



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 9105 OF 2026 (LA-BDA)

BETWEEN:

KSHEMA MIND CARE,
A REGISTERED TRUST,
HAVING ITS OFFICE AT NO.17,
MARUTHI ENCLAVE, VADERAHALLI VILLAGE,
VIDYARANYAPURA POST,
BANGALORE - 560 097,

REPRESENTED BY ITS TRUSTEE/
AUTHORISED SIGNATORY,
SRI. SRIPATHI K.N.,
AGED ABOUT 41 YEARS OLD,
S/O SRI. R.K. NARASIMHAIAH,
RESIDING AT NO.59, FIRST 'B' MAIN ROAD,
VENKATEGOWDA LAYOUT,
KEMPAPURA, HEBBAL,
BANGALORE - 560 073.

...PETITIONER

(BY SRI. SAMEER SHARMA, ADVOCATE)

AND:

1. BANGALORE DEVELOPMENT AUTHORITY,
HAVING OFFICE AT
5TH MAIN ROAD, KUMARAPARK WEST,
KUMARA PARK WEST, GUTTAHALLI,
BENGALURU,
KARNATAKA - 560 020,
REPRESENTED BY SECRETARY.

Digitally signed
by VIJAYA P
Location: HIGH
COURT OF
KARNATAKA



2. SRI. O.M. VARGHESE,
SINCE DEAD, THROUGH HIS LR
SRI. DENNY VARGHESE,
S/O LATE O.M. VARGHESE,
AGED MAJOR,
RESIDING AT NO.68, BURLINGTON LAYOUT,
HENNUR MAIN ROAD, KANNUR POST,
BANGALORE - 562 149.

...RESPONDENTS

(BY SRI. K. KRISHNA, ADVOCATE FOR R1;
SRI. S. DEVAIAH, ADVOCATE FOR R2)

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE
INTIMATION LETTER BEARING ಸಂಖ್ಯೆ:
ಬೆಂ.ಅ.ಪ್ರಾ/ಸಕಾನಿಅ(NPKL)/18/2025-26 DATED 12.03.2026 ISSUED BY
THE RESPONDENT NO.1 IN RESPECT OF PROPERTY BEARING
SY.NO.104, BHEEMANKUPPE VILLAGE, BANGALORE
KARNATAKA (PRODUCED AT ANENXURE - A).

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

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV



ORAL ORDER

The petitioner has sought for setting aside of the intimation letter dated 12.03.2026 issued by respondent No.1 in respect of the property bearing Survey No.104, situated at Bheemankuppe Village, Bangalore, Karnataka.

2. It is the case of the respondent - Bangalore Development Authority (BDA) in their notice at Annexure-A that the property in Survey No.104, measuring 20 acres and 20 guntas, has been acquired by the respondent - BDA for the purpose of formation of Nadaprabhu Kempegowda Layout. It is further submitted that the petitioner is in occupation of certain structures and is required to vacate and handover possession within seven days, failing which, action will be taken.

3. Though the petition has been filed challenging the said impugned communication, at the time of hearing of the matter, counsel for the petitioner submits that the petitioner is a registered Trust and the objects of such



Trust includes carrying on of a Rehabilitation Centre specifically to take care of psychologically handicapped children and also to carry on Adult Recovery Centre. It is further submitted that the petitioner is only a tenant and taking note of the activities being conducted, they require a reasonable time to relocate.

4. Upon suggestion of the Court, the petitioner has filed an affidavit to clarify its stand. It is stated that the intimation of the respondent - BDA has caused serious hardship to the petitioner and though petitioner had entered into a rental agreement with respondent No.2, the 1st respondent - BDA is seeking for vacation of the building, failing which, necessary steps would be taken.

5. It is stated at para-8 and 9 of the affidavit regarding the genuine activities being conducted and the hardship that would be caused and that reasonable time for vacation of the structures is required. Para-8 and 9 of the affidavit reads as hereunder:



"8. However, notwithstanding the above, the Petitioner undertakes by virtue of the present Affidavit to duly vacate and hand over peaceful possession of the property which it is occupying, i.e. property bearing No. 716, Sy.No.67, St. Thomas Nagar, Bheemanakuppe Cross, Chellaghatta Road, Kumbalagodu Post, Kengeri Hobli, Bangalore - 560074, in favor of the respondent No.1, within a period of 2 months from March 25, 2026. I state. that the said requirement of time to duly vacate and hand over peaceful possession of the property is necessary so as to enable the petitioner to not just move its operations, as delineated above, but also more importantly ensure effective, compassionate and safe relocation of various patients, inmates and the staff, personnel and allied individuals in relation to the petitioner to a place which is suitable and conducive for the petitioner to continue with the nature of activities that it is involved in. I further state, in fact, that immediately upon the filing of the present petition, relevant office bearers and personnel of the petitioner have been taking appropriate steps in order to ensure due, effective and swift relocation to another property / premises, so that peaceful possession of the property is handed over in favor of the Respondent No. 1. I state that towards this end, the petitioner's relevant personnel have been in discussions with the officials of the Respondent No. 1 in order to facilitate such relocation within a reasonable amount of time.

9. I further state that the petitioner would, in the least, require at least two months of time to duly vacate and hand over peaceful possession of the property, given the fact that it is now constrained to wind up / pause operations which it was carrying on from the year 2013. In addition to the same, other practical difficulties



such as finding an appropriate parcel of land / portion of a building / appropriate premises to house mentally challenged patients and such other persons is necessarily challenging and is therefore taking time. Given the nature of operations the Petitioner is currently running, it would necessarily require the time as mentioned above in order to appropriately convince prospective lessors to be agreeable to let out their premises in favour of the petitioner. Furthermore, I state that, the petitioner will have to ensure that whichever premises it is now shifting to is compliant with all applicable laws, rules, regulations and stipulations made in consonance with the applicable legal framework when it comes to housing and specifically taking care of mentally and physically challenged persons. In light of the above mentioned considerations, the petitioner would necessarily require a reasonable amount of time, as mentioned above, to duly vacate the above mentioned property and hand over the possession of the same in favour of the Respondent No. 1. Therefore, it is in light of the above that the petitioner is swearing to the present affidavit seeking permission of at least two (2) months to vacate and hand over peaceful possession of the above mentioned property."

6. The petitioner has sought for a period of two months from 25.03.2026 to vacate and handover the peaceful possession of the property. It is submitted that for the purpose of relocation, reasonable time is required to be granted.



7. Learned counsel for the petitioner submits that in order to demonstrate their bona-fides, till the date of vacation, they undertake to remit payments that otherwise would be made by respondent No.2 to respondent No.1 - BDA.

8. Sri. K. Krishna, learned counsel appearing for the respondent - BDA, submits that the respondent - BDA is put to great inconvenience and hardship insofar as tender has been floated in which property, the petitioner is in occupation and that such property is required to be developed as a part of the layout and any delay in handing over the possession would result in financial liability on the respondent - BDA and submits upon instructions that 15 days' time may be granted.

9. Learned counsel for respondent No.2 submits that they have independent rights in the property.

10. After hearing both sides and taking note of the affidavit filed dated 27.03.2026, it would be appropriate to



grant time to the petitioner of two months from 25.03.2026 to vacate and handover possession of the property to the respondent - BDA. Accordingly, insofar lis between the petitioner and respondent - BDA, in light of the affidavit filed and the observations made above, petition is disposed of while recording the undertaking of the petitioner.

11. Accordingly, petitioner is granted two months time from 25.03.2026 to vacate and handover possession. The said order is passed in terms of the undertaking made by way of affidavit.

12. Needless to state, in the event of any breach of undertaking by way of affidavit to vacate and handover possession to the respondent - BDA, the petitioner would be exposing himself to contempt of Court proceedings.

13. The petitioner-Trust's representative is present before the Court and submits that he would adhere to the



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undertaking made in the affidavit. The presence of Sri. Sripathi K.N., Trustee of the petitioner is noted.

Accordingly, petition is ***disposed of***.

**SD/-
(S SUNIL DUTT YADAV)
JUDGE**

MCR