



CNR: KAHC010425332026

NC: 2026:KHC:44449
WP No. 19411 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 19411 OF 2026 (LB-RES)

BETWEEN:

SRI. ANIL KUMAR
S/O. KRISHNAPPA,
AGED ABOUT 41 YEARS,
RESIDING AT HALEVURU VILLAGE,
NANDAGUDI HOBLI,
HOSAKOTE TALUK-562122,
BENGALURU RURAL DISTRICT.

...PETITIONER

(BY SRI. BHADRINATH R., ADVOCATE)

AND:

1. THE STATE OF KARNATKA
KARNATAKA URBAN
DEVELOPMENT DEPARTMENT
VIKAS SOUDHA/M.S.BUILDING,
BENGALURU-560 001,
REPRESENTED BY
PRINCIPAL SECRETARY.
2. THE COMMISSIONER,
BENGALURU METROPOLITAN REGION
URBAN DEVELOPMENT AUTHORITY,
NO.1, ALI ASKAR ROAD,

Digitally
signed by
VANAMALA
N
Location:
HIGH
COURT OF
KARNATAKA



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VASANTHNAGAR,
BENGALURU-560052.

3. THE HOSKOTE PLANNING
AUTHORITY, 1ST MAIN,
VENKATADRI LAYOUT,
MISSION HOSPITAL ROAD,
HOSKOTE-562114
REPRESENTED BY
ITS JOINT DIRECTOR OF
TOWN AND COUNTRY PLANNING.
 4. ABHIVRIDHI WAREHOUSING PRIVATE LIMITED,
CORPORATE OFFICE AT
PLOT NO.31P, SECTOR-38,
GURGAON, SADAR BAZAR,
HARYANA, INDIA -122001
REPRESENTED BY ITS
AUTHORISED SIGNATORY MR.M.J.JOSE.
...RESPONDENTS
- (BY SRI.KENCHEGOWDA., AGA FOR 1;
SRI. YOGESH D NAIK., ADVOCATE FOR R2 & R3;
SRI. H.V. HARISH., ADVOCATE A/W
SRI. RANGANATH REDDY R., ADVOCATE FOR R4)

THIS WP IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO I. ISSUE
WRIT IN THE NATURE OF MANDAMUS TO THE
RESPONDENT NO.2 TO CONSIDER THE
REPRESENTATIONS DATED 04.06.2026 AS FOUND AT
ANNEXURE-A IN RESPECT OF THE LAND BEARING
SY.NO.218/2, MEASURING 2 ACRES 01 GUNTAS, SY.
NO.218/2, MEASURING 2 ACRES 01 GUNTAS,



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SY.NO.256/1, MEASURING 1 ACRE 10 GUNTAS, IN SY. NO.256/2, MEASURING 1 ACRE 25 GUNTAS, SY.NO.232/3, MEASURING 2.10 GUNTAS, SY. NO.218/1, MEASURING 2 ACRES, SY. NO.219/2, MEASURING 3.00 ACRES, SY.NO.218/3, MEASURING 20 GUNTAS AND IN SY NO.218/4, MEASURING 20 GUNTAS, ALL LANDS SITUATED AT KOLATHUR VILLAGE, KASABA HOBLI, HOSKOTE TALUK, BENGALURU RURAL DISTRICT IN ACCORDANCE WITH LAW AS PER ACT; II. TO ISSUE WRIT IN THE NATURE OF MANDAMUS TO THE RESPONDENTS NO.2 TO TAKE SUITABLE AUCTION AGAINST THE RESPONDENT NO.4 AS PER THE PROVISIONS OF KARNATAKA TOWN AND COUNTRY PLANNING ACT AND BANGALORE METROPOLITAN REGIONAL DEVELOPMENT AUTHORITY ACT IN ACCORDANCE WITH LAW.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

The petitioner is a resident of Halevuru Village, Nandagudi Hobli, Hosakote Taluk, and the petitioner complains that the fourth respondent is constructing warehouses in an extent measuring about 17 acres in



different survey numbers of Kolathur Village, Kasaba Hobli, Hosakote Taluk, Bengaluru Rural District without any approval. This Court, on 06.07.2026, with Sri R. Bhadrinath, the learned counsel for the petitioner, asserting that the fourth respondent has begun construction of warehouses without any sanction, has called upon Sri. Yogesh D. Naik, the learned counsel for the second and the third respondents [*the Planning Authority and its Commissioner*] to file a report on the status of the construction by the fourth respondent as on the date of the approval, if any, and the details of the construction and the construction being in terms of the sanctioned plan.

2. On 30.07.2026, the third respondent has filed a Report stating that the construction of the warehouses is without a sanction, and this Court has taken on record the submission on behalf of the fourth respondent that all construction would be stopped



forthwith. Sri R. Bhadrinath, the learned counsel for the petitioner, Sri H.V Harish, the learned counsel for the fourth respondent, Sri Yogesh D Naik, a learned standing counsel for the second and third respondents, and Sri Kenche Gowda, the learned Additional Government Advocate for the first respondent, are heard for the disposal of the petition addressing the following two questions:

[A] *Whether this Court can infer locus in the petitioner to sustain this petition and;*

[B] *If this Court cannot infer a locus in the petitioner, should the petition be rejected without just orders to ensure that the fourth respondent completes the construction of the warehouses in accordance with the requisite approvals and secures Occupancy Certificate as required in law?*

These questions are considered in the light of the following circumstances as also the assertion **[i]** that the



fourth respondent is accorded approval of a Layout with two sheds, parking and other facilities and *[ii]* that the petitioner has completed construction of 80% of one shed and has begun the construction of another shed and the development works are underway.

3. The fourth respondent has submitted a *Layout Plan* indicating the location of the warehouses/ sheds, parking and other facilities with the third respondent, and the third respondent has accorded approval therefor mentioning Section 15[2] of the Karnataka Town and Country Planning Act [for short, *the KTCP Act*]. The fourth respondent has thereafter filed an application with the Jadigenahalli Grama Panchayat [*the Grama Panchayat*] on 15.06.2026 for approval of the *Building Plan*. The Grama Panchayat has forwarded the Building Plan and the other submissions to the third respondent. The office of the third respondent has called upon the fourth respondent to



furnish certain documents, and this respondent has filed the documents.

4. Sri Yogesh D Naik, on behalf of the second and third respondents, is categorical about the following.

[i] The approval on 09.06.2026 is for a *Layout Plan* under Section 17 of the KTCP Act and not under Section 15 of the KTCP Act.

[ii] The fourth respondent will have to file drawings of the construction of the sheds [*Building*] for issuance of a *Commencement Certificate*.

[iii] This will be considered as contemplated under Section 14 of the KTCP Act for issuance of a *Commencement Certificate* under Section 15 of this Act.

[iv] Once the third respondent issues approval for the Building/s and issues *Commencement Certificate*, which will be



routed through the office of the Grama Panchayath, the fourth respondent can complete the construction and apply for Occupancy Certificate with the Grama Panchayath.

5. Sri H.V. Harish, while underscoring that the petitioner does not have locus, submits that the procedure as delineated by Sri Yogesh D. Naik [*and as recorded by this Court as afore*] would be in consonance with the decision of this Court in the writ petition in W.P No.5273/2016 [*which is decided on 19.11.2024*] when there is a *development*. The learned Counsel submits that this Court has observed that the approval for a *development/building* must be by the Planning Authority and any approval by a Grama Panchayath under Section 64 of the Karnataka Grama Swaraj and Panchayat Raj Act, 1993 [for short, '*Panchayat Raj Act*'] would be a consequential permission and cannot be



independent of the approvals/ permissions when the KTCP Act is applicable.

6. The petitioner is a resident of Halevuru Village, Nandagudi Hobli, Hosakote Taluk and the lands developed by the fourth respondent are in Kolathur Village, Kasaba Hobli, Hosakote Taluk, Bengaluru. The petitioner cannot assert a personal interest in the property which is in another Village or allege breach of a personal right. As such, this Court cannot infer any *locus* in the petitioner. Insofar as the next question, because it is brought to this Court's notice that the fourth respondent has commenced construction even when the application for approval under Section 17 of the KTCP Act is pending and the *Commencement Certificate* is yet to be issued, this Court is of the view that the petition cannot be dismissed on the ground of *locus* and there must be just orders that will enable approval of the Building Plan and issuance of a



Commencement Certificate in a manner that would be permissible in law.

7. The approval dated 09.06.2026 reads that it is an approval under Section 15 of the KTCP Act, but it is now placed on record to this Court's satisfaction that what is approved on 09.06.2026 is only a *Layout Plan* for utilization of 17 and odd acres in different survey numbers for a *Warehousing Facility* with different amenities such as parking etc. The fourth respondent, with this approval had to, next apply for approval of the *Building Plan* and *Commencement Certificate*, and in fact, the fourth respondent has applied for the same with the Grama Panchayat.

8. The Grama Panchayat has forwarded the submissions by the fourth respondent for approval by the third respondent as contemplated under Section 14[2] of the KTCP Act which reads as under:

“14. Enforcement of the Master Plan and the Regulations.



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[1] On and from the date on which a declaration of intention to prepare a Master Plan is published under sub-section (1) of section 10, every land use, every change in land use and every development in the area covered by the plan subject to section 14-A shall conform to the provisions of this Act, the Master Plan and the report, as finally approved by the State Government under sub-section (3) of Section 13.

[2] No such change in land use or development as is referred to in sub-section (1) shall be made except with the written permission of the Planning Authority which shall be contained in a commencement certificate granted by the Planning Authority in the form prescribed:

[Provided that where the use or change of land use under this section needs the diversion of agricultural land to non-agricultural purposes, such use or change of use shall not be permitted, unless permission is obtained in accordance with the provisions of the Karnataka Land Revenue Act, 1964 for such diversion.]



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Explanation. - For the purpose of this section –

(a) the expression "development" means the carrying out of building or other operation in or over or under any land or the making of any material change in the use of any building or other land;

(b) the following operations or uses of land shall not be deemed to involve a development of any building or land, namely:-

(i) the carrying out of works for maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;

(ii) Xxxxx

(iii) Xxxxx

(iv) the use of any building or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such;

(v) when the normal use of land which was being temporarily used for any



other purpose on the day on which the declaration of intention to prepare the [Master Plan] is published under sub-section (1) of Section 10 is resumed;

*(vi) when land was normally used for one purpose and also on occasions for any other purpose, the use of the land for that other purpose on similar occasions.
xxxxxxxxxx”*

It follows from these provisions that the third respondent, because the provisions of the KTCP Act are applicable to the land which it is developing, will have to examine the drawing forwarded by the Grama Panchayath and grant approval of the *Building Plan* and issue *Commencement Certificate*.

9. This Court must reiterate the opinion in W.P.No.5273/2016 [*which is decided on 19.11.2024*] that the permission for a layout [*even a layout to construct the warehouses, sheds with facilities*] must be by a Planning Authority under Section 14 of the KTCP



Act, and given the provisions of Section 64 of the Panchayat Raj Act, the application for approval of the drawing for the Building/s [*as has been done in this case*] must be filed with the concerned Grama Panchayat which must forward the same for examination by the Planning Authority under Section 14 thereof. Once the Planning Authority [*the third respondent as in this case*] examines the drawing furnished for Building and issues approvals and Commencement Certificate under Section 15 of the KTCP Act, the concerned can commence construction.

10. As such, this Court must opine that the fourth respondent cannot commence construction until the third respondent issues approval for the *Building Plan* and *Commencement Certificate*, because if the fourth respondent continues with the construction/building even when the approval is pending consideration, there would be a *fait accompli* and that cannot be permitted in law.



11. However, this Court must call upon the third respondent, which has added some confusion in mentioning Section 15 of the KTCP Act in the approval dated 09.06.2026 when it had to accord permission under Section 17 of the KTCP Act, to ensure that the Building Drawings forwarded by the Grama Panchayath are examined and the question of issuance of *Commencement Certificate* is also examined within a definite timeline observing that the fourth respondent shall recommence and complete the construction only if there is approval, with or without modification, and issuance of a *Commencement Certificate*.

12. The Karnataka Grama Swaraj and Panchayath Raj [Zilla Panchayats, Taluka Panchayats and Grama Panchayaths Control Over Erection of Buildings] Models Byelaws, 2015 [*Model Byelaws, 2015*] and the Circular dated 05.08.2024 also confer some jurisdiction on the authorities. The Model Byelaws,



2015 speak about grant or refusal of license for different kinds of building, issuance of Occupancy Certificate and penalty for contravening with the Circular dated 05.08.2024 in prescribing that the *Commencement Certificate* must be under the KTCP Act. The provisions of the KTCP Act, the Panchayat Raj Act, the Model Byelaws 2015 and the Circular dated 05.08.2024, when there is a development of a Layout, coalesce the jurisdiction between the Planning Authority and the Grama Panchayath.

13. Once a Planning Authority issues approvals for *Building Plan* and *Commencement Certificate*, and the *Building* is completed accordingly, the concerned Grama panchayath will have to issue Occupancy Certificate for the building to be occupied. As such, subject to the third respondent's approval for the *Building Plan* and issuing *Commencement Certificate* and after completion of the building, the fourth



respondent must apply with the Grama Panchayath for the Occupancy Certificate and the fourth respondent can occupy the warehouses/sheds only when such Occupancy Certificate is issued by the Grama Panchayat

14. The last question that must be examined is whether this Court must impose costs on the fourth respondent for commencing construction even before all the approvals are in place. The cost could be exemplary, but the mitigating circumstances are in the third respondent in mentioning that the approval dated 09.06.2026 is under Section 15 of the KTCP Act and the fourth respondent pursuing the application for approval of the *Building Plan/Commencement Certificate* through the Office of Grama Panchayat. On a careful consideration of all circumstances including the mitigating circumstances, this Court is of the view that the costs must be more nominal than exemplary. In the light of the afore, the following:



ORDER

The petition stands disposed of on the following terms:

- [a]** The third respondent is called upon to decide on the pending application for approval of the *Building Plan* and issuance of Commencement Certificate and communicate the decision to the fourth respondent within a period of four [4] weeks from the date of this Order.
- [b]** The fourth is reserved with liberty to file a certified copy of this Order with the third respondent at the earliest.
- [c]** The fourth respondent shall commence construction only when there is approval of the *Building Plan* and issuance of *Commencement Certificate* as aforesaid.
- [d]** It is needless to observe that the fourth respondent will be entitled to occupy only



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once the Occupancy Certificate is issued by the Jadigenahalli Village Panchayath after the construction of the building is complete and the development is in terms of the approval granted on 09.06.2026.

[e] The fourth respondent shall deposit a cost of Rs.50,000/- [*Rupees Fifty Thousand Only*] with the third respondent.

Sd/-
(B M SHYAM PRASAD)
JUDGE

SA
Ct:s