



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 39 OF 2019 (BDA)

BETWEEN:

M/S. KANAKASHREE LAYOUT KANNUR PLOT
OWNERS WELFARE ASSOCIATION
A SOCIETY REGISTERED UNDER
KARNATAKA SOCIETIES
REGISTRATION ACT
NO.29, 2ND MAIN
KANAKASHREE LAYOUT
KANNUR, HENNUR BAGALUR ROAD
BANGALORE-562 149
REPRESENTED BY ITS PRESIDENT
SRI. MANJUNATH D.J

...PETITIONER

(BY SRI. VENKATESH T.S, ADVOCATE)

AND:

Digitally
signed by
HEMALATHA J
Location:
HIGH COURT
OF
KARNATAKA

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
URBAN DEVELOPMENT DEPARTMENT
MULTISTORIED BUILDING
BANGALORE-560 001
2. BANGALORE DEVELOPMENT AUTHORITY
T. CHOWDAIAH ROAD
KUMARA PARK WEST
BANGALORE-560 020
REPRESENTED BY ITS COMMISSIONER
3. KANNUR GRAMA PANCHYAT
BIDARAHALLI HOBLI
BANGALORE EAST TALUK
BANGALORE-562 149



REPRESENTED BY ITS
PANCHAYAT DEVELOPMENT OFFICER

4. M/S KANAKASHREE HOUSE BUILDING
CO-OPERATIVE SOCIETY LTD.
A SOCIETY REGISTERED UNDER
CO-OPERATIVES ACT
NO.20/31, 6TH MAIN,
80 FEET ROAD
KHB COLONY, 1ST STAGE
BASAVESHWARA NAGARA
BANGALORE-560 079
REPRESENTED BY
ITS SECRETARY
SRI VEERESH H.M.

...RESPONDENTS

(BY SRI. ADITYA DIWAKAR, AGA FOR R1;
SRI. G. LAKSHMEESH RAO, ADVOCATE FOR R2;
SRI. B.J. SOMAYAJI, ADVOCATE FOR R3;
SRI. SIDDARTH SUMAN, ADVOCATE FOR R4)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE
CONSTITUTION OF INDIA PRAYING TO DIRECT RESPONDENT NO.2
TO MAINTAIN THE LAYOUT FORMED BY THE RESPONDENT NO.4
SOCIETY IN SY.NOS.16P5, 128(p), 129(p), 138(p), 139, 140, 141,
142, 143, 163/1, 164, 165, 213, 214, 215 AND 216 OF KANNUR
VILLAGE, BIDARAHALLI HOBLI, BANGALORE EAST TALUK BY
MAINTAINING THE STREET, STREET LIGHTS, CLEANSING OF THE
STREETS, DEVELOPMENT OF PARKS, DRAINAGE AND SANITARY
ARRANGEMENTS AND WATER SUPPLY AND ETC.

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

CORAM: HON'BLE MR. JUSTICE R. NATARAJ



ORAL ORDER

The petitioner has sought a writ in the nature of mandamus to direct the respondent No.2 to maintain the layout formed by the respondent No.4 in Sy.Nos.16P5, 128(p), 129(p), 138(p), 139, 140, 141, 142, 143, 163/1, 164, 165, 213, 214, 215 and 216 of Kannur Village, Bidarahalli Hobli, Bengaluru East Taluk, by maintaining the street, street lights, cleaning the streets, development of parks, drainage and provide sanitary arrangements and ensure water supply. Alternatively, it has sought for a writ in the nature of mandamus to respondent No.2 to hand over the layout formed by the respondent No.4 in the aforesaid survey numbers to the local authority namely the respondent No.3 to maintain the street, street lights, cleaning of streets, development of parks, and provide drainage and sanitary arrangements and water supply. It has also sought for a writ in the nature of mandamus to direct respondent No.2 to ensure the completion of the layout by installing a sewage treatment plant through the respondent No.4.



2. (i) The petitioner claims that it is an association representing the owners of sites in Kanakashree Layout formed in Sy.Nos.16P5, 128(p), 129(p), 138(p), 139, 140, 141, 142, 143, 163/1, 164, 165, 213, 214, 215 and 216 of Kannur Village, Bidarahalli Hobli, Bengaluru East Taluk. The respondent No.2 had sanctioned plan of the layout and was also levying and collecting property tax from the owners of sites in the layout. The respondent No.3 is the local authority within whose administrative control the layout formed by respondent No.4 is situate. The respondent No.4 is the society, which formed the layout in the aforesaid survey numbers. The petitioner contends that the respondent No.4 has relinquished the civic amenity areas, roads, parks in favour of the respondent No.2 in terms of a deed of relinquishment dated 02.11.2009.

(ii) The petitioner contends that pursuant to the execution of the relinquishment deeds, respondent No.2 issued a work order dated 30.11.2009 in terms of which, it permitted respondent No.4 to form a layout of 840 sites of various dimensions and released 60% of the sites for allotment to its members. The respondent No.2 released the remaining 40% of



the sites vide release order dated 10.03.2010. The petitioner claims that the land situated in Sy.No.139 and 138(p) was earmarked for parks and later, the same was modified and the property measuring 10 guntas, which was earlier reserved for park was proposed to be utilized for formation of sites and in view of the same, the property measuring 10 guntas in Sy.No.138(p) was proposed to be reserved for the park. In view of the above, a modified work order dated 05.11.2011 was issued.

(iii) The petitioner claims that out of 840 sites that are formed by the respondent No.4, nearly 839 sites are already sold and a site bearing No.224 is yet to be sold. The petitioner contends that the respondent No.4 formed the layout, asphalted the roads, provided drainage and street lights but did not provide a sewage treatment plant, water supply and did not develop the parks. When the members of the petitioner enquired with the respondent No.4, it was informed that since all the sites were not developed, the sewage that may flow in would be too less to be handled by a treatment plant. Further, it was informed that the respondent No.4 was discussing with



the Bangalore Water Supply and Sewerage Board (henceforth referred to as 'BWSSB'). The petitioner claims that respondent No.4 did not deposit any amount with BWSSB towards providing drinking water to the residents of the layout. The petitioner claims that the respondent No.4 represented to its members that site No.224 was reserved for the purposes of using the sale proceeds for installation of a sewage treatment plant, payment to BWSSB for water supply, drainage and development of parks etc.

(iv) The petitioner claims that respondent No.2 was though collecting the tax was not maintaining the layout and when enquired with the respondent No.3, the petitioner was informed that the layout was not handed over by the respondent No.2 to the respondent No.3. The petitioner contends that as on date, there is no water facility and the residents are purchasing water from tankers. It is also claimed that there is no sewage treatment plant and the sewage is let into the drain, which is accumulating and creating nuisance. It is also claimed that the waste generated in the layout is not collected and the association has appointed an external agency



to collect the waste generated and that the parks which are identified and relinquished are not developed by the respondent No.2. The street lights are though installed by the respondent No.4, but they are not maintained by replacing the burnt out bulbs and the electricity consumption charges are not paid.

(v) The petitioner therefore wrote to the respondent No.2 about the lack of facilities that it is supposed to provide. The respondent No.2 did not consider the grievances of the petitioner and its members, which compelled the petitioner to escalate the issue vide its letter dated 22.04.2017. The respondent No.4 also requested the respondent No.3 to provide the requisite facilities in terms of its letter dated 08.05.2017.

(vi) The petitioner contends that when it sought information as to the amount of tax collected from the site owners of Kanakashree Layout between 01.04.2010 to 31.03.2016, the respondent No.2 replied that it had collected property tax of Rs.30,06,616/-. Thus, armed with this information, the petitioner addressed a letter dated 06.06.2017 to the respondent No.2 ventilating the grievances of its members. The respondent No.4 also requested the respondent



No.2 to maintain the layout and provide the minimum services required. This was followed by innumerable letters addressed by the petitioner and the respondent No.4 to the respondent No.2, which did not evoke any response. The petitioner is therefore before this Court seeking the aforementioned reliefs.

3. The learned counsel for the petitioner submitted that the respondent No.4 has now taken a policy decision to install a Sewage Treatment Plant (henceforth referred to as 'STP'). He invited the attention of the Court to the order dated 12.06.2026 and submitted that the President of the respondent No.4 has given a statement before the Court that a STP of 200 liters per day capacity would be installed. The learned counsel for the petitioner submits that steps are underway for installation of the STP. He contends that under Section 28-A of the Bengaluru Development Authority Act, 1976 (henceforth referred to as 'the BDA Act'), the respondent No.2 is under a public duty to maintain streets in the layout until it is handed over to a local authority or a municipal body. Therefore, it cannot shy away from maintaining the streets and also provide drainage and water supply. He contends that in view of the



volte-face of the respondent No.2, a direction be issued to respondent No.2 to comply with the mandate of Section 28-B of the BDA Act, 1976.

4. (i) The petition is opposed by respondent No.2, which has filed a statement of objections contending that it has approved the layout plan submitted by respondent No.4 in respect of the survey numbers mentioned *supra*. It also admitted that the layout was later modified and a modified work order was issued permitting the respondent No.4 to form a layout. It also admitted that the respondent No.4 had executed relinquishment deed in respect of parks, civic amenity sites and roads. It also admitted that the layout so formed is still not handed over to the Bruhat Bengaluru Mahanagara Palike (henceforth referred to as 'the BBMP').

(ii) It contends that the conditions imposed in the work order clearly specified that water supply and sewage treatment are the responsibility of the developer namely the respondent No.4 and it is not the responsibility of the respondent No.2. It is contended that the allegation of the petitioner that the respondent No.2 has not maintained the layout formed by the



respondent No.4 is incorrect. It claims that after receipt of the representation the respondent No.2 had involved in the maintenance of the layout and that based on the budget allocation, the respondent No.2 had desilted the drain and undertaken earthwork, clearing and grubbing of road during the year 2018-19. However, further maintenance was not carried out due to COVID-19.

(iii) It claimed that it again prepared an estimation and placed the same before the Commissioner. It claimed that once the Commissioner approves it, the maintenance work would be executed within a reasonable time in so far as it relates to maintenance of streets, street lights, drainage and parks. It admitted that it had issued an endorsement stating that tax over Rs.30,06,616/- was collected between the years 2010 to 2016. It claims that the tax collected from the members of the petitioner's is meager and not sufficient to maintain the streets, street lights, drainage and parks in the entire layout. It claims that the respondent No.2 will execute the work by utilizing the tax collected from the residents of the layout to the extent possible. As regards the sewage treatment plant, water supply



and waste collection and management of the layout it contends that it is the responsibility of respondent No.4 and not that of the respondent No.2.

5. (i) The petition is also opposed by respondent No.4, which admits the formation of the layout by it. It contends that site No.224 in the layout is already allotted to one Smt.Uma Belgavi for the services rendered by her in assisting the respondent No.4 in not merely procuring the lands for the purpose of formation of the layout but also in assisting the respondent No.4 to accomplish various tasks to form a full-fledged layout. It claims that after the layout was formed, it is maintained by it till this day. It contends that it has allotted sites to its members at a sum of Rs.450/- per square feet while the present day guidance value is Rs.2,500/- per square feet and the market value is around Rs.5,000/- to Rs.6,000/- per square feet. It claims that as regards the STP, it had paid Rs.20,00,000/- to the Karnataka State Pollution Control Board for consent to establish the residential layout and provide the STP and solid waste management facility. It contends that in the allotment letters issued by it to each of the members of the



petitioner, various conditions are imposed and condition No.9 is specific to the effect:

"It is the responsibility of each of the allottee member to provide for water supply, electricity and pay for the same and also pay any cess or levy as is collected/levied by the Government."

(ii) It claimed that it has already sunk two borewells in the layout and has provided an underground sump and overhead tank for water supply to the entire layout.

6. The learned counsel for the respondent No.2 and the learned counsel for the respondent No.4 have reiterated the above submissions. The learned counsel for the respondent No.2 specifically contended that it is the duty of the members of the petitioner to manage and maintain the layout as per the work order issued in favour of the respondent No.4. He also contends that the respondent No.2 has taken some action to develop and maintain the civic amenities in the layout. The learned counsel for the respondent No.4 submitted that the respondent No.4 would take steps for installation of the STP at the earliest and as undertaken before this Court.



7. I have considered the submissions of the learned counsel for the petitioner and the learned counsel for the respondent Nos.2 and 4.

8. The fact that the respondent No.4 was granted permission to form a layout by the respondent No.2 under Section 32 of the BDA Act is not in dispute. It is also not in dispute that the respondent No.4 has relinquished the civic amenities, parks, playgrounds and roads in favour of the respondent No.2. It is also not in dispute that the respondent No.2 has been collecting property tax from the residents of Kanakashree Layout. It is also not in dispute that the respondent No.2 has not handed over the area to the BBMP even till this day, though it is claimed by the learned counsel for the respondent No.2 that the proceedings in that regard are pending before the State Government. It is also not in dispute that the land where the layout is formed by the respondent No.4 lies within the planning area of the respondent No.2. Section 28-A of the BDA Act, casts a duty on the respondent No.2 to maintain, repair, clean the streets and also provide street lighting in addition to providing drainage and water



supply. For the sake of easy reference, Section 28-A of the BDA Act, 1976 is extracted below:

"28-A. Duty to maintain streets, etc.,: It shall be incumbent on the Authority to make reasonable and adequate provision by any means or measures which it is lawfully competent to use or take, for the following matters, namely,-

- (a) the maintenance, keeping in repair, lighting and cleansing of the streets formed by the Authority till such streets are vested in the Corporation; and*
- (b) the drainage, sanitary arrangement and water supply in respect of the streets formed by the Authority."*

9. It may be that the respondent No.2 while issuing the work order has imposed a condition, which reads as follows:

6	ಬೆಂಗಳೂರು ವಿದ್ಯುತ್ ಸರಬರಾಜು ಕಂಪನಿ (ನಿ) ರವರು ವಿಧಿಸಿರುವ ನಿಬಂಧನೆಗೊಳಪಟ್ಟು ಅರ್ಜಿದಾರರೇ ವಿದ್ಯುಚ್ಛಕ್ತಿಯನ್ನು ಒದಗಿಸಕ್ಕದ್ದು ಹಾಗೂ ಆಂತರಿಕ ನೀರು ಸರಬರಾಜು ಮತ್ತು ಒಳಚರಂಡಿ ವ್ಯವಸ್ಥೆಯನ್ನು ಅರ್ಜಿದಾರರೇ ಮಾಡತಕ್ಕದ್ದು
11	ಅರ್ಜಿದಾರರೇ ಹೆಚ್ಚುವರಿಯಾಗಿ ವಿದ್ಯುತ್, ಆಂತರಿಕ ನೀರು ಸರಬರಾಜು ಹಾಗೂ ಒಳಚರಂಡಿ ವ್ಯವಸ್ಥೆ, ನೀರು ಸರಬರಾಜಿನ ಫೀಡರ್ ಮೈನ್ ಮತ್ತು ಸಬ್‌ಮೈನ್ ಅಗತ್ಯ ಶುಲ್ಕಗಳು ಹಾಗೂ ಮುಖ್ಯ ಒಳಚರಂಡಿ ವ್ಯವಸ್ಥೆಗೆ ಸಂಪರ್ಕ ಕಲ್ಪಿಸಲು ತಗಲುವ ಹೆಚ್ಚುವರಿ ಶುಲ್ಕಗಳನ್ನು ಕಟ್ಟಬೇಕಾಗಿ ಬಂದಲ್ಲಿ ಬಾಕಿ ನಿವೇಶನಗಳನ್ನು ಬಿಡುಗಡೆ ಮಾಡುವ ಮೊದಲು ಅಥವಾ ನಿವೇಶನ ಬಿಡುಗಡೆ ಮಾಡಿದ ನಂತರವೂ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಕಟ್ಟಬೇಕಾಗುತ್ತದೆ.
12	ವಿದ್ಯುಚ್ಛಕ್ತಿ ಒದಗಿಸಲು ಭೂಮಿಯ ಒಳಗಡೆ ಕೇಬಲ್ ಹಾಕತಕ್ಕದ್ದು.



15	ಬೆಂಗಳೂರು ವಿದ್ಯುತ್ ಸರಬರಾಜು ಕಂಪನಿ (ನಿ) ರವರಿಂದ ನಿರಾಕ್ಷೇಪಣಾ ಪತ್ರ ಸಂಖ್ಯೆ CEE/BRAZ/SEE(O)AEE-2/1211-14/08-09 ದಿನಾಂಕ 25-03-2009 ರಲ್ಲಿನ ಷರತ್ತುಗಳನ್ನು ಪಾಲಿಸತಕ್ಕದ್ದು.
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10. It is not in dispute that the respondent No.4 has laid drains and has already installed street lights. However, a reading of Section 28-A of the BDA Act, shows that the responsibility of meeting the expenses of maintaining street lights is upon the respondent No.2. Likewise, under the Karnataka Parks, Play-fields and Open Spaces (Preservation and Regulation) Act, 1985, the responsibility of maintaining the parks and open spaces is upon the respondent No.2. Therefore, the respondent No.2 cannot shy away from its public duty in maintaining the street lights, parks, open spaces, roads and drains relinquished in its favour.

11. As regards the provision of drainage and water supply, Section 28-A of the BDA Act, clearly mandates that the duty to provide drainage, sanitary and water supply in respect to the streets formed by the authority is upon the respondent No.2 and not upon the respondent No.4. The respondent No.4 has already provided drainage facilities and it is the responsibility of respondent No.2 to ensure that sanitary



arrangements and water supply is provided in the streets formed by respondent No.4. Therefore, the respondent No.2 cannot escape its liability as prescribed under Section 28-A of the BDA Act, by contending that it is the responsibility of respondent No.4 to do so. The respondent No.2 is under a statutory duty to provide these basic facilities to the residents of the layout more particularly when it has collected a substantial sum of money from the residents of the layout as property tax.

12. As regards the provision of an STP, the President of the respondent No.4 has appeared before the Court and made a statement on 12.06.2026 that an STP of 200 kilo litres per day capacity with necessary headroom including all civil works, installation of machinery, mechanical and electrical works, piping, instrumentation and all other allied works would be started and completed within a period of six months. The respondent No.4 has also undertaken that in case there is a higher discharge of sewage, the respondent No.4 would enhance the capacity of the STP to meet the demand.



13. In that view of the matter, this Writ Petition deserves to be ***disposed of*** with the following directions:

- i. The respondent No.4 shall provide the STP as undertaken before this Court vide order dated 12.06.2026 within six months from 12.06.2026. It shall also ensure that the capacity of the STP is enhanced to meet higher discharge of sewage. It shall also ensure that the treated water shall be utilized within the layout and shall not be discharged into the drain or sewers.
- ii. The respondent No.2 shall maintain, repair and clean the streets formed by the respondent No.4 till they are vested in the Bruhat Bengaluru Mahanagara Palike or the local authority. The respondent No.2 shall also maintain, repair and meet the expenses of street lighting and pay the electricity consumption charges for the street lighting.
- iii. The respondent No.2 shall also provide sanitary arrangement and water supply in the streets



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formed by the respondent No.4. In order to expedite this, the respondent No.2 shall come up with an action plan within a period of one month from the date of receipt of a copy of this order.

Sd/-
(R. NATARAJ)
JUDGE

BKN/List No.: 1 SI No.: 5