



CNR: KAHC010046872021

NC: 2026:KHC:40166
WP No. 23274 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 23274 OF 2021 (BDA)

BETWEEN:

SMT H SAROJA
W/O A K MURTHYUNJAYA
AGED ABOUT 60 YEARS,
RESIDING AT HOUSE NO.203
8TH CROSS, BAPUJI LAYOUT
VIJAYANAGAR
BENGALURU-560040

...PETITIONER

(BY SRI. MADHUSUDHAN M N., ADVOCATE)

AND:

1. THE COMMISSIONER
BENGALURU DEVELOPMENT AUTHORITY
T CHOWDAIAH ROAD
BENGALURU-560020

2. THE ADDL DEPUTY COMMISSIONER
BENGALURU DISTRICT
KANDAYA BHAVAN
BENGALURU-560001

3. THE TAHASILDAR
BENGALURU NORTH TALUK
KANDAYA BHAVAN
BENGALURU-560001

...RESPONDENTS

(BY SRI. SURAJ PATIL, ADVOCATE FOR R1;
SMT.POOJA M KOORSE, HCGP FOR R2 AND R3)

Digitally
signed by
HEMALATHA J
Location:
HIGH COURT
OF
KARNATAKA



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THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT RESPONDENT NO.1 TO CONSIDER THE REPRESENTATION DATED 31.12.2018 AS PER ANNEXURE-E AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioner has sought for a writ in the nature of mandamus to direct the respondent No.1 to consider her representation dated 31.12.2018. She has also sought for a writ in the nature of mandamus to direct the respondent Nos.2 and 3 to pass necessary orders for conversion of the land in Sy.No.35/4 of Mallathahalli Village, Yeshwanthapura Hobli, Bangalore North Taluk, measuring 5 guntas of land for non-agricultural residential use.

2. (i) The petitioner contends that she is the owner of 5 guntas of land in Sy.No.35/4 of Mallathahalli Village, Yeshwanthapura Hobli, Bangalore North Taluk, having purchased it in terms of a sale deed dated 21.04.2003 from Mr.M.P.Prabhu and his children. She contends that her name is



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entered in the revenue records maintained by the revenue authorities and she is exercising lawful ownership and is in possession of the aforesaid property. She claims that in order to get the aforesaid land converted for non-agricultural residential purpose, she approached the respondent Nos.2 and 3 and requested to pass an order of conversion.

(ii) The respondent No.2 vide a letter bearing No. ಎ.ಎಲ್.ಎನ್[ಎನ್][ವೈ]ಎಸ್ಆರ್/44/2013-14 dated 27.08.2013 informed the petitioner that she has not obtained No Objection Certificate (henceforth referred to as 'NOC') from respondent No.1 and therefore, her request for conversion is not considered.

(iii) The petitioner claims that thereafter on 01.03.2018 the respondent No.2 addressed a letter to the respondent No.1 and others and requested it to give its opinion within one week. The petitioner claims that despite repeated requests to issue a NOC, the same is not considered. The petitioner is therefore before this Court seeking for a direction.



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3. The learned counsel for the petitioner reiterated the above contentions and submitted that even after lapse of several years, the respondent No.1 has not taken any action to consider the representation. Therefore, prays that a direction be issued to the respondent No.1.

4. (i) Per contra, the learned counsel for the respondent No.1 submits that the land in Sy.No.35/4 measures 38 guntas of which 13 guntas is acquired for formation of Sir.M.Vishweshwaraiah Layout. He therefore contends that a NOC can be processed only after a spot inspection is done to ascertain whether the property claimed by the petitioner lies within the acquired portion or not.

(ii) He therefore submits that if reasonable time is granted, the respondent No.1 would inspect the property claimed by the petitioner and if it does not lie within the 13 guntas of land acquired for Sir.M.Vishweshwaraiah Layout, the respondent No.1 would take steps to issue the NOC required for getting the land converted for non-agricultural residential use.



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5. I have considered the submissions of the learned counsel for the petitioner and the learned counsel for the respondent No.1.

6. The petitioner claims that she is interested in 5 guntas of land in Sy.No.35/4, which she desires to get it converted for non-agricultural residential use. The role of respondent No.1 in the process of conversion for non-agricultural residential use is only for the limited purpose of ascertaining whether the land use in the comprehensive development plan permits conversion of the land for non-agricultural residential use and whether the land is acquired for any scheme. If 13 guntas of land in Sy.No.35/4 is acquired for the benefit of the respondent No.1, it is entitled to verify whether the property claimed by the petitioner lies within the acquired area or not and thereafter, take steps to issue a NOC so as to enable the petitioner to obtain the conversion of the land in question for non-agricultural residential use. The respondent No.1 has simply slept over the representation filed by the petitioner seeking for a NOC, which is unpardonable and unacceptable.



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7. In that view of the matter, a direction deserves to be issued to the respondent No.1 to inspect the property of the petitioner and identify whether the property claimed by the petitioner lies within the 13 guntas of land acquired for formation of Sir.M.Vishveshwaraiah Layout. If it does not fall within the acquired area, the respondent No.1 shall issue a No-objection certificate within a period of four weeks from the date of inspection.

8. The inspection shall be carried on **10.08.2026** at **11.00 a.m.** It is open for the petitioner to be present at the inspection.

Sd/-
(R. NATARAJ)
JUDGE

BKN
List No.: 1 Sl No.: 25