



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF JULY, 2024

PRESENT

THE HON'BLE MR. N. V. ANJARIA, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE K V ARAVIND

WRIT APPEAL NO. 325 OF 2024 (LA-BDA)

BETWEEN:

1. SRI VINOD KUMAR K
S/O LATE SRI A.D.KUMARASWAMY
AGED ABOUT 70 YEARS
RESIDING AT NO.106
WHEELERS ROAD
COX TOWN
BANGALORE – 560 005

...APPELLANT

(BY SRI D N MANJUNATH, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY PRINCIPAL SECRETARY
URBAN DEVELOPMENT AUTHORITY
VIDHANA SOUDHA
VIDHANA VEEDHI



BANGALORE – 560 001

2. THE COMMISSIONER
BANGALORE DEVELOPMENT AUTHORITY
T. CHOWDAIAH ROAD
K P WEST
BANGALORE – 560 020

3. DEPUTY COMMISSIONER
(LAND ACQUISITION)
BANGALORE DEVELOPMENT AUTHORITY
T.CHOWDAIAH ROAD
K P WEST
BANGALORE – 560 020

4. THE SPECIAL LAND ACQUISITION OFFICER
BANGALORE DEVELOPMENT AUTHORITY
T. CHOWDAIAH ROAD
K P WEST
BANGALORE – 560 020

...RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA FOR R1)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961 PRAYING TO CALL FOR RECORDS IN W.P.No. 21629/2021 DISPOSED OFF ON 24.01.2024 BY DISMISSING THE WRIT PETITION FILED BY THE APPELLANT HEREIN AND ETC.,

THIS APPEAL COMING ON FOR PRELIMINARY HEARING THIS DAY, **CHIEF JUSTICE** DELIVERED THE FOLLOWING:



JUDGMENT

Heard learned advocate Mr. D.N.Manjunath for the appellant and learned Additional Government Advocate Smt. Niloufer Akbar for respondent No.1.

2. The appellant, who was the petitioner in the writ petition, have filed the present appeal under Section 4 of the Karnataka High Court Act, 1961. The appeal is directed against the judgment and order dated 24.01.2024 of learned Single Judge.

3. What was prayed in the writ petition filed under Article 226 of the Constitution is to call for records pertaining to the proceedings initiated by respondent No.4 in Land Acquisition Case No.692 of 1978 and in Land Acquisition Case No.228 of 1982. The petitioner has further prayed to direct the respondents to initiate proceedings and to pass the award under Section 11 of the Right to Fair, Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.

4. Learned Single Judge, dismissed the petition by observing that the properties of the petitioner was acquired by the preliminary notification passed in the year 1977 and the final notification was passed in the year 1978. It was recorded that thus there was a



delay of forty four years and the same was unexplained in the writ petition.

5. When the Court questioned learned advocate for the appellant with the aspect of huge and inordinate delay, he could only point out the averments made in paragraph 33 of the petition in which it is *inter alia* averred that the petitioner came to know for the first time in the last week of December, 2018 that the compensation was not paid. Subsequent to the petitioner's knowledge claimed to be in the year 2018 also, even thereafter there is a delay of three years.

5.1 Forty four years is too long a time to maintain legal action. With passage of such protracted time, the right to relief is lost. The jurisdictional Article 226 of the Constitution is not liable to be exercised to entertain the stale and a virtually dead claim.

6. As regards the grievance about the compensation is concerned, it is kept open for the petitioner to make a representation to the competent authority-respondent. The competent authority shall examine the said aspect and take appropriate decision in accordance with law.



7. Without expressing any opinion on the question to be examined by the authorities as above, this petition is dismissed subject to above limited aspect.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**