

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.830 /2024
(Arising out of SLP(C) No.12328 of 2023)

M/S S.A.P. CONSTRUCTIONS PVT. LTD. Appellant(s)

VERSUS

THE STATE OF KARNATAKA & ORS. Respondent(s)

WITH

CIVIL APPEAL No.835/2024
(Arising out of SLP (C) No.1942/2024 @ Diary No.26966/2023)

CIVIL APPEAL Nos. 831-832/2024
(Arising out of SLP(C) No.1938-1939/2024 @ Diary No.36015/2022)

CIVIL APPEAL NO.833/2024
(Arising out of SLP(C) No.1940/2024 @ Diary No.9330/2023)

CIVIL APPEAL No.834/2024
(Arising out of SLP(C) No.1941/2024 @ Diary No(s). 26624/2023)

CIVIL APPEAL No.836/2024
(Arising out of SLP(C) No. 18828/2023)

CIVIL APPEAL Nos.837 - 838/2024
(Arising out of SLP(C) Nos.19351-19352/2023)

CIVIL APPEAL Nos.839-840/2024
(Arising out of SLP(C) Nos. 20695-20696/2023)

CONMT.PET.(C) Nos. 34-35/2024

IN

SLP(C) Nos. 19351-19352/2023

CIVIL APPEAL NO.1440/2024
(Arising out of SLP(C) No.2725/2024 @ Diary No.30336/2023)

O R D E R

1. Delay condoned.
2. Application seeking an amendment to the Special Leave Petition is allowed.

3. Leave granted.

4. The appellants in these cases are aggrieved by the Notifications, first dated 30.12.2008 issued under Section 17 of the Bangalore Development Authority Act, 1976 (in short, "the Act") and which eventually led to the final Notification under Section 19 of the said Act published on 30.10.2018.

5. These Notifications were challenged by the appellants before the High Court on various grounds including that their lands were initially included in the Development Scheme known as the 'Dr. Shivaram Karanth Layout Scheme' but after the publication of the preliminary Notification, their lands were subsequently deleted from the aforementioned Scheme.

6. Meanwhile, the preliminary Notification dated 30.12.2008 was quashed by the High Court. The said decision of the High Court, however, was reversed by this Court vide judgment dated 03.08.2018 passed in C.A. Nos.7661-63/2018 titled "Bangalore Development Authority & Anr. Vs. State of Karnataka & Anr."

7. This Court resultantly restored, revived and upheld the Dr. Shivaram Karanth Layout Scheme and consequently directed the State of Karnataka and BDA to implement the said Scheme.

8. It is in purported compliance of the above-cited decision of this Court that the final Notification dated 30.10.2018 was issued, which the appellants unsuccessfully assailed before the High Court.

9. The case of the appellants appears to be that notwithstanding the directions issued by this Court, they ought to have been given an opportunity to submit their objections before issuance of the

final Notification dated 30.10.2018. However, the contention of the respondents before the High Court as well as before this Court is that, in view of the Bangalore Development Authority case (supra), they were not obligated to accord an opportunity of being heard to the affected land owners.

10. Since the judgment rendered by this Court in Bangalore Development Authority case (supra) adversely affected various land owners, who were not parties before this Court, they moved miscellaneous applications seeking modification/clarification of the said judgment.

11. It seems that some review applications were also filed. It is not in dispute that all those review/miscellaneous/curative/clarificatory applications have been disposed of by a Co-ordinate Bench of this Court vide Order dated 12.12.2023 in the following terms:-

"We are of the opinion that the present proceedings should be transferred to the High Court of Karnataka, at Bengaluru. Whether or not the term of the Committee should be extended as well as, the question of composition of the Committee, will be examined by the High Court.

The entire records of the present proceedings including all the applications, reports submitted by the Committee till date, and the orders passed thereon, will be sent to the High Court. An electronic/shadow file will, however, be maintained in this Court. The High Court will examine the latest reports filed by the Committee, that is, the 31st Report and the 32nd Report and pass appropriate orders.

The physical records will be transferred to the BDA, after storing an e-copy/set on cloud. The credentials/details to access such e-copy shall be given to the authorized officers of BDA. The BDA will make a copy of the cloud records and store this one set on its server/cloud facility, as available with it. The original e-set will not be altered, modified or tampered.

Any person/entity, including the BDA, having an objection or issue arising from any reports of the Committee, may move an application before the High Court. The High Court will be entitled to decide all the pending issues and applications including the application(s) challenging any of the decisions taken by the Committee, or a subject matter of its reports.

However, in case there is any specific order or direction regarding a particular property, passed by this Court, applications regarding the same will be entertained by this Court.

Any person aggrieved by any order passed by the High Court will be entitled to approach this Court.

All interim orders passed by this Court with regard to transfer or retaining of the officers are hereby recalled.

Learned Advocate General for the State of Karnataka has drawn our attention to paragraph 23 of the order dated 20.01.2022, and submits that the State would like to pay additional compensation over and above the compensation payable under the Land Acquisition Act, 1894. Accordingly, the direction may be modified. We make no comments in this regard. It will be open to the State to move an appropriate application before the High Court indicating grounds and justification. The prayer will be considered in accordance with law.

Pending miscellaneous applications are also transferred.

We would request the Chief Justice of the High Court to nominate a Bench to deal with the cases arising out of the judgment dated 03.08.2018 and the order dated 03.12.2020."

12. Since the matter has been referred to the High Court to consider all the claims, we see no reason to keep these proceedings pending before us. Suffice it to observe that in view of the directions reproduced above, the High Court will examine all the issues, which will necessarily include the appellants' contention that the lands, which had been deleted from the Dr. Shivaram Karanth Layout Scheme, cannot be re-acquired without initiating a fresh acquisition process in accordance with law or that after the deletion/endorsement of such lands, the appellants have utilized

the same in such a manner that no public purpose can be achieved by way of a fresh acquisition process.

13. The High Court will thus examine the legal effect of the deletion/endorsement of appellants' lands from the Scheme.

14. We may hasten to add that various other contentions urged before us, in our considered opinion, can be effectively raised before the High Court, in accordance with the law.

15. In view of the subsequent events noticed above, namely the order dated 12.12.2023 passed by this Court, and without expressing any opinion on the merits of the appellants' claim, we set aside the impugned judgments/orders and remit these cases back to the High Court to be heard along with the matters, which are listed before the Bench constituted by the Chief Justice of the High Court in compliance with the order dated 12.12.2023 of this Court.

16. Till the matters are decided by the High Court afresh, *status quo re*: further construction/demolition/possession and development shall be maintained.

17. The parties are, accordingly, directed to appear before the High Court on 12.02.2024.

18. All the pending interlocutory applications, including those for impleadment, are also disposed of with liberty and directions as mentioned above.

19. Accordingly, the Civil Appeals are disposed of.

CONMT.PET.(C) No.34-35/2024

20. In view of the order passed in above C.A. No.830 /2024 and connected matters, the Contempt Petitions stand dismissed.

SLP (C) Dy. No.30336/2023

21. On the joint request of Mr. Mahesh Thakur, learned senior counsel and the learned counsel for the respondent, Diary No.30336/2023 is taken on board.

22. Delay condoned.

23. Leave granted.

24. In view of the order passed in C.A. No.830 /2024 and connected matters, the appeal is disposed of.

.....J.
(SURYA KANT)

.....J.
(K. V. VISWANATHAN)

NEW DELHI;
22 January, 2024

ITEM NO.19+46

COURT NO.4

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No.12328/2023

(Arising out of impugned final judgment and order dated 01-06-2023 in W.A. No.540/2023 passed by the High Court Of Karnataka At Bengaluru)

M/S S.A.P. CONSTRUCTIONS PVT. LTD.

Petitioner(s)

VERSUS

THE STATE OF KARNATAKA & ORS.

Respondent(s)

(FOR ADMISSION and I.R.)

WITH

Diary No(s). 26966/2023 (IV-A)
(FOR ADMISSION and I.R. and IA No.142694/2023-CONDONATION OF DELAY IN FILING)

Diary No(s). 36015/2022 (IV-A)
(IA No. 46508/2023 - CONDONATION OF DELAY IN FILING
IA No. 46509/2023 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS
IA No. 46510/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 46511/2023 - EXEMPTION FROM FILING O.T.
IA No. 77741/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Diary No(s). 9330/2023 (IV-A)
(Only SLP(C)NO. 18823/2023 to be list before Ld. Registrar Court.
IA No. 146142/2023 - CLARIFICATION/DIRECTION
IA No. 62327/2023 - CONDONATION OF DELAY IN FILING
IA No. 62329/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 62330/2023 - EXEMPTION FROM FILING O.T.
IA No. 145847/2023 - INTERVENTION/IMPLEADMENT)

Diary No(s). 26624/2023 (IV-A)
(FOR ADMISSION and I.R. and IA No.140299/2023-CONDONATION OF DELAY IN FILING)

SLP(C) No. 18828/2023 (IV-A)
(FOR ADMISSION and IA No.171685/2023-EXEMPTION FROM FILING O.T.)

SLP(C) No. 19351-19352/2023 (IV-A)
(FOR ADMISSION and I.R.
IA No.177499/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No.177498/2023-EXEMPTION FROM FILING O.T.
IA No.177496/2023-PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 20695-20696/2023 (IV-A)
(FOR ADMISSION and I.R.
IA No.179373/2023-EXEMPTION FROM FILING O.T.
IA No.179372/2023-PERMISSION TO FILE PETITION (SLP/TP/WP/..)
IA No.179374/2023-PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

CONMT.PET.(C) No. 34-35/2024 in SLP(C) No. 19351-19352/2023
([TO BE TAKEN UP ALONG WITH ITEM NO.19.6 I.E. SLP(C) No. 19351-
19352/2023.] FOR ADMISSION
IA No. 16676/2024 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

SLP (C) Dy. No.30336/2023
IA No. 20248/2024-CONDONATION OF DELAY IN REFILING / CURING THE
DEFECTS
IA No. 20249/2024EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 22-01-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE K. V. VISWANATHAN

For Petitioner(s) Mr. S. Nandakumar, Adv.
Mr. Varun Gowda, Adv.
Ms. Deepika Nandakumar, Adv.
Ms. Maulshree Pathak, Adv.
Mr. Naresh Kumar, AOR

Mr. Ashwin V. Kotemath, Adv.
Mr. Harisha S.R., AOR

Mr. P. Vishwanatha Shetty, Sr. Adv.
Mr. Basavaprabhu S. Patil, Sr. Adv.
Mr. Mahesh Thakur, AOR
Mr. Shivamma Sharrma, Adv.
Mr. Shivamm Sharrma, Adv.
Mr. Vibhav Chaturvedi, Adv.
Mr. Samarth Kashyap, Adv.
Mrs. Kiran Patel, Adv.
Mr. Ranvijay Singh Chandel, Adv.

Mrs. Geetanjali Bedi, Adv.

Mr. S. Nandakumar, Adv.

Mr. Varun Gowda, Adv.

Ms. Deepika Nandakumar, Adv.

Ms. Maulshree Pathak, Adv.

Mr. Naresh Kumar, AOR

For Respondent(s) Mr. Anand Sanjay M Nuli, Sr. Adv.

M/S. Nuli & Nuli, AOR

Mr. Nanda Kumar K B, Adv.

Mr. Suraj Kaushik, Adv.

Mr. Dharam Singh, Adv.

Ms. Akhila Wali, Adv.

Mr. Shiva Swaroop, Adv.

Mr. D. L. Chidananda, AOR

Mr. Ravindera Kumar Verma, Adv.

Mr. S. K. Kulkarni, Adv.

Mr. M. Gireesh Kumar, Adv.

Mr. Ankur S. Kulkarni, AOR

Ms. Uditha Chakravarthy, Adv.

Ms. Shalaka Srivastava, Adv.

Mr. V. N. Raghupathy, AOR

Mr. Manendra Pal Gupta, Adv.

Mr. M. Bangaraswamy, Adv.

Mr. Premnath Mishra, Adv.

Mr. Dhanesh Ieshdhan, Adv.

Mr. Narendra Hooda, Sr. Adv.

Mr. M. S. Vishnu Sankar, Adv.

M/S. Lawfic, AOR

Mr. Koshy John, Adv.

Mr. Sriram Parakkat, Adv.

Ms. Athira G Nair, Adv.

Ms. Viddusshi, Adv.

Mr. Aditya Santosh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

SLP(C) No.12328 of 2023, SLP (C) Diary No.26966/2023, SLP (C) Diary No.36015/2022, SLP (C) Diary No.9330/2023, Diary No(s). 26624/2023, SLP(C) No.18828/2023, SLP(C) Nos.19351-19352/2023, SLP(C) Nos. 20695-20696/2023 & CONMT.PET.(C) No. 34-35/2024 in SLP(C) Nos. 19351-19352/2023

Delay condoned.

Application seeking an amendment to the Special Leave Petition is allowed.

Application (IA No. 145847/2023) for impleadment stands disposed of.

Leave granted.

The appeals are disposed of and contempt petitions are dismissed in terms of the signed order.

Pending applications stand disposed of.

SLP (C) Dy. No.30336/2023

On the joint request of Mr. Mahesh Thakur, learned senior counsel and the learned counsel for the respondent, Diary No.30336/2023 is taken on board.

Delay condoned.

Leave granted.

In view of the order passed in C.A. No.830 /2024 and connected matters, the appeal is disposed of in terms of the signed order.

Pending applications stand disposed of.

(RASHMI DHYANI PANT)
COURT MASTER (SH)

(PREETHI T.C.)
COURT MASTER (NSH)

(signed order is placed on the file)