

**Supreme Court Of India**

**Bench: JUSTICE SURYA KANT and JUSTICE DIPANKAR DATTA**

**Date of Decision: 26-09-2023**

SPECIAL LEAVE PETITION (CIVIL)..... Diary No(s).38087/2023

(Arising out of impugned final judgment and order dated 28-09-2022 in WA No.6819/2017 passed by the High Court Of Karnataka At Bengaluru)

WITH

Diary No(s).38088/2023

(IA No.195534/2023-CONDONATION OF DELAY IN FILING and IA No.195537/2023-EXEMPTION FROM FILING O.T. and IA No.195535/2023-

PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

**SPECIAL LAND ACQUISITION OFFICER KARNAKATA INDUSTRIAL  
AREA DEVELOPMENT BOARD KIADB & ORS.**

.....Petitioner(s)

**VERSUS**

**K B LINGARAJU & ORS.**

.....Respondent(s)

Sections, Acts, Rules, and Article:

Section 28(1),(4) of the Karnataka Industrial Areas Development Act, 1966 (KIAD Act)

Sections 9 and 10 of the Land Acquisition Act, 1894

Article 136, 300A of the Constitution of India

Subject: Land Acquisition - Delay in land acquisition proceedings - Quashing of final notification under KIAD Act - Upholding of acquisition process with a direction to determine market value - Notices issued under Land Acquisition Act - Lapse of acquisition due to delay - Lack of explanation for the delay.

**Headnotes:**

*Land Acquisition - Delay in land acquisition proceedings - Preliminary and final notifications issued under the Karnataka Industrial Areas Development Act, 1966 - Quashing of final notification by High Court on grounds of*

*unreasonable delay - Upholding of acquisition process by the appeal court with a direction to determine market value - Landowners approaching the Supreme Court - Notices issued under Sections 9 and 10 of the Land Acquisition Act, 1894 - Litigation initiated by landowners - Single Bench of High Court holding that acquisition lapsed due to delay in passing the award - Division Bench affirming the Single Judge's view - Lack of explanation for the delay in land acquisition proceedings - Dismissal of special leave petitions by the Supreme Court. [Para 1-9]*

Referred Cases: None.

Representing Advocates:

For Petitioner(s): Ms. Kiran Suri, Sr. Adv., Mr. S.j. Amith, Adv., Ms. Aishwarya Kumar, Adv., Ms. Vidushi Garg, Adv., Dr. (Mrs.) Vipin Gupta, AOR

### ORDER

1. Delay condoned.
2. The State of Karnataka issued a preliminary notification under Section 28(1) of the Karnataka Industrial Areas Development Act, 1966 (in short "KIAD Act") on 15.09.2000 proposing to acquire the land of the respondents. It was followed by final notification under Section 28(4) of the KIAD Act on 15.06.2005. The said notification was quashed by the High Court on 15.10.2008 on the ground of unreasonable delay of five years in issuing the same. However, in appeal, the acquisition process was upheld vide judgment dated 16.12.2010, and a direction was issued to the State/Board to determine the market value of the land as on the date of the final notification, i.e., 13.05.2005.
3. The aggrieved land owners approached this Court, but their claim has turned down on 18.01.2016. It is an admitted fact that there was no interim stay granted by this Court. Regardless thereto, the petitioners chose to issue notices under Sections 9 and 10 of the Land Acquisition Act, 1894 on 26.05.2016.

4. The above-stated notices gave rise to the second round of litigation initiated by the expropriated land owners. The Single Bench of the High Court allowed the writ petition on 17.08.2017 and held that the acquisition qua respondent nos.1 and 2 had lapsed due to the delay on the part of the petitioner/Board in passing the award. On appeal, vide the impugned judgment, the Division Bench of the High Court has affirmed the view taken by the learned Single Judge.
5. The Division Bench, while rejecting the writ appeal, has opined as follows:

“12. However, in the instant case, the preliminary notification was issued on 15.09.2000 whereas, the final notification under Section 28(4) of the KIAD Act was issued on 13.05.2005. Even after a period of 7 years from the date of decision of the Division Bench of this Court, i.e. on 16.12.2010, no action was taken by KIADB to conclude the proceeding of land acquisition. No explanation has been offered for the delay of 7 years in concluding the proceeding which is fatal. Therefore, the learned Single Judge in the facts of the case and in the absence of the any explanation on behalf of the appellants for the delay in concluding the land acquisition proceeding has rightly held that the land acquisition proceedings insofar as it pertains to lands of the respondents have lapsed on account of efflux of time.”
6. With reference to the reasons assigned by the High Court, we have heard learned senior counsel on behalf of the petitioner/Board. It is not in dispute that there was no legal impediment for passing the award during pendency of the proceedings before this Court as no interim order was operative. The plea that the possession had already been taken in the year 2010 is totally untenable and appears to be directly in the teeth of Article 300A of the Constitution of India.
7. It is an admitted fact that there is a delay of 16 years, i.e., from 2000 to 2016 in passing the award. Therefore, in the peculiar facts and circumstances of the case, the view taken by the High Court does not warrant any interference by this Court in exercise of jurisdiction under Article 136 of the Constitution of India.
8. The special leave petitions are, accordingly, dismissed.

9. All pending applications, if any, stand disposed of.

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