



CNR: KAHC01055532026

NC: 2026:KHC:43716  
WP No. 25222 of 2026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 17<sup>TH</sup> DAY OF AUGUST, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE B M SHYAM PRASAD**

**WRIT PETITION NO. 25222 OF 2026 (LB-BMP)**

**BETWEEN:**

1. SRI NARASEGOWDA  
S/O LATE RAMAKRISHNA,  
AGED ABOUT 55 YEARS,
2. SMT. VIJAYALAKSHMI. G  
W/O, NARASEGOWDA,  
AGED ABOUT 51 YEARS,  
BOTH THE PETITIONERS  
ARE R/AT NO. 219, 4<sup>TH</sup> BLOCK,  
RAMAKRISHNA NAGAR,  
NANDINI LAYOUT,  
BENGALURU-560096.

...PETITIONERS

(BY SRI. H.V. BHANU PRAKASH., ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
DEPARTMENT OF URBAN DEVELOPMENT.  
M.S. BUILDING DR. B.R AMBEDKAR VEEDHI.  
BENGALURU- 560 001  
REP. BY ITS PRINCIPAL SECRETARY.

Digitally  
signed by  
VANAMALA  
N

Location:  
HIGH  
COURT OF  
KARNATAKA



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2. GREATER BENGALURU AUTHORITY  
BRUHAT BENGALURU MAHANAGARA PALIKE.  
HUDSON CIRCLE,  
BENGALURU-560 002  
REP. BY ITS CHIEF COMMISSIONER.
3. THE ZONAL COMMISSIONER,  
GREATER BENGALURU AUTHORITY,  
BENGALURU WEST CITY PALIKE,  
BENGALURU-560 098.
4. THE EXECUTIVE ENGINEER (ELECL.).  
BENGALURU ELECTRICITY  
SUPPLY COMPANY LIMITED.  
SHANKARMATTA SUB-DIVISION, BENGALURU  
WEST CITY COOPERATION.  
12<sup>TH</sup> MAIN ROAD, 11<sup>TH</sup> CROSS,  
NAGAPURA, BBMP OFFICE COMPLEX BUILDING,  
MAHALAXMI LAYOUT,  
BENGALURU-560 086.
5. THE ASSISTANT EXECUTIVE ENGINEER (ELECL.).  
N-07, SUB-DIVISION BENGALURU (BESCOM)  
BENGALURU ELECTRICITY SUPPLY  
COMPANY LIMITED. BENGALURU-560 086.

...RESPONDENTS

(BY SRI.BOPANNA BELLIAPPA., AGA FOR R1;  
SRI. PAWAN KUMAR., ADVOCATE FOR R2 & R3;  
SMT. PADMA S UTTUR., ADVOCATE FOR R4 & R5)

THIS WP IS FILED UNDER ARTICLES 226 AND 227  
OF THE CONSTITUTION OF INDIA PRAYING TO (A) QUASH  
THE LETTER DATED 12.09.2025 VIDE LETTER NO. SA KA



NE A/M.U.V/PR/116/2025-26 ISSUED BY THE RESPONDENT NO.4 TO THE RESPONDENT NO.5 VIDE ANNEXURE-C AND LETTER DATED 30.10.2025 VIDE LETTER NO. SA KA NE A/M.U.V/PR 116/2025-26 ISSUED BY THE RESPONDENT NO.4 TO THE RESPONDENT NO.5 VIDE ANNEXURE-G; (B) DIRECTING THE RESPONDENT NO 4 AND 5 TO CONSIDER THE CIVIL COURT ORDER PASSED IN OS NO.26106/2025 ON 23.10.2024 NOT TO DISCONNECT THE ELECTRICITY CONNECTION TO THE PETITIONERS BUILDINGS VIDE ANNEXURE-D.

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

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

**ORAL ORDER**

The petitioners assert ownership of two sites in Nos.5 and 6 [measuring 3000 square feet] in Jarkibande Kavalu Village, Yelahanka Hobli, Bengaluru [*the subject property*], and the petitioners' grievance is with the Communications<sup>1</sup> addressed by the fourth respondent [*the Executive Engineer [Ele.], BESCOM*] to the fifth respondent

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<sup>1</sup> *The impugned Communications are dated 12.09.2025 and 30.10.2025, and they are produced as Annexures-C and G.*



[the Assistant Executive Engineer [Ele.], N-07, BESCOM] to disconnect electricity connection to the subject property. These correspondences have been addressed in view of the proceedings under Section 248 of the Bruhat Bengaluru Mahanagara Palike, 2020 [for short, '*the BBMP Act*'] against the petitioners for deviation from the sanctioned plan and upon confirmation that there is no injunction against the Bengaluru Electricity Supply Company Limited [BESCOM] from disconnecting electricity.

2. The petitioners, when served with the notice of a provisional order under Section 248 of the BBMP Act, have filed a suit for permanent injunction against the Bruhat Bengaluru Mahanagara Palike [BBMP] for permanent deduction. This suit is in O.S.No.26106/2025, and the concerned Civil Court has granted *ex parte* interim order restraining the authorities from demolishing standing structure in the subject property. Thus, the Civil Court has interdicted proceedings begun under the BBMP Act to redress complaints about deviations in construction by the petitioners from the sanctioned plan.



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3. It is trite that the civil Court's jurisdiction is barred under the statute when proceedings are initiated for deviations in construction from the sanctioned plan, and when queried in this regard, Sri H.V. Banu Prakash, the learned counsel for the petitioner, places on record a memo filed in the suit in O.S.No.26106/2025 which states that the petitioners do not propose to prosecute the suit and the same may be dismissed as withdrawn. The learned counsel, reiterating the afore, submits that the suit will be withdrawn at the earliest.

4. Mr. Pawan Kumar, a learned standing counsel for the BBMP and its officials who is called upon to accept notice for the second and the third respondents, Mr.Bopanna Belliappa, the learned Additional Government Advocate who is called upon to accept notice for the first respondent, and Ms. Padma S. Utter, the learned counsel for the fourth and fifth respondents, are heard for disposal of the petition in the light of the afore circumstances and the fact that the proceedings begun under Section 248 of



the BBMP Act have not been proceeded with because of the injunction order in the suit in O.S.No.26106/2025.

5. The BBMP Act is repealed, and the proceedings begun thereunder will have to be continued under the transitional provisions under the Greater Bengaluru Governance Act, 2024 [for short, '*the GBG Act*']. These proceedings will have to be in compliance with the procedure prescribed under Section 243 of the GBG Act which, amongst others, contemplate an opportunity to file a reply and a personal hearing to show cause against the proposed action. The petitioner, taking advantage of the interim order in the suit in OS No. 26106/2025 as also the consequential deferment of the proceedings under the BBMP Act, has completed construction of three units.

6. The question whether there is any deviation in the construction still is at large and must be examined as contemplated under 243(3) of the GBG Act after an opportunity as contemplated under 243 (3) (d) and the proviso thereto. When the question is thus at large, in the peculiarities of the case where the BBMP/ GBA officers



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have not been proactive in prosecuting the suit in OS No.26106/2025, there cannot be precipitation. This Court is of the view that the petition must be disposed of by just orders that would enable early disposal of the proceedings commenced under Section 248 of the BBMP Act deferring precipitous action until then. In the light of the afore, the following:

**ORDER**

- [A]** The petition stands disposed of quashing the impugned Communications dated 12.09.2025 and 30.10.2025 [*Annexures-C and G*] calling upon the BESCOM authorities to defer taking precipitous action until closure of the proceedings under Section 248(2) of the BBMP Act which must be continued under the transitional provisions under GBG Act.
- [B]** The petitioner, without further notice, is reserved with liberty to file a response to the notice under Section 248(2) of the BBMP with the jurisdictional Joint Commissioner. The petitioner shall file this



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response by **07.09.2026** and the jurisdictional Joint Commissioner shall cause inspection and extend opportunity as is contemplated under Section 243 of the GBG Act for an expedited decision.

**[C]** The Joint Commissioner shall endeavor to complete the proceedings *within three [3] months* from **07.09.2026**.

**[D]** It is needless to observe that if a certified copy of this order is placed on record in O.S.No.26106/2025 either by the petitioners or by the GBA and its officers or the BESCO and its officials, the civil Court shall dispose of the suit as withdrawn.

**Sd/-**  
**(B M SHYAM PRASAD)**  
**JUDGE**

SA  
Ct:sr