



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 145 OF 2025 (GM-RES)

BETWEEN:

1. BUMAX PROPERTIES LLP
A LIMITED LIABILITY
PARTNERSHIP UNDER THE
LIMITED LIABILITY PARTNERSHIP ACT 2009
HAVING ITS REGISTERED OFFICE AT
NO. 427, 80 FEET ROAD
6TH BLOCK, KORAMANGALA
BENGALURU 560 095
REPRESENTED BY IS PARTNER
SRI R DINESH
2. MR. R DINESH
S/O MR. RAMACHANDRA
AGED ABOUT 48 YEARS
NO. 427, 80 FEET ROAD
6TH BLOCK, KORAMANGALA
BENGALURU 560 095

...APPELLANTS

(BY SRI. ARJUN RAO, ADVOCATE)

AND:

1. STATE OF KARNATAKA
THROUGH THE TEHSILDAR

Digitally
signed by
NIRMALA
DEVI

Location:
HIGH COURT
OF
KARNATAKA



BENGALURU NORTH
(ADDITIONAL), YELAHANKA TALUK
TALUK OFFICE
MINI VIDHANA SOUDHA
YELAHANKA 560 064

2. TAHSILAR
BENGAURU NORTH (ADDITIONAL)
YELAHANKA TALUK
TALUK OFFICE
MINI VIDHANA SOUDHA
YELAHANKA 560 054
3. DEPUTY TAHSILAR
BENGALURU NORTH (ADDITIONAL)
YELAHANKA TALUK
TALUK OFFICE
MINI VIDHANA SOUDHA
YELAHANKA 560 054
4. VILLAGE ACCOUNTANT
HUNASEMARANAHALLI VILLAGE
YELAHANKA TALUK 560 054

...RESPONDENTS

(BY SRI. K.S. HARISH, GA)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT 1961, R/W RULE 27 OF THE WRIT
PROCEEDINGS RULES, 1977 PRAYING TO CALL FOR THE
RECORDS IN WP No-2406/2021 (GM-RES), SET ASIDE
JUDGMENT DATED 20.01.2025 IN WP NO-2406/2021 AND ETC.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellants have filed the present appeal impugning an order dated 20.01.2025 passed by the learned Single Judge in W.P. No.2406/2021 [GM-RES]. By the impugned order, the said petition was dismissed. It is pertinent to note that the appellants had filed the writ petition *inter alia* praying as under:

A. Issue a writ of mandamus directing the Respondents to follow the due process of law and issue notice to the Petitioners prior to taking any coercive action and/or conducting proceedings against the Petitioners, if any, with respect to the Schedule Property;

B. Pass any such further orders as may be deemed just and expedient in the facts and circumstances of the present case.

2. In the said writ petition, petitioner No.1 claimed that it is the absolute owner and in exclusive possession of an immovable property falling in Survey No.194/5 and 194/5B,



Hunasemaranahalli, Jala Hobli, Devanahalli Taluk, Bangalore District (now Yalahanka Additional Taluk, Bengaluru North) measuring 3 acres and 20 guntas [**subject property**].

3. It is stated that the subject property was purchased by the appellant No.1 (then known as Bumax Properties Pvt. Ltd.,) in an auction conducted by Indian Bank under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [SARFAESI Act]. Appellant No.1 stated that on 29.01.2021, one of its employees visited the Taluk Office in Yalahanka and was informed of the allegation that the appellant No.1 had encroached lands forming part of Hunasemaranahalli Lake and would be evicted from the portion of the subject property. Appellant No.1 claims that its employees requested for a formal show cause notice and also requested for a personal hearing. But neither a notice was issued nor any hearing was afforded to the appellant.

4. The appellants claim that the subject land was bounded by a stone compound wall, which is over 50 years old. It is the appellants' grievance that the respondent - authorities without



issuing any show cause notice had taken the drastic step of demolishing a part of the compound wall.

5. The learned Single Judge had declined to entertain the writ petition on the ground that it involved disputed questions of fact and it was not appropriate to examine the same in proceedings under Article 226 of the Constitution of India.

6. The learned AGA appearing for the respondents submits that the action was taken after the survey of the subject land had been conducted and it was ascertained that the lake was encroached. He states notwithstanding the survey conducted earlier to obviate any further allegations of non compliance with the principles of natural justice, the concerned authorities will conduct a fresh joint survey on 10.02.2026. Appellant No.1/its representative should be present at site to participate in the proceedings. After the joint survey, markers would be put which according to the authorities will demarcate the portion of land that falls within the boundaries of the lake in question. The appellants are thereafter free to take steps for the protection of the remaining land as they deem fit. In the event, the appellants



dispute the decision of the respondent-authority regarding the boundaries of the land, the appellants are at liberty to take steps in accordance with law.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**

BS
List No.: 2 SI No.: 9