

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE, 9TH DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

WRIT PETITION NO. 17839 OF 2010 (LA-KIADB)



BETWEEN:

SMT. CHANDRIKA
W/O. H.N.VISHWANATH,
AGED ABOUT 53 YEARS,
R/O NO.22, 2ND CROSS,
MARAPPA GARDEN,
BENSON TOWN POST,
BENGALURU-560046.

...PETITIONER

(BY SRI K. KIRAN KUMAR, ADVOCATE)

AND:

- 1 . THE SPECIAL LAND ACQUISITION
OFFICER-I, K.I.A.D.B., NO.3/2,
KINI BUILDING, 1ST CROSS,
GANDHINAGAR, BENGALURU - 560009.
2. NICE LTD.,
BY ITS M.D., NO.1,
MIDFORD HOUSE,
MIDFORD GARDEN,
OFF: M.G.ROAD,
BENGALURU - 560001.
3. STATE GOVERNMENT OF
KARNATAKA,
BY ITS CHIEF SECRETARY,
VIDHANA SOUDHA,
DR. AMBEDKAR VEEDHI,
BENGALURU - 560001.

4. NANDI ECONOMIC CORRIDOR
ENTERPRISES LIMITED,
REPRESENTED BY ITS
CONSTITUTED ATTORNEY,
NO.1, MIDFORD HOUSE,
MIDFORD GARDEN,
OFF: M.G.ROAD,
BENGALURU - 560001.
**(R-4 IMPEADED V/O DATED
13.07.2011)**
5. BENGALURU-MYSURU
INFRASTRUCTURE CORRIDOR AREA
PLANNING AUTHORITY,
P.B.NO.5257, M.S.BUILDING,
GATE-4,
DR. B.R.AMBEDKAR VEEDHI,
BENGALURU - 560001.
**(R-5 IMPEADED V/O DATED
28.08.2025)**

...RESPONDENTS

(BY SRI P.V.CHANDRASHEKAR, ADVOCATE FOR R-1;
SRI R.V.S.NAIK, SENIOR COUNSEL FOR
SRI. NITIN PRASAD, ADVOCATE AND
SRI. VIDUR NAIR, ADVOCATE FOR R-2;
PROF. RAVI VERMA KUMAR, SENIOR COUNSEL A/W
SRI. SIDHARTH BABU RAO, SPECIAL COUNSEL FOR R-3;
SRI. S.B.MATHAPATHI, ADVOCATE FOR R-4;
SRI YOGESH D. NAIK, ADVOCATE FOR R-5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE RESPONDENTS TO PROVIDE THE REQUISITE/PROMISED COMPENSATION WHICH IS DUE ON THE PART OF THE RESPONDENTS AND ETC.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 18.09.2025, COMING ON FOR PRONOUNCEMENT THIS DAY, **HON'BLE MR. JUSTICE D.K. SINGH** PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE D K SINGH

AND

HON'BLE MR. JUSTICE VENKATESH NAIK T

CAV ORDER

(PER: HON'BLE MR. JUSTICE D K SINGH)

BACKGROUND:

1. As noted in the judgment, Bangalore-Mysore Infrastructure Corridor Area Planning Authority & Anr. Vs. Nandi Infrastructure Corridor Enterprise Limited & Ors. (2021) 18 SCC 401. Historically, the Chieftain from Magadi, Kempegowda built Bangalore during 1597 and established a few towers on the boundary limits of Bangalore. The Mughals conquered it in 1687. It is said, it was sold to Chikka Devaraya in 1690 for Rupees three lakhs. It was Hyder Ali, who got it as a personal Jagir in 1759. However in 1791, Tippu Sultan was given suzerainty over it after the Treaty of Srirangapatnam. After the fall of Tippu at Srirangapatnam, the same was returned to the Hindu Royalty in 1799. A military cantonment of the British was established in 1809 and Bangalore later on flourished as an administrative centre since 1830. It grew spectacularly after 1951.

2. The population of Bangalore was 12 lakhs during 1961 and it rose to 29 lakhs as per 1981 census. In 1981, it was the fifth most populated city in the country and accounted for 25% of the population of the State - Hubli-Dharwad, the next urban centre accounting for a fifth of Bangalore size population.

3. Compared to Karnataka's growth in population during 1981-1991 which was 20.09%, the growth of population of Bangalore Urban Area was 59.08% during 1971-1981 and 38.00% in 1981-1991 and that of rural Bangalore was 24.30% during 1971-1981 and 14.70% in 1981-1991.

4. As against this, Mysore with a population of 6.52 lakhs in 1991 recorded a growth of 24.97% in 1971-1981 and 21.58% in 1981-1991 at the district level. Various agencies estimated the expected population of Bangalore during 2001 as 70 lakhs (Town Planning Department) and 82 lakhs (anticipated by Bangalore Water Supply and Sewage Board). The Comprehensive Development Plan ("CDP") 1984 for 2001 of Bangalore Development Authority ("BDA") projected a population of

70.00 lakhs for Bangalore in 2001. The revised (1995) CDP for 2011 AD proposed land uses for 56,465 hectares as against 43,928 hectares during 2001. This is in addition to the green belt, surrounding the conurbation area.

5. The rapid increase in population necessitated a thinking process to contain Bangalore to a reasonable size, assure it the desired level of civic and social services to keep its premier status and direct additional growth to alternate places in a desirable manner. The acute problems of Bangalore are increasing level of pollution, pressure on land, acute shortage of water, inadequate sewage system and lack of proper sewage treatment and disposal arrangements, shortage of power, shortage of residential accommodation, inefficient telecommunication system, paucity of land space within green belt etc.

6. Bangalore, located at an elevation of +900 metres is suffering from want of a good transport system, inter and intracity wise. A reliable power supply system to assure 1000 mega watts was planned as a part of Karnataka power requirement. Tourist and amusement areas like T.G. Halli Reservoir, Hesarghatta Tank, Bannerghata National Park and

Ramohalli Banyan Tree and Kanva Reservoir were considered, but no active steps were taken. The region lacks the facility of good environment parks or amusement places.

7. The above and many other factors indicate that there is a need for a policy to establish urban growth centers, with dependable infrastructure and accessibility to the metropolitan area along a fast corridor. Examples of this nature are many in Switzerland, Norway, Mourville away from Paris in France are just a few instances of polycentred settlements working as counter magnets, with a strong support base.

8. Considering the aforesaid factors, the Infrastructure Corridor Project Technical Report (PTR) was prepared in August 1995 for construction of Integrated Infrastructure Corridor and Finance Project (IICFP or the Project) situated between Bangalore and Mysore consisting of residential, industrial and commercial facilities such as, among other things, self-sustaining townships, expressways, utilities and amenities including power-plants, industrial plants, water treatment plants and other infrastructural developments specifically described in the PTR.

9. For implementing the said project, the authority viz., Bangalore Mysore Infrastructure Corridor Area Planning Authority (BMICAP) was constituted under the provisions of the Karnataka Town and Country Planning Act, 1961.

THE SALIENT FEATURES OF THE PTR:

10. The IICFP was conceived and formalized to construct a privately financed infrastructure corridor and seven new townships between Bangalore City and Mysore City. The Project also included construction of the southern section of Bangalore City Outer Peripheral Road. A modern four-lane road (extendable to six-lane) limited access expressway; potable water, sewage treatment, electric power transmission facilities; and fibre optic communication cables were the part of the PTR. The southern section of the Outer Peripheral Road was to link the infrastructure corridor with the region's entire highway network. The seven new townships conceived in the PTR were to be organic, self-sufficient communities, each with its own unique economic base and directly served by the infrastructure corridor. This would have been to fulfil the National and State policy goals for population dispersion, infrastructure modernisation and economic development, and inevitably,

economic and infrastructure privatisation. As a limited-access expressway with a continuous barrier on either side, the road was intended to prevent ribbon development, increase efficiency of individual travel and cargo movement, and improve vehicle safety. It was also intended to provide access to existing and proposed townships, for which nine interchanges were to be constructed along the length of the expressway. The seven townships conceptualized in the PTR were:-

1. The Corporate Counter (Township Site No.1)
2. The Commercial Centre (Township Site No.2)
3. The Farming Market Centre (Township Site No.3)
4. The Industrial Centre (Township Site No.4)
5. The Heritage Centre (Township Site No.5)
6. The Agricultural Centre (Township Site No.6)
7. The Eco-Tourism Centre (Township Site No.7)

The location of the Townships and the Centres as mentioned above were clearly given in the PTR.

11. The proposed expressway would bypass congested village roadways eliminating conflict between intercity and local traffic. By limiting access to the expressway and charging tolls, local traffic would get discouraged from using the corridor. As a

result, the corridor would significantly reduce travel time between Bangalore and Mysore to about one and one-half hours. The expressway and its facilities were required to be constructed of the best materials and implemented using state-of-the-art highway engineering and construction techniques.

12. The State Government and Nandi Infrastructure Corridor Enterprise Limited (NICE) had executed the Framework Agreement (FWA) on 03.04.1997 setting out various terms for the purposes of developing the proposed infrastructure corridor as conceived in the PTR. The FWA was followed by supplementary agreements dated 06.10.1999 and 31.03.2000 between the State Government and NICE. Besides the supplementary agreements, a tripartite agreement dated 09.08.2002 was executed between the State, NICE and Nandi Economic Corridor Enterprise Limited (NECE). NICE and NECE are jointly referred to as "project proponents". The FWA delineates the locations/areas where the five self-sustaining townships were to be set up by the project proponents. The FWA makes reference to the provisions of the PTR in respect of certain matters.

13. The Outline Development Plan/Master Plan was prepared by the Planning Authority for the new planning area on

12.02.2004 and got approval of the State. This Master Plan was not intended to materially change or alter the locations for five townships specified in the FWA.

14. The townships along the proposed Bangalore-Mysore Expressway would go a long way in reducing pressure on Bangalore. These settlements should, however, take into account the growth pressure likely to be faced by them after a decade of their completion. Creation of new settlements is likely to bring in better results compared to improvements and modification for creating a new urban extensions to metropolitan Bangalore as these actions need to necessarily serve under severe constraints on the other facilities like land, transport and water. Usewise for any unit of expenditure, the efficacy of modifications will be comparatively less. The environment and purity will only reduce. But in the case of new settlements, it will be easier to achieve better results. It is, however, necessary to ensure that the existing structures and balances in the rural sector are not thoughtlessly disturbed; the

emphasis in the new townships should be for achieving a high degree of green and low rise and low density development.

15. A very important aspect is to give orientation towards the direction in which new townships should grow. Referring to Bangalore, good transport facilities towards Mysore are in the offing which is a good boost for industrial and tourism growth. Mysore having an excellent source of shelter, tourism, industry, and raw materials, will serve very well the purpose of an important supporting city (as the other end of corridor of development with other facilities and settlements dispersed judiciously in between). Secondly, there are three medium irrigation projects nearabout Bangalore viz., the Manchanabele Project, the Iggalur project and the Arobele project, which can yield some water for supporting the growth. Rivers Arakavathi, Shimsa and Cauveri are on the corridor towards Mysore. The groundwater Department has ascertained that there is good groundwater development possibility for making about 33,000 additional well structures in Bangalore; 41,600 in Mysore and 42,100 in Mandya. At least it indicates good

groundwater condition at depths ranging 50m and more. By far the climatic and physical conditions in this area are very congenial, compared to some other areas in Karnataka. Therefore, it is most desirable to develop the belt as corridor with settlements of high order of infrastructure well connected to the two metropolitan towns of Bangalore and Mysore. Regarding selection of Townships PTR of the corridor would state as noted in the aforesaid judgment as under.

16. Estimates indicate that the population of Bangalore will reach 85 lakhs by 2011. There is an absolute need to restrict the population to 70 lakhs by 2011. Even for achieving this objective, a number of measures to prepare Bangalore for sustaining a holding capacity of 70 lakhs will be required to be taken. The proposal now is an *effort* to absorb almost 7 to 8 lakhs population in the proposed corridor by developing seven townships (Mandya, Maddur, Ramanagaram and Channpatna shall be geared to absorb about 2.0 lakhs additional population). The balance of 6.0 lakhs population has to be diverted across towards other counter magnets and some administrative actions taken.

17. The selection of the seven townships and the need for land has been done by physical examination of the present ground level conditions and development. Since an expressway is being considered, a comprehensive view has been taken about the availability of access to the corridor from the proposed townships, each of which will be given an access to the expressway.

18. Availability of water is an important consideration. There are no water sources of perennial -nature, barring Cauveri which can be tapped for water supply to these townships. groundwater conditions do indicate the presence of water at depths 40 to 50 metres between the rocks, but this is not an adequate source to sustain the nature and level of development. Even the National Water Policy hints that drinking water for urban areas shall be met from surface flows, and only in rural areas, extensive dependence on tube wells may be considered. Heavy exploitation of subsoil water can reduce the growth of greens. The idea of bringing water from Cauveri along the expressway and supplying to the townships is the only solution. Some water to be tapped through tubewells and water ponding by digging lakes can be only auxiliary measures.

19. Efforts are being made to avoid acquisition of lands which are under good cultivation. Such lands which are good for agriculture and gardens are being almost avoided. Forest land is also being avoided. Since it is necessary to have one expanse of land of about 2,000 acres and more for about 1 lakh population (or more), search was made for presence of continuous plots of land, as far as possible, forming a regular geometric figure without wedges projecting in or out. However, in a few cases, a few villages and major district roads exists on the ground in the midst of such expansive areas. In such cases, the villages and road are to be integrated suitably with other planning, and some measures will have to be taken to integrate them with main area. This will be a right step to encourage the rural settlements adopting new norms of a system and not distort, or feel disparities.

20. The area on the corridor towards Maddur and Mandya are highly agricultural in nature with existing irrigation facilities. It is for this reason, that more townships are located in the first half of the corridor near Bangalore and only 2 out of seven in the other half of corridor near Mysore.

21. Section 1 of the PTR shows the location of the townships and the areas and the location of expressway. Where the township area is away from the expressway, a dedicated road with good specification is proposed to be constructed up to the expressway as a part of the township development. They will be served through the Expressway interchanges.

22. To avoid speculation, no survey of land has been done. Help of Topo maps has been taken to know ground conditions. Ground conditions are further examined by limited walking along. There are some changes on ground since the last survey work was done for preparing topo maps. Land use maps of each township have been prepared to indicate the suggested breakup of areas. After the land is finally selected and ground survey done to some extent of precision (the existing maps are to a scale of 1:50,000), the land uses firmed up and density can be finally decided with zoning and other development components like FAR, Height, Set Backs, Architectural Control etc.

23. The present comprehensive development plan for Bangalore shows the following land use pattern. In addition, there is a green belt on the periphery:

Residential	43.16%
Commercial	2.91%
Industrial	6.81%
Public and Open Spaces	13.79%
Public and semi public	8.69%
Transportation	20.72%
Unclassified	3.92%
	100.00%

24. Some townships are exclusively designed to promote industry and one for environment and amusement. The land use pattern at City level in Bangalore cannot be extended for townships outside. The land use pattern in the other township areas will generally be as below:

Housing	30-50%
Parks, Open Spaces	15-20% (excl. Agr. university)
Commercial	5-10%
Industrial	0-20%
Roads & utilities	20%
Municipal & Institutional	5-15%
	100%

25. Subsequent chapters of the PTR describe the concept of township layouts infrastructural services and the manner in which they will be designed and provided."

(emphasis supplied)

The Conceptual Aspects of Townships is delineated as under:-

CONCEPTUAL ASPECTS OF TOWNSHIPS :

26. The problem of the urban community multiply with the increasing complexity of our age. The physical expansion of cities is running out of control, and the economic and social consequences command the attention of civic leadership in Government, business and industry. The Practical limitation of the pyramidal form of the City has forced decentralization. When the congestion at the core becomes unbearable, the inner layers slip out. The present exercise is to contain the phenomenon by planning the infrastructural corridor having seven new townships to cater to the varying and complex needs of the region, along the proposed expressway connecting Bangalore and Mysore. These are indicated on the index map.

27. The new townships would be relatively of small sizes, designed to encourage pedestrians circulation and maintain close proximity to surrounding open space. The plans indicate an abundance of space flowing throughout the community. The special endeavour has been made to

preserve natural wooded areas or unusual topographical characteristics in all the towns. The existing villages are assimilated in the overall schemes of development as they are existing on all sites. The human scale predominates in the total planning of all the new townships which are planned as self contained communities seeking a balance between sources of employment, business centres, centre for Fashion Technology, Medical and other research centres etc. are suitably located in various townships, which are essentially organic elements in a broad programme of decentralization of the congested urban centres of Bangalore and Mysore.

28. In all townships, the floor space required to be occupied by people and ground space for circulation has been carefully worked out. The emerging pattern is a balance between these elements. The high rise 'Land Mark' buildings, for all towns have been thought of essentially in the commercial sectors, to dominate the skyline and also to be seen from the Expressway.

29. The grid pattern is followed for roads with circles and radials in some cases. Three types of principal rights of way have been followed, the respective width being 33.0 mtrs 24.5 mtrs and 18.00 mtrs.

30. Each neighbourhood in the new townships has a small subcentre for shopping, a primary school and social facilities. The secondary schools serve several neighbourhoods.

31. The Figure at 3.1 indicates the general locations of the townships along the proposed Expressway and existing Bangalore Mysore State Highway 17. The existing villages and towns are also indicated. The distance in km is shown on the drawing along the alignment of proposed Expressway. There are five townships within the distance of 40 kms from Bangalore and two townships in the vicinity of Mysore on either side of Kaveri River.

32. Township No.1 assumes great significance due to its proximity to Bangalore. It is situated on either side of the Expressway on the fringes of the Outer Ring Road of Bangalore City. The nature of this township may be roughly identified as a Corporate township providing facilities for Research and Development, Business Centre, Hotels, Golf Course, Residential, and related infrastructure. Some facilities from the core of the City could be shifted here in a planned and organised manner.

33. The entrance and exit of the township is through an interchange and toll booths. This is located on the West of the Town. The Town is provided with a Green Belt on its periphery. Due consideration has been given to the ecological and environmental factors. The total area of the township is 2,792 acres.

34. The 'Land Mark' buildings are proposed at appropriate locations. The City is designed as a self contained entity with all facilities, including a Hospital and a College with appropriate number of Primary Schools, High Schools and other town requirements.

35. Township No. 2 is located about 10 kms from the Bangalore conurbation boundary. The site is proposed to be developed as a commercial township, contributing to relieve the pressures of urbanization.

36. Covering an area of 1,868 acres, the township is situated about 7 to 8 kms *off* the Bangalore Mysore Expressway and 4 kms from the existing Railway Line and State Highway 17 to the South of the Township.

37. The existing site features are more or less suitably modified according to the layout with an exception of a few rivulets, natural water bodies and hillocks and rocky outcrops scattered within the site boundary. The proposed township site is bounded by two roads leading to Bangalore from Hejjala and Bidadi Towns. A number of existing settlements are present all around the site boundary, especially towards the south while two settlements fall within the site boundary.

38. The basic design of the township revolves around the central core. This central core is the major commercial, business, services and institutional hub of the town. The residential area is distributed all around this central core.

39. The multifunctional central core offers varied services, right from a commercial complex to hotel, bus terminal municipal offices, institutional and office use, hospital, and college, all located within 2 kms from the farthest point in the township and hence confirms to the standard of human scale, facilitating use of non-motorised form of transport.

40. The road layout is more or less a grid pattern. Each residential pocket is to be developed as a self contained neighbourhood with facilities like School, Playground, Park, Dispensary, convenient shopping etc. The environmentally friendly nature of the township is emphasized by developing the township for non motorised transport system, encompassing the existing settlements within the overall structure of the township and provision of a green buffer all along the site boundary besides the provision of community parks and trees lining the major roads of the township.

41. Last but not the least the link to the proposed Expressway which will be provided through an interchange on the expressway.

42. Township No. 3 is not described in the judgment

43. Insofar as Township No.4 is concerned it is noted that it is about 36 and 37 kms West of Bangalore along the proposed Expressway. The site has an area of about 1,660 acres and is meant for the industrial land use. It is intended to accommodate different types of plots for the various industries. A green buffer is maintained all round

the township and the environmental considerations shall be well looked after. The site has an approach from the Expressway. The necessary provision has also been maintained for the public and semi-public and the green areas. The town shall be designed on the lines of a modern Industrial township with all necessary trapping.

44. In respect of the Township No. 5, which is north of township No.4, it is noted that township is located near the existing Bangalore Mysore State Highway 17 and also near the existing Railway line. 40. The site of this township is on the north of the existing Village of Archahakra Halli, which is along the State Highway 17 from where an existing roadway leads to the interlands. This road passes through the entire length of the proposed township. This proposed township has a mix of cultural and residential land use and it occupies an area of about 2700 acres. This Town shall have a Medical Centre with full fledged Hospital with centres for the study of various types of Medical systems like Allopathy, Ayurveda etc. It will also have a centre for religious studies with sub-centres for all world

religion and will accommodate special centre for the Vedic studies. Housing also forms the major component of this township.

45. Township No. 6 is not described in the judgment.

46. But in respect of Township No.7, it is noted that this would be near the vicinity of Mysore City, about 3 kms on its outskirts and about 1 km on the north of Kaveri River. It occupies an area of 4,010 acres. The township is designed for Ecotourism and all facilities have to be provided to meet this target.

47. This is the township of contrasts. It will have an Amusement Park, Golf Course and Hotels with some residential neighbourhoods. A town centre with commercial, public buildings and other necessary infrastructure facilities are provided.

48. All these townships together provide for necessary infrastructure support required in this region for perspective requirements.

49. The townships will be developed in line with modern town planning practices. Special consideration should be

shown while detailing open spaces parks and greens. Special attention is to be given to the Agricultural Zone and the Agricultural University where uses like Agricultural, Horticulture Farming, Chilling Centers, FarmHouses and accessory buildings will be planned.

50. Since the detailed layout and architectural control & drafting zoning applicable norms are within the scope of the PTR, this is not attempted in the report, and it was said that this being an exclusive work, which would be handled separately. However, certain points which have links with land use planning and which need to be considered in development planning are listed below :

1. Road hierarchy has to be planned to avoid main traffic in a sub-city going through residential areas.
2. Wind Rose is to be kept in view while treating high rise buildings vs. low rise buildings.
3. Continuous green may be attempted to allow minimum public use of motorised transport - encourage cycle or pedestrian movement.
4. All high rise buildings to be on wide roads only.
5. Drainage and greens to be integrated.
6. Low rise buildings to be attempted to harmonize with environment.

7. Energy savings should be an important criterion while detailing architectural plans.

8. Local zoning to ensure a low noise environment for schools, hospitals, and residences."

(emphasis supplied)

51. Thus this PTR was deliberated and eventually translated into a formal decision of the State with some modifications and changes to the recommendations made therein. Finally, the Framework Agreement (FWA) dated 03.04.1997 was executed between the State Government and Nandi Infrastructure Corridor Enterprise. However, the Project Technical Report was prepared on August 1995, with the objective of developing seven satellite townships along the Bangalore Mysore Infrastructure Corridor to de-congest the City with better civic and other amenities and better opportunities for business, professionals and other amusements etc.

52. This FWA unambiguously refers to the PTR and the necessity to implement the project as finally approved by the Government in the larger public interest. The relevant recitals of the FWA have been extracted in the said judgment:-

"W I T N E S S E T H

WHEREAS, Bangalore and Mysore are the fastest developing cities in the State of Karnataka and are leading centres for industry, trade and commerce, simultaneously attracting tourists from all over the world;

WHEREAS, the traffic intensity between Bangalore and Mysore has been very high and will continue to increase with further growth of industry, trade, commerce and tourism in such cities and in the State of Karnataka;

WHEREAS, in order to ensure smooth and accident free traffic between Bangalore and Mysore, an expressway between the two cities is proposed;

WHEREAS, in light of the everincreasing urbanisation problems and in an effort to achieve the orderly development of Bangalore as a major industrial commercial and residential city, GOK has proposed to promote an integrated infrastructure corridor situated between Bangalore and Mysore, Karnataka, consisting of

residential, industrial and commercial facilities such as among other things, self sustaining townships, expressways, utilities and amenities, including power plants, industrial plants, water treatment plants and other infrastructural developments, as more specifically described in the Infrastructure Corridor Project Technical Report, dated August 1995, as amended (collectively, the "Infrastructure Corridor");

WHEREAS, GOK has been consistently attempting to attract on agreeable terms a consortium to industrially and commercially develop the Infrastructure Corridor in accordance with the vision of GOK;

WHEREAS, the Kalyani Group, SAB Engineering and Construction Inc., and Vanasse Hangen Brust/in Inc. (collectively, the "Consortium") and GOK entered into a Memorandum of Understanding dated 20 February, 1995 relating to the further consideration of the industrial and commercial development of the Infrastructure Corridor by the Consortium (the "Memorandum of Understanding");

WHEREAS, GOK, upon review, assessment and consideration of the Infrastructure Corridor

Project Technical Report dated August - 1995 prepared by the Consortium, as amended by the Government Order (defined below) and the Annexure thereto (the "Infrastructure Corridor Project Technical Report") is satisfied that the interests of the State of Karnataka would be best served if the Infrastructure Corridor is industrially and commercially developed as contemplated by the Infrastructure Corridor Project Technical Report inasmuch as such development would promote industrial, commercial and economic growth in the State of Karnataka generally and in Bangalore and Mysore and the Infrastructure Corridor specifically create new job opportunities for the residents in and around the Infrastructure Corridor, promote tourism, decongest traffic in Bangalore and Mysore, ensure smooth and safer traffic between Bangalore and Mysore and provide a worldclass expressway between the two cities;

WHEREAS, GOK issued Order No. PWD 32 CSR 95 dated 20 November 1995 (the "Government Order") authorizing the development of the Infrastructure Corridor by the Consortium as contemplated by the Infrastructure Corridor Project Technical Report;

WHEREAS, GOK has consented to and acknowledged the exercise by the Company of the Consortium's rights under the Memorandum of Understanding and the Government Order pursuant to a Consent and Acknowledgement Agreement dated 9th September, 1996 among the GOK and the members of the Consortium;

WHEREAS, the Company has agreed to industrially and commercially develop the Infrastructure Corridor and finance, own and/or operate such developments in the manner contemplated by this Agreement;

WHEREAS, under the above recited premises, GOK has undertaken to extend to and provide the Company with the necessary governmental actions, cooperation and assistance and grant the Company rights required for the industrial and commercial development of the Infrastructure Corridor, including the services and businesses contemplated in Schedule 4, which GOK believes is in the best interests of the State of Karnataka and its citizens because, among other things, it will (i) promote industrial, commercial and economic growth in the Infrastructure Corridor, the cities of Bangalore and Mysore and the State of Karnataka generally, (ii) create new jobs, (iii) provide the

State of Karnataka a much needed world class expressway between Bangalore and Mysore, (iv) create a countermagnet to Bangalore city and (v) help in promotion and development of worldclass tourism; and

WHEREAS, the Company will assign its rights under this Agreement to the various Project Companies, each of which will develop, construct and finance part of the Infrastructure Corridor Project in a manner to be determined by the Company in accordance with this Agreement;

NOW, THEREFORE, in consideration_of the mutual premises, covenants and promises herein contained, the Company and GOK do hereby agree as follows:"

(emphasis supplied)

THE STAGE OF IMPLEMENTATION OF THE FWA:

53. As of today the population of Bengaluru would be around 1.4 crores. This ambitious project and planning as delineated in the PTR has remained only on paper, even

after 30 years for various reasons including the large scale corruption, the political and bureaucratic interferences, alleged violations of commitments by both sides and it is informed that out of 111 kilometres Bangalore Mysore infrastructure road, only 1 kilometre has been constructed by Nandi Infrastructure Corridor Enterprise. It has constructed 47 kilometres peripheral roads from which it collects toll tax to its profit. But the ambitious and the project of such a public interest to decongest the city and to develop new satellite township has remained only on papers. Not even a single township has been developed in last 35 years. The result is that, today it is difficult to travel on the roads of Bangalore and mobility has come to standstill. A few kilometre travelling consumes considerable time, may be hours. This is a classic example of the non-commitment to the public planning by the people in power for various reasons, which may be large scale corruption, bureaucratic trapping and the litigation. We have been informed that at least 2,000 cases have been filed by different people in respect of this corridor, which would include the landowners and others. This project instead of de-clogging and de-congesting the city

by developing seven townships on the Bangalore-Mysore infrastructure road has clogged and congested the High Court and other Courts. It has not been beneficial to the public at large, but it may have been beneficial to the advocates inasmuch as more than 2,000 cases got added to this Court docket. More than six times the parties have approached the Supreme Court also.

54. The beautiful planning in the PTR was made as noted above with the underlying concern of the State to address to the• increasing urbanization problem and to assuage the hardship caused on that account to the general public. The project as envisaged and finalized in PTR was intended to achieve the objective of orderly development of Bangalore as a major industrial, commercial and residential city. The integrated infrastructure corridor (the project was to consist of residential, industrial and commercial facilities amongst other things, self sustaining townships, expressways, utilities and amenities including power plants, industrial plants, water, sewage treatment plants and

other infrastructural developments.) The avowed object was also to ensure smooth and accident free traffic between Bangalore and Mysore; to create new job opportunities for the residents in and around the infrastructure corridor; Promote tourism; Decongest traffic etc.

55. Though in PTR 7 townships were conceived, but in the final decision as in the framework agreement (FWA) only 5 townships were approved as part of project being township number 1, 2 4, 5 and 7. This was a conscious decision taken by the State to have limited number of self-sustaining townships in the entire belt, so as to fulfil the National and State policy goals of population dispersion and to ensure proper functionality in the region. The NICE and the Nandi Economic Corridor Enterprises Limited, a subsidiary of NICE which entered into tripartite agreement with the State Government on 09.08.2002 jointly referred to as Project proponents would be allowed to develop only five townships at the demarcated locations, which would be self-sustaining with sufficient infrastructure for ensuring a smooth and extent-free traffic on Bangalore-Mysore Expressway stretched to about 140 kilometres.

56. The Supreme Court in the case of **BANGALORE MYSORE INFRASTRUCTURE CORRIDOR AREA PLANNING AUTHORITY VS NANDI INFRASTRUCTURE CORRIDOR ENTERPRISE LIMITED ([2021] 18 SCC 401)** has specifically held that the specifications in FWA read with the relevant portion of PTR would have to be kept in mind. The underlying objective of the project was of orderly development of Bangalore City and to address the ever increasing urbanisation problem. The Supreme Court also noted in paragraph Nos.55 and 56 that the FWA delineates the nature of contract and the scope of work to be carried out by the project proponents as per the terms and conditions specified therein.

57. The Bangalore-Mysore Infrastructure Corridor is an integrated project not only for construction and management of express way, but also for creation of townships at the demarcated locations as per the specification and area ear-marked therefor. The infrastructure corridor is an integrated concept as defined in the FWA. And it collectively means the land, toll road,

the township, the power plants, the telecommunication facilities, the water supply facility and the waste management treatment facilities and other developments and the acquisition, design, construction, engineering, financing and implementation thereof as referred to in the PTR. The township's are therefore, an identified and well-defined component of the infrastructure corridor project.

58. Townships as defined under the PTR is a well defined component of the infrastructure corridor project as held by the Supreme Court. In the aforesaid judgment of Bangalore-Mysore Infra-Corridor Area Planning Authority supra. The definition of township is as under:-

"Townships means the Townships described as Townships 1,2 4, 5 and 7 in the Infrastructure Corridor Project Technical Report which will be developed by the company and / the project companies for the industrial and commercial growth and other development of the infrastructure corridor, and the provision of roads, supply of water and electricity, street lighting, sewage, conservancy and such other conveniences and socio-economic infrastructure, inter alia comprising of Housing, Schools, Socio Economic Infrastructure, inter alia comprising of Housing Schools Hospitals, Shopping Complexes, Parks and open spaces as set forth in Schedule IV attached there too."

59. The Supreme Court in the said judgment in para 56 has said that from the definitions of the township as extracted above, the only five townships (Each having different purpose such as Corporate Center, Industrial Center, Ecotourism Center, Heritage Center and Commercial Center) have been envisaged in the infrastructure corridor project. The locations of these five townships have been identified in the PTR. Besides the locations, the extent of area to be utilized for creation of each township has also been specified in the PTR, which applies *proprio vigore* to the expression townships in FWA. The term "townships", no doubt includes housing, but a standalone group housing scheme cannot be regarded as township as such. A township would, however, comprise of not only housing, but also schools, hospitals, shopping complexes, parks and open spaces as noted in Schedule IV. The Supreme Court after taking note of Schedule IV and Schedule I which deals with the total land to be used for the infrastructure corridor project, the vital question of the extent of land to be used for different activities such as toll road and township areas, township

wise held that the project proponents would be obliged to construct the five townships at the demarcated locations only and to the extent of land specified therefore. Any other proposal of the project proponents would be nothing short of deviation from FWA in particular. It is not necessary to dilate on the essential specification and components to constitute a township. It would be sufficient to say that the project proponents would be obliged to construct housing in the area demarcated for townships and ensure that the other socio-economic infrastructure components such as Schools, Hospitals, Shopping Complexes, Parks and Open Spaces etc, are also provided for within the townships. The construction of essential components including housing, as expressly provided in the FWA, must also comply with the Municipal laws governing such constructions. The Supreme Court noted the relevant clauses of FWA read with PTR in the judgment and said that the basic infrastructure for the townships would be substantially completed within (i.e. Minimal reasonable facilities that enable some people to be able to live in the townships) within 12 years from the date of the toll road completion

notice. The township completion date in no event shall be later than the date, which is 30 years from the date of date of toll road completion notice as or should or would have been delivered pursuant to the provisions of para 6.2 and clause '2.3' of para 6.6.3.

60. The Supreme Court also answered the question whether the stipulations and specifications in the FWA regarding the scope of work and the application of both parties stood modified or altered due to supplementary agreements dated 02.10.1999 and 31.03.2000. The Supreme Court has held that even on a fair reading of these agreements, there exists no express clause therein, which would alter the scope of work and the obligations of both the parties regarding the setting up of five self-sustaining townships only at the demarcated locations. The supplementary agreements, however, deal with other aspects other than the setting up of five townships at the demarcated locations as per the specifications. It was further held that the tripartite agreement dated 09.08.2002 between the State Command, NICE and NECE

also does not alter or modify the stipulations and specifications for setting up of five self-sustaining townships only at the demarcated locations. All the five townships referred to in the PTR are indisputably far away from the intersections. The proposal of the proposed proponents for group housing scheme in Section A of the project at Intersection 5/7 on the peripheral road was found to be against the FWA and PTR. The Supreme Court held that the project proponents would be obliged to develop the project only in the manner provided for in FWA. The right to develop the project bestowed on the project proponents flows primarily from the FWA and the supplementary Agreements in this regard. The Supreme Court also held that the project proponents cannot and ought not to have directly approached the planning authority for grant of stated permission in reference to the provisions in the KTCP Act or ODP / Master Plan. If the proposal submitted by the project proponents was compliant with the stipulation and specification given in the FWA read with PTR, only then the project proponents could justifiably approach the planning authority directly for grant of permission as per their extent regulations and

Municipal laws applicable in that regard, to construct buildings and structures for establishing a township. In other words, A proposal/obligation for project proponent should be a valid proposal/obligation to the planning authority only if it was to be in strict compliance with the land use specified in FWA read with the PTR. Thus, in case of the deviation, it ought to be accompanied a formal prior approval of the State. Or the empowered committee, as the case may be, so that it can be processed further by the planning authority. The Supreme Court has held that the land acquired by the State from private landowners is only for the implementation of the project. Therefore, the use of the land should be strictly in conformity with the FWA and the applicable stipulation in the PTR. It would not be open to the project proponents to contend that they could unilaterally develop the land allotted to them by the State in the manner other than specified in FWA, being bound by the contractual obligation flowing from FWA.

61. The Supreme Court further held that the permission granted by the State to the project proponents to construct housing units at locations other than the five townships to accommodate the land losers in connection with the same project as per the policy of the State, the stated housing complex could not spread over 42 acres and 30 guntas of land so as to disrupt the holistic development envisaged in the FWA/PTR. It was further said that in any case that could be done only after obtaining prior approval of the State in that regard. As regards permission given to the private landowners, the said permission was given by the planning authority as per the applicable town planning regulations and in particular the use is specified in the ODP of the Master Plan. So far their lands did not form part of the project and also because they are not bound by the stipulations in FWA in particular unlike the project proponents.

62. Thus the Supreme Court, in categorical terms has held that the five townships are to be developed, as per the specification provided in FWA/PTR in the designated locations only. No deviation is possible to come up in any other township by the project proponents.

63. Having extensively noted the judgment of the Supreme Court in Bangalore-Mysore Infra-Corridor Area Planning Authority (Supra), now we would like to deal with the merit of the present case.

THE FACTS OF THE PRESENT CASE:

64. As per the petitioners, late Sarojamma was the absolute owner of the property bearing old Survey No.26/3, Survey No.170 measuring 3 acres and 23 1/2 guntas and old Survey No.26/4, Survey No.171 measuring 4 acres and 2 guntas in Komagatta Village, Kengeri Hobli, Bangalore South Taluk.

65. The said late Sarojamma bequeathed the said properties to the petitioner vide Will dated 15.04.1993. Sarojamma died on 27.06.2001. The said land is part of the acquisition proceedings of the lands for the purposes of Bangalore-Mysore Infrastructure Corridor Project.

66. The petitioner, claiming to be the legatee under the Will dated 15.04.1993, had claimed compensation. The respondent No. 1 had paid a sum of Rs.51,36,250/- by means of an Account Payee Cheque on 11.01.2007 through negotiation by entering into agreement under Section 29(2) of the Karnataka Industrial Areas Development Act, 1966 (hereinafter referred to as 'the KIAD Act'). The petitioner had also executed the Indemnity Bond in full and final settlement of compensation towards her claim. The copies of the agreement, indemnity bond and payment voucher have been produced as Annexures-R1 to R3 respectively by the respondent No.2 along with the statement of objections. Though the petitioner had received the compensation, she has never disclosed the same in the writ petition. There has been suppression of facts besides delay and laches.

DISCUSSION AND FINDINGS:

67. As mentioned above, the land in question came to be acquired under a Preliminary Notification dated 19.12.1998, followed by the Final Notification dated 08.05.2003. Thereafter, the notice dated 22.07.2003 was issued under

Section 28(6) of the KIAD Act and the notice dated 12.09.2003 was issued under Section 29(2) of the said Act for settlement of compensation by negotiations, as stipulated under Section 29 of the KIAD Act. The Price Advisory Committee headed by the Deputy Commissioner had determined the compensation at Rs.7,00,000/- per acre for, agricultural lands and Rs.8,00,000/- per acre for converted lands, which includes market value, statutory benefits viz., 30% solatium, 12% additional market value and interest in full and final satisfaction towards compensation payable in respect of the land acquired. The petitioner, being satisfied with the said offer, accepted for the same by executing agreement under Section 29(2) of the Act and therefore, the petitioner would not be entitled for any more compensation or interest. The petitioner cannot now wriggle out of the contract and claim allotment of land on the basis of some promise, consent etc.

68. The contention of the petitioner that under the notice dated 11.01.2007 (Annexure-E) the respondents had promised to pay further compensation is not borne out from the record. There is no scope under the FWA for further compensation. The claim for further compensation in terms of allotment of the land would be opposed to the project and the law declared by the Supreme Court in **BANGALORE MYSORE INFRASTRUCTURE CORRIDOR AREA PLANNING AUTHORITY AND ANOTHER vs NANDI INFRASTRUCTURE** CORRIDOR ENTERPRISE ([2021] 18 SCC 401). Paragraphs 84, 88, 89 and 90 of the said judgment, which are relevant, are extracted hereunder:

"84. It is not necessary for us to dilate on other aspects regarding the efficacy of the FWA and the PTR or the other agreements executed between the parties, having held that it is for the State to consider the proposal for allowing the Project proponents to deviate from the stipulations and specifications of the FWA and the PTR and until that decision is taken by the State or its instrumentalities including the Empowered Committee constituted in terms of the FWA, the Planning Authority cannot process the proposal/application directly submitted

to it by the Project proponents. Further, such non-compliant proposal/ application submitted by the Project proponents directly to the Planning Authority must be regarded as infirm, invalid and non est in law.

88. We are not impressed by this submission. The reported decision pressed into service does not go to the extent of justifying the direction issued by the High Court vide the impugned judgment to issue • commencement certificate. Indisputably, the question of issuing commencement certificate would arise only if the Planning Authority was fully satisfied that the proposal/plan submitted by the Project proponents is compliant in all respects in reference to the extant town planning rules and regulations. More so, because it is not a case where the Project proponents were invoking the provision regarding deemed approval of the modified plan submitted on 5-5-2012.

89. As a result, we have no hesitation in taking the view that the direction issued by ,the High Court in the impugned judgment, in any case, cannot be countenanced in law. But this question, if we may say so, has become academic for the view that we have already taken that the Project proponents could not have directly approached the Planning Authority for approval of modified proposal, which was replete with deviations from the stipulations and specifications in the FWA read with the PTR. This is so because the right in favour of the Project proponents to carry on development work on the lands referred to in the FWA and the PTR would enure only in conformity with the stipulations and specifications in the stated documents. It is not open to the

Project proponents to develop the land in any other manner, unless permitted by the State.

90. Taking overall view of the matter, we have no hesitation in allowing the present appeals filed by the Planning Authority and the State of Karnataka and thereby setting aside the impugned judgment of the High Court with liberty to the Project proponents to first approach the State (under Article 7 of the FWA) for its prior permission to allow them to deviate from the stipulations and specifications in the FWA and the PTR. Upon consideration of such proposal, the competent authority of the State may take appropriate decision in the matter and if need be, obtain prior opinion of the Empowered Committee. However, this process must be completed in right earnest and no later than six months from the date of submission of the proposal to the competent authority of the State. If the decision is adverse to the Project proponents, it would be open to them to take recourse to the disputes resolution mechanism in terms of Article 18 of the FWA, if so advised. Only after prior permission is granted by the State regarding the proposed deviations, the Project proponents may then apply to the Planning Authority for permission to construct buildings/structures as per the applicable town planning regulations, which be considered on its own merits in accordance with law uninfluenced by its earlier communication dated 7-2-2015."

69. In the present writ petition, the following reliefs have been sought:

*"I) Direct the Respondents to provide the requisite/promised compensation which is due on the part of the Respondents, the Respondents are suppose to provide seven 40*60 sites and one 30*40 site to the Petitioner, as compensation, and the Respondents are also suppose to pay the interest to the Petitioner i.e. the interest on the amount of Rs.51,36,250 (Rs. Fifty one lakhs, thirty six thousand and two hundred fifty}, at rate fixed by this Hon'ble Court, from the date 08-05-2003 onwards, till the present date.*

II) Cost may be imposed against the Respondents, and in favour of the Petitioner, on account of the hardship and inconvenience suffered by the Petitioner. "

70. As mentioned above, the Bangalore Mysore Infrastructure Corridor Project was conceived for construction of Bangalore to Mysore 110 km Expressway, Peripheral Road connecting Bangalore-Hosur National Highway (NH.7), Bangalore-Pune National Highway (NH.4) and Bangalore-Mangalore National Highway (NH.48) and link roads. Apart from construction of expressway and the link roads, the project proponent was supposed to

construct 5 townships as approved by the State Government in terms of the FWA. The relevant conditions viz., 3.0, 4.0, 5.0 and 6.0 of the FWA are extracted hereunder:

"3.0 In brief, the project envisages construction of four land expressway between Bangalore-Mysore (110 Kms) with a provision for extending the same to six land in future. To disburse the traffic at Bangalore, there will be a peripheral road connecting Bangalore-Hosur National Highway (N.H.7), Bangalore-Pune National Highway (N.H.4) and Bangalore-Mangalore National Highway (N.H.48).

4.0 To provide easy and fast access to the Centre of the city, a separate link road and an elevated road will be provided. A link road will also be provided to the city of Mysore. All these roads would be express highways and no other roads will come across the same. Such roads will either pass above the expressway or under the expressway.

5.0 This project work will be constructed completely by this private entrepreneurs with their own resources and keeping with them for thirty years to get their return of the expenditure, profit etc., through collection of tolls. The land acquisition expenditure will also be borne by them. To make this project viable they had proposed seven townships. These seven townships were

for independent purposes like Corporate centre, Commercial centre, Industrial centre, Farming and Marketing centre, Heritage centre, Agricultural centre and Eco-Tourism centre.

6.0 According to the proposal, the consortium have made provision for providing Corporate centre (township No.1) and Commercial centre (township No.2) near Bidadadi and Heritage centre (township No.3), Farming and Marketing centre (township No.4) and Industrial centre (township No.5) near Ramanagar and Agricultural centre (township No.6) between Mandya-Srirangapatna and Eco-Tourism centre (township No.7) near Srirangapatna. Considering the opinion of the Finance Department and also for making this project economically viable the Government considered it profitable to have five townships leaving the township No.3, the Heritage centre at Ramanagara and Township No.6, Agricultural centre, near Mandya."

71. As held by the Supreme Court in the case of BANGALORE MYSORE INFRASTRUCTURE CORRIDOR AREA PLANNING AUTHORITY (*supra*), the project proponents are obliged to develop the projects only in the manner provided for in the FWA. Apart from what is provided, the project proponents do not have any right to form layout or develop the land other than 5 townships in terms of the provisions of the FWA.

72. As noted above, the project proponents/consortium and the State had entered into the FWA on 03.04.1997 for Bangalore-Mysore Infrastructure Corridor Project regarding construction of Bangalore to Mysore 110 km expressway, peripheral road connecting Bangalore-Hosur National Highway (NH.7), Bangalore-Pune National Highway (NH.4) and Bangalore-Mangalore National Highway (NH.48) and link roads. The consortium is also obliged for setting up of 5 townships i.e., for providing Corporate Centre (Township No. 1), Commercial Centre (Township No.2) near Bidadi, Farming and Marketing Centre (Township No.4) and Industrial Centre (Township No.5) near Ramanagar and Eco-Tourism Centre (Township No.7) near Srirangapatna.

73. The NICE Limited had filed W.P.Nos.16576-16577/2015 and connected matters against the Bangalore-Mysore Infrastructure Corridor Area Planning Authority (BMICAP), the respondent, for grant of approval for the layout and building plan application dated 05.05.2012 seeking permission to develop a group housing scheme under the FWA dated 03.04.1997 in

different survey numbers at Kommagatta Village, Kengeri Hobli, Bangalore South Taluk (at interchanges 5/7 of peripheral road) covering 42 acres 30 guntas of land. This Court, vide order dated 15.10.2019, had directed the BMICAP to issue Commencement Certificate to the respondent No.2-NICE Limited. The said order came to be challenged before the Supreme Court in Civil Appeal No.2116/2020 and as mentioned above, the Supreme Court passed a detailed judgment (reported in (2021) 18 sec 401). In view of the categorical findings recorded by the Supreme Court that without prior approval of the State, the project proponents would have no right to seek approval from the BMICAP. The NICE made an application seeking approval of development of plan proposed in Interchange 5/7 and Interchange 7/7 of the peripheral road by communications dated 22.03.2022 and 01.04.2022 and the same were rejected by the State as the main object of the project is to reduce traffic congestion and reduce urban density by providing counter magnets for urbanisation in the demarcated townships. The rejection order dated 17.03.2023 is produced along with the statement of objections as Annexure-R.3.

74. In view of the aforestated facts, there is no option available to the petitioner or the project proponent to form a layout and allot the land to the petitioner. There is no deviation possible in the FWA without prior approval of the State. As the allotment of sites after accepting the compensation and entering into the agreement and forming a layout other than the 5 townships contemplated in the FWA would be against the provisions of the FWA, we do not find that there is any substance in this writ petition.

PROLOGUE:

75. We have taken note of the judgment of the Supreme Court extensively. Unfortunately, the very purpose and object of the Bangalore Mysore Infrastructure Corridor to decongest the city with better civic amenities and better opportunities for business and professionals have remained a distant dream. In fact, except for the peripheral roads where the toll plazas have been constructed, only one km express way has been constructed in almost 25 years.

76. Bangalore City was described by Justice Chinnappa Reddy in the case of B.K.SRINIVASAN AND OTHERS vs STATE OF KARNATAKA AND OTHERS ([1987]1 SCC 658) "As a beautiful city-once. It was a city with magic and charm, with elegant avenues, gorgeous flowers, lovely gardens and plentiful spaces. Not now. That was before the invasion of concrete and steel, of soot and smoke, of high-rise and the fast buck. Gone are the flowers, gone are the trees, gone are the avenues, gone are the spaces. We are now greeted with tall puffing chimneys and monstrous high-rise buildings, both designed to hurt the eye, the environment and the man. But they are thought by many as symbols of progress and modernity. They have come to stay. Perhaps they are necessary". The citizens would like decongestion of the city, population density to be controlled, lung spaces to be provided where people can breathe, existing recreational facilities to be preserved and improved, pollution and health hazards to be removed, civic and social amenities to be provided and less traffic on the road.

77. The beautiful and futuristic concept of decongesting the city as conceived under the PTR has been killed by the project opponents and the authorities at the cost of the citizens and the environment. In fact, the concept and the contract have got frustrated. No purpose would be served for keeping the project alive when, in more than 25 years, only one kilometer has been constructed. It would be in the interest of the city, citizens, environment and the future, to re-look at the project and take appropriate action for fresh and new project discarding the old one. The population of the city is more than 140 crores. The snarling traffic and traffic jams are the orders of the day. It takes hours to travel a small distance in the city. The infrastructure facilities are crumbling down. The environment is badly affected. The city is no longer the city as described by Justice Chinnappa Reddy. The State Government, therefore, must take necessary decision for fresh planning by discarding the FWA at the earliest to ameliorate the living conditions of the city. We hope that an informed decision would be taken in this regard at the earliest.

78. We also note that the project proponents are collecting huge tolls by constructing the peripheral roads and toll plazas. However, the Bangalore Mysore Expressway and Infrastructure Corridor has remained only on the papers. The project proponents are sitting on a huge land bank, but without its proper usage as the expressway has not yet been constructed and there is no sign of it being constructed in future. Therefore, we direct the State Government to re-look the project and take appropriate steps in this regard.

79. With the aforesaid observations, we dismiss the writ petition.

In view of dismissal of the writ petition, pending IAs, if any, do not survive for consideration and accordingly, they stand disposed of.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(VENKATESH NAIK T)
JUDGE