



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

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

WRIT PETITION NO. 3950 OF 2022 (GM-RES)

BETWEEN:

SRI SHARANAPPA
THIPPANNA SUNAGARA
S/O THIPPANNA SUNAGARA
AGED ABOUT 51 YEARS
R/A NEAR TIPPU SULTHAN CIRCLE
SINDAGI, SINDAGI TALUK
VIJAYAPURA DISTRICT

...PETITIONER

(BY SRI. M.B. CHANDRACHOODA, ADVOCATE FOR
SRI. HIEMATH N S., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
TO GOVERNMENT
DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT
M S BUILDING
DR AMBEDKAR VEEDHI
BENGALURU - 560 001
2. BANGALORE DEVELOPMENT AUTHORITY

Digitally
signed by
NIRMALA
DEVI

Location:
HIGH
COURT OF
KARNATAKA



KUMARA PARK WEST
BENGALURU - 560 020
REPRESENTED BY ITS COMMISSIONER

3. THE SECRETARY
JUSTICE SRI D V SHYLENDRA KUMAR
INQUIRY COMMITTEE 5TH FLOOR,
CAUVERY BHAVAN, KHB COMPLEX
K G ROAD, BENGALURU - 560 009
4. SRI PUNITH K SURANA
S/O SRI KEVALCHAND
AGED ABOUT 40 YEARS
5. SRI HITESH K SURANA
S/O SRI KEVALCHAND
AGED ABOUT 38 YEARS

RESPONDENTS 4 & 5 ARE
R/AT 53, 5TH FLOOR,
CHANDRALOK APARTMENTS
5TH CROSS, GANDHINAGAR
BENGALURU - 560 009

...RESPONDENTS

(BY SMT NILOUFER AKBAR, AGA FOR R1
SRI. K. KRISHNA, ADVOCATE FOR R2
SMT. ASHWINI H N, ADVOCATE FOR R4 & R5
NOTICE TO R2 IS DISPENSED WITH V/O DATED 06.04.2022)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER
DATED 04/08/2021 AND 11/01/2022 PASSED IN THE ENQUIRY
CASE NO.471/2020 ON THE FILE OF HON'BLE JUSTICE,
SRI.D.V. SHYLENDRA KUMAR, ENQUIRY, COMMITTEE,
BENGALURU VIDE ANNEXURE-P, BY ISSUE OF WRIT OF
CERTIORARI AND ETC.



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

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

ORAL ORDER

(PER: HON'BLE MR. JUSTICE C.M. POONACHA)

1. The present petition is filed seeking for the following reliefs:
 - i) quash the order dated 04.08.2021 and 11.01.2022 passed in the enquiry case no.471 /2020 on the file of Hon'ble Justice, Sri D.V. Shylendra Kumar, Enquiry Committee, Bengaluru vide Annexure-P, by issue of writ of certiorari,
 - ii) grant such other relief as deemed fit in the circumstances of the case in the interest of justice.
2. The relevant facts in a nutshell leading to the present petition are that the petitioner, a permanent resident of Sindagi Taluk, Vijayapura District, was elected as a member of the Legislative Assembly, Government of Karnataka, in the elections held in the year 1999, and he represented the Sindagi Constituency for the period 1999-2004. The petitioner made an application to the Government for allotment of a site, under the 'G' category, with a request to direct the Bangalore Development Authority [BDA] to



allot the site and accordingly, the BDA allotted a site No.1190, at Sector-III, HSR Layout, Bangalore, vide sale deed dated 15.12.2003. The petitioner sold the said site in favour of respondent Nos.4 and 5 vide registered sale deed dated 23.6.2004.

3. Pursuant to the direction passed by this Court vide order dated 25.08.2012 in W.P.Nos.23475/2010 c/w 1032/2006 & 36275/2009, a committee was constituted to scrutinize whether the allottees of the 'G' category sites of the BDA were eligible for allotment of sites under the Bangalore Development Authority Act, 1976 [**BDA Act**] and the rules framed under the BDA Act. The relevant portions of the directions of this Court are as under:

vi) If the committee is of the opinion that allottees who satisfy the eligibility criteria of the sites to be allotted by the BDA under general allotment rules, such allotments are saved;

vii) If the committee is of the opinion that any allottee was ineligible for allotment and if such allottee has constructed the building or sold the property to a third party under registered document, in such circumstances the committee shall recommend to the BDA and to the Government to recover double the value of the amount fixed as per the guide-line value for the purpose of registration of such site in that particular layout as on the date of allotment excluding the sital value deposited by the allottees. If the allottees were not eligible and if no construction is made by such allottees, Committee shall recommend for resuming the sites. Based on the recommendation of the Committee



BDA shall pass appropriate order in each and every case and if the allotment made to the allottees are saved subject to the fulfillment of the aforesaid condition, BDA shall impose the condition on the allottees or subsequent purchasers not to alienate the property/sites for a period of 10 years from the date of respective allotment.

viii) Committee is requested to examine all the applications and to make its recommendation within a period of three months from the date of providing all the infrastructure and documents by the BDA and the Government;

(emphasis supplied)

4. Accordingly, a committee headed by Justice Sri D.V.Shylendra Kumar (ret'd) (as the Chairman of the Committee) issued notices to the petitioner. After service of the notice, the petitioner filed an affidavit, in which he claimed that he was eligible for the allotment of the site. However, the committee, noticing the affidavit, held that the same does not establish conclusively the eligibility criterias for allotment of the site under Rule 10 of the Bangalore Development Authority (Allotment of Site) Rules, 1984 **[Rules]**. The subsequent purchasers were not parties to the enquiry conducted by the Committee. Hence, the Committee vide order dated 04.08.2021 recommended to the BDA to collect double the value of the amount fixed on the date of the allotment to the original allottee. The relevant portion of the directions are as under:



13. In the absence of the allottee having failed to prove the eligibility criteria for an allotment of site, we can pass an order for cancellation and resumption of the site to the Bangalore Development Authority. But the records indicate that the site has already been sold and Mr. Parithosh for Mr. Ashwin Chikkamath, standing counsel for the Bangalore Development Authority agrees to it. In the circumstances, we have an alternative of saving the site by levying the penalty on the original allottee. But, in the absence of the allottee appearing nor giving the particulars of the purchaser and the purchaser's not forthcoming to pay the penalty, we observe that the penalty amount is leviable and collectable only from the original allottee who had the benefit of the site.

14. Accordingly, we recommend to the Bangalore Development Authority to confirm the allotment of site and to fulfill the other formalities pending if any, with it, only after collecting double the value of the amount fixed as per the guideline value for the purpose of registration of site as on the date of allotment excluding the site value deposited by the original allottee, from the original allottee by whatever means available to it to settle the matter under law. Ordered accordingly.

5. The petitioner made an application before the committee to reopen the enquiry and recall its order dated 04.08.2021. He contended that he could not adequately participate in the Committee's proceedings due to COVID-19. The Committee, vide order dated 11.01.2022, rejected the allottee's request and noted that considerable time was granted to the allottee between the date of the first notice and the date on which the order was passed. The affidavit filed by the allottee was also considered by the Committee.



6. It is the vehement contention of the learned counsel for the petitioner that the petitioner, having sold the site, the penalty, if any, was required to be collected from the subsequent purchaser. Reliance was sought to be placed on the order dated 25.08.2012, passed by this Court in Writ Petition No.23475/2010. However, a perusal of the directions issued by this Court (the relevant portion of which has been extracted at para 3 hereinabove) clearly indicate that this Court merely directed that if any allottee was ineligible for allotment, construction was put up and the site was sold, the committee was required to recommend to the BDA and Government to recover double the value of the amount fixed as per the guideline value, excluding the sital value deposited by the allottee. There is no order of this Court requiring the amount to be paid by the subsequent purchaser.

7. The Committee has adequately considered the affidavit filed by the petitioner and has held that it does not conclusively establish the eligibility criteria for the allotment of a site under Rule 10 of the Rules. It is not the contention of the petitioner that he was eligible for the allotment of a 'G' category site under the Rules.



8. We are unable to accept the contention of the petitioner that the order of the committee is in any manner erroneous and liable to be interfered with by this Court in the present writ petition.

9. Accordingly, the above writ petition is dismissed as being devoid of merit.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(C.M. POONACHA)
JUDGE

vmb/nd
List No.: 2 SI No.: 29