



CNR: KAHC010388012021

NC: 2026:KHC:40005
WP No. 18727 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 18727 OF 2021 (GM-PP)

BETWEEN:

SMT. REKHA CHANDRAN C.K.
W/O. PRADEEP KUMAR P.,
AGED ABOUT 46 YEARS,
RESIDING AT OLD NO.12, NEW NO.13,
'ANASHWARA', 4TH MAIN,
O.M.B.R. LAYOUT, BANASWADI,
BANGALORE-560043.

...PETITIONER

(BY SRI. M.S.BHAGWAT, SENIOR ADVOCATE FOR
SRI. SATISH K., ADVOCATE)

AND:

THE BENGALURU DEVELOPMENT AUTHORITY
REPRESENTED BY ITS SECRETARY,
KUMARA PARK WEST,
T. CHOWDAIAH ROAD,
BANGALORE-560020

...RESPONDENT

(BY SRI. K. KRISHNA, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS FROM
THE RESPONDENT PERTAINING TO THE IMPUGNED SHOW CAUSE
NOTICE DATED 04.10.2021 (ANNEXURE-A) AND QUASH THE
IMPUGNED SHOW CAUSE NOTICE DATED 04.10.2021 ISSUED
UNDER SECTION 4(1) KARNATAKA PUBLIC PREMISES (EVICTION OF
UNAUTHORIZED OCCUPANTS) ACT, 1974 BEARING

Digitally
signed by
HEMALATHA J
Location:
HIGH COURT
OF
KARNATAKA



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NO.BDA/SECY/153/2021-22 (ANNEXURE-A) ISSUED BY THE RESPONDENT.

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

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioner has called in question a statutory show cause notice bearing No.BDA/Secy/153/2021-22 dated 04.10.2021 issued by the respondent under Section 4(1) of the Karnataka Public Premises (Eviction of Unauthorized Occupants) Act, 1974 (henceforth referred to as 'Act, 1974').

2. (i) The petitioner claims that one Sri. Anjaneya Reddy was the owner of 02 acres 11 guntas of land in Sy.No.27/11 of Banaswadi Village, K.R. Puram Hobli, Bengaluru East Taluk. A preliminary notification dated 03.11.1977 was issued by the respondent for acquiring the aforesaid property along with land in other survey numbers for the purpose of forming 'Old Madras Road – Banaswadi Road' (O.M.B.R) Layout. This was followed by a final notification dated 13.11.1980. The petitioner claims that the possession of the aforesaid land was not taken by the respondent. A notification was then issued by



the Government of Karnataka under Section 4 of the Karnataka Municipal Corporations Act, 1976 declaring that O.M.B.R area would come within the peripheral jurisdiction of Bangalore Mahanagara Palike (BMP), later known as Bruhat Bengaluru Mahanagara Palike (BBMP). Thereafter, the said property was transferred to BBMP in the year 1995.

(ii) Petitioner claims that her mother Smt. A.P. Saradamani purchased the Site No.12/4, House List Khata No.1249/1292, measuring East to West 40 feet and North to South 60 feet admeasuring 2400 sq.ft. formed in the land bearing Sy.No.27 of Banaswadi Village in terms of a sale deed dated 15.04.1998. Accordingly, khata and municipal records were transferred in the name of the mother of the petitioner. The mother of the petitioner had obtained a plan sanctioned for constructing a building thereon in the year 1998-99 and accordingly, she constructed a building consisting of ground and 1st floor as per the plan. The petitioner contends that the respondent had issued a notice dated 24.09.2011 under Section 33 of the Bangalore Development Act, 1976 (for short, 'the BDA Act') to the owners of some of the properties in the



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same layout including the mother of the petitioner and to recover possession. The said notice/s was/were challenged by the mother of the petitioner and other owners of land in W.P.Nos.38306-308/2011. This Court in terms of an Order dated 12.10.2012, allowed the writ petitions and held that the petitioners therein were in settled possession and that the respondent cannot take possession of the properties without following the due process of law as provided under the Act, 1974 or by filing an appropriate suit. This was upheld by the Division Bench of this Court in Writ Appeal Nos.793-795/2013. The Division Bench in terms of its judgment dated 05.04.2014 passed in the said writ appeals, observed that it was open for the respondent herein to take action in accordance with law. The respondent then filed SLP (Civil) Nos.21300-21302/2015 challenging the judgment dated 05.04.2014 which were dismissed. However, on a submission made by the petitioners therein that they would proceed against the unauthorized occupants under the Act, 1974 liberty was reserved and it was observed that in such an event, none of the observations made



by any of the judgments in the said case would come in their way.

(iii) The petitioner claims that her father Sri. C.K. Ramachandran died on 17.09.2014, her sister died on 31.10.1986 and her mother died on 01.07.2020. Therefore, after demise of her mother, she being the only legal heir of her deceased mother, became the sole owner of the property in question. The petitioner claims that khata certificate presently stands in the name of her mother and that she has applied to BBMP for change of khata after the demise of her mother. The petitioner claims that she has paid the property tax to BBMP for the year 2021-22. The petitioner contends that the respondent has now issued the impugned show-cause notice under Section 4(1) of the Act, 1974. Being aggrieved by the same, the petitioner is before this Court.

3. The respondent has filed statement of objections *inter alia* stating that the entire extent of 06 acres 20 guntas of land in Sy.No.27 of Banaswadi village along with land in other survey numbers was acquired by the respondent for the purpose of formation of "Banasawadi Scheme between Old



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Madras Road and Banasawadi Road" (OMBR Layout) vide preliminary notification bearing No.BDA/SALAO/C3PR/301/77-78 dated 03.11.1977 and final notification bearing No.HUD-35-MNJ 78 dated 13.11.1980. The award was passed in respect of 06 acres 20 guntas of land in Sy.No.27 of Banaswadi village on 08.07.1982 and the same was approved on 22.01.1983. The compensation amount was deposited in the Civil Court on 28.01.1989 under Sections 30 and 31 of the Land Acquisition Act, 1894 (for short, 'the L.A. Act') vide cheque No.2273403 dated 23.01.1989 in LAC No.33/1981. The possession of the land in Sy.No.27 of Banasawadi village measuring 06 acres 20 guntas was taken on 09.02.1983 and handed over to the Engineering Section for development on 09.02.1983 under a possession mahazar. Notification under Section 16(2) of the L.A. Act was issued on 15.03.1983 and the same was published in the official gazette on 22.09.1983. The respondent has formed total 89 sites of various dimensions in 03 acres 22 guntas of land and roads and civic amenity sites were formed in 01 acre 25 guntas and 01 acre 13 guntas of land respectively, in Sy.No.27 of Banasawadi village and the sites were allotted



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to the general public as per the allotment Rules. The respondent contended that the land in Sy.No.27 was neither phoded nor any sub-survey numbers were assigned to it. The sale deed under which the mother of the petitioner purchased the petition schedule property is subsequent to the acquisition and vesting of the land in Sy.No.27 with respondent and the same does not confer any right or title to the petitioner in respect of the petition schedule property.

4. Learned Senior Counsel for the petitioner submitted that the acquisition of the petition schedule property was initiated in the year 1977 under Section 17 of the BDA Act, followed by a final notification dated 13.11.1980. He, therefore, contends that the proceedings initiated by the respondent in the year 2021 to recover possession of the site in question under the provisions of the Act, 1974 is barred by the law of limitation. In support of this contention, he relied upon the judgment of the Hon'ble Apex Court in ***New Delhi Municipal Committee v. Kaluram and Another [(1976) 3 SCC 407]***. He further submitted that notice impugned is issued to a dead person and is therefore, non-est in the eyes of law.



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5. Per contra, the learned counsel for the respondent submitted that the respondent has taken possession of the land measuring 06 acres 20 guntas in Sy.No.27 of Banaswadi village on 09.02.1983 and the acquisition is complete in all respects. He contends that a notification in this regard is issued under Section 16(2) of the L.A. Act was issued on 15.03.1983. He contends that the mother of the petitioner is an unauthorised occupant, who was occupying the land belonging to the respondent and therefore, the respondent is entitled to take over possession of the property in question under the Act, 1974. He contends that this action was taken pursuant to the order passed by the Hon'ble Supreme Court in SLP (Civil) Nos. Nos.21300-21302/2015.

6. I have considered the submissions of the learned Senior counsel for the petitioner and the learned counsel for the respondent.

7. The petitioner contends that Sri Anjaneya Reddy was the owner of the property in question and that he sold it to the mother of the petitioner on 15.04.1998. The sale deed executed in favour of the mother of the petitioner would show



that what was conveyed to the mother of the petitioner was the property along with house constructed with mud and brick, asbestos sheet roof. The respondent claims that the possession of the property in Sy.No.27 of Banaswadi village, K.R. Puram, Bengaluru East Taluk, was taken over on 09.02.1983 and a notification under Section 16(2) of the Land Acquisition Act, 1894, was issued on 15.03.1983 and published in the gazette on 20.10.1983. If that be so, the respondent was justified in initiating proceedings under Section 33A(2) of the BDA Act by issuing show-cause notice under Section 4(1) of the Act, 1974. The contention of the learned Senior counsel for the petitioner that the proceedings are barred by the law of limitation, is definitely a ground that the petitioner is entitled to raise before the respondent and the respondent is bound to answer the said contention. However, the show-cause notice issued by the respondent cannot be upset on this ground. Therefore, this Court is of the opinion that the petitioner is bound to appear before the respondent and file objections and raise all contentions available in law.



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8. Hence, the petition stands ***disposed off*** upholding the show-cause notice dated 04.10.2021 issued by the respondent. It is open for the petitioner to file objections to the impugned show-cause notice and the respondent shall consider the objections objectively and pass appropriate orders.

9. In order to enable the early consideration of the objections, the petitioner is directed to appear before the respondent on **20.08.2026** at **03.00 p.m.** along with the objections to the impugned show-cause notice. The respondent shall conclude the proceedings within a period of three months from the date of filing the objections.

Sd/-
(R. NATARAJ)
JUDGE

PMR