



CNR: KAHC010516822026

NC: 2026:KHC:39989
WP No. 23287 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 23287 OF 2026 (LB-BMP)

BETWEEN:

1. MR. M R VINAY
S/O. RAVINDRANATH M.S
AGED ABOUT 39 YEARS,
R/O. NO.86, 3RD CROSS, GK W LAYOUT,
VIJAYANAGAR
BENGALURU-560 040
2. SMT. RASHMI PRAKASH KALYANI
D/O. PRAKASH KALYANI
AGED ABOUT 33YEARS,
R/O. NO.86, 3RD CROSS,
GK W LAYOUT, VIJAYANAGAR
BENGALURU-560 040

Digitally
signed by
VANAMALA
N

Location:
HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI. AMARUTH A N., ADVOCATE)

AND:

1. THE JOINT COMMISSIONER
BRUHATH BENGALURU MAHANAGARA PALIKE,



CNR: KAHC010516822026

NC: 2026:KHC:39989
WP No. 23287 of 2026

JAYANAGAR ZONE-I,
BENGALURU-560 001.

2. THE ASSISTANT EXECUTIVE ENGINEER,
BRUHATH BENGALURU MAHANAGARA PALIKE,
JAYAPRAKASH NAGARA,
BENGALURU-560 029.

...RESPONDENTS

(BY SRI. PAWAN KUMAR, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED BEARING NO.JU(VA-1)/PR/CO/09/2025-26 DATED 07.02.2026 PASSED BY THE 1ST RESPONDENT UNDER SECTIONS 243(3)(E) AND 244(1) OF THE GREATER BENGALURU GOVERNANCE ACT, 2024 (GBGA ACT), AND CONSEQUENTLY SET ASIDE THE SAID CONFIRMATION ORDER DATED 07.02.2026 AS BEING ILLEGAL, ARBITRARY, WITHOUT JURISDICTION, AND CONTRARY TO THE PROVISIONS OF THE GBGA ACT AND THE PRINCIPLES OF NATURAL JUSTICE, IN THE INTEREST OF JUSTICE AND EQUITY.

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

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



CNR: KAHC010516822026

NC: 2026:KHC:39989
WP No. 23287 of 2026

ORAL ORDER

The petitioners assert ownership of a residential property bearing PID No.57-158-573 at 10th Cross, 3rd Stage, J.P.Nagar, BBMP Ward No.177, Bengaluru City [*the subject property*]. The petitioner's grievance is with the Confirmation Order dated 07.02.2026 [*Annexure - A*] under Section 243(3)(e) read with Section 244(1) of the Greater Bengaluru Governance Act, 2024 [for short, '*the GBG Act*'] and with the eviction notice dated 20.07.2026 [*Annexure - B*] issued consequent to the afore Confirmation Order. The first respondent's Confirmation Order is upon ascertaining deviations in the setback, and the details of such alleged setback violations are set out in the Confirmation Order.

2. Mr. Amruth A N, the learned counsel for the petitioners, argues for interference with the impugned Confirmation Order and the eviction notice proposing to show cause against the alleged



CNR: KAHC010516822026

NC: 2026:KHC:39989
WP No. 23287 of 2026

deviations. However, the learned counsel cannot dispute that the petitioner has the alternative statutory appellate remedy under Section 250 of the GBG Act as underscored by Mr. Pawan Kumar, a learned standing counsel who accepts notice for the respondents. When queried on the reason for approaching this Court after a lapse of more than five months from the date of the impugned Confirmation Order instead of availing statutory remedy, Mr. Amruth A N submits that the petitioners *bonafide* have filed their representations with the first respondent requesting for reconsideration.

3. The petitioner's grievance with the impugned Confirmation Order must necessarily be examined in the appeal as provided for under the GBG Act as no exceptional circumstance is placed on record for this Court's interference without the petitioners availing such remedy. The petition must



CNR: KAHC010516822026

**NC: 2026:KHC:39989
WP No. 23287 of 2026**

therefore be disposed of relegating the petitioners to the alternative remedy.

4. At this stage, Mr. Amruth A N makes a request for deferring precipitous proceedings under the impugned eviction notice dated 20.07.2026, and the learned counsel submits that there could be precipitation by the time the petitioners' appeal and the request for interim order are taken up and that the petitioner has a good cause against the impugned order. This request is considered in the light of the fact that the petitioners have invoked this Court's jurisdiction five months after the impugned Confirmation Order and only when eviction notice is issued.

5. The delay must also be examined *lest* it be that an affected person assumes it is easy to invoke this Court's jurisdiction to obtain some interim order and then pursue the appellate remedy, and in the



CNR: KAHC010516822026

NC: 2026:KHC:39989
WP No. 23287 of 2026

process, delay the consequence in law. There must be deterrence in this regard. Mr. Amruth A N is also heard on the cost that the petitioners must be called upon to pay, and the learned counsel submits that this Court may consider levying a nominal or a reasonable cost given that the deviations alleged, though disputed, only relate to setback violations and the petitioners are *bonafide*. In the light of the afore, following.

ORDER

[A] The petition stands disposed of with liberty to the petitioners to avail their statutory appellate remedy against the impugned Confirmation Order under Section 250 of the GBG Act.

[B] The respondents are called upon to defer precipitous action under the impugned Confirmation Order or under the eviction



CNR: KAHC010516822026

NC: 2026:KHC:39989
WP No. 23287 of 2026

notice for a period of eight [8] weeks from today.

[C] If the petitioners avail the statutory appellate remedy and make an application for an interim order, the Appellate Authority shall consider the same on merits without being influenced by the arrangement that is provided.

[D] The petitioners shall deposit within a week from today, a cost of Rs.25,000/- with the first respondent.

Sd/-
(B M SHYAM PRASAD)
JUDGE