



CNR: KAHC010526752026

NC: 2026:KHC:52544
WP No. 23973 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 23973 OF 2026 (GM-RES)

BETWEEN:

1. SHASHIBHUSHAN R GONI
S/O.RUDRA SHETTY
AGED ABOUT 51 YEARS
R/AT UJWALA APARTMENT, FLAT NO.2.
108/C-3, 6TH CROSS,
2ND MAIN ROAD, GANGANAGAR,
BENGALURU-560032.

...PETITIONER

(BY SRI. SHIVARUDRA.,ADVOCATE)

AND:

1. UNION OF INDIA
MINISTRY OF DEFENCE
ROOM NO.6-A,
SOUTH BLOCK, NEW DELHI-110011
REP. BY ITS SECRETARY
2. THE AIR OFFICER
COMMANDING, AIR FORCE STATION,
YELAHANKA AIRPORT ROAD,
BENGALURU-560063
3. THE CHIEF ADMINISTRATIVE OFFICER,
AIR FORCE STATION,
YELAHANKA AIRPORT ROAD,
BENGALURU-560063





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4. DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT,
BEHIND KANDAYA BHAVANA,
KEMPEGOWDA ROAD (KG ROAD)
BENGALURU 560009
5. THE TAHASHILDAR
BENGALURU NORTH TALUK OFFICE
MINI VIDHANA SOUDHA,
YELAHANKA NEW TOWN,
BENGALURU - 560064
6. CHIEF OFFICER
TOWN MUNICIPAL OFFICE
NEAR POST OFFICE
HUNASMARANAHALLI
BENGALURU- 562157

...RESPONDENTS

(BY SRI. S ARVIND KAMATH, ASG A/W
SRI. CHANDAN SANJAY BHAT, ADVOCATE FOR R1 TO R3
SRI. SHIVAREDDY V, AGA FOR R4 TO R5
SRI. S.V. BHAT, ADVOCATE FOR R6)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE
NOTICE/LETTER NO.YEL/1410/3/WKS DATED 08.07.2026 VIDE
ANNEXURE-P TO THE PETITION ISSUED BY THE 3RD
RESPONDENT IN SO FAR IT PERTAINS TO THE PETITIONER.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA



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ORAL ORDER

The present writ petition is filed seeking for the following reliefs:

"1) Issue a writ in nature of Certiorari to quash the Notice/letter no.YEL/1410/3/WKS dated 08.07.2026 vide Annexure-P to the petition issued by the 3rd respondent in so far it pertains to the petitioner;

(ii) Issue a writ in the nature of mandamus directing the respondents to not to dispossess the petitioner from his site no.89 of SDF road, SVS homes Layout, Bengaluru-560063;

(iii) Issue a writ in the nature of mandamus directing the respondents to consider the representations of the petitioner vide Annexure-Q dated 20.07.2026, Annexure-J dated 29.01.2025;

(iv) Issue a writ in the nature of mandamus directing the respondents not to harass the petitioner in the guise of high handedness of the authorities;

(v) Pass any such order or issue any direction this Hon'ble Court deems fit under the facts and circumstances of the case."

2. The case of the petitioner in a nutshell is that he is the absolute owner of Site No. 89 of SDF Road, SVS homes Layout, Bengaluru - 560063¹ having purchased the same vide a registered Sale Deed dated 11.03.2019 (Annexure A to the writ peititon) for valuable consideration. That the petitioner has paid

¹ Hereinafter referred to as 'subject property'



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up to date taxes and is in peaceful possession and enjoyment of the subject property ever since the date of his acquisition. That pursuant to the application made by the petitioner to the sixth respondent- Town Municipal Office² he has been granted sanction plan for construction of a house, pursuant to which the petitioner has commenced construction of a house in the subject property. It is the further case of the petitioner that the subject property ever since the date of acquisition by the petitioner has been fenced.

3. It is pertinent to note that the subject property is situated abutting the compound wall of the Air Force Station, Yelahanka³. Various communications have been placed on record, which indicate that the Air Force Authorities have communicated with the fourth respondent - Deputy Commissioner and other authorities with regard to the usage of the area abutting the Air Force Station, more particularly during conduct of the Aero Show, which is an annual event.

4. The present writ petition *inter alia* assails a communication dated 08.07.2026 (Annexure-P to the writ

² Hereinafter referred to as 'TMO'

³ Hereinafter referred to as 'Air Force Station'



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petition) issued by the Air Force Authorities to the fourth respondent - Deputy Commissioner, whereunder various arrangements towards the conduct of the Aero India, 2027 were sought to be put in place. In this context, various measures like access roads, emergency evacuation, disaster response, traffic management, overall public safety, etc., were sought to be contemplated between the concerned authorities. In the impugned communication dated 08.07.2026, Air Force Authorities required the Deputy Commissioner to direct the concerned authorities to stop all ongoing construction activities in the properties abutting the Air Force Station. Accordingly, the present writ petition is filed seeking for the reliefs as noticed above.

5. Heard the submissions of learned counsel for the petitioner, learned Additional Solicitor General for respondent Nos.1 to 3 - Air Force Authorities, the learned AGA for respondent Nos.4 and 5 - State as well as learned counsel for the sixth respondent - Municipality.

6. It is forthcoming that the Air Force Authorities seek to assert the fact that no building or structure is to be

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constructed within 100 metres from the outer parapet of the Air Force Station. In this regard, reliance is placed on Sections 3 and 7 of the Works of Defence Act, 1903⁴. The said Sections 3 and 7 of the Act read as under:

"3. Declaration and notice that restrictions will be imposed.-

(1)Whenever it appears to the [Central Government] [Substituted by the A.O. 1937, for 'L.G.']. that it is necessary to impose restrictions upon the use and enjoyment of land in the vicinity of any work of defence or of any site intended to be used or to be acquired for any such work, in order that such land may be kept free from buildings and other obstructions, a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer duly authorised to certify its orders.

(2)The said declaration shall be published in the Official Gazette and shall state the district or other territorial division in which the land is situate and the place where a sketch plan of the land, which shall be prepared on a scale not smaller than six inches to the mile and shall distinguish the boundaries referred to in section 7, may be inspected; and the Collector shall cause public notice of the substance of the said declaration to be given at convenient places in the locality.

(3)The said declaration shall be conclusive proof that it is necessary to keep the land free from buildings and other obstructions.

-XXXXXXXXXXXXXXXXXX-

7. Restrictions. - From and after the publication of the notice mentioned in section 3, sub-section (2), such of the following restrictions as the [Central Government]

⁴ Hereinafter referred to as the 'Act'



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[Substituted by the A.O. 1937, for 'L.G.'].] may in its discretion declare therein shall attach with reference to such land, namely: -

(a) Within an outer boundary which, except so far as is otherwise provided in section 39, sub-section (4), may extend to a distance of two thousand yards from the crest of the outer parapet of the work, -

(i) no variation shall be made in the ground-level, and no building, wall, bank or other construction above the ground shall be maintained, erected, added to or altered otherwise than with the written approval of the [General Officer Commanding the District] [Substituted by Act 11 of 1921, section 3, for 'General Officer Commanding the Division'.], and on such conditions, as he may prescribe;

(ii) no wood, earth, stone, brick, gravel, sand or other material shall be stacked, stored or otherwise accumulated;

Provided that, with the written approval of the [General Officer Commanding the District] [Substituted by section 3, by Act 11 of 1921, for 'General Officer Commanding the Division, District or Brigade'.] and on such conditions as he may prescribe, road-ballast, manure and agricultural produce may be exempted from the prohibition:

Provided also that any person having control of the land as owner, lessee or occupier shall be bound forthwith to remove such road-ballast, manure or agricultural produce, without compensation, on the requisition of the Commanding Officer;

(iii) no surveying operation shall be conducted otherwise than by or under the personal supervision of a public servant duly authorised in this behalf, in the case of land under the control of military authority, by the Commanding Officer and, in other cases, by the Collector with the concurrence of the Commanding Officer; and

(iv) where any building, wall, bank or other construction above the ground has been permitted under clause (i) of



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this sub-section to be maintained, erected, added to or altered, repairs shall not, without the written approval of the [General Officer Commanding the District] [Substituted by Act 11 of 1921, section 3, for 'General Officer Commanding the Division'.], be made with materials different in kind from those employed in the original building, wall, bank or other construction.

(b) Within a second boundary which may extend to a distance of one thousand yards from the crest of the outer parapet of the work, the restrictions enumerated in clause (a) shall apply with the following additional limitations, namely:-

(i) [no building, wall, bank or other construction of permanent materials above the ground shall be maintained otherwise than with the written approval of the General Officer Commanding the District and on such conditions as he may prescribe, and no such building, wall bank or other construction shall be erected:]

Provided that, with the written approval of the [General Officer Commanding the District] [Substituted by Act 11 of 1921, section 3, for 'General Officer Commanding the Division'.] and on such conditions as he may prescribe, huts, fences or other constructions of wood or other materials, easily destroyed or removed, may be maintained, erected, added to or altered:

Provided also, that any person having control of the land as owner, lessee or occupier shall be bound forthwith to destroy or remove such huts, fences or other constructions, without compensation, upon an order in writing signed by the [General Officer Commanding the District]; and

(ii) live hedges, rows or clumps or trees or orchards shall not be maintained, planted, added to or altered otherwise than with the written approval of the [General Officer Commanding the District] [Substituted by Act 11 of 1921, section 3, for 'General Officer Commanding the Division'.] and on such conditions as he may prescribe.

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(c) Within a third boundary which may extend to a distance of five hundred yards from the crest of the outer parapet of the work, the restrictions enumerated in clauses (a) and (b) shall apply with the following additional limitation, namely: -

no building or other construction on the surface, and no excavation, building or other construction below the surface, shall be maintained or erected :

Provided that, with the written approval of the Commanding Officer and on such conditions as he may prescribe, [a building or other construction on the surface may be maintained and] [Inserted by section 2, of Act 11 of 1921.] open railings and dry brush-wood fences may be exempted from this prohibition."

(emphasis supplied)

7. In exercise of the powers under Sections 3 and 7 of the Act, the Central Government has issued a notification dated 13.01.2010⁵ (Annexure-R1 to the statement of objections). The relevant portion of the said notification reads as under:

"S.R.O.4-In exercise of the powers conferred by Sections 3 and 7 of the works of Defence Act, 1903 (7 of 1903), on Central Government, being of the opinion that it is necessary and expedient to impose restrictions, upon the use and payment of land in the vicinity of the Indian Air Force Stations and Installations, hereby declares that such land shall be kept free from buildings and other obstructions and directs that :---

(a) no building or structure shall be constructed, created or erected or no tree shall be planted on any land within the limits of 100 meters from the crest of the outer parapet of Indian Air Force Stations and Installations as given in the Annexure- 'A' to this notification;

⁵ Hereinafter referred to as 'notification'



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(b) no building or structure shall be constructed, created or erected or no tree shall be planted on any land within the limits of 900 meters from the crest of the outer parapet of Indian Air Force Stations and Installations as given in the Annexure 'B' to this notification;

(c) no building or structure shall be constructed, created or erected or no tree shall be planted on any land within the limits of 100 meters from the crest of the outer parapet except that the limit of 100 meters will extend to 900 meters from and in line with the boundary of the bomb dump at Indian Air Force Stations and Installations as given in the Annexure 'C' to this notification;

(d) for the purpose of this notification, the Air Officer Commanding or Commanding Officer of the concerned Indian Air Force Stations or Installations, as the case may be, shall provide all the relevant details including land holdings to the Collector/Magistrate for inclusion in the public notice to be given by him under sub-section (2) of Section 3 of the Works of Defence Act, 1903 (7 of 1903)."

(emphasis supplied)

8. The Air Force Station, Yelahanka, is listed at Sl.No.50 of the said notification dated 13.01.2010. Pursuant to the said notification, the Deputy Commissioner has issued a Government Order bearing No.MAG(4)MIS:CR-417/11-12, Bangalore⁶, dated 30.01.2012 (Annexure R2 to the statement of objections). The relevant portion of said GO reads as under:

"The Ministry of Defence, Government of India, New Delhi vide its Notification No. SRO.No. 4 Dated: 13-1-2010 by exercising the powers conferred by Sections 3 and 7 of the works of Defence Act 1903 (7 of 1903) the

⁶ Hereinafter it is referred to as 'GO'



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Central Government, being of the opinion that it is necessary and expedient to impose restrictions, upon the use and enjoyment of land in the vicinity of the Indian Air Force Stations and Installations, declared that such land shall be kept free from buildings and other obstructions in view of the Security threat to the Defence as such, it is felt expedient to prohibit all kinds of constructions coming within 100 meters of the Outer parapet of Technical Area of Air Force Station, Yelahanka, Bangalore North Addl. Taluk, Bangalore District, Karnataka State and directed that the Deputy Commissioner and District Magistrate, Bangalore District shall issue a Notice of imposition of restriction on constructions etc, as laid down in sec 7 of the said Act.

In pursuance of the restriction laid down in sec. 7 of the said Act from and after the publication of the present notice issued u/s 3(2) of The works of Defence Act 1903 (7 of 1903) such of the following restrictions have been imposed and all these restrictions shall hold good and attach with reference to such lands and constructions shown in the "Annexure-A" to this notification.

a) no buildings or structures shall be constructed or erected or no tree shall be planted on any land within the limits of 100 maters from the crest of the outer parapet of Technical Area of Air Force Station, Yelahanka as given in the Annexure 'A' to this Notification:

i) no variation shall be made in the ground-level, and no building, wall, erected, added to or altered otherwise than with the written approval of the Air Officer Commanding Air Force Station, Yelahanka and on such conditions as he may prescribe;

ii) no wood, earth, stone, brick, gravel, sand or other material shall be stacked, stored or otherwise accumulated;

*Provided that, with the written approval of the Air Officer Commanding and on such conditions as he may prescribe, road-**allast**, manure and agricultural produce are exempted from this restriction.*

This notification shall come in to force on the date of its publication in the Official Gazette. This Notification

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is issued consequent to the receipt of Ministry of Defence Gazette Notification Dated: 13-1-2010 made available by the Air Officer, Commanding, Air Force Station, Yelahanka, Bangalore-63."

(emphasis supplied)

9. Learned Additional Solicitor General justifying the impugned communication dated 08.07.2026 submits that having regard to the notification issued by the Central Government as well as the GO issued by the Deputy Commissioner, no construction activity within the limits of 100 metres from the outer parapet wall of the Indian Air Force Station, can be permitted.

10. Learned counsel for the petitioner places reliance on Annexure A of the GO and contends that the survey number of the property of the petitioner is not mentioned in the survey numbers pertaining to Hunasamaranahalli Village i.e., Sy.No.42. It is further submitted that there are various other constructions that have been put up within 100 metres of the outer parapet of the Indian Air Force Station. It is also contented that the construction put up by the petitioner has been undertaken after securing the relevant permissions from

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the Municipality as well as the petitioner has availed credit facilities and hence, incurred huge financial expenses.

11. Reliance is placed by the respondents on a Co-ordinate Bench judgment of this Court in the case of the ***Air Officer Commanding, Air Force Station, Yelahanka and Anr., v. The Deputy Commissioner and others***⁷. It is pertinent to note here that the Air Force Authorities had filed the said petition for a direction to the local authorities to demolish a construction that was put up in the restricted area of 100 metres of the Air Force Station. The Co-ordinate Bench of this Court considering the various provisions of the Act as well as the other contentions put forth by the rival parties, *inter alia* held as under:

"13. In the present case, the Government of India has issued the notification under Sections 3 and 7 of the Act of 1903 dated 13.01.2010 imposing restriction that no building or structure shall be constructed, created or erected or no tree shall be planted on any land within the limits of 100 metres from the crest of outer parapet of Indian Air Force Station, Yelahanka. Consequent thereto, a notification dated 30.01.2012 under sub-section (2) of Section 3 of the Act of 1903 was issued by the Deputy Commissioner which was published in the official gazette on 19.04.2012. The respondent No.1 who was bound to take steps under Sections 8 and 9 of the Act of 1903, has miserably failed to do so. Nonetheless, Division Bench of this Court in W.A. No.390/2020 and connected

⁷ W.P.No.35240/2014 - order dated 07.09.2022



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appeals (decided on 06.07.2021) has held "However, inaction on the part of the respondent No.2 as well as on the part of the appellants will not make a notification issued under Section 3 and Section 3(2) of the Act of 1903 a nullity". Since the Act of 1903 provides for a clear machinery to identify the land that could be affected by the declaration under Section 3 of the Act of 1903 and to invite claims for compensation from persons interested and to assess the compensation payable, the respondent No.1 was bound to follow up the same. That not having been done, the notification under Section 3 of the Act of 1903 does not lapse and this Court is entitled to oversee the implementation of the Act of 1903, which is in the larger public interest and in the interest of the nation's security assets. The payment of compensation to the land losers would take care of the constitutional right of the land losers under Section 300A of the Constitution of India.

In view of the above, this Writ Petition stands disposed off directing the respondent No.1 to initiate appropriate proceedings under Sections 9, 10 and 12 of the Act of 1903 for determining the compensation payable to the respondent No.5. The respondent No.1 shall identify the properties lying within 100 meters from the crest of outer parapet of the Air Force Station, Yelahanka and take appropriate steps for notifying the persons interested, conduct an enquiry and pass an award regarding the compensation payable. The respondent Nos.1 to 4 are directed not to grant any permission of whatsoever nature to put up construction or erect any structure of whatsoever nature within the limits of 100 meters from the crest of outer parapet wall of the Air Force Station, Yelahanka. The respondent No.1 shall conclude the process of determining the compensation payable within a period of one year from the date of receipt of a certified copy of this Order. Until such determination and payment of compensation, the petitioners shall not disturb the possession of respondent No.5 or other owners of the land.

(emphasis supplied)

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12. It is clear that this Court had directed that the State Authorities not to grant any permission of whatsoever nature to erect any structure of whatsoever nature within the limits of 100 metres from the crest of the outer parapet wall of the Air Force Station. It is submitted that contempt proceedings have been undertaken with regard to the compliance of various other directions that have been issued by the Co-ordinate Bench of this Court in the case of ***Air Officer Commanding***⁵. In this context, as noticed by the Co-ordinate Bench, restrictions in the usage of land by the proprietor of a land is required to be adjudicated by the concerned authorities by taking recourse to appropriate proceedings under Sections 9, 10 and 12 of the Act.

13. Having regard to the various provisions of the Act as noticed above, it is clear that the petitioner is required to avail his remedies as contemplated under Sections 9 and 12 of the Act. Under the circumstances, the question of granting the reliefs as sought for in the present petition does not arise.

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14. However, the petitioner is justified in retaining possession of his property, subject to the restrictions imposed under the provisions of the Act as notice above.

15. The writ petition is dismissed, subject to the aforementioned.

16. Pending IAs., if any, stand disposed of.

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(C.M. POONACHA)
JUDGE

ND
List No.: 1 Sl No.: 46