



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 8919 OF 2026 (LA-BDA)

BETWEEN:

SMT. S.R. GAYATHRI
W/O LATE S.R. GOVINDAPPA,
AGED ABOUT 57 YEARS,
R/A NO.48/2, SRIRAMPURA,
JAKKUR POST,
BANGALORE-560 064.

...PETITIONER

(BY SRI. RAMA LINGAPPA B., ADVOCATE)

AND:

1. BANGALORE DEVELOPMENT AUTHORITY
KUMARA PARK WEST, SANKEY ROAD,
BENGALURU-560 020.
REPRESENTED BY ITS COMMISSIONER
2. THE SPECIAL LAND ACQUISITION OFFICER
BANGALORE DEVELOPMENT AUTHORITY,
T. CHOWDAIAH ROAD,
BENGALURU-560 020.
3. STATE OF KARNATAKA
URBAN DEVELOPMENT DEPARTMENT,
VIKASA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BANGALORE-560 001.
REPRESENTED BY ITS SECRETARY

...RESPONDENTS

(BY SMT. DEEPTI A., ADVOCATE FOR RESPONDENT NO.1;
SRI. ADITYA DIWAKAR, ADVOCATE FOR RESPONDENT NOS.2 AND 3)



THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE PRELIMINARY NOTIFICATION BEARING NO. BDA / COMMR / ALAO/LA9/104/2002-03, BANGALORE DATED 03.02.2003 ISSUED BY RESPONDENT NO.1 VIDE ANNEXURE-D AND FINAL NOTIFICATION BEARING NO. UDD 193 MNX 2004, BANGALORE DATED 23.02.2004 VIDE ANNEXURE-E ISSUED BY THE 3RD RESPONDENT AUTHORITY IN SO FAR AS IT RELATES TO SITE BEARING V.P KATHA NO. 484/A/5, SITE NO. 5 MEASURING EAST TO WEST 60 PLUS 70/2 FEET AND NORTH TO SOUTH- 30 FEET, TOTALLY MEASURING 1,950 SQ. FEET SITUATED AT SRIRAMAPURA VILLAGE, YELAHANKA HOBLI, BANGALORE NORTH TALUK, BANGALORE FORMED OUT OF THE LANDS BEARING SY. NO.53, 58/1, 58/2 AND 59 OF SRIRAMAPURA VILLAGE, YELAHANKA HOBLI, BENGALURU NORTH TALUK, BENGALURU IS CONCERNED

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 petitioner has challenged a preliminary notification bearing No.BDA/Commr/ALAO/LA9/104/2002-03, Bengaluru dated 03.02.2003 and the final notification bearing No.UDD 193 MNX 2004, Bengaluru dated 23.02.2004 and modified preliminary notification dated 18.06.2014 in so far as it relates to site bearing V.P. Katha No.484/A/5, Site No.5 measuring 60 + 70/2 x 30 feet situate at Srirampura Village, Yelahanka Hobli,



Bengaluru North Taluk. She has also sought for a direction to respondent No.1 to consider her case and pass appropriate orders regarding regularisation of the aforesaid site.

2. (i) The petitioner claims that she purchased a site V.P. Katha No.484/A/5, Site No.5 measuring 60 + 70/2 x 30 feet formed in Sy.No.58/1. She claims that the aforesaid site was earlier conveyed by Sri.Rajanna and Smt. Muniyamma in favour of Sri.Chandrappa and Sri.Chandrappa executed the sale deed in favour of Sri. S.R.Govindappa, the husband of the petitioner herein. The petitioner claims that after the death of her husband, she and her family members are in possession and enjoyment of the aforesaid site where they are residing. She contends that the land in Sy. No.58/1 was notified for acquisition for formation of Arkavathy layout.

(ii) She contends that in view of the judgment of the Division Bench of this Court, and the judgment of the Hon'ble Apex Court in the case of ***Bondu Ramaswamy and others Vs. Bengaluru Development Authority - (2010) 7 SCC 129.*** as well as the judgment of a Co-ordinate bench of this Court in ***W.P.No.51929/2014*** and connected petitions, she



approached the Committee headed by Hon'ble Mr. Justice K.N.Keshavanarayana, former judge of High Court of Karnataka and submitted a representation seeking regularization of her site. She submits that since she had purchased the site in question, prior to the issuance of the preliminary notification, she is entitled to regularization. She is therefore before this Court challenging the legality of the acquisition proceedings.

3. The learned counsel for the petitioner reiterated the above contentions and submitted that the petitioner is entitled to regularisation and prays that the claim of the petitioner be considered.

4. The learned counsel for the respondents, on the other hand, contends that the claim of the petitioner before the Committee headed by Hon'ble Mr. Justice K.N.Keshavanarayana, former judge of the High Court of Karnataka, was rejected on the ground that the property claimed by the petitioner was not identifiable and therefore, was not eligible for regularisation. She further contends that having failed before the Committee, the petitioner has approached this Court by filing the present writ petition.



5. When this petition is listed for preliminary hearing, the learned counsel for the petitioner submits that the petitioner has filed an application under Section 38D of the Bengaluru Development Authority Act, 1976 (henceforth referred to as 'BDA Act' for short) claiming regularisation. He submits that a direction be issued to the respondents to consider the case of the petitioner for regularisation under Section 38D of the BDA Act.

6. The learned counsel for the respondent No.1 however contends that when the site of the petitioner itself cannot be identified, question of considering the application filed by the petitioner under Section 38D of the BDA Act would not arise.

7. I have considered submissions of the learned counsel for the petitioner as well as learned counsel for respondent No.1.

8. The acquisition of lands for formation of Arkavathy layout was upheld by the Hon'ble Apex Court in the case of ***Bondu Ramaswamy referred supra***. A co-ordinate bench of



this Court while considering the modified notification dated 18.06.2014, constituted a committee headed by Hon'ble Mr. Justice K.N.Keshavanarayana, former judge of High Court of Karnataka to examine the allegations of discrimination. The petitioner appears to have approached the said committee seeking regularisation of her site, even though the committee could not have gone into that question. Be that as it may, the committee has rejected the application filed by the petitioner for regularisation of her site on the ground that the site claimed by her is not identifiable.

9. Be that as it may, since the petitioner has approached the respondents seeking regularisation of her occupation by invoking Section 38D of the BDA Act, this writ petition deserves to be disposed off by directing the respondents to consider the representation filed by the petitioner seeking regularisation of her occupation under Section 38D of the BDA Act and pass appropriate orders in accordance with law.

10. Accordingly, the writ petition is ***disposed off***. The respondents shall consider the representation of the petitioner



under Section 38D of BDA Act. This shall be done within a period of three months from the date of receipt of a copy of this order.

11. Until such consideration, the respondents shall not demolish or damage the construction put up by the petitioner on the aforesaid site. The petitioner shall not put up any construction taking advantage of this order.

Sd/-
(R. NATARAJ)
JUDGE

HJ
List No.: 1 Sl No.: 30