



CNR: KAHC010286742026

NC: 2026:KHC:37674-DB
WA No. 1211 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

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

WRIT APPEAL NO. 1211 OF 2026 (BDA)

BETWEEN:

1. THE COMMISSIONER,
BANGALORE DEVELOPMENT
AUTHORITY, T. CHOWDAIAH ROAD,
KUMARA KRUPA ROAD,
BANGALORE - 560 020.
2. THE DEPUTY SECRETARY - 1,
BANGALORE DEVELOPMENT AUTHORITY,
T. CHOWDAIAH ROAD,
KUMARA KRUPA ROAD,
BANGALORE - 560 020.

...APPELLANTS

(BY SRI. SACHIN B S., ADVOCATE)

AND:

1. SMT. JYOTHI LAKSHMI K.V.,
W/O K. VIJAY KUMARAN,
AGED ABOUT 58 YEARS,
R/AT 61/A, 6TH CROSS,
2ND MAIN ROAD, BAPUJI NAGAR,
BANGALORE - 560 026.
2. SRI NARENDRA L KOTYAN,
S/O LOKU KOTYAN,
AGED ABOUT 74 YEARS,
NO.528, MONORAYALLYA,



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4TH CROSS, R.T. NAGARA,
BENGALORE - 560 032.

...RESPONDENTS

(BY SRI. VASANTH KUMAR H.T., ADVOCATE FOR R1)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED:22.11.2024 PASSED BY LEARNED SINGLE JUDGE IN WP NO.2011/2022 PASS ANY ORDER OF CONSEQUENTIAL RELIEF OR ANY OTHER APPROPRIATE ORDER OR DIRECTION.

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 T.M.NADAF)

This intra-Court appeal is by the Commissioner, Bengaluru Development Authority¹ and the Deputy Secretary-1, BDA - respondents 1 and 2 in W.P.No.2011/2022, assailing the order dated 22.11.2024 passed by the Writ Court.

2. The Writ Court under the impugned order, disposed of the Writ Petition, quashing the Endorsement

¹ 'the BDA', for short



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dated 08.10.2021 (Annexure-V) issued by the respondent - BDA and directed the BDA to consider the case of the petitioner seeking allotment of marginal site in the light of the report made by the Engineering Section, if same is permissible under law.

3. The parties are referred to as per their ranking before the Writ Court.

4. Facts germane to file the present appeal are as under:

4.1 The petitioner was before the Writ Court, assailing the Endorsement dated 08.10.2021 (Annexure-V) issued by the Deputy Secretary-1, BDA, canceling the registered Sale Deed made in favor of the petitioner as per Annexure-K to the Writ Petition.

4.2 The case of the petitioner before the Writ Court was, pursuant to the application made by her seeking allotment of sites, the BDA has allotted a site bearing



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No.310/A at Hosur Sarjapura Road, HSR Layout, Sector-3 and a letter of allotment was issued on 19.09.2000 (Annexure-A). Thereafter, the BDA executed registered Sale Deed in favor of the petitioner on 13.01.2002 (Annexure-B), followed by the Possession Certificate at Annexure-C.

4.3 The petitioner claims that there was excess marginal land adjacent to her site towards Eastern side and the same will be utilized for access to reach the road in question and accordingly, she made an application (Annexure-D) on 15.10.2003, seeking allotment of the excess marginal land measuring 20 X 25 sq.feet, which is adjacent to her site.

4.4 The Assistant Execute Engineer, BDA has conducted survey and filed report with regard to access of the marginal land to the petitioner as per Annexure-E and recommended for allotment of the marginal land in favor of the petitioner. But the BDA, despite the



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said report, issued Endorsement on 08.10.2021, stating that, the marginal land sought for by the petitioner has been cancelled unilaterally. Aggrieved by the said endorsement, the petitioner was before the Writ Court.

4.5 Before the Writ Court, the petitioner contended that the BDA executed the marginal land in her favor by way of registered Sale Deed dated 05.09.2005 (Annexure-H), however, unilaterally canceled the said sale deed under Annexure-K and thereafter, executed Sale Deed in favor of one Narendra L.Kotyan in respect of the very same marginal land under Annexure-Q, and therefore sought for interference.

4.6 Learned counsel for the BDA submitted that, what was canceled as per Annexure-(K) is the marginal land which has not been allotted in favor of the petitioner and therefore, there is no impediment for



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the BDA to cancel the earlier registered Sale Deed made including the marginal land at Annexure-H and accordingly, sought to justify the impugned Endorsement.

4.7 The Writ Court noticing the claim of the petitioner seeking for allotment of land as per Annexure-S and the order passed by this Court in W.P.No.8028/2020 dated 13.11.2020, directed the BDA to consider the grievance of the petitioner in accordance with law. Further noticing that cancellation of the marginal land was without the consent of the petitioner, which *per se* effect the schedule mentioned in the registered Sale Deed dated 13.01.2002 at Annexure-B, formed an opinion that the BDA has committed an error in canceling the sale without providing an opportunity of hearing to the petitioner and cancellation of registered Sale Deed is contrary to Section 31 of the Specific Relief Act. In that view of the matter, the Writ Court found that the petitioner



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has made out a case and quashed the endorsement impugned therein and directed the BDA to consider the case of the petitioner, seeking allotment of site in the light of report made by the Engineering Section stated afore, if permissible under law and disposed of the Writ Petition. It is this order passed by the Writ Court, is called in question by the BDA authorities in this appeal.

5. This appeal is filed with an application seeking condonation of delay of 406 days.

6. Heard, Sri.Sachin.B.S, learned counsel appearing for the BDA and Sri.Vasanth Kumar.H.T, learned counsel appearing for the petitioner on delay condonation application as well as on merits.

7. We having noticed the order impugned passed by the Writ Court, finds no infirmity with the order, wherein it is clearly directed the BDA to consider the case of the petitioner seeking allotment of marginal land in the



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light of report made by the Assistant Executive Engineer, BDA, if permissible under the law. In that view of the matter, we find no infirmity in the order passed by the Writ Court. The appeal sans merits and is ***dismissed***.

8. Though the reasons stated in the affidavit accompanying the application are not satisfactory, however, since we have considered the case on merits, delay of 406 days in filing the appeal is condoned. Accordingly, I.A.No.1/2026 is allowed.

9. In view of dismissal of the appeal, pending interlocutory applications, if any, stands disposed of.

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

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

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