**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 21ST DAY OF FEBRUARY, 2025**

**BEFORE**

**THE HON'BLE MR JUSTICE M.G.S. KAMAL**

**WRIT PETITION NO. 6749 OF 2023 (LA-RES)**

**BETWEEN:**

1. SMT. H.M. SUJATHA
   D/O LATE H J MAHADEVAIAH,
   AGED ABOUT 59 YEARS,

2. SMT KALASHREE
   D/O LATE H J MAHADEVAIAH,
   AGED ABOUT 54 YEARS,

3. SRI ARAVIND
   S/O LATE H J MAHADEVAIAH,
   AGED ABOUT 50 YEARS,

   PETITIONERS 1 TO 3 ARE
   R/AT NO. CAUVERY (SY NO. 118),
   BASAVANAHALLI,
   HINKAL POST, MYSURU TALUK,
   MYSURU -570 017.

...PETITIONERS

(BY SRI. NAVEEN G S.,ADVOCATE)

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Location: HIGH COURT OF KARNATAKA

**AND:**

1. MYSORE URBAN DEVELOPMENT AUTHORITY
   J.L.B. ROAD, MYSORE CITY,
   MYSURU -570 005.
   (REPRESENTED BY ITS COMMISSIONER).

2. SPECIAL LAND ACQUISITON OFFICER
   MUDA, J.L.B. ROAD, MYSURU CITY,
   MYSURU-570 005.

3. SMT DEVAKI SUBRAMANYA
W/O B M SUBRAMANYA,
AGED MAJOR

4. B M SUBRAMANYA
S/O MEENAAIAH,
AGED ABOUT MAJOR,

BOTH RESPONDENTS 2 AND 3 ARE
R/AT NO.3/33/8, ANAND ROAD, MARGA,
AMBALAPADI POST, UDUPI,
DAKSHINA KANNADA -576 103.

…RESPONDENTS

(BY SRI. VIVEKANANDA T P.,ADVOCATE FOR R1 & R2;
SRI. B.L. SANJEEV., ADVOCATE FOR R3 & R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS OR SUCH OTHER WRIT/ORDER DIRECTING R1 AND R2 TO PROVIDE THE COMPENSATION FOR THE PETITIONERS FOR THE LAND ACQUIRED FROM THEM IN ACCORDANCE WITH PROVISIONS OF THE LAND ACQUISITION ACT IN ACCORDANCE TO THE SUBSISTING MARKET VALUE ALONG WITH SUCH OTHER BENEFITS ACCORDED TO THE LAND LOSERS UNDER THE PROVISIONS OF THE LAND ACQUISITION ACT.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE M.G.S. KAMAL

## ORAL ORDER

Petitioners who have been frequenting Courts and all Forums seeking redressal of their purported grievance based on a purported agreement claimed to have been entered into on

03.10.1991 with the owners of the land bearing Sy.No.118 measuring 5 acres 14 guntas of land situated at Basavanahalli Village, Kasaba Hobli, Mysuru Taluk (subject property) are before this Court yet again seeking direction to the respondent authorities to provide them compensation, in respect of the aforesaid land which is acquired by respondent-MUDA, in accordance with the subsisting market value and in the alternate to direct respondent-MUDA to refer the matter to Civil Court for determination of compensation and apportionment of compensation.

2. This petition is inline of many innovative petitions that have been repeatedly filed both by the petitioners as well as original land owner namely one Devaki Subramanya. This Court, Co-ordinate Bench of this Court and Division Bench of this Court have been responding to their pleas as and when they have approached.

3. The subject property has been admittedly acquired and the possession has been taken in accordance with law by the respondent-MUDA vide Preliminary Notification dated 23.12.1991. Devaki Subramanya erstwhile owner/vendor of

the petitioners having received the compensation in respect of the subject property had approached this Court by filing writ petitions in W.P.No.24663/1998 and W.P.Nos.24842-843/1998 seeking direction to the respondent authorities to release balance compensation amount of Rs.2,00,000/- as well as for allotment of alternate sites. Said writ petitions were disposed of with a direction to the respondent-MUDA to pay compensation of Rs.2,00,000/- sought for within two weeks from the date of receipt of the order. As regards the relief sought by the erstwhile owner regarding allotment of sites this Court had reserved liberty to avail such remedy as may be available under law. This was by order dated 17.09.1998. Not being satisfied with the said order Devaki Subramanya had filed writ appeal in W.A.No.5264-5266/1998. The Division Bench of this Court confirming the order of learned Single Judge dismissed the writ appeal. Complaining non-compliance of the order passed in the aforesaid writ petition No.24663/1998 said Devaki Subramanya initiated contempt proceedings in C.C.No.2254/1998. The said proceedings was closed in view of the submission made by said Devaki Subramanya of she having received the entire amount of compensation and having

been satisfied with the order passed by this Court fully and finally. This was on 15.02.1999.

4. Infact even as per the document produced by the petitioners at Annexure-M Smt.Padma the mother of the petitioners herein had preferred an writ appeal in W.A.Nos.5334/1998 and 634-635/1999 challenging the order dated 17.09.1998 passed in W.P.No.24663/1998 and W.P.No.24842-843/1998, which was disposed of by order dated 03.03.1999 reserving liberty to seek remedy of recovering compensation from their vendor Devaki Subramanya as she had already received the compensation from respondent-MUDA.

5. Close to the heels of the aforesaid proceedings, petitioners approached this Court by filing writ petition in W.P.No.25544/2000 seeking to quash of the acquisition proceedings initiated by the respondent-MUDA vide Preliminary notification dated 23.12.1991. The Co-ordinate Bench of this Court taking note of the earlier proceedings initiated by said Devaki Subramanya (referred to hereinabove) dismissed the writ petition of the petitioners, however reserving liberty for

them to seek such remedy against their vendor Devaki Subramanya for she having received compensation payable to them. So much for the petitioners to file the present petition pleading ignorance and asking purported innocuous question as to the whereabouts of the compensation.

6. Also pertinent to note while repeatedly invoking extraordinary jurisdiction of this Court under Article 226 of the Constitution of India the petitioners herein had also filed a suit in O.S.No.60/1997 against the aforesaid vendor Devaki Subramanya and respondent-MUDA for relief of permanent injunction. Said suit had been partly decreed restraining the respondent-MUDA from dispossessing the petitioners who were plaintiffs in the said suit. Respondent-MUDA filed appeal in R.A.No.705/2010 which was allowed on 20.11.2010 by setting aside the Judgment and decree passed in O.S.No.60/1997. Being aggrieved by the same, petitioners approached this Court by filing regular second appeal in RSA No.2998/2010. Identical issues were raised at the time of arguments of the said RSA No.2998/2010 regarding petitioners not being aware of the earlier proceedings, compensation paid constraining the respondent –MUDA to file a detailed affidavit on 04.10.2017

regarding status of acquisition and payment of compensation. Taking note of the affidavit and extracting the same at paragraph 21 of the said Judgment, said RSA No.2998/2010 was dismissed by this Court as the same did not involve any substantial question of law. Petitioners carried the said order before the Apex Court by filing Special Leave to Appeal No.10258/2022 which was dismissed. A review petition in R.P.No.680/2022 was filed by the petitioners as against the Judgment in RSA No.2998/2010. This Court dismissed the review petition by order dated 28.10.2022.

7. Amidst all these, petitioners had also initiated proceedings under Sections 18 of the Act before the Reference Court as found in LAC No.461/1998. The said petition was rejected by the Reference Court taking note of the fact that possession had been taken, compensation had already been paid. As against the said order petitioners herein preferred an appeal under Section 54 of the Act in LAC Appeal No.46/2008 which also came to be dismissed. Being aggrieved by the same petitioners preferred MSA No.51/2011 which also resulted in dismissal.

8. Yet the petitioners are claiming being innocent and ignorant of all these proceedings and blaming and accusing the respondent-MUDA of not paying them the compensation. Petitioners as rightly pointed out by learned counsel for respondent-MUDA have been misusing and abusing the process of Court by not only repeatedly approaching this Court on the same cause of action and also suppressing and misleading this Court each time pleading ignorance about the events that have transpired so far despite the same being within the knowledge of the petitioners. Petitioners have been deliberately filing petitions without any regard for the precious judicial time and despite all the contentions raised in the earlier round of litigations having attained finality by petitioners approaching all forums of justice.

9. In that view of the matter, the relief sought for by the petitioners in the present petition for a direction to respondent-MUDA to pay them the compensation at present market value when they were reserved liberty to seek remedy against their vendor by order dated 03.03.1999 passed in W.A.Nos.5334/1998 and 634-635/1999 and by order dated 10.07.2001 passed in W.P.No.25544/2000 that is more than 25

years ago would only constrain this Court to dismiss this petition and accordingly petition is dismissed with cost of Rs.2,50,000/- payable by the petitioners to the "High Court Legal Services Committee".

Registry is directed to issue recovery certificate and said amount to be recovered as land revenue, within sixty days from the date of receipt of certified copy of this order.

**Sd/-**
**(M.G.S. KAMAL)**
**JUDGE**

SBN
List No.: 1 Sl No.: 32