IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 13752 OF 2011 (LA-RES)
C/W
WRIT PETITION NO. 13873 OF 2011 (LA-RES)
WRIT PETITION NO. 13886 OF 2011 (LA-RES)

IN WP NO. 13752/2011

BETWEEN:

1. SMT. PARVATHAMMA
W/O SHRI. MUNIRAJU
AGED ABOUT 54 YEARS
R/AT NO.1, 4TH CROSS
BALAJI LAYOUT
KODIGENAHALLI MAIN ROAD
BANGALORE-560 094.

2. SRI. GOPAL
S/O MUNIRAJU
AGED ABOUT 32 YEARS
R/AT NO.2, 4TH CROSS
BALAJI LAYOUT, KODIGEHALLI MAIN ROAD
BANGALORE-560 094.

3. SMT. VENKAMMA
W/O VEERANNA
AGED 51 YEARS
R/AT NO.12, 1ST CROSS
BALAJI LAYOUT, KODIGEHALLI MAIN ROAD
BANGALORE-560 094.

4. SRI. E. PRABHAKAR
S/O E. NARASARAJU
AGED ABOUT 39 YEARS
R/AT NO.12, 1ST CROSS

Digitally signed by NAGARAJA B M
Location: HIGH COURT OF KARNATKA

BALAJI LAYOUT, KODIGEHALLI MAIN ROAD
BANGALORE-560 094.

...PETITIONERS

(BY SRI. ADITYA BHAT, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS
REVENUE COMMISSIONER
MULTISTORIED BUILDING
VIDHANA VEEDHI ROAD
BANGALORE-560 001.

2. DEPUTY COMISSIONER
BANGALORE DISTRICT
KRISHI BHAVAN, HUDSON CIRCLE
BANGALORE-560 001.

3. SPL. DEPUTY COMMISSIONER
OFFICE OF THE SPL. DEPUTY COMMISSIONER
K G ROAD, BANGALORE-560 001.

4. THE PRINCIPAL SECRETARY
REVENUE DEPARTMENT
M S BUILDING, VIDHANA VEEDHI
BANGALORE-560 001.

5. THE COMMISSIONER
BRUHAT BANGALORE MAHANAGARA PALIKE
N.R. SQUARE, BANGALORE-560 002.

6. THE TASHILDAR
YELAHANKA NEW TOWN
BANGALORE NORTH, YELAHANKA
BANGALORE-560 064.

7. THE NATIONAL HOUSE BUILDING
COOPERATIVE SOCIETY
NO.111, 5TH CROSS
MALLSWARAM

BANGALORE-560 003.
REPRESENTED BY ITS PRESIDENT

8. K. RAMACHANDRA RAJU
S/O K. SUBBARAJU
AGED 46 YEARS
R/AT NO.33, 15TH B CROSS
KODANDA RAMAPURA, MALLESHWARAM
BANGALORE-560 003.

9. SMT. NARAYANAMMA
W/O SHRI. KRISHNAPPA
AGED 56 YEARS
R/AT NO.19, DEEPA FLOOR MILLS ROAD
NAGASHETTYHALLI, RMV SECOND STAGE
BANGALORE-560 094.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4 AND R6;
SRI. H.DEVENDRAPPA, ADVOCATE FOR R5;
SRI. K. SHRIHARI, ADVOCATE FOR R7;
R8, R9 ARE SERVED)

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE PRELIMINARY NOTIFICATIONS NO. LAQ (1) SR8/1986-87 DATED 30.07.1986 UNDER SECTION 4(1) OF THE LAND ACQUISITION ACT AND PUBLISHED IN THE GAZETE ON 14.8.1986 AND THE FINAL NOTIFICATION NO. RD 241 AQB 84 DATED 2.4.1987 UNDER SECTION 6(1) OF THE LAND ACQUISITION ACT AS PER ANNEXURE-A AND B RESPECTIVELY AND ETC.

IN WP NO. 13873/2011

BETWEEN:

1. SMT. SUNEETHA
W/O DEVA KUMAR
AGED ABOUT 42 YEARS
R/A NO.17, 2ND CROSS
BALAJI LAYOUT

KODIGEHALLI MAIN ROAD
BANGALORE-560 094.

1(A) N. DEVAKUMAR
HUSBAN OF LATE SMT. H.R.SUNEETHA
AGED MAJOR

1(B) LAKSHMI
D/O LATE SMT. H.R.SUNEETHA
AGED ABOUT 33 YEARS

1(C) VENUGOPAL
S/O LATE SMT. H.R.SUNEETHA
AGED ABOUT 24 YEARS

ALL ARE R/AT NO.17, 2ND CROSS
BALAJI LAYOUT, KODIGEHALLI MAIN ROAD
BANGALORE-560 094.

2. SRI. MOHAN RAJ
W/O LATE GURUVARAJU
AGED ABOUT 44 YEARS
R/A NO.10, 2ND CROSS
BALAJI LAYOUT, KODIGEHALLI MAIN ROAD
BANGALORE-560 094.

3. SRI. BABU RAJU
S/O K. RAMAKRISHNAMARAJU
AGED ABOUT 43 YEARS
R/A NO.1, 8TH CROSS, BALAJI LAYOUT
KODIGEHALLI MAIN ROAD
BANGALORE-560 094.

4. SMT. N. SRIDEVI
W/O N. KRISHNAPPA
AGED ABOUT 43 YEARS
R/A NO.1, 6TH CROSS, BALAJI LAYOUT
KODIGEHALLI MAIN ROAD
BANGALORE-560 094.

...PETITIONERS

(BY SRI. PRAVEEN KUMAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP BY ITS REVENUE COMMISSIONER
MULTISTORIED BUILDING
VIDHANA VEEDHI, BANGALORE-560 001.

2. THE DEPUTY COMMISSIONER
BANGALORE DISTRICT
KRISHI BHAVAN, HUDSON CIRCLE
BANGALORE-560 001.

3. THE PRINCIPAL SECRETARY
REVENUE DEPARTMENT
M.S.BUILDING, VIDHANA VEEDHI
BANGALORE-560 001.

4. THE TAHSILDAR
YELAHANKA NEW TOWN
BANGALORE NORTH
YELAHANKA, BANGALORE-560 064.

5. THE NATIONAL HOUSE BUILDING
CO-OPERATIVE SOCIETY
NO.111, 5TH CROSS, MALLESHWARAM
BANGALORE-560 003.
REPRESENTED BY ITS PRESIDENT

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
SRI. K. SHRIHARI, ADVOCATE FOR R5)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO REVIEW THE ORDER DATED 10.02.1994 PASSED BY THIS HON'BLE COURT IN W.P.NO.10751/1993 PRODUCED AT ANNEXURE-K AS PER THE DECISION OF THE HON'BLE SUPREME COURT REPORTED IN AIR 1963 SC 1909 AND ETC.

IN WP NO. 13886/2011

BETWEEN:

1. B.S. NAGARAJU
S/O SUBBAIAH NAIDU
AGED ABOUT 57 YEARS
NO.11, 5TH MAIN
BALALJI LAYOUT,BANGALORE 94.
SY. NO. 42/1, 2
SINCE DEAD BY LRs

1(A) SMT. DEVIKA
W/O LATE NAGARAJ
AGE 53 YEARS

1(B) SMT. MANJULA
W/O LATE NAGARAJ
AGE 42 YEARS

1(C) ASHWINI
D/O DEVIKA
AGE 31 YEARS

1(D) ARCHANA
D/O DEVIKA
AGE 26 YEARS

1(E) AVINASH
S/O MANJULA
AGE 21 YEARS

ALL ARE R/AT NO.11
5TH MAIN, BALAJI LAYOUT
BANGALORE-94.

2. MUNIKRISHNA NAIDU
S/O LATE POLAIAH NAIDU
AGED ABOUT 61 YEARS
NO.419, BALAJI LAYOUT
BANGALORE-94.
SY NO.43/5

3. K. SRINIVASAN
S/O KANDA SWAMY
AGED ABOUT 41 YEARS
NO.11, BALAJI LAYOUT
BANGALORE-94.
SY NO.221

4. K.M. GIRI
S/O.LATE MUNISWAMY RAJU
AGED ABOUT 46 YEARS
NO.6B, 4TH MAIN, AISHWARYA NILAYA
BALAJI LAYOUT
BANGALORE-94.
SY NO.53/1/6.

...PETITIONERS

(BY SRI. K. SACHINDRA KARANTH, ADVOCATE FOR
P1(A TO E))

AND:

1. STATE OF KARNATAKA
REP BY ITS REVENUE COMMISSIONER
MULTISTORIED BUILDING
VIDHANA VEEDHI ROAD
BANGALORE-560 001.

2. DEPUTY COMMISSIONER
BANGALORE DISTRICT
KRISHI BHAVAN
HUDSON CIRCLE
BANGLAORE-560 001.

3. THE PRINCIPAL SECRETARY
REVENUE DEPARTMENT
M S BUILDING, VIDHANA VEEDHI
BANGLAORE-560 001.

4. THE TASHILDAR
YELAHANKA NEW TOWN
BANGALORE NORTH
YELAHANKA, BANGLAORE-560 064.

5. THE NATIONAL HOUSE BUILDING
COOPERATIVE SOCIETY
NO.111, 5TH CROSS
MALLESHWARAM
BANGALORE-560 003.
REP BY ITS PRESIDENT

6. SRI. C. KUMAR
S/O LATE SRI. N. GOVINDA
AGED ABOUT 61 YEARS
R/A NO.360, THARANGINI
TATANAGAR 3RD MAIN ROAD
KODIGEHALLI
BANGALORE-560 092.

7. SRI. N. NANJUNDAPPA
S/O CHIKKA NANJAPPA
AGED ABOUT 77 YEARS
R/A KODIGEHALLI
YELAHANKA HOBLI
NORTH BANGALORE
BANGALORE.

8. SRI. RAJANNA
AGED ABOUT 47 YEARS
R/A NAGASHEETYAHALLI
RMV POST
BANGALORE-560 094.

9. SRI. KRISHNAMA RAJU
S/O N. LAKSHMANA RAJU
AGED ABOUT 42 YEARS
R/A NO. 36/2
NG BLOCK
16TH CROSS
MALLESWARAM
BANGALORE-560 003.

10. BRUHAT BANGALORE MAHANAGARA PALIKE
HUDSON CIRCLE

BANGALORE-560 002.
REP. BY ITS COMMISSIONER

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
SRI. K. SHRIHARI, ADVOCATE FOR R5;
SRI. B.S. GOVINDA SWAMY, ADVOCATE FOR R7;
SRI. K.V. NARASIMHAN, ADVOCATE FOR R10;
R6, R8, R9 ARE SERVED)

THIS W.P. FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE THAT THE PRELIMINARY NOTIFICATIONS DATED 30.7.1986 AND PUBLISHED IN THE GAZETTE ON 14.8.1986 AND THE FINAL NOTIFICATION DATED 2.4.1987 IN RESPECT OF THE SY.NO.42/1,2, SY.NO.43/5, SY.NO.221 AND SY.NO.53/1/6 HAVE LAPSED BY OPERATION OF LAW AND ETC.

THESE PETITIONS, COMING ON FOR FINAL HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

Pursuant to directions issued by this Court in these petitions dated 26.11.2012, though onus was on the State Government to resolve the conflicting claims of the individual site purchasers and the National Housing Co-operative Society, these petitions are filed questioning the preliminary notification and final notification.

2. It appears the individual allottees and the Society acting in terms of the order dated 26.11.2012

have arrived at a amicable settlement and therefore, an application is filed under Order 23 Rule 3 of CPC to record settlement arrived at between petitioners and contesting respondents - National Housing Co-operative Society. The petitioners who are the site owners have entered into settlement with the Society thereby agreeing to compensate the society at the rate of Rs.175/- per sq.ft. Accordingly, the respondent-Society has agreed to the said terms which is preceded by a resolution passed in the General Body Meeting conducted on 06.10.2024. This memorandum of settlement is produced and marked at document No.1.

3. The officials of the respondent-Society are present before this Court. Upon a thorough examination of the joint compromise petition submitted under Order 23 Rule 3 of CPC, this Court finds that the dispute is best resolved through an amicable settlement. The petitioners, who are individual site owners, purchased the land from the original owners and have constructed buildings on it.

Meanwhile, the State had acquired the same property to facilitate its allotment by the Society to its members.

4. Although the acquisition proceedings have been concluded, the fact remains that constructions have already been erected on the acquired land. Considering this, the Court finds the compromise reached by the parties to be lawful. The compromise petition is accordingly admitted on record. Upon inquiry, none of the parties have raised concerns regarding duress, coercion, or undue influence. Since the compromise petition is found to be lawful, the writ petitions are disposed of in terms of the joint compromise petition.

Pending interlocutory applications, if any, do not survive for consideration and stand disposed of.

SD/-
(SACHIN SHANKAR MAGADUM)
JUDGE

CA
List No.: 2 Sl No.: 17