

IN THE HIGH COURT OF KARNATAKA AT BENGALURU  
DATED THIS THE 09<sup>TH</sup> DAY OF SEPTEMBER 2015

BEFORE

THE HON'BLE MR. JUSTICE RAM MOHAN REDDY

WRIT PETITION NOS.34762-34773 OF 2015 (LA-KIADB)

BETWEEN:

1. MR DILIP T PANJABI,  
S/O SHRI.THAKURDAS P PANJABI,  
AGED ABOUT 60 YEARS,
2. MR. DILIP T. PANJABI HUF  
S/O SHRI.THAKURDAS P PANJABI  
AGED ABOUT 60 YEARS,
3. MRS. KAVITA D. PANJABI,  
W/O MR. DILIP T PANJABI,  
AGED ABOUT 60 YEARS,
4. MR. KISHIN T PANJABI,  
S/O SHRI THAKURDAS P. PANJABI,  
AGED ABOUT 57 YEARS,
5. MR KISHIN T.PANJABI HUF,  
S/O SHRI THAKURDAS P. PANJABI,  
AGED ABOUT 57 YEARS,
6. MRS. REENA K PANJABI,  
W/O MR.KISHIN T PANJABI,  
AGED ABOUT 57 YEARS,
7. MR. GOPAL T PANJABI,  
S/O SHRI.THAKURDAS T PANJABI,  
AGED ABOUT 56 YEARS,

8. MR. GOPAL T. PANJABI HUF,  
S/O SHRI.THAKURDAS T PANJABI,  
AGED ABOUT 56 YEARS,
9. MRS. LAVINA G PANJABI,  
W/O MR. GOPAL T PANJABI,  
AGED ABOUT 49 YEARS,
10. MR. ISHWAR T PANJABI,  
S/O SHRI THAKURDAS T PANJABI  
AGED ABOUT 52 YEARS,
11. MR. ISHWAR T.PANJABI HUF,  
S/O SHRI THAKURDAS T PANJABI,  
AGED ABOUT 52 YEARS,
12. MRS. DOLLY I PANJABI,  
W/O MR. ISHWAR T PANJABI,  
AGED ABOUT 52 YEARS,

ALL ARE RESIDING AT  
NO.45, PROMENADE ROAD,  
FRAZER TOWN, SIVAN CHETTY GARDENS,  
BANGALORE NORTH,  
BANGALORE-560042

PETITIONERS NO.1 TO 3 AND 5 TO 12 ARE  
REPRESENTED BY THEIR  
GENERAL POWER OF ATTORNEY HOLDER

MR. KISHIN T PANJABI,  
S/O THAKURDAS PANJABI,  
AGED ABOUT 57 YEARS,  
R/O NO.45, POMENADE ROAD,  
FRAZER TOWN, SIVAN CHETTY GARDENS,  
BANGALORE NORTH,  
BANGALORE-560042.

... PETITIONERS

(BY SRI. SURAJ GOVINDA RAJ, ADVOCATE )

AND

1. THE STATE OF KARNATAKA,  
REPRESENTED BY ITS  
PRINCIPAL SECRETARY,  
COMMERCE AND INDUSTRIES DEPARTMENT,  
MS.BUILDING, DR.B.R.AMBEDKAR VEEDHI,  
BANGALORE-560 001.
2. KARNATAKA INDUSTRIAL AREA  
DEVELOPMENT BOARD,  
4<sup>TH</sup> AND 5<sup>TH</sup> FLOORS,  
KHANIJA BHAVANA,  
EAST WING, NO.49  
RACE COURSE ROAD,  
BANGALORE-560 001.  
  
REPRESENTED BY ITS  
CHIEF EXECUTIVE OFFICER  
AND EXECUTIVE MEMBER.
3. THE SPECIAL LAND ACQUISITION OFFICER,  
KARNATAKA INDUSTRIAL AREA  
DEVELOPMENT BOARD,  
4<sup>TH</sup> AND 5<sup>TH</sup> FLOORS, KHANIJA BHAVANA,  
EAST WING, NO.49,  
RACE COURSE ROAD,  
BANGALORE-560 001.
4. KARNATAKA POWER  
TRANSMISSION CORPORATION LIMITED,  
CORPORATION OFFICE,  
CAUVERY BHAVAN,  
K.G.ROAD, BANGALORE-560001.  
  
REPRESENTED BY IT'S  
CHAIRMAN AND MANAGING DIRECTOR.
5. BANGALORE ELECTRICITY SUPPLY COMPANY,  
CORPORATION OFFICE,  
K.G.CIRCLE,  
BANGALORE-560001.

REPRESENTED BY IT'S  
MANAGING DIRECTOR.

... RESPONDENTS

(BY SRI. Y.D. HARSHA, AGA., FOR R1)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO CANCEL / QUASH THE NOTIFICATION DTD.11.9.1985, ISSUED BY R-1 UNDER SECTION 3 OF THE KARNATAKA INDUSTRIAL AREAS DEVELOPMENT ACT, 1966 [ANNEX-A] IN SO FAR AS IT RELATES TO 01 ACRE 06 GUNTAS OF LAND [i.e., THE LAND, IN EXCESS OF 30 ACRES 30 GUNTAS WHICH WAS SURRENDERED IN FAVOUR OF KIADB BY MRS. RANEE GOBINDRAO HASSANAND] IN SY.NO.44 OF PUTTENAHALLI VILLAGE, YELAHANAKA HOBLI, BANGALORE NORTH TALUK [BEING THE PART OF SCHEDULE PROPERTY], IS CONCERNED AND ETC.

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

### **ORDER**

Petitioners claim to be owners in possession of land measuring 2 acres 6 guntas in Sy.No.44 of Puttenahalli, Yelahanka Hobli, Bangalore North Taluk having acquired right, title and interest under several sale deeds, as extracted in paragraph 19 of the memorandum of writ petition, Annexure-S series. It is the allegation of the petitioners that respondent-Karnataka Industrial Area Development Board (for short

'KIADB') issued notifications of even date 4.6.1999, under Sections 3(1), 1(3), 28(1) of the Karnataka Area Development Act, 1966 (for short 'Act') gazetted on 17.6.1999, followed by final declaration dated 2.6.2000 under Section 28 (4) of the 'Act', as also a notification dated 14.7.2002 under Section 28(8) of the 'Act', declaring taking possession of 1 acre of land under Section 44 of the 'Act' and was handed over to 'KIADB' on 17.7.2002, without notice to the petitioners. The representation of the petitioners to cancel the acquisition notifications, it is alleged, fell on deaf ears ever since the year 2005 onwards. Hence these petitions to quash the notification dated 11.9.1985 Annexure-A under Section 3 of the 'Act', insofar as it relates to 1 acre 6 guntas of land in Sy.No.44 of Puttenahalli; notification dated 11.9.1985, under Section 1(3) of the Act, Annexure-A insofar as it relates to 1 acre 6 guntas of land in Sy.No.44 of Puttenahalli; the notification dated 11.9.1985 under Section 28(1) of the 'Act' insofar as it relates to 1 acre 6 guntas in Sy.No.44; notification

dated 28.2.1987, under Section 28(4) of the 'Act' insofar as it relates to 1 acre 6 guntas of land in Sy.No.44; notification/letter dated 23.5.1987, Annexure-C, over delivery of possession of 32 acres 33 guntas in Sy.No.44 under Section 28(8); notification No.I dated 4.6.1999, under Section 3(1) of the Act, Annexure-D insofar as it relates to 1 acre 6 guntas of land in Sy.No.44; notification No.II dated 4.6.1999, under Section 1(3) of the 'Act', insofar as it relates to 1 acre 6 guntas of land in Sy.No.44, notification No.II dated 4.6.1999 under Section 28(1) of the 'Act' insofar as it relates to 1 acre 6 guntas of land in Sy.No.44; notification dated 2.3.2000 under Section 28(4) of the 'Act' insofar as it relates to 1 acre 6 guntas of land in Sy.No.44, notification dated 14.7.2002, Annexure-F, over delivery of possession 1 acre of land in Sy.No.44, under Section 28(8) of the 'Act'; possession certificate dated 20.11.2014 Annexure-X issued by the 3<sup>rd</sup> respondent-Special Land Acquisition Officer in favour of Karnataka Power Transmission Corporation Limited, 4<sup>th</sup> respondent; to declare as free

from acquisition the petition schedule properties measuring 2 acres 6 guntas in Sy.No.44 of Puttenahalli, Yelahanka hobli, Bangalore North Taluk now bearing House List No.60/2, 60/3, 60/4, 60/5- Khatha No.35, consisting of buildings constructed therein falling within the jurisdiction of Bruhat Bengaluru Mahanagar Palike; and a writ of mandamus to direct respondent not to interfere with the petitioners' peaceful possession of the schedule property forever; a writ of mandamus directing respondents-1 to 3 to issue orders, notifications, etc., to cancel the impugned notifications including acquisition notifications insofar as it relates to schedule properties and award cost to the petitioner.

2. Suffice it to notice that schedules in sale deeds Annexures-S series, relate to conveyance of the properties bearing House List No.60/4 and Khatha No.35 of Puttenahalli, Yelahanka Hobli, Bangalore North Taluk with boundaries described as private property. Perusal of the schedules disclose that properties are not

described as having been carved out of Sy.No.44 of Puttenahalli, while the covenants in the sale deeds make no reference to Sy.No.44 of Puttenahalli. There is not a titre of evidence to substantiate the fact that sites purchased by the petitioners are those carved out of Sy.No.44 of Puttenahalli, Yelahanka Hobli, Bangalore North Taluk. If that is so, then the reliefs noticed supra, calling in question the notifications, for acquisition of land in Sy.No.44 of Puttenahalli under the 'Act', are not available to the petitioners.

3. At this stage, Sri Suraj Govinda Raj, learned counsel for petitioners seeks leave of the court to withdraw the petitions with liberty to approach the competent civil court for redressal of their grievances.

4. Recording the said submission, petitions are rejected.

Sd/-  
JUDGE

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