



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT PETITION NO. 4032 OF 2021 (BDA)

BETWEEN:

1. SRI LAKSHMI MOHAN
W/O V MOHAN, AGED 57 YEARS,
NO 112/1, SATSHIL, FLAT NO 102,
11TH CROSS, 5TH MAIN,
MALLESHWARAM, BANGALORE 560003

...PETITIONER

(BY SRI. ADINATHA NARDE., ADVOCATE)

AND:

1. GOVERNMENT OF KARNATAKA
REPRESENTED BY ITS CHIEF SECRETARY
VIDHAN VEEDHI, BANGALORE 560001
2. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
HOUSING AND URBAN DEVELOPMENT
DEPARTMENT, VIDHANA SOUDHA
BANGALORE 560001
3. THE COMMISSIONER
BANGALORE DEVELOPMENT AUTHORITY
T CHOWDAIAH ROAD, K P WEST,
BANGALORE 560020

...RESPONDENTS

(BY SRI. S.H.RAGHAVENDRA, AGA FOR R1 & R2;
MS. VARSHITHA.T.K FOR
SRI. SURAJ PATIL, ADVOCATE FOR R3)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI AND A WRIT OF MANDAMUS OR SUCH OTHER WRIT OR DIRECTION OR ORDER, QUASH THE ORDER DATED 19/01/21 AS PER ANNEXURE-U OF THE HON'BLE JUSTICE SRI. D. V. SHYLENDRA KUMAR COMMITTEE AS DISCRIMINATORY AND VIOLATIVE OF ART. 14 AND 16 OF THE CONSTITUTION OF INDIA, ETC.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL ORDER

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present writ petition has been filed by the petitioner stating that one Mr. V.N. Subba Rao, was allotted 'G' category site bearing No.IC 707 situated at I Block, Hennur Road Layout (H.R.B.R.), Bangalore, and later on the petitioner purchased the said site from Mr. V.N. Subba Rao.



2. Mr. V.N. Subba Rao was allotted the site on 30.08.2005 and the petitioner entered into a lease-cum-sale agreement with Mr. V.N. Subba Rao on 24.01.2006 and got the sale deed executed on 25.01.2006 in respect of the said site.

3. In compliance of the judgment passed by a Division Bench of this Court in W.P.No.23475/2010 connected with W.P.Nos.1032/2006 and 36275/2009 an Inquiry Committee was constituted under the Chairmanship of Justice D. V. Shylendra Kumar (Retd.) and Members Sri. A.S.Bellunke and Sri Subir Hari Singh for examining the validity of allotment of the site under 'G' category. The allotment of Site No.IC 707 made in favour of Mr. V. N. Subba Rao came to be cancelled on the ground that Mr.V.N. Subba Rao was already allotted a site way back in the year 1973, which he sold and therefore, he was not entitled for allotment of another 'G' category site in the year 2005. The findings of the Committee in paragraph Nos.16 and 17 read as under:-

"16. However much we are sympathetic to the submissions of the Advocate for Smt. Lakshmi Mohan, who claims to be the legatee under the Will and who also claims that she had not only entered into an agreement with the allottee for the purchase of the site and in fact,



financed to purchase site in question as the allottee was in a distress position etc., we are in a helpless situation as the allotment is not sustainable in favour of the allottee himself, so also the submission of the Advocate for the BDA that the original allotment should be cancelled and the site should be resumed in favour of the Bangalore Development Authority.

17. In view of the rival submissions and on an overall consideration of the facts and circumstances of the case and as per the legal position of the Rules, we are unable to confirm the allotment in favour of the original allottee. Hence, the allotment of site in question is resumed to the Bangalore Development Authority. However, as the present person, Smt. Lakshmi Mohan niece of the original allottee, who is agitating the matter before the Committee had incurred huge expenditure on behalf of the original allottee and had also taken care of him, we will leave it open to the said Smt. Lakshmi Mohan, who claims under a Will, to work out her rights and the remedies available in accordance with law before an appropriate Forum and any money had been paid by the original allottee or by the legatee such amount may be refunded to the person. Ordered accordingly."

4. If Mr. V.N.Subba Rao was not entitled to allotment of the site in view of the specific bar as provided under Rule 10 of the Bangalore Development Authority (Allotment of Sites) Rules, 1984, the said site allotted in favour of Mr. V.N. Subba Rao was



nothing but an illegal, arbitrary and mala fide exercise of power by the BDA. The Inquiry Committee has therefore, found that allotment of the site in favour of Mr. V.N. Subba Rao was illegal.

5. The interesting part of the case is that it is the petitioner who had sponsored Mr. V.N. Subba Rao for allotment of the site and she has got the General Power of Attorney in her favour from the very beginning. Thus the allotment though was made in favour of Mr. V.N. Subba Rao, but it was for the petitioner from the very beginning. The illegality therefore, in allotment of the site in favour of Mr. V.N. Subba Rao, is at galore.

6. We are of the considered opinion that Mr. V.N. Subba Rao was not entitled for allotment of the site inasmuch as he had been already allotted a site in his favour in the year 1973, which he had disposed of and the second site, which was allotted to Mr. V.N. Subba Rao was in fact for the petitioner, who was otherwise, not entitled for allotment of the site in 'G' category.

7. We therefore, concur with the opinion expressed by the Inquiry Committee, and find no reason to interfere with the



factual findings recorded by the Inquiry Committee. Thus we
dismiss this writ petition, however without costs.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

NG
CT: SN
List No.: 2 SI No.: 7