



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE R DEVDAS

AND

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

REVIEW PETITION NO. 329 OF 2025

BETWEEN:

1. MR. K. M. CHERIAN
S/O MR. T. K. MATHEW,
AGED ABOUT 74 YEARS,
R/A NO. 24, LEWIS ROAD,
COOK TOWN,
BENGALURU-560 005.
2. MRS. SILVY CHERIAN
W/O MR. K. M. CHERIAN,
AGED ABOUT 67 YEARS,
R/A NO. 24, LEWIS ROAD,
COOK TOWN,
BENGALURU-560 005.

...PETITIONERS

(BY SRI.B.V.SHANKARANARAYANA RAO., SR. ADVOCATE
FOR SRI. K C VISWESWARAIAH., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
URBAN DEVELOPMENT DEPARTMENT,
VIKASA SOUDHA,
BENGALURU-560 001.

Digitally signed
by JUANITA
THEJESWINI

Location: HIGH
COURT OF
KARNATAKA



2. BANGALORE DEVELOPMENT AUTHORITY
REPRESENTED BY ITS COMMISSIONER,
T. CHOWDAIAH ROAD,
KUMARA PARK WEST,
BENGALURU-560 020.
3. SPECIAL LAND ACQUISITION OFFICER-3
DR. SHIVARAMA KARANTHA LAYOUT,
BANGALORE DEVELOPMENT AUTHORITY
T. CHOWDAIAH ROAD,
KUMARA PARK WEST,
BENGALURU-560 020.
4. THE SECRETARY
BANGALORE DEVELOPMENT AUTHORITY
T. CHOWDAIAH ROAD,
KUMARA PARK WEST,
BENGALURU-560 020.
5. THE ASSISTANT EXECUTIVE ENGINEER
DR. SHIVARAMA KARANTHA
LAYOUT SUB-DIVISION,
BANGALORE DEVELOPMENT AUTHORITY,
NO. 108, G, 5TH CROSS, MLA LAYOUT,
2ND STAGE, BHOOPASANDRA,
BENGALURU-560 094.

...RESPONDENTS

(BY SRI. M. RAJAKUMAR, AGA FOR R1;
SRI. SHIVAPRASAD SHANTANAGOUDAR., ADVOCATE FOR
R2 TO R4)

THIS REVIEW PETITION IS FILED UNDER SECTION 114
R/W ORDER 47 RULE 1 OF CPC, REVIEW THE ORDER /
JUDGMENT DATED 10.01.2025 PASSED IN W.P.NO.25482/2023
(LA-BDA) AND ALLOW THE REVIEW PETITION IN THE
INTEREST OF JUSTICE AND EQUITY.



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

CORAM: HON'BLE MR. JUSTICE R DEVDAS
and
HON'BLE MR. JUSTICE M.NAGAPRASANNA

ORAL ORDER

(PER: HON'BLE MR. JUSTICE M.NAGAPRASANNA)

The review petitioners are before the court seeking review of an order passed by this court on 10.01.2025 in W.P.No.25482/2023 c/w W.P.No.10152/2024, whereby, a direction was issued to the respondents-Bangalore Development Authority (for short, BDA) to consider the representations, submitted by petitioners and till such time, *status quo qua* the property, of the petitioners be maintained.

2. The order, germane reads as follows:

"6. Learned counsel appearing for the petitioners submits that *inter alia* the petitioners have several grievances, he is at liberty to submit a representation to the BDA venting out those grievances and the BDA would consider the same in accordance with law. We make it clear



that we have not gone into merit of the claim of grievance of the petitioners and deem it appropriate to dispose of the petition by directing the BDA to consider the solution that is put forth by the Committee as quoted herein above in the case where the building would fall in the alignment of the road wholly or partially.

7. Learned counsel appearing for the petitioners at this juncture would seek reasonable time to vacate the premises in which the petitioners are residents. The time according to the learned counsel for the petitioners is three months, which is seriously objected by the learned Advocate General. But, in our view, it would be reasonable if the petitioners are permitted three months time to vacate the premises after the determination as observed herein above by the BDA. The BDA shall expedite the process, co-terminus with the time that is granted to the petitioners for such vacation.

8. The learned Advocate General submits that there are 310 such cases, instead of driving everyone to court, we feel it appropriate to observe that this would be the formula that would be adopted by the BDA in all such cases. Therefore we direct that this would be the solution to all such cases identical to the ones that are decided in the cases at hand and in those properties the BDA shall not evict the persons in the properties till about three months from those respective residents staking a claim to such solution that is now projected herein above. It would be the duty of the BDA to communicate this order to all the 310 cases that is projected by the learned Advocate General.



9. The learned Advocate General would submit that if 15 days time as an outer limit is given to the BDA to bring about the solution in terms of what is noted herein above would be appropriate. We agree with the suggestion of the learned Advocate General and direct the BDA to bring about a solution as observed herein above within 15 days from today and three months time would get reckoned from the completion of 15th day, in all the 310 cases, including that of the subject cases.

With the aforesaid observation, these petitions stand disposed.

Ordered accordingly."

3. The review petitioners challenged the said order before the Apex Court in SLP No.8835/2025. The Apex Court rendered its *imprimatur* to the order that is passed by the Bench, but however reserved liberty to the petitioners to seek review of the judgment and further reserving liberty to the petitioners to file a fresh Special Leave Petition challenging the order dated 10.01.2025 that was not interfered with. The petitioners, therefore taking cue from the liberty reserved by the Apex Court, are before this court seeking a review of the said order.



4. Sri.B.V.Shankaranayarana Rao, learned Senior Counsel appearing for the review petitioners would submit that there should be finality of the litigation or the consideration by the BDA, the BDA has not considered the representation of the petitioners. However, learned Senior Counsel would however admit that the petitioners are in possession of the property in the light of *the status quo* order and directed to be maintained till the consideration of the representation and passing of the order thereon. The learned Senior Counsel further submits that a direction should be issued within a time frame to conclude the acquisition process fully, of all the lands acquired for the purpose of formation of S.K.Layout.

5. Sri.Shivaprasad M. Shanthanagoudar, learned Standing Counsel appearing for the respondents-BDA would submit that there is anyway a protective order directing the *status quo* to be maintained till the consideration of the representation. He would further submit that the BDA would not take any action to evict the



petitioners except in accordance with law, once the representation would merit consideration and appropriate orders would be passed. The learned Counsel would submit that there are plethora of cases of the kind where the alignment of the road is sought to be changed and re-drawn. Therefore, it is taken considerable time to do the exercise of considering the representation and passing necessary orders thereon.

6. In the light of the aforesaid contentions, we are of the opinion that we cannot tie the hands to the BDA by directing the closure of acquisition within a time frame as sought for by the petitioners, but would however record the undertaking of the respondent Counsel that action would be taken for eviction of the petitioners on consideration of the representation only, in accordance with law and the further proceedings would be taken thereon. Except for the aforesaid observation, there is no warrant of interference with the order that was passed, which was on the consent of the learned Senior Counsel



for the petitioners and the learned Advocate General who then represented the BDA. If any further indulgence is shown, it would amount to re-hearing the matter all over again or sitting in appeal over the order that is already passed by this Court which cannot be done in the light of the judgment of the Apex Court in the case of **KAMLESH VERMA vs. MAYAWATI, 2013 (8) SCC 320**, which reads as follows:

"20.1. When the review will be maintainable:

(i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;

(ii) Mistake or error apparent on the face of the record;

(iii) Any other sufficient reason.

The words "any other sufficient reason" have been interpreted in *Chhajju Ram v. Neki* [(1921-22) 49 IA 144 : (1922) 16 LW 37 : AIR 1922 PC 112] and approved by this Court in *Moran Mar Basselios Catholicos v. Most Rev. Mar Poulouse Athanasius* [AIR 1954 SC 526: (1955) 1 SCR 520] to mean "a reason sufficient on grounds at least analogous to those specified in the rule". The same principles have been reiterated in *Union of India v. Sandur Manganese & Iron Ores Ltd.*



[(2013) 8 SCC 337: JT (2013) 8 SC 275].

20.2. When the review will not be maintainable:

(i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.

(ii) Minor mistakes of inconsequential import.

(iii) Review proceedings cannot be equated with the original hearing of the case.

(iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.

(v) A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.

(vi) The mere possibility of two views on the subject cannot be a ground for review.

(vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.

(viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.

(ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negated."

(Emphasis supplied)



7. In the light of the said circumstance, finding no warrant, except the aforesaid observations, the Review Petition stands ***disposed***.

Sd/-
(R DEVDAS)
JUDGE

Sd/-
(M.NAGAPRASANNA)
JUDGE

DL
CT: JL