

ITEM NO.1501

COURT NO.3

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 7011-7013/2013

S. UDAYA SHANKAR

Appellant(s)

VERSUS

STATE OF KARNATAKA AND ORS ETC. ETC.

Respondent(s)

WITH

SLP(C) No. 1361/2021 (IV-A)

(FOR ADMISSION and I.R. and IA No.9367/2021-EXEMPTION FROM FILING
O.T. and IA No.12038/2021-PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES, IA No. 84728/2021 - STAY APPLICATION)

C.A. No. 7017-7019/2013 (IV-A)

C.A. No. 9002-9003/2013 (IV-A)

Date : 28-07-2022 These appeals were called on for pronouncement
today.

For parties:

Mr. Anup Jain, AOR

Mr. K. S. Basva Raj, AOR

Mr. Hitesh Kumar Sharma, Adv.

Mr. S. K. Rajora, Adv.

Mr. Akhileshwar Jha, Adv.

Dr. Vivek Sharma Adv.

Mr. Amit Kumar Chawla, Adv.

Mr. B. Srinivasan, Adv.

Mr. Basavaprabhu S. Patil, Sr.Adv.

Mr. Balaji Srinivasan, AOR,

Ms. Garima Jain, AOR

Mr. Prateek Yadav, Adv.

Ms. Aakriti Priya, Adv.

Mr. Shiva Krishnamurti, Adv.

Ms. Lakshmi Rao, Adv.

Mr. S.K. Kulkarni, Adv.

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Mr. Venkita Subramoniam, Adv.
Mr. Likhi Chand Bonsle, Adv.

Mr. Shailesh Madiyal, AOR
Mr. Sudhanshu Prakash, Adv.
Mr. Vaibhav Sabharwal, Adv.
Mr. Rajan Parmar, Adv.
Mr. Vinayaka, S. Pandit, Adv.
Ms. Rakhi M. Adv.

Mr. V. N. Raghupathy, AOR

Hon'ble Mr. Justice C.T. Ravikumar pronounced the judgment of the Bench comprising Hon'ble Mr. Justice A.M. Khanwilkar, Hon'ble Mr. Justice Dinesh Maheshwari and His Lordship.

Leave granted in SLP(C) No. 1361 of 2021.

The operative part of the judgment with regard to the respective appeals in terms of the signed reportable judgment read as under:

(i) In the appeal arising from SLP(C) No.1361/2021 no question other than the moot question (decided as per this judgment) was considered. In view of our clear conclusions and findings the judgment and order dated 01.12.2020 in Writ Appeal No.5712/2012, where the law on the question was exposted to the contrary, is liable to be set aside. Accordingly, it is set aside. Nothing further survives for consideration in this appeal. Consequently, Writ Petition No.25184/2011 from which Writ Appeal No.5712/2012 arose, stands dismissed.

(ii) In Civil Appeal Nos.7011-13/2013, 9002-9003/2013 and 7017-19/2013 the position is that as per the common judgment and orders respectively in Writ Petition Nos.4625/2004, 18596/2006, 11568/2008 and 47616/2004 dated

26.4.2013 and also the judgment in Writ Appeal Nos.1244-45/2009, the Division Bench virtually decided that for initiation of acquisition proceedings for the purposes of KHB, existence of a sanctioned and published scheme is not a pre-condition. Consequently, the Division Bench confirmed the decision of the learned Single Judge on that question and thereupon, the Writ Petitions concerned/Writ Appeals were disposed of with request to the learned Single Judge to decide whether Sections 18-23 of the KHB Act were complied with or not. Obviously, those Writ Petitions are now pending. The issue is whether in view of the facts involved in those cases, the question of scrupulous adherence of Sections 18-23 of the KHB Act survives or needs to be followed, requires consideration depending upon the nature of acquisition and other relevant facts. Hence, Civil Appeals shall be listed before appropriate Bench for consideration on their own merits, subject to this judgment.

Pending applications, if any, in civil appeal arising from SLP(C) No. 1361 of 2021 stand disposed of.

**(DEEPAK SINGH)
COURT MASTER (SH)**

**(VIDYA NEGI)
ASSISTANT REGISTRAR**

[Signed reportable judgment is placed on the file]