



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 7<sup>TH</sup> DAY OF MAY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM**

**WRIT PETITION NO. 6839 OF 2026 (GM-RES)**

**BETWEEN:**

MR K N CHAKRAPANI  
S/O LATE NANJUNDAPPA P.  
AGED ABOUT 55 YEARS,  
NO. 1298, RAJARAJESHWARI MARG,  
KODIGEHALI MAIN ROAD,  
VIRUPAKSHAPURA,  
BENGALURU 560097.

...PETITIONER

(BY SRI. VYSHAK MANIKANTA S., ADVOCATE)

**AND:**

Digitally  
signed by  
CHAITHRA A  
Location:  
HIGH  
COURT OF  
KARNATAKA

1. STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY,  
URBAN DEVELOPMENT DEPARTMENT,  
VIDHANA SOUDHA,  
BENGALURU 560001.
2. BANGALORE METROPOLITAN REGION DEVELOPMENT  
AUTHORITY  
REPRESENTED BY ITS METROPOLITAN  
COMMISSIONER NO, 1,  
ALI ASKER ROAD,  
VASANTH NAGAR,  
BENGALURU,  
KARNATAKA 560001



3. BANGALORE INTERNATIONAL AIRPORT AREA  
PLANNING AUTHORITY  
REPRESENTED BY ITS MEMBER SECRETARY  
333/1, 1<sup>ST</sup> FLOOR, V.J. COMPLEX,  
NAGONDANA HALLI MAIN RD,  
DEVANAHALLI, BENGALURU,  
KARNATAKA 562110
  4. M/S BABA DEVELOPERS PRIVATE LIMITED,  
PLOT NO. 12A, PRAKRUTHI LAYOUT,  
HEGGANAHALLI VILLAGE,  
KUNDANA HOBLI, DEVANAHALLI TALUK,  
BENGALURU RURAL - 562 110.  
REPRESENTED BY ITS MANAGING DIRECTOR  
MR. P. SASIBHUSHAN  
COMPANY INCORPORATED UNDER COMPANIES ACT,  
1956
  5. MR. P. SASIBHUSHAN  
S/O UNKNOWN  
AGED MAJOR  
RESIDING AT. PLOT NOS. 19 AND 20,  
HEGGANAHALLI VILLAGE,  
KUNDANA HOBLI,  
DEVANAHALLI TALUK,  
BENGALURU RURAL DISTRICT - 562110
  6. SMT P. ANASUYA,  
W/O P. SASI BHUSHAN,  
AGED ABOUT 68 YEARS,  
RESIDING AT. PLOT NOS. 19 AND 20,  
HEGGANAHALLI VILLAGE,  
KUNDANA HOBLI, DEVANAHALLI TALUK,  
BENGALURU RURAL DISTRICT-562110
- ...RESPONDENTS

(BY SMT. NAVYA SHEKAR, AGA FOR R1  
SRI. YOGESH D NAIK, ADVOCATE FOR R2 & R3  
SRI. ASHOK S HARANAHALLI, SR. COUNSEL FOR  
SRI. ANOOP HARANAHALLI, ADVOCATE FOR R4 TO R6)



HC-KAR

**NC: 2026:KHC:24691**  
**WP No. 6839 of 2026**

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR ENTIRE RECORDS FROM RESPONDENT NOS. 1 TO 3 RELATING TO THE CIVIC AMENITY (CA) SITE NO. 13 EARMARKED AS PARK AND OPEN SPACE, SITUATED IN SY. NOS. 76A, 77A, 80 AND 81 OF HEGGANAHALLI VILLAGE, KUNDANA HOBLI, DEVANAHALLI TALUK AS SHOWN IN ANNEXURE-C. B) CALL FOR THE ENTIRE RECORDS FROM RESPONDENT NOS. 1 TO 3 PERTAINING TO THE 30 FEET ROAD TRAVERSING THROUGH SY. NOS. 76A, 77A, 80, 81, 74 AND 76 OF HEGGANAHALLI VILLAGE, KUNDANA HOBLI, DEVANAHALLI TALUK, INCLUDING ALL DOCUMENTS RELATING TO ITS FORMATION, ALIGNMENT, APPROVAL, CLASSIFICATION AND PRESENT STATUS AS SHOWN IN ANNEXURE D. C) DIRECT TO APPOINT AN ADVOCATE COMMISSIONER, OR ANY OTHER FIT PERSON, TO INSPECT THE CIVIC AMENITY SITE AND THE ADJOINING 30 FEET ROAD, ASCERTAIN AND RECORD THE PRESENT PHYSICAL STATUS, NATURE AND EXTENT OF CONSTRUCTION OR ENCROACHMENT, PRESENT USE OF THE LAND, AND ANY DEVIATIONS FROM THE SANCTIONED LAYOUT PLAN BEARING NO. BMRDA/LAO/29/97-98 DATED 06.08.1997 AS AMENDED ON 20.12.1999 AND THE SANCTIONED PLAN BEARING CC NO. BIAAPA/TPL/LAO/183/2004-05 DATED 06.09.2004, AND TO SUBMIT A REPORT WITH PHOTOGRAPHS AND MEASUREMENTS WITHIN SUCH TIME AS THIS HONBLE COURT MAY DEEM FIT AT ANNEXURES C AND D. D) DIRECTING THE RESPONDENT AUTHORITIES TO DEMOLISH AND REMOVE THE UNAUTHORISED CONSTRUCTION RAISED BY RESPONDENT NO. 4 ON THE CIVIC AMENITY (CA) SITE EARMARKED FOR PARK PURPOSES AT ANNEXURE C. E) DECLARE THAT THE PRIVATE OCCUPATION AND UTILISATION OF THE SAID CA SITE BY RESPONDENT NO. 4 IS ILLEGAL, UNCONSTITUTIONAL, AND VOID AB INITIO AT ANNEXURE C. F) DIRECT THE RESPONDENT AUTHORITIES TO RESTORE THE 30 FEET ROAD STRICTLY IN ACCORDANCE WITH THE SANCTIONED PLAN BEARING CC NO. BIAAPA/TPL/LAO/183/2004-05 DATED 06.09.2004, AND TO DEVELOP, MAINTAIN AND KEEP THE SAME OPEN AND UNOBSTRUCTED FOR USE BY THE GENERAL PUBLIC AT ANNEXURE D. G) DIRECTION RESTRAINING THE RESPONDENTS, THEIR AGENTS, OR ANY PRIVATE PARTIES FROM USING OR PERMITTING THE USE OF THE CA SITE AND



THE ADJOINING 30 FEET ROAD FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS EARMARKED UNDER THE SANCTIONED LAYOUT PLAN AT ANNEXURE C & D.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

**ORAL ORDER**

The captioned petition is filed seeking the following reliefs:

*"a) Call for entire records from Respondent Nos.1 to 3 relating to the Civic Amenity (CA) Site No.13 earmarked as park and open space, situated in Sy.Nos.76A, 77A, 80 and 81 of Hegganahalli Village, Kundana Hobli, Devanahalli Taluk as shown in Annexure-C;*

*b) Call for the entire records from Respondent Nos.1 to 3 pertaining to the 30 feet road traversing through Sy.Nos.76A, 77A, 80, 81, 74 and 76 of Hegganahalli Village, Kundana Hobli, Devanahalli Taluk, including all documents relating to its formation, alignment, approval, classification and present status as shown in Annexure-D;*

*c) Direct to appoint an Advocate Commissioner, or any other fit person, to inspect the Civic Amenity site and the adjoining 30 feet*



*road, ascertain and record the present physical status, nature and extent of construction or encroachment, present use of the land, and any deviations from the sanctioned layout plan bearing No.BMRDA/LAO/29/97-98 dated 06.08.1997 and the sanctioned plan bearing CC No.BIAAPA/TPL/LAO/183/2004-05 dated 06.09.2004, and to submit a report with photographs and measurements within such time as this Hon'ble Court may deem fit at Annexures - C & D;*

*d) Issue a writ of mandamus or any other appropriate writ, order, or direction directing the Respondent authorities to demolish and remove the unauthorized constructions raised by Respondent No.4 on the Civic Amenity (CA) site earmarked for park purposes at Annexure-C;*

*e) Declare that the private occupation and utilization of the said CA site by Respondent No.4 is illegal, unconstitutional, and void ab initio at Annexure-C;*

*f) Direct the Respondent authorities to restore the 30 feet road strictly in accordance with the sanctioned plan bearing CC No.BIAAPA/TPL/LAO/183/2004-05 dated 06.09.2004, and to develop, maintain and keep the same open and unobstructed for use by the general public at Annexure-D;*



*g) Issue a writ, order, or direction restraining the Respondents, their agents, or any private parties from using or permitting the use of the CA site and the adjoining 30 feet road for any purpose other than that for which it is earmarked under the sanctioned layout plan at Annexures - C & D;*

*h) Pass such other or further orders as this Hon'ble Court may deem fit in the facts and circumstances of the case, in the interests of justice and equity."*

2. The petitioner has sought multiple reliefs, inter alia, for calling of records, appointment of an Advocate Commissioner, demolition of alleged unauthorized construction on a Civic Amenity (CA) site earmarked for park, restoration of a 30 feet road, and consequential declaratory and injunctive reliefs.

3. The petitioner claims to be the absolute owner of land situated in the vicinity of Prakruti Club and asserts that a Civic Amenity (CA) site earmarked for park purposes in sanctioned layout plans dated 06.08.1997 and



20.12.1999 (Annexure–C) is being encroached. Petitioner asserts 30 feet road reflected in subsequent sanctioned plans is alleged to have been obstructed and subsumed by construction undertaken by respondent Nos.4 to 6. Such obstruction has resulted in denial of convenient access to the petitioner's property, compelling him to take a circuitous route.

4. The petitioner further relies on photographs produced at Annexure–G indicating alleged encroachment, representation dated 24.11.2025 submitted to the planning authority, show cause notice dated 02.12.2025 issued to respondent No.4, and subsequent representation dated 05.12.2025. It is contended that despite issuance of notice, the alleged illegal construction has not been halted and that the endorsement issued by the authority denying encroachment is erroneous and contrary to sanctioned plans.



5. The learned counsel appearing for the Planning Authority has produced a certified copy of the approved layout plan and map and contends that the petitioner's property is situated at a considerable distance from the disputed site and that the road alleged by the petitioner does not exist in the approved layout. It is further contended that the sketches and plans relied upon by the petitioner are factually incorrect and inconsistent with official records.

6. The learned Senior counsel appearing for the private respondents contend that no construction is undertaken on any CA site. The construction is based on a sanctioned plan relating to a different property and there is no encroachment of any public road as alleged.

7. Heard the learned counsel appearing for the petitioner, learned counsel appearing for the respondent-Planning Authority (BIAAPA/BYAPPA), and the learned Senior Counsel appearing for the private respondents.



Perused the entire material on record including the layout plans, sketches, endorsements and photographs relied upon by the parties.

8. In the light of rival contentions, the following points arise for consideration:

- i. Whether the petitioner has established encroachment over a Civic Amenity site earmarked for park?*
- ii. Whether the alleged obstruction of a 30 feet road can be adjudicated in writ jurisdiction?*
- iii. Whether the petitioner has locus and demonstrable legal injury warranting interference under Article 226 of the Constitution of India?*

**Finding on Point Nos.(i) to (iii):**

9. On meticulous examination of the material placed on record, this Court finds that the petitioner relies on certain layout plans and sketches (Annexure-C), whereas the Planning Authority has produced certified



maps depicting a different layout configuration. The two sets of documents present conflicting topographical positions, particularly regarding existence and alignment of the alleged 30 feet road, location of the CA site, and relative positioning of petitioner's property vis-à-vis the disputed construction. Such irreconcilable discrepancies give rise to serious disputed questions of fact, which cannot be satisfactorily adjudicated in writ jurisdiction.

10. Determination of whether a road exists, whether there is encroachment, whether construction deviates from sanctioned plans, would necessarily require a detailed evidence, measurement and survey, cross-examination of technical material, more particularly whether authorities are justifying action of petitioner. This Court, exercising jurisdiction under Article 226, cannot undertake such a fact-finding exercise akin to a civil trial.

11. From the records, it prima facie emerges that the petitioner is not an adjacent landowner to the disputed



site. The alleged injury in terms of access is not conclusively established. The grievance is substantially predicated on disputed factual assertions rather than demonstrable infringement of a clear legal right.

12. Insofar as the contention of the petitioner that a 30 feet road exists and is being encroached is concerned, this Court finds that the very foundation of such assertion is seriously disputed by the Planning Authority, which has placed on record a certified layout plan depicting a contrary position. When the statutory authority itself disputes the authenticity and correctness of the documents relied upon by the petitioner, the issue ceases to be a mere question of law and squarely falls within the realm of complex and contested questions of fact, requiring detailed adjudication on evidence. Further, it is not in dispute that the petitioner is not an immediate adjoining landowner, but claims to be a resident of the locality asserting a larger public right in respect of an alleged road. In such circumstances, if the petitioner seeks



to establish the existence, identity, alignment and user of a public road forming part of an approved layout scheme, the proper course would be to institute an appropriate representative suit before the competent civil Court, wherein all necessary parties can be impleaded and comprehensive relief can be sought. Such a suit would enable the civil Court to undertake a full-fledged enquiry, including appointment of a Commissioner, survey and demarcation, and appreciation of oral and documentary evidence, which is impermissible in proceedings under Article 226 of the Constitution of India. Therefore, this Court is of the considered view that the petitioner must be relegated to avail such remedy in a manner known to law.

13. Even assuming that a public road is encroached, or a CA site is misused, since planning authority is disputing documents relied on by petitioner, such grievances require adjudication before a competent civil court, where evidence can be led, survey and



commission proceedings can be undertaken, and rights can be conclusively determined.

14. In view of the above discussion, this Court is of the considered opinion that the controversy revolves around highly disputed questions of fact. The material on record presents conflicting layout plans and sketches. The issues raised are not amenable to adjudication under writ jurisdiction.

15. Accordingly, this Court proceeds to pass the following:

ORDER

(i) The writ petition stands dismissed, as not maintainable in the present form.

(ii) Liberty is reserved to the petitioner to work out his remedies before the competent civil court in accordance with law.



(iii) All contentions of the parties are kept open, to be urged before the appropriate forum.

(iv) No order as to costs.

**Sd/-**  
**(SACHIN SHANKAR MAGADUM)**  
**JUDGE**

CA  
List No.: 1 Sl No.: 4