**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 20TH DAY OF AUGUST, 2026**

**PRESENT**

**THE HON'BLE MRS. JUSTICE ANU SIVARAMAN**

**AND**

**THE HON'BLE MR. JUSTICE VENKATESH NAIK T**

**WRIT APPEAL NO. 3983 OF 2019 (BDA)**

**C/W**

**WRIT APPEAL NO. 791 OF 2023 (BDA)**

**IN WA NO. 3983/2019**

**BETWEEN:**

THE R.B.I. STAFF AND OTHERS CO-OPERATIVE
HOUSING SOCIETY LTD.,
REPRESENTED BY ITS SECRETARY
NO.540/A, RBI LAYOUT,
J.P. NAGAR 7TH PHASE,
BANGALORE - 560 078

...APPELLANT

(BY SRI. SATHISH DODDAMANI, SENIOR COUNSEL FOR
SRI. BASAVARAJAIAH N., ADVOCATE)

**AND:**

Digitally signed by RAKSHA
Location: High Court of Karnataka

1. THE STATE OF KARNATAKA
   REPRESENTED BY ITS SECRETARY
   REVENUE DEPARTMENT
   VIDHANA SOUDHA
   BANGALORE - 560 001

2. THE COMMISSIONER
   BANGALORE DEVELOPMENT AUTHORITY
   KUMARA PARK WEST,
   T. CHOWDAIAH ROAD,
   BANGALORE - 560 020

3. THE TOWN PLANNING MEMBER,
   BDA, KUMARA PARK WEST,
   BENGALURU - 560 020

4. SRI. B.S. HEMANTHKUMAR,
S/O. LATE B.H. SREENIVASA MURTHY,
AGED ABOUT 57 YEARS,
R/O NO.5/6, KANAKAPURA MAIN ROAD,
YELACHENAHALLI, J.P. NAGAR, 7TH PHASE,
BANGALORE - 560 078

5. THE COMMISSIONER
B.B.M.P. HEAD OFFICE
N.R. CIRCLE, BENGALURU - 02

6. JOINT COMMISSIONER
B.B.M.P. BOMMANAHALLI
RANGE BOMMANAHALLI,
BENGALURU - 68
(RES.5 & 6 ARE MADE PARTIES
AS PER ORDER DATED 14-02-23.)

…RESPONDENTS

(BY SRI. KHAMROZ KHAN, AGA FOR R1
SRI. K. KRISHNA, ADVOCATE FOR R2 & R3
SMT. S. SUSHEELA, SENIOR COUNSEL FOR
SRI. M.K. SHIVARAJU, ADVOCATE FOR R4
SRI. B.L. SANJEEV, ADVOCATE FOR R5 & R6)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO A) SET ASIDE THE ORDER DATED 21/10/2019 IN WP NO.52010/2017 (BDA), ONLY TO THE EXTENT IN VIEW OF THE INTERIM ORDER OF STATUS QUO RELATING TO THE PROPERTY IN QUESTION, ORDERED IN WA NO.2690/2015, BEING IN OPERATION, THE SECOND RELIEF CANNOT BE CONSIDERED AT THIS STAGE AND ACCORDINGLY STANDS REJECTED.

**IN WA NO. 791/2023**

**BETWEEN:**

SRI. B. S. HEMANTHKUMAR
S/O LATE B H SREENIVASA MURTHY,
AGED ABOUT 57 YEARS,
R/O NO.5/6, KANAKAPURA MAIN ROAD,
YELACHENAHALLI,
J.P NAGAR, 7TH PHASE,
BANGALORE-560078.

...APPELLANT

(BY SMT. SUSHEELA, SENIOR COUNCEL FOR
SRI. M.K. SHIVARAJU, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
REVENUE DEPARTMENT,
VIDHANA SOUDHA,
BANGALORE-560001.

2. THE COMMISSIONER
BANGALORE DEVELOPMENT AUTHORITY,
KUMARA PARK WEST,
T. CHOWDAIAH ROAD,
BANGALORE-560020.

3. THE TOWN PLANNING MEMBER, BDA
KUMARA PARK WEST,
BANGALORE-560020.

4. THE R.B.I. STAFF AND OTHERS CO-OPERATIVE
HOUSING SOCIETY LTD.,
REPRESENTED BY ITS SECRETARY,
NO.540/A, RBI LAYOUT,
K.P NAGAR, 7TH PHASE,
BANGALORE-560078.

...RESPONDENTS

(BY SRI. KHAMROZ KHAN, AGA FOR R1;
SRI. K. KRISHNA, ADVOCATE FOR R2 & R3;
SRI. SATHISH DODDAMANI, SENIOR COUNSEL FOR
SRI. BASAVARAJAIAH N., ADVOCATE FOR R4)

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO i) SET ASIDE THE ORDER DATED 21.10.2019 IN WP. NO.52010/2017 ONLY TO THE EXTENT OF QUASHING OF ANNEXURE G/RESOLUTION NO. 120/17 PASSED THE B.D.A/RESPONDENT NO.2 HEREIN. ii) KINDLY PASS ANY OTHER ORDER/S AS THIS HON'BLE COURT DEEMS FIT IN THE CIRCUMSTANCES OF THIS CASE IN THE INTEREST OF JUSTICE AND EQUITY.

THESE APPEALS HAVING BEEN HEARD AND RESERVED ON 07-07-2026, COMING ON FOR PRONOUNCEMENT, THIS DAY, ***VENKATESH NAIK T. J.,*** PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

## CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE VENKATESH NAIK T)

W.A.No.3983/2019 is filed by RBI Staff and other Cooperative Housing Society seeking to set-aside the order dated 21.10.2019 passed in W.P.No.52010/2017, whereunder, the first prayer sought by the appellant i.e., the resolution dated 31.08.2017 passed by the BDA-respondent No.2 in Subject No.120/17 at Annexure-G came to be quashed, however, the second prayer sought insofar as directing the respondent BDA to issue khata certificate in respect of Site Nos.209, 872, 540/A(OHT and UGR), 178 and Commercial Complex Site(466/A) came to be rejected.

2. Whereas, W.A.No.791/2023 is filed by Sri. B.S. Hemanth Kumar seeking to set-aside the order dated 21.10.2019 passed by learned Single Judge in W.P.No.52010/2017 only to the extent of quashing Annexure-G/Resolution No.120/2017 passed by BDA-respondent No.2.

3. The brief facts of the cases are as under:-

The appellant RBI staff and other Cooperative Housing Society Limited is a Society registered under the provisions of Karnataka Co-operative Societies Act, 1959. The appellant Society with an intention to provide residential sites to its members, requested respondent Nos.1 and 2 to acquire the land for formation of residential layout to its members. Accordingly, respondent No.1-State issued notification under Section 4(1) of Land Acquisition Act on 13.05.1982 proposing to acquire the land in Survey Nos.99/1, 100/1, 2, 106, 107 to 121/2 totally measuring 71 acres 10 guntas situated at Kothanur Village, Uttarahalli Hobli, Bangalore South Taluk. Thereafter, after following due process of law, the final notification was issued under Section 6(1) of the Land Acquisition Act, which was published in Gazette notification dated 18.01.1985. After taking possession, the said lands were handed over by the BDA to the appellant Society for formation of the layout. Accordingly, the appellant/RBI Staff and Other Cooperative Society Limited prepared and submitted the layout plan to the BDA for its approval. The BDA, after examining all relevant documents, approved the layout plan on 18.07.1995 for 61 acres 10 guntas and on 09.06.2000 for the remaining

10 acres of land. Thereafter, the appellant RBI Society developed the layout and formed the sites as per the plan approved by the BDA and after allotting such sites to its members, the list of allottees, who were allotted sites were submitted to the BDA and in-turn the BDA also released the sites to the allottees and the possession of the sites were handed over to the authorities and thereafter, the allottees have constructed their houses and residing there for more than 20 years. After developing the layout as per the layout plan approved by the BDA, the appellant society executed relinquishment deeds and handed over the civic amenity sites, playgrounds, park areas and roads to the BDA in the year 1996 itself.

4. In the mean-while, the Urban Development Secretariat also issued the Gazette notification No.UDD 302 MNU 2012 Bengaluru dated 22.11.2012 under Section 3(1) of the Karnataka Parks, Playfields and Open Spaces(Prevention and Regulation), Act, 1985 Karnataka Act 16 of 1985 at Sl.No.89 with regard to park areas of the appellant society and sought for objections from the public for taking over said park area from the general public, by publishing the same in Karnataka Gazette dated 10.01.2013.

5. In this regard, Sri. Hemanth Kumar(who is appellant in W.A.No.791/2023) filed a representation to the BDA stating that he is the family member of one Sri. B.V. Hanumanthappa and that the land measuring 65 x 65 yards which is in between Sy.No.119 to 120 is a palya Gramatana land, reserved for park area of the appellant society was not notified and sought for deletion of the said land from the layout plan.

6. In response to his representation, the BDA passed resolution bearing No.93/2014 dated 18.06.2014 stating that the layout formed by the RBI Staff society has already been handed over to BBMP and hence he has to approach the BBMP for further action. As Hemanth Kumar did not succeed in his attempt to get the said land measuring 65 x65 yards, he filed a writ petition in W.P.No.50726/2014 before this Court praying to quash the layout plan No.88/1995 dated 29.09.1995 prepared by the BDA and the preliminary notification issued under Section 4(1) of the Land Acquisition Act in respect of his property. The said writ petition was rejected, reserving liberty to the petitioner therein to institute a suit for declaratory and consequential reliefs. However, Hemanth Kumar instead of approaching the civil Court for declaratory relief, he filed a writ

appeal before this Court in W.A.No.2690/2015 challenging the order passed in W.P.No.50726/2014 dated 03.08.2015.

7. During the interregnum, the respondent BDA has passed a resolution No.120/2017 dated 31.08.2017 stating therein that as the legal heirs has filed appeal before High Court and during enquiry, as the Hon'ble High Court has orally directed to exclude the said region from the layout plan, in view of the same, the BDA directed not to register or mutate khata in respect of RBI Staff Society.

8. Aggrieved by the said resolution passed by respondent BDA, the RBI staff and others Cooperative Housing Society Limited(appellants in W.A.3983/2019) preferred writ petition in W.P.No.52010/2017 against the respondents-State, BDA and Sri. Hemanth Kumar(appellant in W.A.791/2023), to quash the resolution No.120/2017 dated 31.08.2017 passed by the BDA vide Annexure-G, with the following reliefs:-

> *a. To issue a writ of certiorari to quash the resolution No.120/17 dated 31.08.2017 passed by the Bangalore Development Authority, respondent No.2 which is produced as Annexure-G.*
>
> *b. To issue of writ of mandamus directing the respondent No.2, Bangalore Development Authority to issue the khatha certificate to Site Nos.209, 872, 540/A(OHT and UGR), 178 and the*

> *commercial complex site(466/A) for which the petitioner is the owner. As per the representations submitted by the petitioner which are produced as Annexures-K, L and M dated 09.08.2007, 07.07.2011 and 11.07.2013 respectively.*

9. In W.P.No.52010/2017 dated 21.10.2019, the learned Single Judge quashed the resolution subject No.120/2017 dated 31.08.2017 passed by the BDA at Annexure-G to the writ petition. Being aggrieved by the same, Sri. Hemanth Kumar filed W.A.No.791/2023. However, insofar as prayer 'b', in relation to issuance of khata certificates in respect of site Nos.209, 872, 540/A(OHT and UGR), 178 and the commercial complex site(466/A), as the same was rejected by learned Single Judge, the RBI Staff Cooperative Housing Society has filed W.A.No.3983/2019.

10. We have heard Sri. Sathish Doddamani, learned Senior Counsel for Sri. Basavarajaiah N. for the appellant in W.A.No.3983/2019, Sri. Khamroz Khan, learned Addl. Government Advocate for respondent No.1, Sri. K. Krishna, learned counsel for respondent Nos.2 and 3, Smt. S. Susheela, learned Senior Counsel for Sri. M.K. Shivaraju for respondent No.4 and Sri. B.L. Sanjeev, learned counsel for respondent Nos.5 and 6 in W.A.No.3983/2019 and Smt. S. Susheela,

learned Senior Counsel for Sri. M.K. Shivaraju for the appellant, Sri. Khamroz Khan, learned Addl. Government Advocate for respondent No.1, Sri. K. Krishna, learned counsel for respondent Nos.2 and 3 and Sri. Sathish Doddamani, learned Senior Counsel for Sri. Basavarajaiah N, learned counsel for respondent No.4 in W.P.No.791/2023.

11. The learned Senior Counsel Sri. Sathish Doddamani for Sri. Basavarajaiah N, learned counsel appearing for the appellant in W.A.No.3983/2019 vehemently contended that the order of the learned Single Judge passed in W.P.No.52010/2017 dated 21.10.2019 holding that 'in view of the interim order of statusquo relating to the property in question ordered in W.A.No.2690/2015, being in operation, the second relief of issuing khatha certificate in respect of Site Nos.209, 872, 540/A(OHT and UGR) 178 and the commercial complex site(466/A), cannot be considered and it stood rejected, is contrary to the facts on records and is liable to be set-aside. Further, the property in question in the present writ appeal is only in respect of park area measuring 65 x 65 yards situated in Sy.No.119, which once belonged to one late B.V. Hanumanthappa, in which, an order of status-quo was granted; the issue of khatha in respect of the sites belonging

to the society mentioned in the writ petition was not at all disputed by any parties; all the sites belonging to the society do not fall within the disputed area. The order of the learned Single Judge rejecting issuance of mandamus to issue the khatha in respect of the sites belonging to the society is not justifiable under law. It is further contended that the endorsement issued by BDA to consider the society's request for issuance of khata in respect of the sites, after the release of sites in favour of the society, is contrary to the order passed by this Court in W.P.Nos.1656-1659/1996 dated 27.06.1996, which was filed by the members of RBI Staff society, wherein the writ petitions came to be allowed directing the BDA to issue khata certificate in respect of Site Nos.390, 457, 517 and 238 respectively. It is further contended that aggrieved by the resolution passed by the BDA bearing No.20/2017 dated 31.08.2017 directing the appellant Society to submit the proposal to BDA for modification of the layout plan approved on 18.07.1995 and to exclude the land claimed by the Sri. Hemanth Kumar from the layout plan and to reserve equal extent of another land for park, the RBI Society filed W.P.No.52010/2017 praying to quash the said resolution and to issue khata in favour of the society in respect of site bearing

No.209, 872, 540/A(OHT and UGR), 178 and the Commercial complex(466/A).

12. It is further contended that the BDA has not issued khatha even after lapse of 25 years in respect of the sites allotted to the appellant society and hence the appellant is not able to pay the taxes to those sites and will not be able to use said sites for any purpose. As per the contention of the BDA, the BBMP authorities are to issue khatha in respect of the sites allotted to the society and at the first instance, it is the duty of the BDA to issue site numbers to the sites reserved for commercial complex, construction of water tank and to issue No objection to BBMP to issue khatha in favour of the appellant society and thereafter, the BBMP be directed to issue khatha certificates in respect of the sites in favour of the appellant society. Further, the learned Single Judge has failed to consider the contentions urged in the writ petition and failed to appreciate that the order of status-quo was operating only in respect of 65 x 65 yards of land claimed by Sri.Hemanth Kumar(respondent No.4) and not in respect of other area. Hence, learned Senior Counsel prayed to allow the appeal.

13. Learned Senior Counsel Smt. S. Susheela for Sri. M.K. Shivaraju appearing for the appellant in W.A.No.791/2023, vehemently contended that the learned Single Judge has not assigned any reasons to quash Annexure-G-Resolution No.120/17 passed in W.P.No.52010/2017. Further, it was never the case of the RBI Society that it had rights over 65 x 65 yards of Gramathana Palya Land, which is claimed by the appellant herein. Infact, the RBI Society- appellant filed W.A.No.3983/2019 against the order passed by learned Single Judge in W.P.No.52010/2017, wherein the RBI Staff and other Cooperative Society Limited has taken the contention that the property in question in the Writ appeal is only in respect of park area measuring 65 x 65 yards situated in Sy.No.119, which once belonged to one late B.V. Hanumanthappa; the order of the status-quo was granted only in respect of the said property and the issue of khatha in respect of the sites belonging to the society as mentioned in W.P.No.52010/2017 was not at all disputed by any parties and that all the sites belonging to the society do not fall in the disputed area.

14. It is further contended that the appellant Sri. Hemanth Kumar filed W.P.No.50726/2014 praying to

quash the layout plan No.88/1995 dated 29.09.1995 prepared by the BDA and quash the preliminary notification 4(1) issued in respect of the petitioner's property under Reference No.22.11.2012 published dated 10.01.2013 Sl.No.987 List No.89 Bommanahalli ward No.195, Konanakunte RBI Layout. The said writ petition came to be rejected by order dated 03.08.2015 reserving liberty to the petitioner to institute a suit for declaratory and consequential relief. However, instead of filing a civil suit, the appellant Sri. Hemanth Kumar filed W.A.No.2096/2015 challenging the order dated 03.08.2015 and the Coordinate Bench of this Court dismissed the writ appeal by holding that a writ court cannot grant a declaration with regard to title and it is for the civil court alone to determine it. Aggrieved by the said order, the appellant filed Special Leave Petition(C).No.8692/2020 before the Hon'ble Supreme Court and the Hon'ble Supreme Court by order dated 20.02.2023 dismissed the special leave petition. Further, as question of title is involved and the RBI Society never had any right over the land in question/palya property measuring 65 x 65 yards, question of quashing Annexure-G does not arise at all.

15. It is further contended that the RBI Society - petitioner in W.P.No.52010/2017 did not have any document to establish its title over the land in question/Gramathana Palya land measuring 65 x 65 yards and as such, the impugned order to the extent of quashing Annexure-G/Resolution No.120/17 passed by Bangalore Development Authority is liable to be set-aside. Hence, learned Senior Counsel prayed to allow the appeal.

16. Learned counsel Sri. K. Krishna, appearing for respondent Nos.2 and 3-Bangalore Development Authority submits that a joint survey disclosed that a certain land in the Gramatana was not acquired, the details of which are with the BDA and the Government, although the land acquisition was done by the Government, but, the layout plan was sanctioned by the BDA. Learned counsel further contended that there is no merit consideration in the contention of the appellants. Hence, learned counsel prayed for dismissal of the appeals.

17. Learned Additional Government Advocate Sri. Khamroz appearing for respondent No.1-State submits that, there is no admission of fact that the appellant Hemanth Kumar is the owner of the land and further, the award enquiry

proceedings would have to be looked into in ascertaining the existence of the land and the boundary of the land acquired as described in the map prepared prior to the proposed notification for acquisition. If the land was excluded from acquisition, the same would be found in the report as also in the map. It is contended that neither the appellant Hemanth Kumar nor the appellant RBI Staff and Others Cooperative Housing Limited have made out grounds to consider their prayer. Accordingly, learned Additional Government Advocate prayed for dismissal of the appeals.

18. Learned counsel Sri. B.L. Sanjeev, appearing for respondent Nos.5 and 6 -BBMP submits in line with the arguments advanced by learned Addl. Government Advocate and learned counsel for BDA.

19. In view of the submissions made by learned counsel on either side and on perusal of the material available on record, the following point would arise for our consideration:-

> Whether the appellants in both the appeals have made sufficient grounds to interfere with the order dated 21.10.2019 passed by learned Single Judge in W.P.No.52010/2017?

20. On careful scrutiny of the records, it transpires that the appellant RBI Staff Society is a Housing Cooperative Society registered under the provisions of the Karnataka Co-operative Societies Act, 1959. On 07.05.1982, respondent No.2 BDA issued preliminary notification under Section 4(1) of the Land Acquisition Act, proposing to acquire 71 acre 10 guntas of land situated at Kothanur Village, Bangalore South Taluk, for the formation of residential layout for its members. On 18.01.1985, the respondent BDA issued final notification under Section 6(1) of the Land Acquisition Act. Thus on 18.07.1995, the appellant RBI staff society submitted a lay-out plan to BDA for the approval. Thus the BDA approved the lay-out plan and the appellant society has formed residential sites, roads, parks areas, civic amenity sites as per the layout plan approved by the BDA. Thereafter, the residential sites were distributed to its members. The members of the society have constructed their houses and are residing there since 20 years. On the other hand, the owners of the acquired land had also received compensation amount for the entire lands given by them. However, Khathas in respect of the sites allotted to the RBI Staff society were not issued by the BDA. Aggrieved by the

same, the RBI Staff society filed W.P.No.52010/2017 and this Court by order dated 21.10.2019 granted reliefs in respect of prayer (a) to the writ petition, however, prayer(b) has not been considered. Hence, questioning the same, RBI Staff Society filed W.A.No.3983/2019 and Sri. Hemanth Kumar challenging prayer (a) filed W.A.No.791/2023.

21. However, it is to be noticed from the records available that the land measuring 65 x 65 yards has not been acquired for formation of layout by the RBI Society. In this regard, the appellant Hemanth Kumar filed writ petition, writ appeal and special leave petition, which have attained finality and this Court consistently held that the appellant viz., Sri. Hemanth Kumar has to approach the Civil Court and seek declaration to the effect. Insofar as challenging the resolution No.120/17 passed by BDA dated 31.08.2017 is concerned, since there is interim order of status-quo and the appeals are pending, the BDA decided to exclude the disputed area from the approved layout and form the park. Unless and until Sri. Hemanth Kumar establishes that he is the absolute owner of the property in question i.e., in respect of 65 x 65 yards and unless a declaratory decree is granted by the Civil Court, he cannot be treated as an absolute owner of the property measuring

65 x 65 yards. Therefore, there is no merit in the contention of the appellant Sri. Hemanth Kumar. Accordingly, the appeal filed by Sri. Hemanth Kumar in W.A.791/2023 deserved to be dismissed.

22. Insofar as the relief claimed by RBI Staff society is concerned, the learned Single Judge rejected their prayer on the ground that W.A.No.2690/2015 was pending consideration and interim order of status-quo is in operation.

23. Since the writ petition, writ appeal and Special leave petition No.8692/2020 filed by Sri. Hemanth Kumar are dismissed, he has to approach the Civil Court for declaratory relief. Hence it is now open for the BDA to issue the khatha certificate in respect of Site bearing No.209, 872, 540/A(OHT and UGR) 178 and the Commercial Complex(466/A) as per the approved plan by BDA to the appellant RBI Staff society.

Accordingly, we pass the following:-

ORDER

1. W.A.No.791/2023 is ***dismissed***.

2. W.A.No.3983/2019 is ***allowed***. The respondent No.2-BDA is directed to issue khatha in favour of

the appellant-RBI Staff and Other Cooperative Housing society in respect of Site Nos.209, 872, 540/A(OHT and UGR), 178 and the Commercial Complex 466/A in accordance with law.

3. Pending IAs, if any, stand disposed of.

**Sd/-**
**(ANU SIVARAMAN)**
**JUDGE**

**Sd/-**
**(VENKATESH NAIK T)**
**JUDGE**

MN/-