



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 13091 OF 2026 (BDA)

BETWEEN:

M/S. MEDICOSHELP,
A REGISTERED PARTNERSHIP FIRM,
HAVING ITS OFFICE AT
SY NO.67, ST.THOMAS NAGAR,
CHALLAGHATTA, KUMBALGODU POST,
BENGALURU - 560 074.
REPRESENTED BY ONE OF THE
PARTNERS MR. JOJI GEORGE,
AGED ABOUT 50 YEARS OLD,
S/O MR. G.O.GEORGE,
RESIDING AT PLOT NO.4,
ROLLING WHITES PHASE 1,
SOPPAHALLI, SIDIHOSKOTE,
BENGALURU - 562 106.

...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



ASST. EXECUTIVE ENGINEER,
2ND SUB DIVISION,
NADAPRABHU KEMPEGOWDA LAYOUT BDA,
BANGALORE - 20.

SRI. O. M. VARGHESE,
SINCE DEAD, THROUGH HIS LR

2. SRI. DENNY VARGHESE,
S/O LATE O.M.VARGHESE,
AGE MAJOR,
R/A NO.68, BURLINGTON LAYOUT,
HENNUR MAIN ROAD,
KANNUR POST,
BENGALURU - 562 149.

...RESPONDENTS

(BY SMT.POONAM PATIL, ADVOCATE FOR R1;
SRI.I.S.DEVAIAH, ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASHING THE
INTIMATION LETTER BEARING NO.NPKL/2/25-26 DATED
17.04.2026 VIDE ANNEXURE - A ISSUED BY THE R-1 IN
RESPECT OF THE PROPERTY BEARING SY NO. 104
BHEEMANKUPPE VILLAGE BENGALURU KARNATAKA AND ETC.,

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 filed the present petition seeking for setting aside of the Intimation Letter dated 17.04.2026 issued by the respondent-BDA at Annexure-A, whereby, the respondent-BDA has called upon the petitioner to vacate and handover the vacant possession within seven days, as regards property in Sy.No.104, situated at Bheemankuppe Village, Bengaluru, Karnataka, as the said land is required for the purpose of formation of the Access road.

2. The case of the respondent-Bangalore Development Authority (BDA) is that they require the vacant possession in order to take steps for development of the road forthwith.

3. The learned counsel for the petitioner submits that they do not propose to stay on the property indefinitely and are willing to vacate and handover possession within a reasonable time. It is further submitted that, the petitioner is a tenant and taking note of the nature of activities of the petitioner entity i.e., to provide Elder Health Care Services, reasonable time may be granted.



4. Upon suggestion of the Court in W.P.No.9105/2026, the tenant similarly placed as the petitioner herein was granted time to vacate.

5. The petitioner has filed an affidavit. The relevant paragraph of an affidavit at para No.9 is extracted below:

"9. 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. 7, Sy. No. 67, St. Thomas Nagar, Bheemanakuppe Cross, Chellaghatta Road, Kumbalagodu Post, Kengeri Hobli, Bangalore-560074, in favour of the Respondent No. 1, within a period of 2 months from April 17, 2026 i.e., the date of issuance of the Impugned Intimation. 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 favour 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."

In terms of the said undertaking, the petitioner has undertaken to vacate and handover possession within a period of two months from 17.04.2026 i.e., the date of the impugned intimation.

6. The learned counsel for the petitioner submits in order to demonstrate their *bonafide*, till the date of vacation, they undertake to remit payments/premiums that otherwise would be made by the petitioner to respondent No.2.

7. Smt. Poonam Patil, learned counsel appearing for respondent No.1 submits that tender has been floated for development of the property which belongs to the respondent-BDA, in which the petitioner is in occupation and any delay would result in financial liability on the respondent-BDA and submits that time may be granted till 25.05.2026, as in case of



the adjoining property in W.P.No.9105/2026, time was granted for vacating and handing over possession till 25.05.2026.

8. After hearing both sides and taking note of the affidavit filed dated 24.04.2026, time is granted to the petitioner till 29.05.2026 to vacate and handover possession of the property to the respondent-BDA. Such order is passed taking note of the urgency as pleaded by the respondent-BDA. Both parties agree to such arrangement.

9. Accordingly, insofar as lis between the petitioner and respondent -BDA, in light of the affidavit filed and observations made, same is resolved.

10. Accordingly, petitioner is granted time till 29.05.2026 to vacate and handover possession. The said order is passed taking note of the stand of both side as well as undertaking made by the petitioner.

11. It is needless to state, in the event of any breach of undertaking as made in the affidavit to vacate and handover possession to the respondent-BDA, the petitioner would be exposing himself to contempt of Court proceedings.



12. The petitioner to file an affidavit by **28.04.2026**, undertaking to adhere to the time granted by this Court to vacate.

Accordingly, in terms of the above, the petition is **dispose of.**

Learned counsel for the respondent-BDA is permitted to file vakalat.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE