



CNR: KAHC010391852021

NC: 2026:KHC:40006
WP No. 18946 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. 18946 OF 2021 (GM-PP)

BETWEEN:

SMT. KANTI GUPTA
W/O PRAVIN GUPTA
AGED ABOUT 75 YEARS
RESIDING AT MUNICIPAL NO.18
4TH MAIN, O.M.B.R. LAYOUT
BANGALORE-560043.

...PETITIONER

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

AND:

THE BANGALORE DEVELOPMENT AUTHORITY
REPRESENTED BY ITS SECRETARY
KUMARA PARK WEST
T. CHOWDAIAH ROAD
BANGALORE-560 020.

...RESPONDENT

(BY SRI. ADARSH M. LIMBIKAI, ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS
FROM THE RESPONDENT PERTAINING TO THE IMPUGNED

Digitally
signed by
HEMALATHA J
Location:
HIGH COURT
OF
KARNATAKA



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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) OF THE KARNATAKA PUBLIC PREMISES (EVICTION OF UNAUTHORIZED OCCUPANTS) ACT, 1974 BEARING NO.BDA/SECY/154/2021-22 (ANNEXURE-A) ISSUED BY THE RESPONDENT.

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 petitioner has called in question a statutory show cause notice bearing No.BDA/Secy/154/2021-22 dated 04.10.2021 issued by the respondent under Section 4(1) of the Karnataka Public Premises (Eviction of Unauthorized Occupants) Act, 1974.

2(i). The petitioner claims that one Sri Anjaneya Reddy / Anjeneya Reddy was the owner of 02 acres 11 guntas of land in



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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 BMP in the year 1995. Petitioner claims that Sri Anjaneya Reddy sold Site bearing No.11 measuring East to West 30 feet and North to South 40 feet, formed in the land bearing Sy. No.27 of Banaswadi Village, to Smt. S. Kaladevi and Sri P. D. Mohan in terms of a sale deed dated 07.12.1994. Smt. S. Kaladevi paid betterment charges to the Corporation of the City of Bangalore



in the year 2003 and obtained a plan sanctioned for constructing a building thereon. Thereafter, Smt. S. Kaladevi and Sri P.D Mohan sold the aforesaid property to one Sri S. Babu Reddy in terms of a sale deed dated 25.11.2004. He also obtained a plan for constructing a building on the aforesaid property. The said Sri S. Babu Reddy sold the property purchased by him to Sri B. Raja Reddy and another in terms of a sale deed dated 14.05.2008. Petitioner purportedly purchased the petition schedule property which comprised of two floor building from Sri B. Raja Reddy and his son in terms of a sale deed dated 14.06.2012.

(ii) She 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 same layout to recover possession. Some owners of land had approached this Court in W.P Nos.38306-308/2011 challenging the notice(s) issued by the respondent. This Court in terms of an order dated 12.10.2012, allowed the writ petition and held that the petitioners therein were in settled possession and that the



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respondent herein cannot take possession of the properties without following the due process of law as provided under Section 33A of the Karnataka Public Premises (Eviction of unauthorized occupants) Act, 1974 (for short, '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, dismissed the said writ appeals while observing that it was open for the respondent herein to take action in accordance with law. The respondent herein then filed SLP (Civil) Nos.21300-21302/2015 challenging the judgment dated 05.04.2014 which were dismissed by the Hon'ble Apex Court in terms of the order dated 08.08.2017. However, on a submission made by the petitioners therein that they would proceed against the unauthorized occupants under the Act, 1974, it was observed by the Hon'ble Apex Court that in such an event, none of the observations made by any of the judgments in the said case would come in their way. The petitioner claims that she too approached this Court in W.P No.52539/2012, which was disposed off on 31.05.2013 in



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terms of an order dated 12.10.2012 passed in W.P. Nos.38306-38308/2011. The petitioner contends that the respondent has now issued a 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 the land in other survey numbers was acquired by the respondent for the purpose of formation of "Banasawadi Scheme between Old 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



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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 by the Special Land Acquisition Officer of the respondent on 15.03.1983 and the same was published in the official gazette on 20.10.1983 (stated as 22.09.1983 in the statement of objections). 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, measuring 06 acres 20 guntas and the sites were allotted to the general public as per the allotment Rules. The respondent contended that the said land in Sy. No.27 was neither *phoded* nor any sub-survey numbers were assigned to it. The sale deed under which the petitioner purchased the petition schedule property is subsequent to the acquisition and vesting of the land in Sy. No.27 with the respondent and the same does not confer any right or title to the petitioner in respect of the petition schedule property.



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4. Learned Senior Counsel for the petitioner submitted that the acquisition of the petition schedule property was initiated by the respondent in the year 1977 under Section 17 of the BDA Act, followed by a final notification dated 13.11.1980 for the purpose of formation of O.M.B.R Layout. 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].

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 was issued under Section 16(2) of the L.A. Act by the Special Land Acquisition Officer of the respondent on 15.03.1983. He contends that the petitioner is an unauthorised occupant, who



is 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 dated 08.08.2017 passed by the Hon'ble Apex Court in SLP (Civil) Nos. Nos.21300-21302/2015.

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

7. The petitioner contends that the petition schedule property was purchased by one Mr. B. Raja Reddy and his son in terms of a sale deed dated 14.05.2008 and that they sold it to the petitioner on 14.06.2012. The sale deed executed in favour of the petitioner would show that what was conveyed to the petitioner was the property along with two storied buildings thereon. 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 L.A. Act, was issued on 15.03.1983 and published in the official 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.

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



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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**

SMA-para Nos.1 to 7 PMR -para No.8 till the end

List No.: 1 Sl No.: 0