



CNR: KAHC010384442023

NC: 2026:KHC:41990
WP No. 16426 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. 16426 OF 2023 (BDA)

BETWEEN:

1. VISHNU NAMBOOTHIRI
S/O K.V. NAMBOOTHIRI,
AGED ABOUT 46 YEARS,
2. JAYASHREE NARAYANAN
WIFE OF VISHNU NAMBOOTHIRI,
AGED ABOUT 46 YEARS,

BOTH RESIDING AT
OLD NO.16, NEW NO.36,
AISHWARYA 6TH A CROSS,
BEHIND AYYAPPA TEMPLE,
NEW THIPPASANDRA,
HAL 3RD STAGE,
BENGALURU-560075

...PETITIONERS

(BY SRI. MARIAPPA, ADVOCATE)

AND:

THE COMMISSIONER
BANGALORE DEVELOPMENT AUTHORITY,
KUMARAPARK WEST,
BANGALORE-560020.

...RESPONDENT

(BY SRI. K. KRISHNA, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE

Digitally
signed by
HEMALATHA J
Location:
HIGH COURT
OF
KARNATAKA



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RESPONDENT TO CONSIDER THE REPRESENTATION OF THE PETITIONER IN ANNEXURE-D DATED 01.04.2023.

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

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioners have sought for a writ in the nature of mandamus to direct the respondent to consider their representation dated 01.04.2023 and pass appropriate orders.

2. The petitioners claim that they have purchased residential plots in a layout approved by the respondent in Sy.No.32/1 of Halehalli village, Bidarahalli Hobli, Bengaluru East Taluk, Bengaluru. They contend that the promoter of the layout had executed a deed of relinquishment in favour of the respondent on 08.04.2019 thereby relinquishing the areas reserved for parks and open spaces. The petitioners contend that the areas relinquished in favour of the respondent are not maintained and therefore, they submitted a representation on 01.04.2023 requesting the respondent to develop the park that was relinquished in its favour. They contend that the said



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representation is not considered and therefore, they are before this Court.

3. The learned counsel for the petitioners contends that it is the duty of the respondent to develop the park relinquished in its favour. However, the respondent has neglected the said area. He therefore, contends that the respondent is liable to be hauled up and a direction deserves to be issued to the respondent to develop the said park by considering the representation of the petitioners dated 01.04.2023.

4. Per contra, the learned counsel for the respondent contends that it was the duty of the promoter of the layout to develop the park. In this regard, he invited the attention of the Court to one of the conditions mentioned in the work order issued in favour of the promoter of the layout, where it is stipulated as follows:-

"15. ಅಭಿವೃದ್ಧಿದಾರರು ಉದ್ಯಾನವನಕ್ಕಾಗಿ ಕಾಯ್ದಿರಿಸಿರುವ ಪ್ರದೇಶದಲ್ಲಿ ವಿವಿಧ ಜಾತಿಯ ಗಿಡಮರಗಳನ್ನು ಬೆಳಸಿ ಅಭಿವೃದ್ಧಿಪಡಿಸುವುದು ಹಾಗೂ ಸದರಿ ಉದ್ದೇಶಕ್ಕಾಗಿ ಕಾಯ್ದಿರಿಸಿ ಉಪಯೋಗಿಸತಕ್ಕದ್ದು ಬೇರೆ ಯಾವುದೇ ಉದ್ದೇಶಗಳಿಗೆ ಬದಲಾಯಿಸಬಾರದು."



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He therefore contends that the park in question has to be developed by the promoter.

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

6. When the owner of a land lying within the limits of a planning authority seeks sanction for development of a layout, the respondent is bound to follow the procedure contemplated under Section 17 of the Karnataka Town and Country Planning Act, 1961 (henceforth referred to as 'Act, 1961'). Under Section 17(2-A) of the Act, 1961, the owner seeking sanction of a layout plan shall relinquish the roads, parks and playgrounds to the local authority and civic amenity areas to the planning authority through registered relinquishment deed, free of cost, without claiming any compensation. In so far as land lying within the limits of the respondent, it is not only the local authority but also the planning authority. Therefore, until the layout is fully developed and the area is handed over to the local municipal authority, it is the duty of the respondent to ensure that the parks and other civic amenities that are



relinquished in its favour are maintained and managed by it. Under the Karnataka Parks, Play-fields and Open Spaces (Preservation and Regulation) Act, 1985 (henceforth referred to as 'Act, 1985'), a park is defined as follows:

"2(g) "park" means a piece of land on which there are no buildings or of which not more than one twentieth part is covered with buildings, and the whole or remainder of which is laid out as a garden with trees, plants or flower beds or as a lawn or as a meadow and maintained as a place for the resort of the public for recreation, air or light;"

7. 'Local Authority' is defined under Section 2(e) of the Act, 1985, as follows:-

"2(e) "local authority" means a municipal corporation a municipal council, the Bangalore Development Authority, an improvement board, a sanitary board or a notified area committee or a town board constituted or continued under any law for the time being in force and such other authority as may be specified by the Government, by notification, as a local authority;"



8. Section 3 of the Act, 1985, mandates that every local authority shall prepare and submit for the approval of the Government a correct and complete list with plans and maps with dimensions of all the parks, play-fields and open spaces in the area and the Government shall notify the same.

9. The maintenance of such parks, play-fields and open spaces is prescribed under Section 7 of the Act, 1985, which reads as follows:-

"7. Maintenance of parks, play-fields and open spaces.- The local authority concerned shall maintain in a clean and proper condition all parks, play-fields and open spaces belonging to or vested in it and included in the list published under section 4 or section 5."

10. Therefore, it is the obligation of the respondent to maintain the parks that are vested in it in a clean and proper condition. The respondent cannot abdicate its responsibility by relying upon a condition mentioned in the work order requiring the promoter of the private layout to develop the parks, but it is its duty to ensure that the parks are duly maintained. Therefore, the respondent cannot avoid its duty in maintaining



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the park. In that view of the matter, as the respondent is under a public duty to ensure the maintenance of the parks, it is bound to consider the representation of the petitioners in the light of the above and pass appropriate orders.

11. Hence, the petition is ***allowed***. The respondent is directed to consider the representation of the petitioners dated 01.04.2023 and pass appropriate orders within a period of three months from the date of receipt of a copy of this Order.

**Sd/-
(R. NATARAJ)
JUDGE**