IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2023

BEFORE

THE HON'BLE MR JUSTICE RAVI V HOSMANI

WRIT PETITION NO. 18205 OF 2023 (LA-RES)

C/W

WRIT PETITION NO. 17991 OF 2023 (LA-RES)

WRIT PETITION NO. 18053 OF 2023 (LA-RES)

WRIT PETITION NO. 18135 OF 2023 (LA-RES)

IN WP NO. 18205/2023

BETWEEN:

SRI. S. MANJUNATH
S/O P. SEENAPPA,
AGED ABOUT 38 YEARS,
R/AT NO. 343, RAMARA BEEDI,
BUDIGERE VILLAGE,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT - 562 129.

...PETITIONER

(BY SRI. V. B. SIDDARAMAIAH, ADVOCATE)

Digitally signed by MOHANKUMAR M
Location: High Court of Karnataka

AND:

1. THE STATE OF KARNATAKA
   DEPARTMENT OF REVENUE
   M. S. BUILDING
   DR. B. R. AMBEDKAR VEEDHI
   BANGALORE - 560 001
   REPRESENTED BY ITS PRINCIPAL SECRETARY
   TO THE GOVERNMENT.

2. KARNATAKA ROAD DEVELOPMENT
   CORPORATION LTD.
   3RD FLOOR, "SAMPARKA SOUDHA"

OPP: ORION MALL,
DR. RAJKUMAR ROAD,
RAJAJINAGAR 1ST BLOCK
BENGALURU - 560 010
BY SECRETARY
IT IS INCORPORATED ON 21.07.1999
OWNED BY GOVERNMENT OF KARNATAKA

3. THE SPECIAL LAND ACQUISITION OFFICER
HOSAKOTE-BUDIGERE CROSS- VIA MYLANAHALLI
KARNATAKA ROAD DEVELOPMENT
CORPORATION LTD., 3RD FLOOR,
"SAMPARKA SOUDHA", OPP: ORION MALL
DR. RAJKUMAR ROAD
RAJAJINAGAR 1ST BLOCK
BENGALURU - 560 010

4. THE DEPUTY COMMISSIONER
BENGALURU RURAL DISTRICT
DISTRICT OFFICES COMPOUND
BEERASANDRA VILLAGE
VISHWANATHAPURA POST
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT - 562 110

…RESPONDENTS

(BY SRI. NIKHIL PATIL, ADVOCATE FOR
SRI. MANU K, ADVOCATE FOR R2 AND R3
SRI. YOGESH D.NAIK, AGA FOR R1 AND R4)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ENDORSEMENT LETTER NO.KRDCL / LAC / BUDIGERE / AN-44,45/2022-23/2845 DATED 31.10.2022, IN RESPECT OF SY.NO.224/11, SITUATED AT BUDIGERE VILLAGE, DEVANAHALLI TALUK, BENGALURU RURAL DISTRICT VIDE ANNX-A, ISSUED BY R-3, THE SPECIAL LAND ACQUISITION OFFICER, HOSKOTE-BUDIGERE CROSS-VIA MYLANAHALLI TO KEMPEGOWDA INTERNATIONAL AIRPORT AND ALL OTHER CONSEQUENTIAL PROCEEDINGS AND ETC.,

IN WP NO. 17991/2023

BETWEEN:

SMT. M. SHARDHAMMA
W/O P SEENAPPA
AGED ABOUT 60 YEARS,
R/AT NO.343, RAMARA BEEDI
BUDIGERE VILLAGE
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT - 562 129

…PETITIONER

(BY SRI. V. B. SIDDARAMAIAH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   DEPARTMENT OF REVENUE
   M. S. BUILDING
   DR. B. R. AMBEDKAR VEEDHI
   BANGALORE - 560 001
   REPRESENTED BY ITS PRINCIPAL SECRETARY
   TO THE GOVERNMENT

2. KARNATAKA ROAD DEVELOPMENT
   CORPORATION LTD.
   3RD FLOOR, "SAMPARKA SOUDHA"
   OPP: ORION MALL,
   DR. RAJKUMAR ROAD,
   RAJAJINAGAR 1ST BLOCK
   BENGALURU - 560 010

3. THE SPECIAL LAND ACQUISITION OFFICER
   HOSAKOTE-BUDIGERE CROSS- VIA MYLANAHALLI
   KARNATAKA ROAD DEVELOPMENT
   CORPORATION LTD.
   3RD FLOOR, "SAMPARKA SOUDHA",

OPP: ORION MALL
DR. RAJKUMAR ROAD
RAJAJINAGAR 1ST BLOCK
BENGALURU - 560 010

4. THE DEPUTY COMMISSIONER
BENGALURU RURAL DISTRICT
DISTRICT OFFICES COMPOUND
BEERASANDRA VILLAGE
VISHWANATHAPURA POST
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT - 562 110

…RESPONDENTS

(BY SRI. NIKHIL PATIL, ADVOCATE FOR
SRI. MANU K, ADVOCATE FOR R2 AND R3
SRI. YOGESH D.NAIK, AGA FOR R1 AND R4)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ENDORSEMENT LETTER NO.KRDCL/LAC/BUDIGERE/AN-46/2022-23/2844 DATED 31.10.2022, IN RESPECT OF SY.NO.224/11, SITUATED AT BUDIGERE VILLAGE, DEVANAHALLI TALUK, BENGALURU RURAL DISTRICT VIDE ANNX-A, ISSUED BY R-3, THE SPECIAL LAND ACQUISITION OFFICER, HOSKOTE-BUDIGERE CROSS-VIA MYLANAHALLI TO KEMPEGOWDA INTERNATIONAL AIRPORT AND ALL OTHER CONSEQUENTIAL PROCEEDINGS AND ETC.,

IN WP NO. 18053/2023

BETWEEN:

SRI. S. MANJUNATH
S/O P. SEENAPPA
AGED ABOUT 38 YEARS
R/AT NO. 343, RAMARA BEEDI
BUDIGERE VILLAGE, DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT - 562 129

…PETITIONER

(BY SRI. V. B. SIDDARAMAIAH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   DEPARTMENT OF REVENUE
   M. S. BUILDING
   DR. B. R. AMBEDKAR VEEDHI
   BANGALORE - 560 001
   REPRESENTED BY ITS PRINCIPAL SECRETARY
   TO THE GOVERNMENT

2. KARNATAKA ROAD DEVELOPMENT
   CORPORATION LTD.
   3RD FLOOR, "SAMPARKA SOUDHA"
   OPP: ORION MALL,
   DR. RAJKUMAR ROAD,
   RAJAJINAGAR 1ST BLOCK
   BENGALURU - 560 010
   REPRESENTED BY ITS MANAGING DIRECTOR

3. THE SPECIAL LAND ACQUISITION OFFICER
   HOSAKOTE-BUDIGERE CROSS- VIA MYLANAHALLI
   KARNATAKA ROAD DEVELOPMENT
   CORPORATION LTD.
   3RD FLOOR, "SAMPARKA SOUDHA",
   OPP: ORION MALL
   DR. RAJKUMAR ROAD
   RAJAJINAGAR 1ST BLOCK
   BENGALURU - 560 010

4. THE DEPUTY COMMISSIONER
   BENGALURU RURAL DISTRICT
   DISTRICT OFFICES COMPOUND
   BEERASANDRA VILLAGE

VISHWANATHAPURA POST
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT - 562 110

…RESPONDENTS

(BY SRI. NIKHIL PATIL, ADVOCATE FOR
SRI. MANU K, ADVOCATE FOR R2 AND R3
SRI. YOGESH D.NAIK, AGA FOR R1 AND R4)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A. DIRECTION TO QUASH THE ENDORSEMENT LETTER NO.KRDCL / LAC / BUDIGERE / AN-44,45 / 2022-23 / 2845 DATED 31.10.2022, IN RESPECT OF SY.NO.224/11, SITUATED AT BUDIGERE VILLAGE, DEVANAHALLI TALUK, BENGALURU RURAL DISTRICT VIDE ANNX-A, ISSUED BY R-3, THE SPECIAL LAND ACQUISITION OFFICER, HOSKOTE-BUDIGERE CROSS-VIA MYLANAHALLI TO KEMPEGOWDA INTERNATIONAL AIRPORT AND ALL OTHER CONSEQUENTIAL PROCEEDINGS AND ETC.,

IN WP NO. 18135/2023

BETWEEN:

SRI. P. SEENAPPA
S/O. PERAYYA
AGED ABOUT 67 YEARS
R/AT NO.343, RAMARA BEEDI
BUDIGERE VILLAGE,
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT - 562 129

…PETITIONER

(BY SRI. V. B. SIDDARAMAIAH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF REVENUE
M. S. BUILDING

DR. B. R. AMBEDKAR VEEDHI
BANGALORE - 560 001
REPRESENTED BY ITS PRINCIPAL SECRETARY
TO THE GOVERNMENT

2. KARNATAKA ROAD DEVELOPMENT
CORPORATION LTD.
3RD FLOOR, "SAMPARKA SOUDHA"
OPP: ORION MALL,
DR. RAJKUMAR ROAD,
RAJAJINAGAR 1ST BLOCK
BENGALURU - 560 010
REPRESENTED BY ITS MANAGING DIRECTOR

3. THE SPECIAL LAND ACQUISITION OFFICER
HOSAKOTE-BUDIGERE CROSS- VIA MYLANAHALLI
KARNATAKA ROAD DEVELOPMENT
CORPORATION LTD.
3RD FLOOR, "SAMPARKA SOUDHA",
OPP: ORION MALL
DR. RAJKUMAR ROAD
RAJAJINAGAR 1ST BLOCK
BENGALURU - 560 010

4. THE DEPUTY COMMISSIONER
BENGALURU RURAL DISTRICT
DISTRICT OFFICES COMPOUND
BEERASANDRA VILLAGE
VISHWANATHAPURA POST
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT - 562 110

5. SPECIAL OFFICER (EAP) (ADDITIONAL)
EXTERNAL AIDED PROJECTS
PUBLIC WORKS, PORT & INLAND
WATER TRANSPORT DEPARTMENT

GOVERNMENT OF KARNATAKA
SAMPANGI RAMA NAGAR
BENGALURU - 560 042

…RESPONDENTS

(BY SRI. NIKHIL PATIL, ADVOCATE FOR
SRI. MANU K, ADVOCATE FOR R2 AND R3
SRI. YOGESH D.NAIK, AGA FOR R1, R4 AND R5)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ENDORSEMENT LETTER NO.KRDCL/LAC/BUDIGERE/AN-43/2022-23/2846 DATED 31.10.2022, IN RESPECT OF SY.NO.225/7, SITUATED AT BUDIGERE VILLAGE, DEVANAHALLI TALUK, BENGALURU RURAL DISTRICT VIDE ANNX-A, ISSUED BY R-3, THE SPECIAL LAND ACQUISITION OFFICER, HOSKOTE-BUDIGERE CROSS-VIA MYLANAHALLI TO KEMPEGOWDA INTERNATIONAL AIRPORT AND ALL OTHER CONSEQUENTIAL PROCEEDINGS AND ETC.,

THESE PETITIONS, COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

W.P.no.18205/2023 is filed seeking for following reliefs:

i) Issue of writ of certiorari or any other writ or order/s or direction to quash endorsement letter no.KRDCL / LAC / Budigere / AN-44,45 / 2022-23 / 2845 dated 31.10.2022 in respect of Sy.no.224/11, situated at Budigere village, Devanahalli Taluk, Bengaluru Rural District vide Annexure-A, issued by respondent no.3, Special Land Acquisition Officer, Hoskote-Budigere Cross-Via Mylanahalli to Kempegowda International Airport and all other consequential proceedings;

ii) Issue writ of mandamus directing 3rd respondent - Special Land Acquisition Officer, Hoskote-Buidgere Cross-Via Mylanahalli to Kempegowda International Airport, to pay compensation in sq. ft. by considering its conversion, as per provisions of Land Acquisition;

iii) Issue writ of mandamus directing 3rd respondent to consider ADLR survey sketch vide Annexure-M conducted as per direction of 3rd respondent with regards to exact extent acquired for purpose of said project, etc.

Similar relief is sought in other writ petitions under other circumstances.

2. Sri. V.B.Siddaramaiah, learned counsel for petitioners submitted that two grievances are espoused by petitioners in these writ petitions;

Firstly, though petitioner's land was got converted for non-agricultural purposes, passed award treating it as agricultural land.

Secondly, despite utilizing additional land than notified as indicated by survey sketch, no award was passed in respect of additional land.

3. However, learned counsel fairly submitted that insofar as grievance regarding assessment of compensation towards acquired land without considering conversion, petitioner would pursue his remedies in reference.

4. It was submitted that as stated in para 2 of impugned endorsement, survey sketch at Annexure-M would indicate additional land being utilized and no compensation assessed towards same. Though it is stated that steps for ascertaining utilization of exact additional land and for incorporating appropriate correction to award, if necessary, till date same had not been given effect to and therefore, seeks indulgence of this Court.

5. Learned AGA for respondents no.1 and 4 and Sri Nikhil Patil, learned counsel for respondents no.2 and 3 would submit that said relief could be sought for by petitioner under Section 33 of Bangalore Development Authority Act (for short 'BDA') and writ petition would not be tenable.

6. Heard learned counsel and perused writ petition papers.

7. In view of fact that petitioner is having effective remedy under Section 33 of BDA Act and has learned counsel for petitioner would submit that appropriate application would be filed within 15 days, writ petition is *disposed of*.

Petitioner is reserved liberty to seek for higher compensation on basis of land being converted, if he is entitled to, in reference.

Insofar as claim of utilization of excess land, petitioner is permitted to file application for correction under Section 33 of BDA Act, within an outer limit of 15 days from date of receipt of certified copy of this order along with appropriate documents / records to substantiate same.

On filing application in time, respondent no.3-SLAO shall consider same and pass appropriate order thereon within an outer limit of two months thereafter after providing opportunity to petitioner.

Sd/-
JUDGE

MKM