in favour of a private entity for expansion of its business and

making more and more profit. This kind of exercise of power is a statutory and constitutional fraud by the State Authorities.

18. The acquisition and disposal of land is provided in Chapter VII of the KIAD Act. Sections 28 and 29, which are relevant, are extracted hereunder:-

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

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

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

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

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

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

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

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

**29. Compensation.-** *(1) Where any land is acquired by the State Government under this Chapter, the State Government shall pay for such acquisition compensation in accordance with the provisions of this Act.*

*(2) Where the amount of compensation has been determined by agreement between the State Government and the person to be compensated, it shall be paid in accordance with such agreement.*

*(3) Where no such agreement can be reached, the State Government shall refer the case to the Deputy Commissioner for determination of the amount of compensation to be paid for*

*such acquisition as also the person or persons to whom such compensation shall be paid.*

*(4) On receipt of a reference under sub-section (3), the Deputy Commissioner shall serve notice on the owner or occupier of such land and on all persons known or believed to be interested herein to appear before him and state their respective interests in the said land."*

19. Section 28 provides a complete machinery in respect of the method and manner in which the land can be acquired by the State Government, non-compliance of any of the provisions would render the acquisition invalid, illegal and fraud on statute. Sub-section (1) of Section 28 specifically provides that the State Government may acquire the land for the purpose of development by the Board or for any other purpose in furtherance of the objects of the Act. If the land is not acquired either for the purpose of development by the Board or for any other purpose in furtherance of the objects of the Act, such acquisition is nothing but a *mala fide* and illegal and colourable exercise of power and a fraud on statute and Constitution in exercising the eminent domain by the State.

20. Sub-section (2) of Section 28 provides an opportunity for filing objections by the landowners or other interested persons and sub-section (3) provides for considering

the objections and affording an opportunity of hearing to them. After the aforesaid exercise is undertaken, then only the final notification is to be issued under sub-section (4) of Section 28 of the Act. Under sub-section (5), it is provided that on publication of the final notification under sub-section (4), the land vests absolutely in the State Government free from all encumbrances, but sub-section (6) requires the Government Authorities to serve a notice in writing and order on the person who is in possession of the land to surrender or deliver the possession thereof to the State Government within thirty days of the service of the notice. Sub-section (7) provides that if such a person refuses or fails to comply with the order made under sub-section (5), the State Government may take possession of the land by using the force as may be necessary.

21. Under Section 29 of the KIAD Act, the Government is under a statutory and constitutional obligation to pay adequate compensation in accordance with the provisions of the Act for the land acquired, and if the landowner is not satisfied with the compensation, the reference has to be made to the Deputy Commissioner for determination of the amount of compensation to be paid for such acquisition. Before deciding

the reference, the Deputy Commissioner is required to serve a notice on the owner and on all such persons who are interested in the land, to appear before him and to state their respective interests in the land so acquired.

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

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23. Article 300A of the Constitution of India provides that "no person shall be deprived of his property except by authority of law". The right of property is not only a constitutional or statutory right but also a human right. Though it is not a basic feature of the Constitution or fundamental rights, the human rights are considered to be in the realm of individual rights such as, the right to health, right to livelihood, right to shelter and employment etc.

24. The Supreme Court, in the case of **TUKARAM KANA JOSHI AND OTHERS THROUGH POWER OF ATTORNEY HOLDER vs M.I.D.C. AND OTHERS (AIR 2013 SC 565)**, has held that now human rights are gaining even greater multifaceted dimension. The right to property is considered very much to be part of such new dimension. The expression 'property' in Article 300A is not confined to land alone. It includes intangibles like copyright and other intellectual properties and embraces every possible interest recognized by law.

25. A Constitution Bench, in the case of **K.T. PLANTATION PRIVATE LIMITED AND ANOTHER vs STATE**

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**OF KARNATAKA ([2011] 9 SCC 1)**, has held that the right to compensation is inbuilt in Article 300A. Just, fair and reasonable compensation is inbuilt in right to property and is also a requirement of Articles 14, 19(1)(g), 21, 26(b), 30(1-A) of the Constitution. No person can be deprived of his property merely by an executive fiat, without any specific legal authority or without support of law. Deprivation of property even under the provisions of the statute within the meaning of Article 300A must take place for public purpose or public interest. It has been held that any law which deprives a person of his private property for private interest will be unlawful, unfair and undermines the rule of law and can be subjected to judicial review.

26. Paragraphs 180, 181, 182, 183, 189 and 190 to 193 of the judgment in **K.T. PLANTATION** (*supra*) are extracted hereunder:

**"Public purpose**

**180.** *Deprivation of property within the meaning of Article 300A, generally speaking, must take place for public purpose or public interest. The concept of eminent domain which applies when a person is deprived of his property postulates that the purpose must be*

*primarily public and not primarily of private interest and merely incidentally beneficial to the public. Any law, which deprives a person of his private property for private interest, will be unlawful and unfair and undermines the rule of law and can be subjected to judicial review. But the question as to whether the purpose is primarily public or private, has to be decided by the legislature, which of course should be made known.*

**181.** *The concept of public purpose has been given fairly expansive meaning which has to be justified upon the purpose and object of the statute and the policy of the legislation. Public purpose is, therefore, a condition precedent, for invoking Article 300A.*

### **Compensation**

**182.** *We have found that the requirement of public purpose is invariably the rule for depriving a person of his property, violation of which is amenable to judicial review. Let us now examine whether the requirement of payment of compensation is the rule after the deletion of Article 31(2).*

**183.** *Payment of compensation amount is a constitutional requirement under Article 30(1-A) and under the second proviso to Article 31-A(1), unlike Article 300-A. After the Forty-fourth Amendment Act, 1978, the constitutional obligation to pay compensation to a person who is deprived of his property primarily depends upon the terms of the statute and the legislative policy. Article 300A, however, does not prohibit the payment of just compensation when a person is deprived of his property, but the question is whether a person is entitled to get compensation, as a matter*

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*of right, in the absence of any stipulation in the statute, depriving him of his property.*

**189.** *Requirement of public purpose, for deprivation of a person of his property under Article 300-A, is a precondition, but no compensation or nil compensation or its illusiveness has to be justified by the State on judicially justiciable standards. Measures designed to achieve greater social justice, may call for lesser compensation and such a limitation by itself will not make legislation invalid or unconstitutional or confiscatory. In other words, the right to claim compensation or the obligation to pay, though not expressly included in Article 300-A, it can be inferred in that article and it is for the State to justify its stand on justifiable grounds which may depend upon the legislative policy, object and purpose of the statute and host of other factors.*

**190.** *Article 300-A would be equally violated if the provisions of law authorizing deprivation of property have not been complied with. While enacting Article 300-A Parliament has only borrowed Article 31(1) (the "Rule of law" doctrine) and not Article 31(2) (which had embodied the doctrine of eminent domain). Article 300-A enables the State to put restrictions on the right to property by law. That law has to be reasonable. It must comply with other provisions of the Constitution. The limitation or restriction should not be arbitrary or excessive or what is beyond what is required in public interest. The limitation or restriction must not be disproportionate to the situation or excessive.*

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**191.** The legislation providing for deprivation of property under Article 300-A must be "just, fair and reasonable" as understood in terms of Articles 14, 19(1)(g), 26(b), 301, etc. Thus in each case, courts will have to examine the scheme of the impugned Act, its object, purpose as also the question whether payment of nil compensation or nominal compensation would make the impugned law unjust, unfair or unreasonable in terms of other provisions of the Constitution as indicated above.

**192.** At this stage, we may clarify that there is a difference between "no" compensation and "nil" compensation. A law seeking to acquire private property for public purpose cannot say that "no compensation shall be paid". However, there could be a law awarding "nil" compensation in cases where the State undertakes to discharge the liabilities charged on the property under acquisition and onus is on the Government to establish validity of such law. In the latter case, the court in exercise of judicial review will test such a law keeping in mind the above parameters.

**193.** Right to property no more remains an overarching guarantee in our Constitution, then is it the law, that such a legislation enacted under the authority of law as provided in Article 300-A is immune from challenge before a constitutional court for violation of Articles 14, 21 or the overarching principle of the rule of law, a basic feature of our Constitution, especially when such a right is not specifically incorporated in Article 300-A, unlike Article 30(1-A) and the second proviso to Article 31-A(1)"

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27. Thus, depriving the landowners of their land for private interest and merely incidentally beneficial to the public is against the foundational principle of the Constitution i.e., the rule of law and it is against the constitutional mandate as provided under Article 300A.

28. The aforesaid principles have been reiterated by the Supreme Court in the case of **KOLKATA MUNICIPAL CORPORATION AND ANOTHER vs BIMAL KUMAR SHAH AND OTHERS ([2024] 10 SCC 533)** and further explained. It has been held that the right to property has to be given broader and meaningful interpretation. The right to property has seven sub-rights and it does not limit to twin components of public purpose and compensation. The seven sub-rights or strands of the swadeshi constitutional fabric constituting the right to property, which are non-exhaustive, have been enumerated as under:-

*"(i) The duty of the State to inform the person that it intends to acquire his property - the right to notice,*

*(ii) The duty of the State to hear objections to the acquisition - the right to be heard,*

*(iii) The duty of the State to inform the person of its decision to acquire - the right to a reasoned decision,*

*(iv) The duty of the State to demonstrate that the acquisition is for public purpose - the duty to acquire only for public purpose,*

*(v) The duty of the State to retribute and rehabilitate - the right of restitution or fair compensation,*

*(vi) The duty of the State to conduct the process of acquisition efficiently and within prescribed timelines of the proceedings - the right to an efficient and expeditious process, and*

*(vii) The final conclusion of the proceedings leading to vesting - the right of conclusion.”*

29. These seven rights though are procedures, but they do constitute real content of the right to property under Article 300A and non-compliance of these will amount to violation of the right to property being without the authority of law. It has been specifically held in paragraph 33.4 that it is the duty of the State to acquire the property only for public purpose, and it is an important fetter on the discretion of the authorities to acquire property. The acquisition of the property must be for larger constitutional goals of a welfare State and distributive justice.

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30. The State can exercise the eminent domain power for a private entity, but only when there is a genuine public purpose and cost of acquisition (including compensation) is borne by the State instrumentality or the public fund so that the transaction remains by the State for public purpose.

31. The Supreme Court, in **SOORARAM PRATAP REDDY AND OTHERS vs DISTRICT COLLECTOR, RANGA REDDY DISTRICT AND OTHERS ([2008] 9 SCC 552)**, has held that if the power of eminent domain has been exercised *mala fide* or for collateral purposes or the purported action is dehors the Act, irrational or otherwise unreasonable or the so-called purpose is "no public purpose" at all and fraud on statute is apparent, the writ Court would have the jurisdiction to interfere with such acquisition and exercise of the power of eminent domain by the State. Paragraphs 128 and 133, which are relevant, are extracted hereunder:-

*"128. Applying the aforesaid principles to the case on hand, in our considered opinion, it cannot be said that the proceedings initiated by the State for acquisition of land under the Land Acquisition Act, 1894 are illegal, unlawful, unwarranted, mala fide, fraud on statute or have been taken in colourable exercise of power.*

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**133.** *The entire amount of compensation is to be paid by State agency (APIIC) which also works as nodal agency for execution of the project. It is primarily for the State to decide whether there exists public purpose or not. Undoubtedly, the decision of the State is not beyond judicial scrutiny. In appropriate cases, where such power is exercised mala fide or for collateral purposes or the purported action is dehors the Act, irrational or otherwise unreasonable or the so-called purpose is "no public purpose" at all and fraud on statute is apparent, a writ court can undoubtedly interfere. But except in such cases, the declaration of the Government is not subject to judicial review. In other words, a writ court, while exercising powers under Articles 32, 226 or 136 of the Constitution, cannot substitute its own judgment for the judgment of the Government as to what constitutes "public purpose".*

32. The acquisition of land or the property of individuals in exercise of the powers of eminent domain must not be conveyable exercise or fraud on statute or merely a device to transfer land to private hands. When an act is done by the State under the colour of authority of law, it must be for lawful purpose envisaged under the statute. If the purpose namely, public purpose as envisaged under a statute under which the property is acquired is not subserved, then the exercise of the power of use of eminent domain must be held to be a colourable exercise of power and fraud on the statute.

33. In **ROYAL ORCHID HOTELS LIMITED AND ANOTHER VS G. JAYARAM REDDY AND OTHERS ([2011] 10 SCC 608)**, the Court was confronted with transfer of land required for public purpose (Golf-cum-Hotel Resort) to private transferees, and it was held that such acquisition was fraud on the power where the land acquired ostensibly for public use got diverted to private beneficiaries. It has been held that in exercise of the power of eminent domain, the State can compulsorily acquire land of private persons, but this proposition cannot be overstressed to legitimize a patently illegal and fraudulent exercise undertaken by depriving the landowners of their constitutional right to property with a view to favour private persons. Paragraphs 36 to 39 of the said judgment are extracted hereunder:-

*"36. The next question which merits examination is whether the High Court was justified in directing restoration of land to Respondent 1. In Behroze Ramyar Batha v. Land Acquisition Officer [Behroze Ramyar Batha v. Land Acquisition Officer, (1992) 1 Kant LJ 589 : ILR 1991 Kant 3556] , the Division Bench of the High Court categorically held that the exercise undertaken for the acquisition of land was vitiated due to fraud. The Division Bench was also of the view that the acquisition cannot be valid in part and invalid in other parts, but*

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*did not nullify all the transfers on the premise that other writ petitions and a writ appeal involving challenge to the acquisition proceedings were pending. In Annaiah v. State of Karnataka [Annaiah v. State of Karnataka, WPs (C) Nos. 19812-16 of 1990 order dated 18-9-1991 (Kant)] the same Division Bench specifically adverted to the issue of diversification of purpose and held that where the landowners are deprived of their land under the cover of public purpose and there is diversification of land for a private purpose, it amounts to fraudulent exercise of the power of eminent domain.*

*37. The pleadings and documents filed by the parties in these cases clearly show that the Corporation had made a false projection to the State Government that land was needed for execution of tourism-related projects. In the meeting of officers held on 13-1-1987 i.e. after almost four years of the issue of declaration under Section 6, the Managing Director of the Corporation candidly admitted that the Corporation did not have the requisite finances to pay for the acquisition of land and that Dayananda Pai, who had already entered into agreements with some of the landowners for purchase of land, was prepared to provide funds subject to certain conditions including transfer of 12 acres 34 guntas land to him for house building project. After 8 months, the Corporation passed a resolution for transfer of over 12 acres land to Dayananda Pai. The Corporation also transferred two other parcels of land in favour of Bangalore International Centre and M/s Universal Resorts Limited. These transactions reveal the true design of the officers of the Corporation, who first succeeded in persuading the State Government to acquire a huge chunk of land for a public purpose and then transferred a major portion of the acquired land to a private individual and corporate entities by citing poor financial*

*health of the Corporation as the cause for doing so.*

*38. The courts have repeatedly held that in exercise of its power of eminent domain, the State can compulsorily acquire land of the private persons but this proposition cannot be overstretched to legitimise a patently illegal and fraudulent exercise undertaken for depriving the landowners of their constitutional right to property with a view to favour private persons. It needs no emphasis that if land is to be acquired for a company, the State Government and the company is bound to comply with the mandate of the provisions contained in Part VII of the Act. Therefore, the Corporation did not have the jurisdiction to transfer the land acquired for a public purpose to the companies and thereby allow them to bypass the provisions of Part VII. The diversification of the purpose for which land was acquired under Section 4(1) read with Section 6 clearly amounted to a fraud on the power of eminent domain. This is precisely what the High Court has held in the judgment under appeal and we do not find any valid ground to interfere with the same more so because in Annaiah v. State of Karnataka [Annaiah v. State of Karnataka, WPs (C) Nos. 19812-16 of 1990 order dated 18-9-1991 (Kant)] the High Court had quashed the notifications issued under Sections 4(1) and 6 in their entirety and that judgment has become final.*

*39. The judgment in Om Parkash v. Union of India [(2010) 4 SCC 17 : (2010) 2 SCC (Civ) 1] on which reliance has been placed by Shri Naganand is clearly distinguishable. What has been held in that case is that quashing of the acquisition proceedings would enure to the benefit of only those who had approached the Court within reasonable time and not to those who remained silent. In this case, Respondent 1 independently questioned the acquisition proceedings and*

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*transfer of the acquired land to M/s Universal Resorts Ltd. In other words, he approached the High Court for vindication of his right and succeeded in convincing the Division Bench that the action taken by the Corporation to transfer his land to M/s Universal Resorts Limited was wholly illegal, arbitrary and unjustified."*

34. The public purpose doctrine survives constitutional amendments and remains a test even after 44<sup>th</sup> Amendment, while Article 300A requires that in order to become "authority of law" and in order to become a cause for deprivation of property of an individual, public purpose continues to frame the legitimate scope of acquisition, and the manner of compensating owners. If the acquisition is challenged, it would be the obligation of the State to prove the public purpose and adhere to the statutory procedures as prescribed under the statute. In any acquisition of the land or the property, public purpose is a constitutional precondition besides compensation.

35. In **K.T. PLANTATION** (*supra*), it has been held that public purpose may be scrutinized in the light of developmental goals, economic sovereignty and broader welfare considerations as was held in **SOORARAM PRATAP REDDY** (*supra*). It would be a colourable exercise of power of

eminent domain if the project is framed for public purpose, but it is, in substance, for private gain. When the acquisition is not for genuine public purpose, but it is masked for private gain, this would be a colourable exercise of the power and fraud on the statute and Constitution and against Articles 14, 19 and 21 of the Constitution of India.

36. Looking at the facts of the case, we are of the view that the entire exercise of acquiring the land in question for IMTMA was vitiated under the constitutional scheme.

37. As no award has been made determining the compensation for 14 long years from the date of the final notification, we are of the view that the land acquisition proceedings have lapsed. The State could not have acquired the land for the purpose of a private entity which is profitable venture, as is evident from the financial statements mentioned above for 4-5 years.

38. We, therefore, allow the writ appeals filed by the landowners and dismiss the writ appeals filed by the KIADB and IMTMA and set aside the judgment and order passed by the learned Single Judge. Consequently writ petitions filed by the

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land owners are allowed quashing the acquisition notification as sought in the petitions. No order to costs.

39. In view of disposal of the writ appeals, pending IAs, if any, do not survive for consideration and accordingly, they stand disposed of.

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

**Sd/-  
(T.M.NADAF)  
JUDGE**

RKA