



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 19<sup>TH</sup> DAY OF DECEMBER, 2025**

**BEFORE**

**THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA**

**WRIT PETITION NO.19065 OF 2025 (BDA)**

**BETWEEN:**

1. SRI B.N. GOPINATH  
S/O. LATE B.V. NARASIMAIAH,  
AGED ABOUT 66 YEARS,  
R/AT NO.101, 4<sup>TH</sup> CROSS,  
SYNDICATE BANK COLONY,  
ARAKERE, B.G. ROAD,  
BENGALURU-560 076.
2. SRI B.L. DILIP  
S/O. LATE B.N. LAKSHMINARAYANA,  
AGED ABOUT 51 YEARS,  
R/AT NO.27, 1<sup>ST</sup> CROSS,  
B.G. ROAD, MANJUNATH LAYOUT,  
BENGALURU-560076.

...PETITIONERS

(BY SRI BHAT GANAPATHI NARAYANA, ADVOCATE)

**AND:**

THE COMMISSIONER  
BANGALORE DEVELOPMENT AUTHORITY,  
T. CHOWDAIAH ROAD,  
KUMAR PARK (WEST),  
BENGALURU-560 020.

...RESPONDENT

(BY SRI K. KRISHNA, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE RESPONDENT AUTHORITY TO CONSIDER THE REPRESENTATION DATED 05.05.2025 SUBMITTED BY THE PETITIONERS TO THE



RESPONDENT AUTHORITY, AS PER ANNEXURE-N AND ALLOT THE ALTERNATIVE SITE IN THE SAME LAYOUT WITHIN TIME FRAME PERIOD.

THIS PETITION COMING ON FOR HEARING – INTERLOCUTORY APPLICATION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

### **ORAL ORDER**

The petitioners have approached this Court seeking a writ of mandamus directing the respondent-Bengaluru Development Authority (BDA) to consider the representation dated 05.05.2025 and to allot an alternative site in lieu of BDA site No.1571, situated at BTM 4<sup>th</sup> Stage, 2<sup>nd</sup> Block, Bengaluru, which has become unavailable to them on account of subsequent judicial proceedings declaring the acquisition itself as lapsed.

### **Brief facts:**

2. The material facts as borne out from the pleadings are not in serious dispute. The schedule site No.1571 was originally allotted by the respondent-BDA in the year 2016 in favour of the petitioner's vendor, who



was a land loser. Pursuant thereto, the BDA executed a registered sale deed in favour of the said allottee on 05.06.2017 and also a possession certificate on 06.06.2017.

3. The petitioners, after verifying the allotment letter, registered the sale deed and possession certificate issued by the respondent-BDA, purchased the schedule site under a registered sale deed dated 27.12.2018. Thereafter, katha was transferred in their favour and they were in lawful possession and enjoyment of the schedule property.

4. Subsequently, certain original landowners filed writ petitions challenging the acquisition proceedings initiated by respondent-BDA. By order dated 24.09.2019 passed in W.P.No.41386-395/2017, this Court held that the final notification issued under Section 19(1) of the Bangalore Development Authority Act, 1976 ('the Act' for short) stood lapsed.



5. As the consequence of the said order, the land including the schedule site reverted to the original landowners, rendering the site purchased by the petitioners unavailable.

6. The learned counsel for the petitioners contend that the petitioners are *bona fide* purchasers, and that upon enquiry, the respondent-BDA has acknowledged that the schedule site is no longer available and assured the petitioners that an alternative site would be allotted in the same layout.

7. Learned counsel for the petitioners further contend that during the pendency of the writ petition, the petitioners have ascertained that Site No.1217, measuring 30x40 feet situated at BTM 4<sup>th</sup> Stage, 2<sup>nd</sup> Block (BDA layout), Bengaluru is available and free from encumbrance. It is submitted that the petitioners have obtained an encumbrance certificate in this regard and apprehend that the said site may be allotted to a third



parties, thereby frustrating their pending representation seeking allotment of an alternative site.

8. *Per contra*, learned counsel for the respondent-BDA submits that the respondents do not dispute the pendency of representation submitted by the petitioners. It is contended that the said representation shall be considered in accordance with law, Rules and regulations governing allotment of site and subject to the availability of the site which is being stated by the petitioners. It is submitted that their representation would be considered and appropriate decision would be passed after due examination and considering the relevant aspects.

9. The grievance of the petitioners is the inaction on their representation seeking allotment of an alternative site. The petitioners have specifically contended that an alternative site in the same layout is available. However, the question of availability, suitability and entitlement necessarily falls within the domain of the respondent-BDA



and requires examination in accordance with law and applicable regulations.

10. This Court is of the considered view that the ends of justice would be met by directing the respondent-BDA to consider the petitioners' representation by taking into account the assertion regarding the availability of alternative site without this Court expressing any opinion on the merits of such claim. In the result, this Court pass the following:

**ORDER**

- i. The writ petition is ***disposed of***.
- ii. The respondent-BDA shall consider the representation dated 05.05.2025 submitted by the petitioners, strictly in accordance with law, Rules and regulations governing allotment of sites.
- iii. While considering the said representations, the respondent-BDA shall also examine the petitioners' contentions regarding the availability of an alternate site in the same



layout, including site No.1217, if permissible in law.

- iv. Such consideration shall be completed within a period of eight weeks from the date of receipt of the copy of this Order.
- v. Till such consideration is completed, site No.1217, measuring 30x40 feet situated at BTM 4<sup>th</sup> stage, 2<sup>nd</sup> block (BDA layout), Bengaluru shall not be allotted to any third party, if not already allotted.
- vi. It is made clear that this Court has not expressed any opinion on the availability or entitlement of a particular site.
- vii. All the contentions of the parties are kept open.

Pending IAs', if any, would survive for consideration.

**Sd/-**

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**JUSTICE K.S. HEMALEKHA**

AT  
List No.: 1 Sl No.: 63