



NC: 2026:KHC:23192-DB
WA No. 889 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF APRIL, 2026

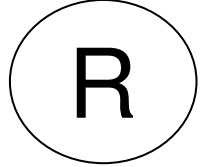
PRESENT

HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT APPEAL NO. 889 OF 2025 (LA-BDA)



BETWEEN:

1. THE COMMISSIONER
BANGALORE DEVELOPMENT AUTHORITY,
T. CHOWDAIAH ROAD, KUMARA PARK WEST,
BENGALURU-560 020.
2. THE LAND ACQUISITION OFFICER
(GIDADA KONENAHALLI INCHARGE)
BANGALORE DEVELOPMENT AUTHORITY,
T. CHOWDAIAH ROAD, KUMARA PARK WEST,
BENGALURU-560 020.

...APPELLANTS

(BY SRI. VACHAN B., ADVOCATE)

AND:

J. RAMESH
S/O. JAYARAMAN,
C/O. S. R. SUBBARAYULU,
NO. 6, 6TH MAIN, SAMPIGE LAYOUT,
VIJAYANAGARA NORTH,
BENGALURU-560 079.

...RESPONDENT

(BY SRI. RAVINDRANATH A.,ADVOCATE)



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THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961 PRAYING TO a) SET ASIDE THE ORDER DATED 29.03.2021 PASSED BY THE LEARNED SINGLE JUDGE IN WP No. 4180/2017 AND CONSEQUENTLY DISMISS THE WRIT PETITION.

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

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

(PER: HON'BLE MS. JUSTICE TARA VITASTA GANJU)

1. This appeal has been filed challenging the Order dated 29.03.2021, passed by the learned Single Judge in W.P.No.4180/2017 (LA-BDA) (hereinafter referred to as 'Impugned Order').

2. By the Impugned Order, the learned Single Judge of this Court had directed the appellants/Bangalore Development Authority (hereinafter referred to as 'BDA') to execute registered sale deed for Site No.973, I Block,



Sir.M.Vishwesharaiah Layout, Bengaluru, (hereinafter referred to as the 'Site No.973') after receipt of a sum of Rs.3,48,754/- and also register a sale deed for the adjacent 33.75 sq. ft. of land as per the guidance value of the Sub-Registrar.

3. Since the directions were not complied with, the complainant has filed a Contempt of Court Case being CCC No.234/2022.

4. We have heard the learned counsel appearing for the appellants / BDA and the learned counsel appearing for the respondent.

5. The brief facts of the case are that the respondent had been granted a site bearing No.973, I Block, Sri. M. Visweshwaraiah Layout, Bengaluru. Since this site was not allocated and the Sale Deed was not executed, W.P.Nos.4343-4344/2009(LA-BDA)¹ (hereinafter referred

¹ J.Ramesh & Another vs. The Commissioner, BDA & Another



to as the '1st Writ Petition') was filed by the respondent along with one Sri. S. Srinivasan.

5.1 The learned Single Judge of this Court, by its Order dated 12.03.2009, directed the BDA to consider the claim of the petitioner as well as the said Sri. S. Srinivasan, within three months. Since this was not undertaken by the BDA, a second writ petition was filed being W.P.No.4180/2017² (hereinafter referred to as the '2nd Writ Petition').

5.2 It was also the contention of the respondent/complainant that during this period, although the said Sri.S. Srinivasan was allocated a site as well as the Sale Deed was executed in his favour on 23.05.2012, so far as the respondent was concerned, the compliance was not done.

5.3 During the proceedings before the learned Single Judge in 2nd Writ Petition, an affidavit was filed by

² J.Ramesh vs. The Commissioner, BDA & Another



appellants/ BDA dated 29.03.2021, wherein the BDA had stated that the allotted site No.973 to the respondent was marginally in excess by 33.75 square meters and thus, the value of the cited land would be required to be paid. Paragraph 4 of this affidavit is set out as below:-

*"4. It is submitted that authority already **allotted the site No.973 to the petitioner and subject to payment of market value towards** marginal sital area in lieu of his revenue site acquired by the authority **and if the petitioner pay the cost for sital value plus excess measurement** area cost at the correct market value demanded by the authority, authority will execute the sale deed without further delay in favour of the petitioner herein....."*

[Emphasis Supplied]

6. It is based on this Affidavit, the learned Single Judge passed the Impugned Order on 29.03.2021 directing registration of the Sale Deed in favour of the respondent after collecting a sum of Rs.3,48,754/-, as well as collecting the requisite sum for the marginal land measuring 33.75 square meters.



7. As stated above, since this was not undertaken, contempt proceedings were also initiated by the respondent.

8. The learned counsel appearing for the appellants/BDA has made the following submissions:

8.1 Firstly, he submits that the Sale Deed could not be executed since there was an excess land admeasuring 33.75 sq.meters in Site No.973 marginal land and since the amounts due for the excess / marginal land were not paid, the Sale Deed could not be executed.

8.2 Secondly, he submits that the respondent's allotment was only in terms of his seniority and, as on the date, no allotment letter has been issued to the respondent at all. Thus, no Sale Deed could be executed.

8.3 The learned counsel further seeks to rely upon its affidavit filed on 19.02.2026 to submit that as per the



calculations, the amount that the respondent is required to pay is Rs.26,90,995/- in the following manner:-

Sl. No.	Particulars	Amount (in Rs.)
A	Amount to be received for the Original extent 9.00*12.00 = 108.00 sq. mtrs. Rs. 16,140/- = Rs.17,43,120-00	17,43,120-00
B	As per the Order of the Hon'ble Court, the extent of edge space 33.75 sq. mtrs @ Rs.26,900/- 33.75 sq. mtrs * Rs.26,900/- = Rs.16,20,000-00	9,07,875-00
C	Total (A + B)	26,50,995.00
D	Value of Alternate site	40,000.00
E	Total amount (C + D)	26,90,995.00

9. The learned counsel for the respondent, on the other hand, has drawn the attention of the Court to the orders passed in the 1st Writ Petition, as well as the 2nd Writ Petition. He submits that on 12.03.2009, the direction was passed by the learned Single Judge in the 1st Writ Petition to consider his representation along with his brother-in-law, Sri.S. Srinivasan. Although his brother-in-law Sri.S. Srinivasan was allotted a site and the Sale Deed was executed by the appellants/BDA on 23.05.2012 in his



favour, at the rate of Rs.3,48,754/-, the respondent who was a person who had filed an application on the same date, and for a similar site, the Sale Deed was not executed by the appellants/BDA. Hence, he was required to file a second writ petition.

9.1 The learned counsel further submits that the respondent is not liable to pay anything more than Rs.3,48,754/- for the subject site to the extent of 9 meters x 12 meters. He further submits that the value of the marginal land shall be paid as per the directions of the Court in the 1st writ petition. The learned counsel avers that the payment as per the guidance value of the Sub-Registrar will be paid for the marginal land as per the Impugned Judgment.

9.2 It is the contention of the respondent that insofar as the calculation of the marginal value, in the affidavit dated 19.02.2026 set out above, the respondent is willing to make that payment.



10. The record reflects that this is the second round of litigation for the respondent. The first round culminated in an order dated 12.03.2009, directing that the appellants shall consider the claim of the respondent within three months. This was however not done, which lead to filing of the 2nd Writ Petition.

11. The appellants/BDA filed an affidavit dated 29.03.2021, in the 2nd Writ Petition wherein the appellants/BDA deposed that it has already allotted the Site No.973 to the respondent and that the respondent is required to make payment towards the excess / marginal site and the authority would execute the sale deed without further delay in favour of the petitioner.

12. It is based on this Affidavit that the Impugned Order was passed, directing the following:

" 5. A perusal of the said Affidavit referred to supra will clearly indicate that the BDA has agreed to execute a sale deed in favour of the petitioner in respect of site bearing No.973, I Block, Sir.M.Visweshwaraiah Layout, Bengaluru, after collecting a sum of Rs.3,48,754/- from



the petitioner and in respect of the adjacent marginal land measuring 33.75 sq.mtrs after collecting the Sub-Registrar/guideline value from the petitioner. **Under these circumstances, I am of the opinion that the present petition deserves to be disposed of by issuing necessary directions to the BDA to execute the registered sale deed in favour of the petitioner** in respect of site bearing No.973, measuring 9 mtrs x 12 mtrs as well as in respect of the adjacent marginal land measuring 33.75 sq.mtrs within the stipulated timeframe.

6. In the result, I pass the following:-

ORDER

(i) Petition is hereby disposed of.

(ii) The respondents-BDA is **directed to execute the registered sale deed in favour of the petitioner** in respect of site bearing No.973 measuring 9 mtrs x 12 mtrs (30ft x 40ft), I Block, Sir.M.Vishwesharaiah Layout, Bengaluru, after collecting a sum of Rs.3,48,754/- from the petitioner and also execute a registered Sale deed in favour of the petitioner in respect of the adjacent marginal land measuring 33.75 sq.mtrs., after collecting the requisite sum as per the Sub-Registrar/ guideline value from the petitioner within a period of two months from the date of receipt of a copy of this order.

[Emphasis Supplied]

13. A review petition was initially filed against the impugned judgment by the appellants / BDA being R.P.No.561/2022. By its order dated 21.09.2022, the learned Single Judge of this Court dismissed the review



petition, as being devoid of merits. Simultaneously, a writ appeal was filed being Writ Appeal No.464/2022 by the appellants/BDA. However, on 26.03.2025 this writ appeal was withdrawn with liberty to file a fresh appeal, which is the present appeal.

14. In the meantime, since the appellants/BDA did not comply with the orders passed by the learned Single Judge in 2nd Writ Petition the respondent was constrained to file a contempt petition being C.C.C.No.234 of 2022, which has been decided by this Court today.

15. As can be seen above, the Impugned Order sets out, clear and unequivocal directions of the learned Single Judge to execute a Sale Deed in favour of the respondent for payment of a sum of Rs.3,48,754/. The direction has also been made, that the value of the adjacent marginal land measuring 33.75 square meters is also to be paid by the respondent. These directions were passed pursuant to an Affidavit dated 29.03.2021, filed by the appellants /



BDA, the relevant extract whereof is set out in paragraph 5.3 here in.

16. The appellants/BDA has raised three contentions before this Court. Firstly, it is submitted that the sale deed could not be executed in view of the excess/marginal land. Secondly, that since there was no allotment letter issued to the respondent no sale deed could be executed. In addition, it is contended that the allotment could have been made only in terms of the seniority.

17. So far as concerns the contention of the learned counsel for the appellants/BDA that the respondent could only be allotted a site on account of his seniority cannot be sustained given the fact that both the petitioner and the said Sri. S. Srinivasan had on the same date, made an application and while Sri.S.Srinivasan was allotted the land and a registered Sale Deed was executed issued on 23.05.2012 in favour of Sri.S.Srinivasan, the respondent has had to wait for allotment of the site. Thus, there can



be no question of seniority when two contemporaneous applications are made.

18. In addition, the learned Single Judge by the Impugned Order, had directed that the sale deed be executed after collecting a sum of Rs.3,48,875/- from the respondent as well for the marginal land at the guidance value as given by the Office of the Sub-Registrar. This order was passed on an Affidavit filed by the appellants/BDA dated 29.03.2021, wherein it is stated that the petitioner has already been allotted site No.973 and once the payment for the excess land is made, the sale deed shall be executed immediately. Thus, for the appellants/BDA to file an Affidavit controverting its earlier stand cannot be permitted.

19. The Appellants/BDA has now placed on record an Affidavit dated 19.02.2026 sets up the value of the excess



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/ marginal site at Rs.9,07,875/- being calculated at the rate of Rs.26,900/- per square metre.

20. Accordingly, the writ appeal is ***disposed of*** directing the respondent to make payment of the sum of Rs.3,48,754/- along with the amount of Rs.9,07,875/- and the payment for the alternate site as set out in the Affidavit being Rs.40,000/- within a period of eight weeks from the date of receipt of this order. Pursuant to such payment being made, the appellants/BDA shall take appropriate steps to register the Sale Deed within a period of six weeks from the date the payment is made.

21. All pending applications stand closed. No order as to costs.

Digitally signed by ANU
SIVARAMAN
Location: High Court of
Karnataka

(ANU SIVARAMAN)
JUDGE

Digitally signed by TARA
VITASTA GANJU
Location: HIGH COURT OF
KARNATAKA

(TARA VITASTA GANJU)
JUDGE

PN/JJ