



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 7885 OF 2026 (BDA)

BETWEEN:

1. SRI. SUNDARESH K.R
S/O RUDRAPPA
AGED 64 YEARS
R/AT KETHOHALLI VILLAGE,
TAVAREKERE HOBLI,
BENGALURU SOUTH TALUK,
BENGALURU - 562 130.
2. SRI. K.R. DINESH KUMAR,
S/O RUDRAPPA B,
AGED ABOUT 38 YEARS,
R/AT NO.37, KETHOHALLI VILLAGE,
TAVAREKERE HOBLI,
BENGALURU SOUTH TALUK,
BENGALURU - 562 130.
3. SRI. DEVARAJU,
S/O RUDRAPPA B,
AGED ABOUT 36 YEARS,
RESIDING AT NO.846,
KETHOHALLI VILLAGE,
TAVAREKERE HOBLI,
BENGALURU SOUTH TALUK,
BENGALURU-562130.
4. SRI.K.B.NATARAJU
S/O LATE BASAVARAJU
AGED ABOUT 44 YEARS



RESIDING AT NO.37,
BASAVIAIAH STREET,
KETHOHALLI,
CHUNCHUNAKUPPE,
BENGALURU - 562 130.

5. SRI. SHEKHARA K.B
S/O BASAVIAIAH
AGED ABOUT 36 YEARS
KETHOHALLI CHUNCHUNKUPPE,
BENGALURU - 562 130.

...PETITIONERS

(BY SRI. CHANDRASHEKAR L., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
URBAN DEVELOPMENT DEPARTMENT,
VIKAS SOUDHA,
AMBEDKAR VEEDHI,
BENGALURU- 560 001.
2. THE COMMISSIONER,
BANGALORE DEVELOPMENT AUTHORITY,
T CHOWDIAH ROAD,
KUMARA PARK WEST,
BENGALURU-560 020.
3. THE TOWN PLANNING MEMBER
BANGALORE DEVELOPMENT AUTHORITY,
T CHOWDIAH ROAD,
KUMARA PARK WEST,
BENGALURU-560 020.



4. THE ADDITIONAL DIRECTOR TOWN PLANNING,
BANGALORE DEVELOPMENT AUTHORITY,
T CHOWDIAH ROAD,
KUMARA PARK WEST,
BENGALURU-560 020.
5. THE COMMITTEE MEMBERS,
TOWN PLANNING,
BANGALORE DEVELOPMENT AUTHORITY,
T CHOWDIAH ROAD,
KUMARA PARK WEST,
BENGALURU- 560 020.

...RESPONDENTS

(BY SRI. ADITYA DIWAKAR, AGA FOR R1;
SRI. SANJAY YADAV B, ADVOCATE FOR R2 TO R5)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE DECISION TAKEN BY THE R2 AND 3 ON 06.12.2025 VIDE SUBJECT NO. 8.12/2025 IS PRODUCED HERewith AT ANNEXURE-A; DIRECT THE RESPONDENTS TO POSITIVELY CONSIDER THE APPLICATION OF THE PETITIONERS AND GRANT PERMISSION FOR CHANGE OF LAND USE FROM AGRICULTURAL PURPOSE TO RESIDENTIAL PURPOSE IN RESPECT OF LAND SITUATED IN SURVEY NOS.33, 44/1, 44/2 AND 44/3 SITUATED IN KETHOHALLI VILLAGE, TAVARAKERE HOBLI, BENGALURU SOUTH TALUK, THE SAID LANDS TOGETHER IN ONE COMPOSITE BLOCK MEASURES TO AN EXTENT OF 7 ACRES 24 GUNATS AS PER ANNEXURE-B.

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



CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioners have sought for a writ in the nature of certiorari to quash the decision taken by the Respondent Nos.2 and 3 on 06.12.2025 on Subject No.8.12 of 2025. They have also sought for a writ in the nature of mandamus to direct the respondents to positively consider their application and grant permission for change of land use from agricultural purpose to residential purpose, in respect of the land bearing Survey Nos.33, 44/1, 44/2 and 44/3 situated Kethohalli, Tavarekere Hobli, Bengaluru South Taluk.

2. Petitioners claim that they are the owners of land in Survey Nos.33, 44/1, 44/2 and 44/3 of Kethohalli, Tavarekere Hobli, Bengaluru South Taluk, which lies in one composite block. They contend that as per the Revised Master Plan-2015, the aforesaid lands are shown in the "Green Zone", which can be used only for agricultural purposes. The petitioners desired to use the aforesaid land



for residential purposes and hence, filed an application before Respondent Nos.2 to 4 seeking change of land use as per Section 14 (A) of the Karnataka Town and Country Planning Act. It is contended that after careful scrutiny of the applications of the petitioners to check whether the lands lay within the prohibited areas or sensitive zones or within close vicinity to the tank or is identified as kharab land, the respondents came to the conclusion that the aforesaid lands are not subject matter of any acquisition and that the description of the land mentioned in the applications tallied with all the revenue records in the survey sketch and that the title of the petitioners was perfect.

3. The respondents invited objections by publishing its intent to permit change of land use, cost of which was borne by the petitioners. Later, the Respondent No.2 at its 94th meeting came to the conclusion that the request of the petitioners for change of land use shall be kept in abeyance since the authority intended to acquire



the land of the petitioners for future use. The petitioner, being aggrieved by the proceedings of the 94th meeting conducted by the respondents is before this court.

4. Learned counsel appearing for the petitioners submitted that a similar endorsement issued by the respondents was set at naught by Co-ordinate Benches of this Court in W.P.No.12070 of 2025, W.P.No.4217 of 2025 and W.P.No.19174 of 2022. He also contends that the Apex Court while considering a similar question in the case of ***T.Vijayalakshmi and others Vs. Town Planning Member and another*** reported in **(2006) 8 SCC 502** held that when there is no impediment for permitting change of land use, the Planning Authority cannot deprive a land owner from putting the land to that particular use. He therefore contends that the impugned proceedings of the meeting being arbitrary and colorable is liable to be set at naught.

5. Per contra, learned counsel for Respondent Nos. 2 to 5 submitted that the respondents would consider the



application of the petitioners, in accordance with law and issue appropriate endorsement. He, however, was not willing to make a statement that the representation would be considered, not on similar lines as was done at the 94th meeting held by the Respondent No.2.

6. I have considered the submissions made by the learned counsel for the petitioners and the learned counsel for Respondent Nos.2 to 5. The fact that the petitioners are the owners of the aforesaid land is not much in dispute. It is also not in dispute that the land of the petitioners now lies in the "Green Zone" as per the Revised Master Plan - 2015. If the petitioner is entitled for change of land use and if he has filed an application under Section 14(A) of the Karnataka Town and Country Planning Act, the respondent is bound to consider the same. Without considering the same, it cannot reject it on the ground that the authority may need the land in question for future use.



7. Therefore, the proceedings of the 94th meeting held by the Respondent No.2, by which, the application of the petitioner for change of land use was rejected, is liable to be quashed and is accordingly quashed as the same is not justified by any statutory provisions. In view of the above, without expressing any opinion on the application of the petitioners for seeking change of land use from "Green Zone" to any other zone, the Respondent No.2 is directed to consider the representation of the petitioner on any other lawful ground other than its decision taken at its 94th meeting and dispose of the same, in accordance with law. This shall be done within a period of two months from the date of receipt of copy of this order. It is made clear that if the Respondent Nos.2 to 5 require the land in question for any of their purposes, they shall proceed against it, in accordance with law and they shall not deny the petitioners their right to enjoy the property in the manner, they desire.



**NC: 2026:KHC:30540
WP No. 7885 of 2026**

With the above observations, Writ Petition stands
disposed of.

**Sd/-
(R. NATARAJ)
JUDGE**

DH
List No.: 1 Sl No.: 66