



CNR: KAHC010258272023

NC: 2026:KHC:41989
WP No. 11031 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 11031 OF 2023 (BDA)

BETWEEN:

SRI. J. KRISHNAPPA
AGED ABOUT 78 YEARS,
SON OF JAGANNATHAPPA
NO.23/1, SHANTHI ROAD,
SHANTHI NAGAR,
BANGALORE-560027

...PETITIONER

(BY SRI. RAMESH CHANDRA, ADVOCATE)

AND:

BENGALURU DEVELOPMENT AUTHORITY
T. CHOWDAIAH ROAD,
KUMARA PARK WEST
BENGALURU-560020
REPRESENTED BY COMMISSIONER

...RESPONDENT

(BY SRI. SACHIN B.S., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT TO ISSUE POSSESSION CERTIFICATE IN RESPECT OF PROPERTY BEARING NO.48, BANASHANKARI 6TH STAGE, 10TH BLOCK, BENGALURU I.E. SCHEDULE PROPERTY.

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

Digitally
signed by
HEMALATHA J
Location:
HIGH COURT
OF
KARNATAKA



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CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioner has sought for a direction to the respondent to issue a possession certificate in respect of property bearing No.48, 10th Block, Banashankari 6th Stage, Bengaluru.

2. The petitioner contends that his wife had submitted an application for allotment of a site measuring 6 x 9 meters in Banashankari 6th Stage, Bengaluru and she was allotted a site on 01.10.2002. She paid the entire consideration, following which, a sale deed was executed in her favour on 27.12.2004. It is claimed that wife of the petitioner died on 21.10.2016 leaving behind the petitioner and their only son. The petitioner claims that he too had applied for allotment of site and he was also allotted a site, which he gifted to his daughter-in-law. He contends that though a sale deed was executed in favour of his wife and physical possession was delivered, the respondent did not hand over a possession certificate. The petitioner therefore, caused a notice dated 29.12.2020 requiring the respondent to



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hand over a possession certificate. As the request is not considered, the petitioner is before this Court.

3. Learned counsel for the petitioner contends that the sale deed executed in the name of wife of the petitioner is not cancelled and therefore, the petitioner is entitled to a possession certificate. He contends that a direction be issued to the respondent to issue the possession certificate.

4. The writ petition is opposed by the learned counsel for the respondent who contends that petitioner and his wife had simultaneously applied for allotment of site and both were allotted sites. He contends that the respondent had executed a sale in favour of wife of the petitioner but had not handed over the possession certificate. Later, when it was found that both the petitioner and his wife were beneficiaries of an allotment from the respondent, it has not issued the possession certificate. He therefore, contends that the petitioner cannot compel the respondent to issue a possession certificate, more particularly when he and his wife had not disclosed the filing of applications for allotment of site by both of them.



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5. I have considered the submissions of the learned counsel for the petitioner as well as the learned counsel for the respondent.

6. The objective of the respondent is to provide house sites to those persons who do not own a site or a place to live in the city of Bengaluru. This therefore means that every family who do not possess a site in the city of Bengaluru is entitled for seeking allotment of a site. This does not mean that every member of a family is entitled to allotment of a site from the respondent. In the instant case, the petitioner and his wife had applied for allotment of a site though only one of them could have done so. The petitioner was allotted a site and his wife was also allotted a site. The respondent had conveyed the site allotted to the wife of the petitioner but had not issued a possession certificate. It appears that the respondent has realized its mistake and has now felt it necessary to undo the allotment. Therefore, the petitioner cannot compel the respondent to hand over a possession certificate as that would create more issues for the respondent to cancel the allotment made in favour of the wife of the petitioner. In that view of the



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matter, no indulgence can be shown to the petitioner by issuing a direction to respondent to issue the possession certificate.

Hence, this petition is ***dismissed***.

Sd/-
(R. NATARAJ)
JUDGE

PMR
List No.: 1 Sl No.: 42