



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF MARCH, 2025

PRESENT

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

AND

THE HON'BLE MR JUSTICE M.NAGAPRASANNA

WRIT PETITION NO. 32523 OF 2024 (LA-BDA)

BETWEEN:

SMT. C. MANJULA,
WIFE OF MOHAN KUMAR,
AGED ABOUT 41 YEARS,
RESIDING AT NO. 36/37,
AMBA BHAVANI NAGAR,
CHOWDAPPA LAYOUT, BYALKERE,
BENGALURU - 560 089.

...PETITIONER

(BY SRI. ROHAN HOSMATH, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT,
VIDHANA SOUDHA,
BENGALURU - 560 001,
REPRESENTED BY ITS SECRETARY.
2. BANGALORE DEVELOPMENT AUTHORITY,
KUMARA PARK WEST,
T. CHOWDAIAH ROAD,
BENGALURU - 560 020,
REPRESENTED BY ITS COMMISSIONER.

Digitally signed
by NAGAVENI
Location: High
Court of
Karnataka





3. SPECIAL LAND ACQUISITION OFFICER,
DR. K. SHIVARAM KARANTH LAYOUT,
OFFICE OF BANGALORE
DEVELOPMENT AUTHORITY,
KUMARA PARK WEST,
T. CHOWDAIAH ROAD,
BENGALURU - 560 020.

...RESPONDENTS

(BY SRI. SHIVAPRASAD SHANTANAGOUDAR,
ADVOCATE FOR R2 AND R3;
SRI. ADITYA VIKRAM BHAT, AGA FOR R1)

THIS WP IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO a) ISSUE A WRIT,
ORDER OR DECLARATION IN THE NATURE OF CERTIORARI
QUASHING THE IMPUGNED ACQUISITION PROCEEDINGS
INITIATED BY RESPONDENT NO.2 VIDE NOTIFICATION DATED
18/02/2022 GAZETTED ON 19/03/2022 BEARING NO.BDA/
DC(LA)/156/2021-22 PRODUCED HERewith AS ANNEXURE-D
AND ETC.,

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE KRISHNA S DIXIT
and
HON'BLE MR JUSTICE M.NAGAPRASANNA



ORAL ORDER

(PER: HON'BLE MR JUSTICE M NAGAPRASANNA)

Heard learned counsel Sri Rohan Hosmath for the petitioner, Sri Aditya Vikram Bhat, AGA for Respondent No.1 and Sri K.Shashikiran Shetty, Advocate General along with Sri Shivaprasad Shantanagoudar for Respondents 2 and 3.

2. The petitioner is knocking at the doors of this court seeking a direction restraining the BDA from demolishing the structures built by the petitioner, in the subject land and consequent dispossession.

3. Petitioner claims to be the owner of the property and further claims to have put up certain construction in the schedule property, as depicted in the schedule to the petition. The subject matter is of the acquisition of land which included the land of the petitioner for formation of Dr.Shivaram Karanth Layout. The construction of the petitioner in the subject property is now passing through



the road in the RMP for formation of layout and formation of roads in the layout. In such situation, the Committee constituted by the Apex Court, in terms of order dated 21.08.2023 has evolved a solution.

4. In terms of what the Committee directs is that where the buildings would fall in the alignment of the road wholly or partially, the buildings need an evaluation if it has been regularized by the Apex Court and buildings which have been not regularized and those which have come up after 03.08.2018 would be deemed to be unauthorized and they do not merit any compensation. However the land which has been acquired and the building owner of the said land may be compensated with the land on land basis.

5. Learned Advocate General along with Mr.Shivaprasad Shantanagoudar would submit that they are agreeable for the solution that the Committee has found as quoted herein above.



"Document No.1

*JUSTICE A V CHANDRASHEKAR COMMITTEE
BDA HEAD OFFICE, KUMARAPARK WEST
BANGALORE – 560 020.*

*PROCEEDINGS OF THE COMMITTEE
JCC No. /114/2023-24 DATED 21.08.2023*

Sub: Regularised buildings on RMP and Layout roads.

*Ref: 1) Order of the Hon'ble Supreme Court of India
dated 11.10.2022
2) 30th Report dated 2.12.2022 sent by JCC
3) Order of the Hon'ble Supreme Court of India
dated 6.12.2022*

In the course of execution of the Layout, certain roads have been re-engineered and alignments also modified depending upon the topography. As a consequence it is now found that in a few cases buildings exist in the alignment of the road fully/partially. The best course of action in these cases is to follow the procedure that was followed at the time of construction of Intermediate Ring Road so as to avoid unnecessary litigation and consequent slippage in work. The following procedure therefore needs to be adopted.

- 1. In cases where building fall in the alignment of the road wholly or partially, the building has to be valued by the Engineer concerned, compensation determined and paid to the building owner by the SLAO concerned.*
- 2. The building owner should be compensation for the land on a land to land basis viz.,*



equivalent extent of land he is loosing for the road should be given to him as close as possible to his existing property.

*DR.S.T.RAMESH
MEMBER*

*JAYAKAR JEROME
MEMBER*

*A V CHANDRASHEKAR
CHAIRMAN*

TO.

- 1. The Commissioner, BDA*
- 2. The Engineer Member, BDA*
- 3. The Town Planner Member, BDA*
- 4. THE Secretary, BDA*
- 5. The Deputy Commissioner, (LA) BDA*
- 6. Proceedings file"*

Document No.2

*JUSTICE A V CHANDRASHEKAR COMMITTEE
BDA HEAD OFFICE, KUMARAPARK WEST
BANGALORE – 560 020.*

*PROCEEDINGS OF THE COMMITTEE
JCC No. /198/2023-24 DATED 07.11.2023*

Sub: Regularised buildings on RMP and Layout roads.

*Ref: 1) Order of the Hon'ble Supreme Court of India
dated 11.10.2022
2) 30th Report dated 2.12.2022 sent by JCC
3) Order of the Hon'ble Supreme Court of India
dated 6.12.2022
4) Proceedings of the JCC No.114/2023-24
dated 21.08.2023.*

With reference to the above subject, the following clarification is issued specifically for the reference No.4 cited above.



While the buildings fall in the alignment of the road wholly or partially, the building needs to be valued only if it has been regularized by the Hon'ble Supreme Court of India. Buildings which have not been regularized and those which have come up after 3rd August 2018 are deemed to be unauthorized/ illegal buildings. Therefore, they do not merit compensation.

However, since the land has been acquired the building owner may be compensated with the land on a land to land basis viz., equivalent extent of the land he is losing for the road, should be given to him as close to his existing property, as possible.

DR.S.T.RAMESH
MEMBER

JAYAKAR JEROME
MEMBER

A V CHANDRASHEKAR
CHAIRMAN

TO.

1. The Commissioner, BDA
2. The Engineer Member, BDA
3. The Town Planner Member, BDA
4. THE Secretary, BDA
5. The Deputy Commissioner, (LA) BDA
6. All the SLAOs, BDA
7. Sri.Satish, Engineer Officer-2, BDA
8. Sri.Niranjan, Executive Engineer, BDA
9. Proceedings file"

5. Learned counsel appearing for the petitioner submits that *inter alia* the petitioner has several grievances, he is at liberty to submit a representation to the BDA venting out those grievances and the BDA



would consider the same in accordance with law. We make it clear that we have not gone into merit of the claim of grievance of the petitioner and deem it appropriate to dispose of the petition by directing the BDA to consider the solution that is put forth by the Committee as quoted herein above in the case where the building would fall in the alignment of the road wholly or partially.

6. Learned counsel appearing for the petitioner at this juncture would seek reasonable time to vacate the premises in which the petitioner is a resident. The time according to the learned counsel for the petitioner is three months, which is seriously objected by the learned Advocate General. But, in our view, it would be reasonable if the petitioner is permitted three months time to vacate the premises after the determination as observed herein above by the BDA. The BDA shall expedite the process, co-terminus with the time that is granted to the petitioner for such vacation.



7. The learned Advocate General submits that there are 310 such cases, instead of driving everyone to court, we feel it appropriate to observe that this would be the formula that would be adopted by the BDA in all such cases. Therefore, we direct that this would be the solution to all such cases identical to the ones that are decided in the cases at hand and in those properties the BDA shall not evict the persons in the properties, till about three months from those respective residents staking a claim to such solution that is now projected herein above. It would be the duty of the BDA to communicate this order to all the 310 cases that is projected by the learned Advocate General.

8. The learned Advocate General would submit that if 15 days time as an outer limit is given to the BDA to bring about the solution, in terms of what is noted herein above, would be appropriate. We agree with the suggestion of the learned Advocate General and direct the BDA to bring about a solution as observed herein above, within 15 days



from today and three months time would get reckoned from the completion of 15th day, in all the 310 cases, including that of the subject cases.

With the aforesaid observation, this petition stands disposed off.

Ordered accordingly.

**Sd/-
(KRISHNA S DIXIT)
JUDGE**

**Sd/-
(M.NAGAPRASANNA)
JUDGE**