



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 21338 OF 2025 (BDA-)

BETWEEN:

SRI. SHIVARAJ,
S/O BOREGOWDA,
AGED ABOUT 64 YEARS,
R/AT: BIDARAKOTE VILLAGE,
KOPPA HOBLI, MADDUR TALUK,
MANDYA DISTRICT.

...PETITIONER

(BY SRI. SUNDARESH H C., ADVOCATE)

AND:

1. THE COMMISSIONER,
BANGALORE DEVELOPMENT AUTHORITY,
KUMARA PARK WEST,
T.CHOWDAIAH ROAD,
BANGALORE- 560 020.

2. DEPUTY SECRETARY-III,
BANGALORE DEVELOPMENT AUTHORITY,
KUMARA PARK WEST,
T.CHOWDAIAH ROAD,
BANGALORE- 560 020.

...RESPONDENTS

(BY SRI. K KRISHNA, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE
ENDORSEMENT BEARING NO. BDA/DS-3/3557/2025-26, DATED 29-

Digitally
signed by
HEMALATHA J
Location:
HIGH COURT
OF
KARNATAKA



04-2025 ISSUED BY THE 2ND RESPONDENT AS PER ANNEXURE-H AND ETC.

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 sought for a writ in the nature of certiorari to quash the endorsement bearing No.ಬೆಂಗಳೂರು/ಉಕಾ-3/3557/2025-26 issued by the respondent No.2. The petitioner has also sought for a writ in the nature of mandamus to direct the respondent No.1 to consider his representation dated 28.02.2025 to accept 60% of the allotment price mentioned in the allotment letter dated 25.02.2025 i.e, Rs.30,79,596 and accept Rs.30,00,000/-, which was already deposited by the petitioner on 02.05.2025 and to execute a sale deed pursuant to the letter of allotment dated 25.02.2025.

2. (i) The petitioner claims that he owned a revenue site bearing No.23B(1), measuring 30x40, situated at Ullal Village, Gramatana, Yeshwanthapura Hobli, Bengaluru North Taluk, having purchased it in terms of a sale deed dated 07.03.1994. The said site was formed in survey No.28/5 of Ullal



Village, which was acquired by the State Government along with other survey numbers for the purpose of formation Sir M Vishweshwaraiah Layout in terms of a final notification dated 31.10.2002 and possession of the said land was taken over on 12.04.2004 as per a notification under Section 16(2) of the Land Acquisition Act, 1894 (henceforth referred to as 'the Act, 1894').

(ii) The petitioner claims that he having purchased the site prior to the preliminary notification was entitled to the benefit of the judgment passed by this Court in ***Junjamma and Others vs. Bangalore Development Authority – ILR 2005 KAR 608***. Accordingly, he got himself registered before the respondent No.1 for allotment of an alternate site and obtained a registration card. He also filed an application in prescribed form for allotment of alternate site on 21.11.2014. He contends that after an application was filed the respondent No.2 issued a letter calling upon him to furnish all necessary documents relating to the site that was owned by him. After furnishing the records, the revenue Inspector, Surveyor and Assistant Executive Engineer visited the spot and submitted a report



recommending allotment of an alternate site in favour of the petitioner. Based on the same, the land acquisition officer passed an order directing allotment of 30 X 40 site in favour of the petitioner.

(iii) Based on the said order, the Deputy Secretary of the respondent No.1 submitted a detailed report before the Commissioner of the respondent No.1 for allotment of an alternate site to the petitioner. The petitioner alleges that no action was taken for allotment of the site, which prompted the petitioner to file representations dated 06.07.2017 and 08.11.2023. Since the respondents failed to consider the said representations, the petitioner was forced to approach this Court in W.P.No.23081/2024, which was disposed of with the direction to the respondents to consider the representations filed by the petitioner for allotment of an alternate site.

(iv) Following the above direction, the respondents allotted a site bearing No.3342 measuring 9 X 12 mtrs situated at 1st Block, Sir M.V. Layout, and called upon the petitioner to pay the allotment cost of Rs.51,32,660/-, which purportedly was the market value of the site during the year 2025. The



petitioner claimed that he filed a representation before the respondent No.1 stating that the allotment price demanded was exorbitant and without any basis and that he was not in a position to pay the said price. He however offered to pay 60% of the amount mentioned in the allotment letter and called upon the respondents to execute a deed of absolute sale in his favour vide representation dated 28.02.2025.

(v) Following the above, the respondent No.2 issued an endorsement dated 29.04.2025 stating that as per the resolution passed by the respondent No.1 dated 13.11.2023 on subject No.183/2023 the finance department of respondent No.1 had fixed the allotment price at Rs.51,32,660/- for the site allotted in favour of the petitioner. It was also informed that after the amount is deposited, a sale deed will be executed. The petitioner claims that he is a senior citizen and having lost his land for the formation of a Sir.M.Vishweshwaraiah Layout and having deposited Rs.30,00,000/- before the respondent No.1, his request is bound to be considered sympathetically.

(vi) The petitioner claims that in identical cases filed before this Court, in W.P.No.53727/2016, it was held that the



revenue site holders are entitled for allotment of alternate sites and the respondent No.1 has to execute the sale deed and allotment price to be determined based on the price prevalent as on the date of filing the application for allotment. It is stated that this judgment was conferred by the Division Bench in W.P.No.470/2020 and a Special Leave Petition filed there against by the respondent No.1 was dismissed. It is claimed that the respondent No.1 has executed deeds of absolute sale in respect of sites allotted to the revenue site holders at the allotment price prevailing at the time of making the application. The petitioner therefore prays that he also be treated similarly and the impugned endorsement issued by the respondent No.1 be set at nought and a direction be issued to the respondents to collect the allotment price as on 21.11.2014.

3. The learned counsel for the respondents submitted that there is nothing to show that the petitioner had filed an application seeking allotment of an alternate site and therefore, the respondents are handicapped to determine the price, as the petitioner after getting himself registered on 25.11.2014 did not file the prescribed application seeking allotment of a site.



4. This is however countered by the learned counsel for the petitioner, who contends that the respondents have not disputed the filing of an application as reports are already prepared by the officials of the respondents recommending allotment of a site. Therefore, it is too late in the day for the respondents to contend that the petitioner has not filed an application seeking allotment of a site.

5. I have considered the submissions of the learned counsel for the petitioner and the learned counsel for the respondents.

6. As rightly contended by the learned counsel for petitioner, this Court in W.P.No.23081/2024 has held that the allotment price should be determined based on the date of the application for allotment of alternate site filed by the losers of the revenue sites. This finding was upheld by the Division Bench of this Court and the SLP filed there against by the respondent No.1 was rejected. It is not in dispute that the respondent No.1 has complied with the order passed in W.P.No.23081/2024 and has executed deeds of absolute sale conveying the sites by accepting the allotment price that was



prevalent at the time of filing the application. As a matter of fact, this Court has also followed the judgment passed in W.P.No.23081/2024 in W.P.No.10323/2026 and directed the respondents to receive the allotment price that was prevalent at the time of filing the application and to execute conveyance deeds.

7. In that view of the matter, the petitioner is entitled to similar treatment. Consequently, the following order is passed:

ORDER

- i. This writ petition is ***allowed***;
- ii. The impugned endorsement ಬೆಂಚಪ್ರಾ/ಉಕಾ-3/3557/2025-26 issued by the respondent No.2 is quashed. The respondents are directed to raise a fresh demand upon the petitioner taking into account the allotment rates as on 21.11.2014 and call upon the petitioner to deposit the same;



- iii. This shall be complied within a period of one month from the date of receipt of a copy of this order;
- iv. The petitioner shall deposit the price so demanding within a period of one month thereafter. After the deposit, the respondents shall take steps to execute a deed of absolute sale, conveying the allotted site to the petitioner and also place the petitioner in possession of the site.

Sd/-
(R. NATARAJ)
JUDGE

BKN
List No.: 1 Sl No.: 56