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ACQUIRED, DENOTIFIED, DELAYED: ARKAVATHI LAYOUT AS A TEST CASE FOR FAIRNESS IN URBAN LAND ACQUISITION

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Abstract

The Arkavathi Layout scheme of the Bangalore Development Authority (BDA) has become an emblematic instance of how post-acquisition conduct—selective denotification, prolonged delay and administrative opacity—can undermine the constitutional guarantee of property under Article 300A of the Constitution of India. The initial acquisition for Arkavathi Layout was upheld in *Bondu Ramaswamy v Bangalore Development Authority*, where the Supreme Court validated the BDA Act as a special law for urban development and recognised the public purpose of forming a residential layout, while also criticising arbitrary deletions and directing remedial measures such as additional options for landlosers and a re-examination of “islands” of acquisition.^{1 2} Yet, subsequent denotifications and the prolonged non-implementation of large portions of the project generated renewed litigation and contestation by both landowners and allottees, many of whom were left without possession for nearly two decades, eventually receiving alternative sites only in 2024–2025.^{3 4}

This paper examines Arkavathi Layout through the lens of eminent domain, statutory acquisition under the Land Acquisition Act 1894 and the Bangalore Development Authority Act 1976, and the evolving doctrine of Article 300A as articulated in *K.T. Plantation Pvt Ltd v State of Karnataka* and allied jurisprudence.^{5 6} Drawing on Supreme Court decisions in *Bondu Ramaswamy*, *K.T. Plantation*, *Rajasthan Housing Board v New Pink City Nirman Sakhari*

¹ Pages 1-2, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

² Pages 41-42, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

³ BDA Resolves Arkavathi Layout Issues: 784 Allottees Get New Plots| BDA Arkavathi Layout update| Nadaprabhu Kempegowda Layout plots| BDA sale deed process| Bengaluru Real Estate

⁴ Bangalore development authority ends 20-year Arkavathy row, allots 784 sites at Nadaprabhu Kempegowda Layout | Bengaluru News - The Times of India

⁵ Pages 3-4, Supreme Court of India Judgment: [2011] 13 S.C.R. 636, CIVIL APPEAL No. 6520/2003, 2011 INSC 554: K.T. PLANTATION PVT. LTD. & ANR versus STATE OF KARNATAKA

⁶ Pages 26-28, Supreme Court of India Judgment: [2011] 13 S.C.R. 636, CIVIL APPEAL No. 6520/2003, 2011 INSC 554: K.T. PLANTATION PVT. LTD. & ANR versus STATE OF KARNATAKA

Samiti Ltd, Karnataka High Court litigation on Arkavathi and secondary material including Deccan Herald reports and BDA's own scheme documentation, the paper argues that although the initial acquisition met the formal requirements of public purpose and legal authority, the subsequent pattern of selective denotification, differential treatment of similarly situated landowners, and inordinate delay in delivering developed sites diluted the substantive protection that Article 300A is meant to provide.⁷⁸⁹

The analysis situates Article 300A within a broader international framework that recognises property as a human right, for example under Article 17 of the Universal Declaration of Human Rights, and compares the Indian approach of treating property as a constitutional, but no longer fundamental, right with global trends towards recognising a “global right to property”.^{10 11 12} Ultimately, the paper suggests that Arkavathi Layout demonstrates how legality at the stage of acquisition cannot immunise a project from constitutional scrutiny when the later implementation and reversal of acquisition decisions operate arbitrarily upon different groups of affected persons.

1. Introduction

1.1 Background of land acquisition law in India

For over a century, compulsory acquisition of land in India was governed by the Land Acquisition Act 1894, which empowered the State to acquire land for a “public purpose” or for companies, subject to payment of compensation and procedural safeguards such as prior notification, hearing of objections and an award by the Collector. Key provisions included the preliminary notification and survey powers, the opportunity to file objections, the declaration of public purpose, the enquiry and award, and vesting upon taking possession.^{13 14} The statute also created urgency powers and treated a declaration as conclusive as to public purpose, leaving disputes over compensation or apportionment to judicial determination.¹⁵

⁷ Pages 30-32, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

⁸ Pages 1-2, Supreme Court of India Judgment: [2015] 5 S.C.R. 365, CIVIL APPEAL No. 1527/2013, 2015 INSC 375: RAJASTHAN HOUSING BOARD versus NEW PINK CITY NIRMAN SAHKARI SAMITI LTD. & ANR.

⁹ BDA Resolves Arkavathi Layout Issues: 784 Allottees Get New Plots| BDA Arkavathi Layout update| Nadaprabhu Kempegowda Layout plots| BDA sale deed process| Bengaluru Real Estate

¹⁰ Pages 126-127, India Code Law: The CONSTITUTION OF INDIA

¹¹ Article 17 – Property - Universal Declaration of Human Rights 75 ...

¹² The Global Right to Property

¹³ Pages 1-3, India Code Law: The Land Acquisition Act 1894

¹⁴ Pages 9-10, India Code Law: The Land Acquisition Act, 1894

¹⁵ Page 13, India Code Law: The Land Acquisition Act, 1894

Post-independence, acquisition law has been significantly reworked, culminating in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013. However, large urban schemes like Arkavathi Layout were initiated under the 1894 Act read with special legislation such as the Bangalore Development Authority Act 1976 (BDA Act).^{16 17}

1.2 Evolution of the right to property and Article 300A

Originally, the right to property was a fundamental right under Articles 19(1)(f) and 31 of the Constitution. With the Forty-Fourth Amendment in 1978, these provisions were repealed and a new Article 300A was inserted, stating that no person shall be deprived of property save by authority of law.¹⁸ In *K.T. Plantation Pvt Ltd v State of Karnataka*, the Supreme Court examined Article 300A in detail, holding that deprivation must be authorised by valid law, must serve a public purpose, and that an obligation to provide reasonable compensation is “inbuilt”, to be justified by the State on standards amenable to judicial review.¹⁹ The Court further linked Article 300A to Articles 14 and 21 and to the rule of law, insisting that any law effecting deprivation must be just, fair and reasonable.²⁰

1.3 The Arkavathi Layout project and the emergence of controversy

Arkavathi Layout was conceived by the BDA in the early 2000s as a large-scale residential layout on the northern periphery of Bengaluru, covering lands in multiple villages including Hennur, Byrathi, Thanisandra and Nagavara.^{21 22} A preliminary notification was issued in 2003 for approximately 3,339 acres, later reduced to about 2,750 acres in the final declaration under section 19 of the BDA Act in 2004, for the public purpose of forming Arkavathi Layout.²³

The controversy unfolded in stages. Landowners first challenged the acquisition itself, leading to a Karnataka High Court judgment and then the Supreme Court decision in *Bondu Ramaswamy*, which largely upheld the acquisition but found serious irregularities and

¹⁶ Pages 1-3, India Code Law: The Land Acquisition Act 1894

¹⁷ Pages 1-3, India Code Law: The BANGALORE DEVELOPMENT AUTHORITY ACT, 1976

¹⁸ Pages 126-127, India Code Law: The CONSTITUTION OF INDIA

¹⁹ Pages 26-28, Supreme Court of India Judgment: [2011] 13 S.C.R. 636, CIVIL APPEAL No. 6520/2003, 2011 INSC 554: K.T. PLANTATION PVT. LTD. & ANR versus STATE OF KARNATAKA

²⁰ Pages 25-26, Supreme Court of India Judgment: [2011] 13 S.C.R. 636, CIVIL APPEAL No. 6520/2003, 2011 INSC 554: K.T. PLANTATION PVT. LTD. & ANR versus STATE OF KARNATAKA

²¹ Pages 33-34, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

²² Page 93, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

²³ Pages 35-36, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

discrimination in deletions and directed corrective steps.²⁴ Subsequently, the State undertook further rounds of denotification and deletion of acquired land, while many landlosers and BDA allottees remained in limbo, facing non-delivery of sites or cancellation of earlier allotments when the underlying land was denotified. Public criticism and litigation continued for years, with allottees eventually receiving alternative sites in Nadaprabhu Kempegowda Layout almost twenty years after initial allotment.^{25 26}

2. Legal Framework

2.1 Article 300A and the doctrine of eminent domain

Article 300A provides that no person shall be deprived of property save by authority of law.²⁷ In *K.T. Plantation*, the Supreme Court held that “deprivation of property...must take place for public purpose or public interest” and that public purpose is a condition precedent for the exercise of eminent domain under Article 300A.²⁸ The Court inferred from Article 300A and the legislative history that a right to claim compensation, or the obligation to pay it, is implicit, requiring the State to justify nil or nominal compensation on judicially reviewable standards.²⁹ It also stressed that laws depriving property remain subject to scrutiny under Articles 14 and 21, and to the basic-structure requirement of the rule of law.³⁰

2.2 Bangalore Development Authority Act 1976

The BDA Act establishes the BDA as a statutory development authority for the Bangalore Metropolitan Area, with the object of promoting and securing development through the preparation and execution of development schemes, including acquisition of land and formation of layouts.³¹ Sections 15–19 lay down a self-contained procedure for development schemes: the Authority prepares a scheme, publishes a notification, considers objections and submits the scheme to Government; upon sanction, a declaration under section 19 is issued

²⁴ Pages 37-38, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

²⁵ BDA Resolves Arkavathi Layout Issues: 784 Allottees Get New Plots| BDA Arkavathi Layout update| Nadaprabhu Kempegowda Layout plots| BDA sale deed process| Bengaluru Real Estate

²⁶ Bangalore development authority ends 20-year Arkavathi row, allots 784 sites at Nadaprabhu Kempegowda Layout | Bengaluru News - The Times of India

²⁷ Pages 126-127, India Code Law: The CONSTITUTION OF INDIA

²⁸ Pages 26-28, Supreme Court of India Judgment: [2011] 13 S.C.R. 636, CIVIL APPEAL No. 6520/2003, 2011 INSC 554: K.T. PLANTATION PVT. LTD. & ANR versus STATE OF KARNATAKA

²⁹ Pages 92-93, Supreme Court of India Judgment: [2011] 13 S.C.R. 636, CIVIL APPEAL No. 6520/2003, 2011 INSC 554: K.T. PLANTATION PVT. LTD. & ANR versus STATE OF KARNATAKA

³⁰ Pages 94-95, Supreme Court of India Judgment: [2011] 13 S.C.R. 636, CIVIL APPEAL No. 6520/2003, 2011 INSC 554: K.T. PLANTATION PVT. LTD. & ANR versus STATE OF KARNATAKA

³¹ Pages 1-3, India Code Law: The BANGALORE DEVELOPMENT AUTHORITY ACT, 1976

stating that the land is needed for a public purpose, which is conclusive, and the Authority must then execute the scheme.^{32 33}

Section 36 provides that where land is not acquired by agreement, acquisition shall be regulated by the Land Acquisition Act 1894, and on payment of the cost of acquisition the Deputy Commissioner must transfer the land to the Authority, whereupon it vests in the Authority.³⁴ The Act also empowers the BDA to lease or sell land and sites and contains specific provisions on civic amenity lands and restrictions on their alienation.^{35 36}

2.3 Land Acquisition Act 1894 in the Arkavathi context

In *Bondu Ramaswamy*, the Supreme Court held that the BDA Act, in pith and substance, falls under Entry 5 of List II relating to local government and town planning, and that acquisition under BDA schemes is a special procedure, with sections 17–19 of the BDA Act corresponding broadly to sections 4–6 of the Land Acquisition Act.^{37 38} The Court therefore rejected the argument that sections 4, 5A and 6 of the 1894 Act applied directly to BDA acquisitions, although the substantive safeguards of notice, objection and declaration still had to be respected under the BDA framework.³⁹

The Land Acquisition Act remains relevant to Arkavathi primarily in relation to vesting, compensation and the two-year outer limit for making an award under section 11A, after which proceedings lapse, as developed in later case law.^{40 41} However, the Arkavathi controversy turns less on lapsing of acquisition and more on what occurred after acquisition was upheld: selective withdrawal, denotification and delayed implementation.

3. International Framework (Brief)

International instruments, while not directly enforceable in Indian courts absent incorporation, recognise property as an important human right. Article 17 of the Universal Declaration of Human Rights declares that everyone has the right to own property and that no one shall be

³² Pages 24-25, India Code Law: The BANGALORE DEVELOPMENT AUTHORITY ACT, 1976

³³ Pages 27-28, India Code Law: The BANGALORE DEVELOPMENT AUTHORITY ACT, 1976

³⁴ Pages 38-39, India Code Law: The BANGALORE DEVELOPMENT AUTHORITY ACT, 1976

³⁵ Pages 14-15, India Code Law: The BANGALORE DEVELOPMENT AUTHORITY ACT, 1976

³⁶ Pages 39-40, India Code Law: The BANGALORE DEVELOPMENT AUTHORITY ACT, 1976

³⁷ Pages 3-4, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

³⁸ Pages 89-90, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

³⁹ Pages 91-92, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

⁴⁰ Page 15, India Code Law: The Land Acquisition Act, 1894

⁴¹ Page 17, India Code Law: The Land Acquisition Act, 1894

arbitrarily deprived of it.⁴² The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, though not containing a standalone property article, prohibit discrimination on grounds including “property” and have been interpreted as limiting arbitrary interference with possessions.⁴³ ⁴⁴ Comparative scholarship has argued for a “global right to property”, increasingly recognised in domestic and international practice and understood to prohibit uncompensated, arbitrary expropriation inconsistent with due process and the general welfare.⁴⁵

4. Judicial Precedents

4.1 *Bondu Ramaswamy v Bangalore Development Authority*

In *Bondu Ramaswamy*, numerous landowners challenged the Arkavathi acquisition on grounds including lack of legislative competence, repugnancy to the Land Acquisition Act, inconsistency with Parts IX and IX-A of the Constitution, and discrimination in deletions.⁴⁶ The Supreme Court rejected the constitutional challenges, holding that the BDA Act is a valid State law under Entry 5 of List II; that acquisition is merely incidental and does not render it repugnant to the Land Acquisition Act under Article 254; and that Parts IX and IX-A dealing with Panchayats and Municipalities do not impliedly repeal or render the BDA Act inoperative.⁴⁷ ⁴⁸

Crucially, the Court found that the pattern of deletions—some lands being dropped from acquisition while similarly situated neighbouring parcels were retained—amounted to arbitrary and unexplained deletions encouraging corruption, favouritism and discontent.⁴⁹ It described how large portions of certain villages were deleted, leaving small “islands” of acquired land surrounded by non-acquired or denotified land, and warned that such practices created a traumatic experience for landowners and encouraged touts and middlemen.⁵⁰

Instead of quashing the entire acquisition, the Court crafted remedial directions. It directed

⁴² Article 17 – Property - Universal Declaration of Human Rights 75 ...

⁴³ International Covenant on Civil and Political Rights | OHCHR

⁴⁴ International Covenant on Economic, Social and Cultural Rights | OHCHR

⁴⁵ The Global Right to Property

⁴⁶ Pages 1-2, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

⁴⁷ Pages 89-90, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

⁴⁸ Pages 69-70, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

⁴⁹ Pages 113-114, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

⁵⁰ Pages 129-130, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

BDA to re-examine villages where more than 50% of notified land had been deleted and to consider deleting remaining small pockets if development had become impractical; allowed landowners whose lands were adjacent to deleted lands to apply for similar deletion with protection of possession pending decision; and provided landlosers with options to receive developed plots in lieu of or in addition to compensation, thereby sharing some development benefits.^{51 52}

4.2 K.T. Plantation Pvt Ltd v State of Karnataka and Article 300A

K.T. Plantation involved a challenge to a special acquisition statute dealing with the Roerich and Devika Rani Roerich estate and an associated provision of the Karnataka Land Reforms Act. In answering a reference on the scope of Article 300A, the Court held that deprivation of property must generally take place for public purpose or public interest; that an inbuilt right to reasonable compensation is implicit in Article 300A, though the legislature has some flexibility in defining its modalities; and that laws effecting deprivation are subject to challenge under Articles 14 and 21 and to the basic-structure requirement of the rule of law.^{53 54} The Court warned that statutes or actions allowing expropriation for private interest or conferring disproportionate benefits on particular private actors would be vulnerable to constitutional scrutiny.⁵⁵

4.3 Rajasthan Housing Board v New Pink City Nirman Sahkari Samiti Ltd

In *Rajasthan Housing Board v New Pink City*, the Supreme Court dealt with land acquired for a housing scheme where a housing society claimed rights based on transactions with khatedars, many belonging to Scheduled Castes.⁵⁶ The Court held that transfers by Scheduled Caste khatedars to the society were void under the Rajasthan Tenancy Act and that the society therefore had no right either to compensation or to developed land; only the khatedars or their legal representatives were entitled to compensation.⁵⁷ It rejected the High Court's direction to

⁵¹ Pages 131-132, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

⁵² Pages 30-32, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

⁵³ Pages 26-28, Supreme Court of India Judgment: [2011] 13 S.C.R. 636, CIVIL APPEAL No. 6520/2003, 2011 INSC 554: K.T. PLANTATION PVT. LTD. & ANR versus STATE OF KARNATAKA

⁵⁴ Pages 79-81, Supreme Court of India Judgment: [2011] 13 S.C.R. 636, CIVIL APPEAL No. 6520/2003, 2011 INSC 554: K.T. PLANTATION PVT. LTD. & ANR versus STATE OF KARNATAKA

⁵⁵ Pages 72-73, Supreme Court of India Judgment: [2011] 13 S.C.R. 636, CIVIL APPEAL No. 6520/2003, 2011 INSC 554: K.T. PLANTATION PVT. LTD. & ANR versus STATE OF KARNATAKA

⁵⁶ Pages 1-2, Supreme Court of India Judgment: [2015] 5 S.C.R. 365, CIVIL APPEAL No. 1527/2013, 2015 INSC 375: RAJASTHAN HOUSING BOARD versus NEW PINK CITY NIRMAN SAHKARI SAMITI LTD. & ANR.

⁵⁷ Pages 5-6, Supreme Court of India Judgment: [2015] 5 S.C.R. 365, CIVIL APPEAL No. 1527/2013, 2015 INSC

allot a share of developed land to the society, emphasising that compensation should be paid directly to the original landowners to prevent exploitation by intermediaries.⁵⁸

4.4 Karnataka High Court decisions and BDA allottees

Karnataka High Court decisions after *Bondu* have confronted the fallout of denotification and non-delivery of sites. In *Smt Kalavathi v Bangalore Development Authority*, the petitioner had been allotted a site in Arkavathi Layout, but the underlying land was later excluded from acquisition pursuant to Government notification implementing *Bondu* directions.⁵⁹ The Court recorded that the allotment had effectively stood cancelled and directed that BDA consider the petitioner's case for alternative allotment according to rules and seniority, reflecting judicial concern for the derivative interests of allottees.⁶⁰

Press reports indicate that, after multiple such writ petitions and sustained pressure, BDA eventually allotted 784 alternative sites in Nadaprabhu Kempegowda Layout to Arkavathi allottees through a computerised random process in 2024–2025, ending a long-standing dispute for many beneficiaries.^{61 62}

5. Analysis: Denotification, Delay and Article 300A

5.1 Initial validity versus later implementation

On the record examined in *Bondu Ramaswamy*, the initial Arkavathi acquisition was legally sustainable. The Supreme Court found that the BDA had the legislative competence to frame and execute the scheme; that the scheme was broadly in conformity with sections 15–19 of the BDA Act; and that the declaration under section 19 validly declared a public purpose of forming a residential layout.^{63 64} From a narrow Article 300A perspective, therefore, the initial deprivation of land had clear statutory authority, a recognised public purpose and an accompanying compensation regime.

375: RAJASTHAN HOUSING BOARD versus NEW PINK CITY NIRMAN SAHKARI SAMITI LTD. & ANR.

⁵⁸ Pages 34-36, Supreme Court of India Judgment: [2015] 5 S.C.R. 365, CIVIL APPEAL No. 1527/2013, 2015 INSC 375: RAJASTHAN HOUSING BOARD versus NEW PINK CITY NIRMAN SAHKARI SAMITI LTD. & ANR.

⁵⁹ Pages 1-3, High Court of Karnataka Judgment: KAHC010100132015: WP/52821/2015 of SMT. KALAVATHI Vs BANGALORE DEVELOPMENT AUTHORITY,

⁶⁰ Smt. Kalavathi vs Bangalore Development Authority on 13 ...

⁶¹ BDA Resolves Arkavathi Layout Issues: 784 Allottees Get New Plots| BDA Arkavathi Layout update| Nadaprabhu Kempegowda Layout plots| BDA sale deed process| Bengaluru Real Estate

⁶² Bangalore development authority ends 20-year Arkavathy row, allots 784 sites at Nadaprabhu Kempegowda Layout | Bengaluru News - The Times of India

⁶³ Page 93, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

⁶⁴ Pages 27-28, India Code Law: The BANGALORE DEVELOPMENT AUTHORITY ACT, 1976

However, the Supreme Court's own critique of arbitrary deletions, its directions to re-examine isolated pockets and its attempt to design benefit-sharing options for landlosers reveal an unease with how the acquisition was operationalised on the ground.⁶⁵ ⁶⁶ The subsequent history—where further denotifications and deletions were made, leading to cancellation or frustration of BDA allotments, and where alternative sites were provided only after almost twenty years—suggests that the implementation phase produced new forms of arbitrariness and unequal treatment that were not fully cured by the initial judgment.⁶⁷ ⁶⁸

5.2 Selective denotification and unequal treatment of landowners

The central equality and Article 300A concern in Arkavathi is the unequal treatment between landowners whose lands were denotified or deleted and those whose lands remained under acquisition, often in the same village and under similar factual circumstances. *Bondu* documented how, in some villages, large percentages of notified land were deleted, leaving scattered “islands” of acquisition, and recognised that such unexplained deletions fostered perceptions of favouritism and corruption.⁶⁹ The Court's remedial directions—permitting similarly situated landowners to apply for deletion and protecting their possession pending decision—were an attempt to restore some measure of substantive equality.⁷⁰

Later waves of denotification, implemented through Government orders after *Bondu*, did not always resolve this asymmetry. Landowners whose lands were finally denotified benefited not only by regaining their land, now with enhanced development potential, but also by avoiding the burdens of acquisition. Those whose lands remained acquired suffered full dispossession, sometimes with delayed or contested compensation, and without comparable development benefits, even though their lands were similarly situated at the time of the original scheme. From an Article 300A standpoint, as read in *K.T. Plantation*, such selective reversal of deprivation, not based on transparent and rational principle but on ad hoc deletions and discretion, risks crossing the line into arbitrary deprivation and restitution.⁷¹ The

⁶⁵ Pages 113-114, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

⁶⁶ Pages 131-132, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

⁶⁷ BDA Resolves Arkavathi Layout Issues: 784 Allottees Get New Plots| BDA Arkavathi Layout update| Nadaprabhu Kempegowda Layout plots| BDA sale deed process| Bengaluru Real Estate

⁶⁸ Bangalore development authority ends 20-year Arkavathi row, allots 784 sites at Nadaprabhu Kempegowda Layout | Bengaluru News - The Times of India

⁶⁹ Pages 129-130, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

⁷⁰ Pages 131-132, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

⁷¹ Pages 26-28, Supreme Court of India Judgment: [2011] 13 S.C.R. 636, CIVIL APPEAL No. 6520/2003, 2011

public-purpose justification becomes less convincing when large tracts are returned in a way that appears to benefit certain owners over others without a coherent planning rationale.

5.3 Impact on BDA allottees and the problem of delay

A second axis of unfairness concerns BDA allottees, who purchased Arkavathi sites on the basis of BDA's statutory authority and the apparent finality of the declaration. When underlying lands were later denotified, their allotments became infructuous or required cancellation and substitution. The *Kalavathi* litigation is illustrative: the petitioner's allotted site stood on land later excluded from acquisition, and she was forced to seek an alternative allotment through writ proceedings years after the original allotment letter, with the Court merely directing that her case be considered.⁷²

More broadly, Arkavathi allottees appear to have waited nearly two decades before receiving alternative sites in Nadaprabhu Kempegowda Layout through randomised allotment in 2024–2025, according to contemporary reports.⁷³ During this period, they bore the opportunity cost of blocked capital and uncertainty about their housing plans, while the Authority retained control over the scheme. In *Bondu*, the Supreme Court had already described how conventional acquisition practice, with piecemeal compensation and prolonged litigation, tends to strip farmers of land and livelihood without enabling them to purchase alternative land.⁷⁴ The underlying concern—that prolonged delay and fragmented relief can undermine the substantive fairness of eminent domain—applies here to allottees as well. Under Article 300A, as interpreted in *K.T. Plantation*, deprivation of property interests can extend beyond original landowners to those who acquire derivative interests in State-created rights which the State later frustrates without timely redress.⁷⁵

5.4 Article 300A, arbitrariness and “authority of law”

A key question is whether the sequence “acquisition → denotification → long delay → alternative allotment” can still be said to be “by authority of law” in the substantive sense required by Article 300A. On the surface, every step—the acquisition, the denotification orders

INSC 554: K.T. PLANTATION PVT. LTD. & ANR versus STATE OF KARNATAKA

⁷² Pages 1-3, High Court of Karnataka Judgment: KAHC010100132015: WP/52821/2015 of SMT. KALAVATHI Vs BANGALORE DEVELOPMENT AUTHORITY,

⁷³ BDA Resolves Arkavathi Layout Issues: 784 Allottees Get New Plots| BDA Arkavathi Layout update| Nadaprabhu Kempegowda Layout plots| BDA sale deed process| Bengaluru Real Estate

⁷⁴ Pages 123-124, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

⁷⁵ Pages 28-29, Supreme Court of India Judgment: [2011] 13 S.C.R. 636, CIVIL APPEAL No. 6520/2003, 2011 INSC 554: K.T. PLANTATION PVT. LTD. & ANR versus STATE OF KARNATAKA

and the eventual alternative allotment—is grounded in statutory powers under the BDA Act and the Land Acquisition Act, or in Government’s executive authority. However, *K.T. Plantation* stresses that mere legal form is insufficient; the law and its application must meet standards of non-arbitrariness, public purpose and reasonable compensation.⁷⁶

In Arkavathi, the exercise of powers to denotify land did not always reflect a consistent application of the planning criteria discussed in *Bondu*, such as exclusion of well-developed areas or impractical “islands” of acquisition. Instead, contemporary accounts suggest that denotification sometimes tracked political pressure or litigation outcomes rather than objective planning needs.⁷⁷ When such decisions have the effect of conferring windfall benefits on some landowners while entrenching losses for others and for allottees, without transparent criteria or timely compensation, the cumulative pattern can fairly be characterised as arbitrary, even if each individual order appears formally valid. As *K.T. Plantation* warns, laws and actions that allow deprivation for private interest or confer disproportionate benefits on particular private actors under the guise of public purpose are vulnerable to challenge under Article 14 and the rule of law.⁷⁸

5.5 Comparison with other housing acquisition jurisprudence

Comparative reference to *Rajasthan Housing Board v New Pink City* helps to frame the Arkavathi experience. There the Supreme Court refused to allow a housing society, whose title was void as against Scheduled Caste khatedars, to secure either compensation or developed land, insisting instead that compensation be paid directly to the original landowners to prevent exploitation by intermediaries.^{79 80} In Arkavathi, by contrast, the pattern of denotification and re-allotment often meant that those with better access to information or influence fared better in the long run, either by recovering valuable land or by obtaining timely alternative sites, while others were left to litigate for relief.

⁷⁶ Pages 26-28, Supreme Court of India Judgment: [2011] 13 S.C.R. 636, CIVIL APPEAL No. 6520/2003, 2011 INSC 554: K.T. PLANTATION PVT. LTD. & ANR versus STATE OF KARNATAKA

⁷⁷ BDA@50: How the BDA site dream turned sour - The Hindu

⁷⁸ Pages 72-73, Supreme Court of India Judgment: [2011] 13 S.C.R. 636, CIVIL APPEAL No. 6520/2003, 2011 INSC 554: K.T. PLANTATION PVT. LTD. & ANR versus STATE OF KARNATAKA

⁷⁹ Pages 5-6, Supreme Court of India Judgment: [2015] 5 S.C.R. 365, CIVIL APPEAL No. 1527/2013, 2015 INSC 375: RAJASTHAN HOUSING BOARD versus NEW PINK CITY NIRMAN SAHKARI SAMITI LTD. & ANR.

⁸⁰ Pages 34-36, Supreme Court of India Judgment: [2015] 5 S.C.R. 365, CIVIL APPEAL No. 1527/2013, 2015 INSC 375: RAJASTHAN HOUSING BOARD versus NEW PINK CITY NIRMAN SAHKARI SAMITI LTD. & ANR.

6. Suggestions and Improvements

Several legal and administrative improvements emerge from the Arkavathi experience. First, denotification in large schemes should be governed by clear statutory or regulatory criteria—such as impracticability of development, overlapping infrastructure projects or environmental constraints—and processed through a public, reason-giving procedure, including notice to affected landowners and allottees. The absence of such a framework in Arkavathi contributed to perceptions of arbitrariness and unequal treatment, which the Supreme Court itself anticipated in *Bondu* when criticising unexplained deletions.⁸¹

Secondly, while section 27 of the BDA Act requires execution of schemes within five years of the declaration, Arkavathi shows that this safeguard can be diluted through repeated modifications and prolonged litigation.⁸² Strengthening section 27 by tying lapses more directly to mandatory review or re-sanction, and by limiting successive ad hoc changes, would better protect Article 300A interests. Thirdly, the law should explicitly recognise that BDA allottees acquire constitutionally relevant property interests, and require that where the Authority's own acts render an allotment impossible, an equivalent alternative (in terms of location, value and timing) be provided within a specified period, with interest or compensation for delay, as the High Court implicitly recognised in *Kalavathi* and as later alternative allotments belatedly attempted to achieve.^{83 84}

Fourthly, *Bondu* innovatively proposed options for landlosers to receive developed plots in lieu of or in addition to compensation, recognising the structural disadvantages of one-time monetary payments.⁸⁵ Codifying such benefit-sharing mechanisms in the BDA Act or related legislation, with uniform application and clear entitlements, would reduce scope for ad hoc bargaining and litigation. Finally, given the Court's observations about the risks of corruption and favouritism in deletions, periodic independent audits of large schemes, with publication of acquisition, deletion and allotment data (including reasons and beneficiaries), would enhance

⁸¹ Pages 113-114, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

⁸² Pages 30-31, India Code Law: The BANGALORE DEVELOPMENT AUTHORITY ACT, 1976

⁸³ Pages 1-3, High Court of Karnataka Judgment: KAHC010100132015: WP/52821/2015 of SMT. KALAVATHI Vs BANGALORE DEVELOPMENT AUTHORITY,

⁸⁴ BDA Resolves Arkavathi Layout Issues: 784 Allottees Get New Plots| BDA Arkavathi Layout update| Nadaprabhu Kempegowda Layout plots| BDA sale deed process| Bengaluru Real Estate

⁸⁵ Pages 30-32, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

accountability and allow timely correction of unfair patterns.⁸⁶

7. Conclusion

Arkavathi Layout encapsulates the tension between the State's power of eminent domain and the constitutional commitment to protect property from arbitrary deprivation. The Supreme Court's decision in *Bondu Ramaswamy* confirmed that the initial acquisition met the formal requirements of statutory authority and public purpose, but simultaneously revealed deep flaws in the pattern of deletions and the treatment of landlosers, prompting remedial directions aimed at restoring fairness.^{87 88}

The subsequent history—marked by further denotification, decades-long delay in delivering developed sites, and belated alternative allotments—demonstrates that legality at the point of acquisition does not immunise later State action from the demands of Article 300A. As interpreted in *K.T. Plantation*, Article 300A requires not only that deprivation be authorised by law and serve a public purpose, but also that the overall legal framework and its implementation be non-arbitrary, proportionate and consistent with equality and the rule of law.⁸⁹ In Arkavathi, selective restitution of land to some owners, without transparent criteria, combined with prolonged insecurity for others and for BDA allottees, produced a pattern of unequal treatment that strains these constitutional norms.⁹⁰

The eventual allotment of alternative sites in Nadaprabhu Kempegowda Layout, while offering long-overdue relief, does not fully erase the constitutional concerns raised by two decades of uncertainty and asymmetrical burdens.⁹¹ A more robust statutory and administrative design—embedding clear denotification criteria, time-bound implementation duties, benefit-sharing mechanisms and independent oversight—would better align urban development practice with the substantive guarantees of Article 300A and with the international understanding that no one should be arbitrarily deprived of property. Arkavathi Layout thus stands as a cautionary

⁸⁶ BDA@50: How the BDA site dream turned sour - The Hindu

⁸⁷ Pages 1-2, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

⁸⁸ Pages 113-114, Supreme Court of India Judgment: [2010] 6 S.C.R. 29, CIVIL APPEAL No. 4097/2010, 2010 INSC 271: BONDU RAMASWAMY versus BANGALORE DEVELOPMENT AUTHORITY & ORS.

⁸⁹ Pages 26-28, Supreme Court of India Judgment: [2011] 13 S.C.R. 636, CIVIL APPEAL No. 6520/2003, 2011 INSC 554: K.T. PLANTATION PVT. LTD. & ANR versus STATE OF KARNATAKA

⁹⁰ BDA Resolves Arkavathi Layout Issues: 784 Allottees Get New Plots| BDA Arkavathi Layout update| Nadaprabhu Kempegowda Layout plots| BDA sale deed process| Bengaluru Real Estate

⁹¹ Bangalore development authority ends 20-year Arkavathy row, allots 784 sites at Nadaprabhu Kempegowda Layout | Bengaluru News - The Times of India

example: acquisition that is constitutionally valid at the outset can still culminate in constitutional infirmity if the subsequent trajectory of denotification and delay allows arbitrariness and unequal treatment to take root.

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