



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

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

WRIT APPEAL NO. 553 OF 2025 (BDA)

BETWEEN:

SRI. CHINNA NARAYANSWAMY,
S/O LATE. PATEL SHETTAPPA,
AGED ABOUT 84 YEARS,
R/AT NO.10, AKKUPET
WARD NO.23,
PATEL SHETTAPPA FARM,
DEVANAHALLI,
BENGALURU RURAL DISTRICT - 562 110.

...APPELLANT

(BY SRI. HARSHAVARDHANA, ADVOCATE FOR
SRI. SUDHINDRA S A., ADVOCATE)

AND:

1. THE COMMISSIONER,
BANGALORE DEVELOPMENT AUTHORITY,
T. CHOWDAIAH ROAD,
KUMAR PARK WEST,
BENGALURU - 560 020.
2. THE DEPUTY SECRETARY,
BANGALORE DEVELOPMENT AUTHORITY,
T. CHOWDAIAH ROAD,
KUMAR PARK WEST,
BENGALURU - 560 020.



3. SMT. AGNES RANI,
W/O LATE K. KANIKARAJ,
NO. 472, 16TH CROSS ROAD,
ANANDAPURA SLUM,
H.A.L., 2ND STAGE,
BENGALURU - 560 075.
4. SMT. SULOCHANA,
W/O SRI. SADASHIVAN,
SINCE DEAD
REPRESENTED BY
HER LEGAL HEIRS
- 4(a). SRI. SATISH KUMAR S,
S/O LATE SADASHIVAN,
AGED ABOUT 45 YEARS,
R/AT NO. 473, ANANDAPUR SLUM,
HAL 3RD STAGE,
BENGALURU - 560 075.
- 4(b). SRI. SHIVA KUMAR S.,
S/O LATE SADASHIVAN,
AGED ABOUT 44 YEARS,
R/AT NO. 473, ANANDAPUR SLUM,
HAL 3RD STAGE,
BENGALURU - 560 075.

...RESPONDENTS

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE JUDGEMENT DATED:25.02.2025, PASSED BY THE LEARNED SINGLE JUDGE IN WP NO.47185/2011 AND CONSEQUENTLY ALLOW THE WP NO.47185/2011, BY ALLOWING THE WRIT APPEAL AND ETC.,



THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

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

ORAL JUDGMENT

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

The present intra Court appeal has been filed
impugning the common judgment and order dated
25.02.2025 passed by the writ Court in
WP.No.13049/2014 c/w WP.No.47184/2011,
WP.No.47185/2011.

2. The appellant/petitioner had filed these three
writ petitions claiming to be the owner of the sites bearing
Nos.472 and 473 both situated adjacent to each other at
HAL 3rd State earlier known as Anandapura Slum
Extension each measuring East to West 20 feet and North
to South 25 feet.

3. Originally, the lands bearing site numbers East
to West 20 feet, North to South 25 feet were allotted to



Smt. Khatunbi W/o. Mohadeen Sab and Smt. Mahaboob D/o.Sri.Sabaajan Sab vide allotment letter dated 01.05.1975. The possession letter dated 30.03.1981were issued to these allottees. After expiry of period of prohibition of alienation of 10 years period, said Smt.Kathunbi had obtained a deed of sale in her name on 17.03.1992 and said Smt.Mahaboob obtained the deed of sale on 01.08.1992. The sale deeds were executed by the BDA in their favour.

4. Smt. Mahaboob, thereafter sold the site No.473 in favour of Smt.Jayalakshmi, under the sale deed dated 22.09.1993 and Smt.Khatunbi had sold the site No.472 in favour of one Smt.Jayalakshmi, under sale deed dated 28.05.1997. The BDA had registered the katha in respect of the aforesaid two sites in the name of Smt.Jayalakshmi, who is the wife of the appellant/petitioner.

5. Smt.Jayalakshmi died on 02.08.1999 leaving behind the appellant/petitioner to succeed to her estate. Consequent upon her demise the petitioner became the



absolute owner of the property in question. It is stated that the petitioner due to mental depression, hardship and agony caused due to the bereavement of his wife, could not put up the construction on the aforesaid sites.

6. The Deputy Secretary of the BDA had initiated proceedings for cancellation of the allotments in respect of two sites. One Thimarayappa, one of the office bearers of Dalitha Kriya Samithi Karnataka, requested the BDA to allot the sites in question which had fallen vacant to the new persons. Based on the said representation, the BDA had allotted the Site No.472 in favour of Sri.K.Kanikaraj, cancelling the earlier allotment that was made in favour of Smt.Khatunbi on 01.05.1979, the BDA had allotted Site No.473 in favour of Smt.Sulochana, respondent No.4 in WP.No.47185/2011, cancelling the earlier allotment made in favour of Smt.Mahaboob on 01.05.1975.

7. The learned Single Judge has noted that there is no dispute on the fact that the sites bearing Nos.472 and 473, which were allotted in favour of Smt.Khatunbi



and Smt.Mahaboob were cancelled in the year 2002 and the same sites were allotted to one of the private respondents. The allotment was cancelled for non compliance of the terms of the allotment. The cancellation deed was registered on 02.01.2002.

8. After the sites were allotted in favour of Sri.K.Kanikaraj and Smt.Sulochana, they had put up construction of residential house over the said sites. The material evidence in the nature of photographs regarding putting up residential construction were also submitted before the writ Court.

9. The learned Single Judge has therefore, dismissed the writ petitions stating that no fault can be found if the private respondents have put up the construction and have been living in the said premises over a decade. The allotment was cancelled in the year 2002. After cancellation of the allotment, Smt.Khatunbi and Smt.Mahaboob, sites were allotted in favour of Sri.K.Kanikaraj and Smt.Sulochana and the petitioner who



happens to be husband of Late.Jayalakshmi had kept quiet for a period more than a decade and thereafter, he had approached the writ Court.

10. As in equity therefore, the writ Court has passed the order for allotment of alternate site in favour of the petitioner measuring 20 feet x 30 feet in Nadaprabhu Kempegowda Layout by alternate sites, which were allotted in favour of Smt.Khatunbi and Smt.Mahaboob.

11. It appears that the petitioner's predecessor i.e., his wife had not been issued any notice regarding cancellation of sites allotted in favour of Smt.Khatunbi and Smt.Mahaboob from whom Jayalakshmi had purchased the sites. The fact remains that the cancellation of the sites, could have been in the knowledge of the petitioner in as much as the cancellation was made by registered deed and allotments were made in favour of Sri.K.Kanikaraj and Smt.Sulochana. Thereafter, he never raised objection regarding cancellation of the sites nor he approached the Court when the construction was being undertaken by



Sri.K.Kanikaraj and Smt.Sulochana, in pursuance to the allotment of the sites.

12. Therefore, we are of the opinion that the petitioner himself is responsible for the state of affairs as existing today. Sri.K.Kanikaraj and Smt.Sulochana, after allotment of the sites have put up the construction and have been living there for more than a decade. The writ Court therefore, considering this aspect has directed the BDA to allot the alternate sites. We therefore, find no ground to interfere with the impugned judgment and order passed by the writ Court. The order has been passed in inquiry.

13. A person who sleeps over his right cannot claim enforcement of his right after long delay and laches. We are therefore of the view that there is no substance in this writ appeal and therefore, the writ appeal is ***dismissed***.



14. In view of disposal of this appeal, pending interlocutory applications, if any, does not survive for consideration, accordingly they are disposed of.

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

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

PK
List No.: 2 Sl No.: 3
ct-vn