



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

WRIT PETITION NO. 25647 OF 2024 (LA-BDA)

BETWEEN:

1. DURGA RAM,
S/O SRI BHOLA RAM,
AGED ABOUT 46 YEARS,
2. MAINA DEVI,
W/O DURGA RAM,
AGED ABOUT 43 YEARS,
BOTH PETITIONERS
RESIDING AT PAVITHRA ELECTRICAL,
SINGAPORE MAIN ROAD,
BHARATNAGAR, MS PALYA,
VIDYARANYAPURA POST,
BANGALORE - 560 097.

...PETITIONERS

(BY SRI. CHANDRASHEKARA REDDY M V., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
URBAN DEVELOPMENT DEPARTMENT,
M.S. BUILDING,

Digitally signed
by
PADMAVATHI B
K

Location: High
Court of
Karnataka



BENGALURU,
KARNATAKA - 560 001.

2. THE BENGALURU DEVELOPMENT AUTHORITY,
REPRESENTED BY ITS
COMMISSIONER,
NO. 20, CHOWDAIAH ROAD,
KUMARA PARK WEST,
BENGALURU - 560 002.
3. THE SPECIAL LAND ACQUISITION OFFICER,
DR. SHIVARAMA KARANATHA LAYOUT,
THE BENGALURU DEVELOPMENT AUTHORITY,
NO.20, T. CHOWDAIAH ROAD,
KUMARA PARK WEST,
BENGALURU - 560 002.
4. THE SECRETARY,
BENGALURU DEVELOPMENT AUTHORITY,
T. CHOWDAIAH ROAD,
KUMARA PARK WEST,
BENGALURU - 560 002.
5. THE ASSISTANT EXECUTIVE ENGINEER,
DR. SHIVARAMA KARANATHA LAYOUT
SUB-DIVISION, NO.108,
5TH CROSS, MLA LAYOUT,
2ND STAGE, BHOOPASANDRA,
BENGALURU - 94.

...RESPONDENTS

(BY SMT.HEMALATHA V., AGA FOR R1 - STATE;
SRI.SHIVAPRASAD M SHANTANAGOUDAR, ADVOCATE FOR
R2 TO R5)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERETIORARI OR OTHER APPROPRIATE WRIT OR DIRECTION TO SET ASIDE AND QUASH NOTICE DATED 06.11.2023 DECLARING THE SAME TO BE WITHOUT JURISDICTION ARBITRARY ILLEGAL VOID AND INOPERATIVE AND UNENFORCEABLE IN LAW AS PER ANNEXURE - P AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL ORDER

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

The petitioners are before the Court seeking the following prayers:

"WHEREFORE, it is most respectfully prayed that this Hon'ble High Court be pleased to:

(A) Issue a writ of certiorari or other appropriate writ or direction to set aside and quash Notice dated 06.11.2023 declaring the same to be without jurisdiction, arbitrary, illegal, void and inoperative and unenforceable in law as per Annexure- P.

(B) Issue a writ of Mandamus or any other appropriate writ, order or direction directing the respondent No. 2 to 5 to implement the Regularisation Certificate in respect of regularised portion of schedule property without causing any illegal interference in any manner and except in accordance with law as per Annexure-L.



(C) Quash the Final Notification dated 30.10.2018 issued by the Respondents under S. 17 (5) of the Bengaluru Development Act, 1976 in No. UDD/553/MNX/2018 at Annexure 'H' to the Writ Petition in so far as it relates to the writ petition schedule property of the Petitioner in question;

(D) Declare that the acquisition proceedings under the Final Notification dated 30.10.2018 issued by the Respondents under S. 17 (5) of the Bengaluru Development Act, 1976 in No. UDD/553/MNX/2018 at Annexure 'H' to the Writ Petition is not in accordance with the rules and regulations contemplated under the Land Acquisition Act and Bengaluru Development Act, 1976 and the acquisition proceedings be dropped against the writ petition schedule property;

(E) Direct the Respondent No.2 & 3 to consider to form a road in vacant land available behind the Petitioners property as an alternative road instead of widening the old road as it was done by respondent No.2 & 3 as shown in Annexure-M1

And

(F) Grant such other relief(s) as this Hon'ble High Court may deem fit and necessary

- in the interest of justice and equity."

2. Heard Sri. Chandrashekara Reddy M.V., learned counsel for petitioner, Smt. Hemalatha V., learned AGA for respondent No.1-State along with Sri. Shivarprasad M. Shantanagoudar, learned advocate appearing for respondent Nos. 2 to 5 - BDA.



3. The petitioners claim to be in possession of certain lands which have now become subject land for formation of Dr. K Shivarama karanth Layout. The claim of these petitioners is through representation and through the representation, they seek regularization of their case and have submitted a representation for dropping of their lands from acquisition in the light of the fact that the sites have been regularized.

4. In identical circumstances, this Bench in W.P.No.14362/2024 (LA-BDA) between *CHUNNI LAL V. THE STATE OF KARNATAKA AND OTHERS*, disposed of on 10.01.2025 had passed the following order:

"Heard learned counsel Sri. Chandrashekara Reddy M.V., for the petitioner, Sri. M.Rajakumar, AGA for Respondent No.1 and Sri. K.Shashikiran Shetty, Advocate General along with Sri. Shivaprasad Shantanagoudar for Respondents 2 to 5.

2. The petitioner is knocking at the doors of this court seeking a direction restraining the BDA from demolishing the structures built by the petitioner, in the subject land and consequent dispossession.

3. Petitioner claims to be the owner of the property and further claims to have put up certain construction in the schedule property, as depicted in



the schedule to the petition. The subject matter is of the acquisition of land which included the land of the petitioner for formation of Dr.Shivaram Karanth Layout. The construction of the petitioner in the subject property is now passing through the road in the RMP for formation of layout and formation of roads in the layout. In such situation the Committee constituted by the Apex Court in terms of order dated 21.08.2023 has evolved a solution.

4. In terms of what the Committee directs is that where the buildings would fall in the alignment of the road wholly or partially, the buildings need an evaluation if it has been regularized by the Apex Court and buildings which have been not regularized and those which have come up after 03.08.2018 would be deemed to be unauthorized and they do not merit any compensation. However the land which has been acquired and the building owner of the said land may be compensated with the land on land basis.

5. Learned Advocate General along with Mr.Shivaprasad Shantanagoudar would submit that they are agreeable for the solution that the Committee has found as quoted herein above.

**"Document No.1
JUSTICE A V CHANDRASHEKAR COMMITTEE
BDA HEAD OFFICE, KUMARAPARK WEST
BANGALORE – 560 020.**

**PROCEEDINGS OF THE COMMITTEE
JCC No. /114/2023-24 DATED 21.08.2023**

Sub: Regularised buildings on RMP and Layout roads.

**Ref: 1) Order of the Hon'ble Supreme Court of
India
dated 11.10.2022**



- 2) 30th Report dated 2.12.2022 sent by JCC
3) Order of the Hon'ble Supreme Court of
India dated 6.12.2022

In the course of execution of the Layout, certain roads have been re-engineered and alignments also modified depending upon the topography. As a consequence it is now found that in a few cases buildings exist in the alignment of the road fully/partially. The best course of action in these cases is to follow the procedure that was followed at the time of construction of Intermediate Ring Road so as to avoid unnecessary litigation and consequent slippage in work. The following procedure therefore needs to be adopted.

- 1. In cases where building fall in the alignment of the road wholly or partially, the building has to be valued by the Engineer concerned, compensation determined and paid to the building owner by the SLAO concerned.*
- 2. The building owner should be compensation for the land on a land to land basis viz., equivalent extent of land he is losing for the road should be given to him as close as possible to his existing property.*

DR.S.T.RAMESH
CHANDRASHEKAR
MEMBER
CHAIRMAN

JAYAKAR JEROME
MEMBER

A V

TO.

- 1. The Commissioner, BDA*
- 2. The Engineer Member, BDA*
- 3. The Town Planner Member, BDA*
- 4. THE Secretary, BDA*



5. The Deputy Commissioner, (LA) BDA
6. Proceedings file"

Document No.2

*JUSTICE A V CHANDRASHEKAR COMMITTEE
BDA HEAD OFFICE, KUMARAPARK WEST
BANGALORE – 560 020.*

*PROCEEDINGS OF THE COMMITTEE
JCC No. /198/2023-24 DATED 07.11.2023*

Sub: Regularised buildings on RMP and Layout roads.

Ref: 1) Order of the Hon'ble Supreme Court of India

dated 11.10.2022

2) 30th Report dated 2.12.2022 sent by JCC

3) Order of the Hon'ble Supreme Court of India dated 6.12.2022

4) Proceedings of the JCC No.114/2023-24 dated 21.08.2023.

With reference to the above subject, the following clarification is issued specifically for the reference No.4 cited above.

While the buildings fall in the alignment of the road wholly or partially, the building needs to be valued only if it has been regularized by the Hon'ble Supreme Court of India. Buildings which have not been regularized and those which have come up after 3rd August 2018 are deemed to be unauthorized/ illegal buildings. Therefore, they do not merit compensation.

However, since the land has been acquired the building owner may be compensated with the land on a land to land basis viz., equivalent extent of the land he is



losing for the road, should be given to him as close to his existing property, as possible.

DR.S.T.RAMESH
CHANDRASHEKAR
MEMBER
CHAIRMAN

JAYAKAR JEROME
MEMBER

A V

TO.

1. *The Commissioner, BDA*
2. *The Engineer Member, BDA*
3. *The Town Planner Member, BDA*
4. *THE Secretary, BDA*
5. *The Deputy Commissioner, (LA) BDA*
6. *All the SLAOs, BDA*
7. *Sri.Satish, Engineer Officer-2, BDA*
8. *Sri.Niranjan, Executive Engineer, BDA*
9. *Proceedings file"*

6. *Learned counsel appearing for the petitioner submits that inter alia the petitioner has 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 petitioner 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 petitioner at this juncture would seek reasonable time to vacate the premises in which the petitioner is a resident. The time according to the learned counsel for the petitioner is three months, which is seriously objected by the learned Advocate General. But, in our view, it would be reasonable if the petitioner is 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 petitioner 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, this petition stands disposed.

*Ordered accordingly.
Costs made easy.*



The claim of the petitioners is also the same as the sites that are formed by these petitioners do fall on the road i.e., now in the formation of the subject Layout.

5. In the light of the issue being identical, we deem it appropriate to dispose of the present petition as per the afore-quoted order in W.P.No.14362/2024.

Ordered accordingly and petition stands ***disposed of.***

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**

BSV
List No.: 1 Sl No.: 11