



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JANUARY, 2024

BEFORE

THE HON'BLE MR JUSTICE M.I.ARUN

WRIT PETITION NO.26117 OF 2022 (LA-KIADB)

BETWEEN:

1. H.S. ABDUL RIYAZ BASHA

...PETITIONER

(BY SMT. SREEKALA P.A., ADVOCATE FOR
SRI LAKSHMISH G., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
INDUSTRIES AND COMMERCE
VIKASA SOUDHA
BENGALURU-560 001.
2. THE KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD
NO.14/3, RASTROTHANA BUILDING
NEAR RESERVE BANK
NRUPATHUNGA ROAD
BENGALURU-560 001
REP. BY ITS CHAIRMAN.
3. THE SPECIAL LAND ACQUISITION OFFICER
KIADB, NO.14/3
RASTROTHANA BUILDING





NEAR RESERVE BANK
NRUPATHUNGA ROAD
BENGALURU-560 001
REP. BY ITS CHIEF EXECUTIVE OFFICER.

...RESPONDENTS

(BY SRI NAVEEN CHANDRASHEKAR, AGA FOR R.1;
SRI ASHOK N. NAYAK, ADVOCATE FOR R.2 & R.3.)

THIS PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE NOTIFICATION BEARING NO.CI:532:SPQ:2009 ISSUED UNDER SECTION 28(1) OF THE KARNATAKA INDUSTRIAL AREA DEVELOPMENT ACT DATED 11.12.2009 ISSUED BY THE RESPONDENTS VIDE ANNEXURE-B INSOFAR AS SCHEDULE PROPERTY IS CONCERNED ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THROUGH PHYSICAL HEARING/VIDEO CONFERENCING THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. In the instant case, the preliminary notification was issued on 11.12.2009 acquiring certain lands which include 1 acre 20 guntas of land in Survey No.236 and 2 acres 27 guntas of land in Survey No.237/1 of Kondareddypalli village, Kasaba Hobli, Bagepalli Taluk, Chikkaballapura District, which the petitioner contends that it belongs to him. However, the final notification has not been issued and award has also not been passed in respect of the said lands.



Hence, the present writ petition is filed with a prayer to set aside the preliminary notification.

2. The fact that the preliminary notification was issued in the year 2009 and no final notification has been issued thereafter is not disputed by the respondents.

3. The acquisition is being done as per the provisions of the Karnataka Industrial Areas Development Act, 1966 ('the Act' for short). Though the Act does not specify the time within which a final notification has to be issued, the respondents are expected to issue a final notification within a reasonable time and the delay of 14 years cannot be considered reasonable. As already stated above, even till today, after lapse of 14 years, the final notification is not issued.

4. The Karnataka Industrial Areas Development Act, 1966 is enacted to make provision for the orderly establishment and development of industries in suitable areas in the State. To achieve this object, the Karnataka Industrial Areas Development Board is established and it is required to



specify areas for industrial development and make available lands therein for establishment of industries. The Board in discharge of its statutory functions has to first determine the area that is required for establishment of industries after making the necessary study and only thereafter should venture to acquire the lands required. It should not indulge in notifying the lands which are not required. It is seen on many occasions, in recent orders, the Board in its preliminary notification seeking to acquire vast tracts of land and in the final notification end up acquiring less than 50% of the original lands proposed. This shows that proper study is not conducted by the Board before venturing into acquiring the lands. Further, after issuance of preliminary notification, if the acquisition process is not completed at a faster pace, it will cause huge inconvenience to the persons whose lands are notified by way of preliminary notification. It will prevent them from exploiting the potential of the land to its fullest extent, as passing of preliminary notification is a deterrent for them to develop the lands as desired by them nor will purchasers come forward to purchase the said land.



5. In the instant case, as more than 14 years have lapsed after issuance of the preliminary notification and nothing has been done in pursuance of the same to complete the acquisition formalities, it has to be held that the acquisition process has lapsed and the preliminary notification is liable to be struck down. It is needless to state that setting aside the preliminary notification will not preclude the respondent/KIADB from initiating fresh acquisition process in accordance with law, if it so desires.

6. Hence, the following:

ORDER

The preliminary notification bearing No.CI 532 SPQ 2009 dated 11.12.2009 issued by respondent no.1 under Section 28(1) of the Act is set aside insofar as it relates to the lands of the petitioner is concerned.

The writ petition stands disposed of accordingly.

**Sd/-
JUDGE**

hkh.