



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 461 OF 2024 (LB-RES)

C/W

WRIT APPEAL NO. 1447 OF 2024 (LB-RES)

IN WA No. 461/2024

BETWEEN:

SMT. P.K. LEELAVATHI,
W/O SRI. CHANNEGOWDA,
AGED ABOUT 58 YEARS,
RESIDING AT, DOOR NO. 2888/3,
NEAR YASHASVINI SAMUDAYA BHAVANA,
OLD HEMAGIRI ROAD,
HEMAVATHI EXTENSION,
K.R. PET TOWN, K.R. PET TALUK,
MANDYA DISTRICT - 571 426.

...APPELLANT

(BY SRI. VIJAYAKUMAR R., ADVOCATE)

AND:

1. CHIEF OFFICER,
TOWN MUNICIPAL COUNCIL,
K.R. PET TALUK,
MANDYA DISTRICT - 571 426.
2. SMT. B.S. LATHA,
W/O N. MANJUNATHA,
AGED ABOUT 47 YEARS,



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C/W WA No. 1447 of 2024**

RESIDING AT DOOR NO. 2888/1,
NEAR YASHASVINI SAMUDAYA BHAVANA,
OLD HEMAGIRI ROAD,
HEMAVATHI EXTENSION,
K.R. PET TOWN, K.R. PET TALUK,
MANDYA DISTRICT - 571 426.

...RESPONDENTS

(BY SRI. PAVANA CHANDRA SHETTY H., ADVOCATE;
SRI. K.R. KESHAVAMURTHY, ADVOCATE FOR R2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO CALL FOR
RECORDS IN WP No.39097/2017 (LB-RES) ON THE FILE OF
LEARNED SESSIONS JUDGE OF THIS HON'BLE COURT AND SET
ASIDE THE FINAL ORDER/JUDGEMENT DATED:09.02.2024 AND
CONSEQUENTLY DISMISS THE WRIT PETITION AND GRANT
SUCH OTHER RELIEF/s AS THIS HONBLE COURT MAY DEEM FIT
TO GRANT AND PROPER IN THE FACTS OF THE CASE, IN THE
INTEREST OF JUSTICE AND EQUITY.

IN WA NO. 1447/2024

BETWEEN:

1. SMT. B.S. LATHA,
W/O N. MANJUNATHA,
AGED ABOUT 48 YEARS,
RESIDING AT DOOR NO. 2888/1,
NEAR YASHASVINI SAMUDAYA BHAVANA,
OLD HEMAGIRI ROAD,
HEMAVATHI EXTENSION,
K.R. PET TOWN,
K.R. PET TALUK,
MANDYA DISTRICT - 571 426

...APPELLANT

(BY SRI. KESHAV MURTHY K R., ADVOCATE)



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AND:

1. THE CHIEF OFFICER
TOWN MUNICIPAL COUNCIL,
K.R.PET TALUK,
MANDYA DISTRICT - 571 426.

2. SMT. P.K. LEELAVATHI,
W/O SRI. CHANNEGOWDA,
AGED ABOUT 57 YEARS,
RESIDING AT, DOOR NO. 2888/3,
NEAR YASHASVINI SAMUDAYA BHAVANA,
OLD HEMAGIRI ROAD,
HEMAVATHI EXTENSION,
K.R. PET TOWN, K.R. PET TALUK,
MANDYA DISTRICT - 571 426.

...RESPONDENTS

(BY SRI. G M ANANDA., ADVOCATE;
R2 SERVED AND UNREPRESENTED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO CALL FOR THE RECORDS IN WP NO.39097/2017 ON THE FILE OF LEARNED SINGLE JUDGE OF THIS HON'BLE COURT AND SET ASIDE THE OPERATIVE PORTION OF THE ORDERS PASSED AT PARA-16 IV, DATED:09.02.2024, DIRECTING THE APPELLANT TO BRING HER BUILDING IN COMPLIANCE WITH HIS PLAN-SANCTIONED/BUILDING BYE-LAWS AND ETC.,

THESE APPEALS ARE COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

These two appeals, one by the petitioner and another by respondent No.2 in W.P.No.39097/2017, assailing the order dated 09.02.2024 passed by the Writ Court.

2. The Writ Court under the impugned order while answering point No.1 in respect of respondent No.2 held that respondent No.2 is granted 90 days time to remove all the material stocked on the first and second floor so as to enable her to salvage as much as possible from the same. Further, directed respondent No.2 to demolish the first and second floor at her cost, if the same is not done within a period of 60 days, respondent No.1 was directed to cause demolition of first and second floor by following the applicable law at the cost of respondent No.2 which shall be recovered from respondent No.2 as arrears of land revenue. Insofar as the petitioner is concerned, six months time was granted to bring the building in compliance with the plan sanction/ Building byelaws. If the same is not



done by end of months, then respondent No.1 was directed to cause demolition of such portions of the property of the petitioner as are in violation of the plan sanction/Building byelaws by following the applicable law and the cost of respondent No.1 to be collected from the petitioner as arrears of land revenue.

3. From the record it is not in dispute that both the buildings were constructed in violation of building byelaws. Though the Writ Court while answering Point No.1 tried to save building, however with the submissions of learned counsel for respondent No.2 that, the building was constructed without there being any columns raised, but on a load bearing walls of the ground floor. The walls of first and second floor also cannot be shifted since there is no load bearing wall below it. The Writ Court having left with no alternate, directed respondent No.2 to remove all the materials stored in the first and second floor and thereafter to demolish the first and second floor of the building, to bring the building within the plan and byelaws.



4. In so far as petitioner is concerned, while answering Point No.2, the Writ Court held that the excess construction which has been put up by the petitioner would also have to be demolished to bring it in line with the plan sanction/ Building byelaws.

5. 60 days and six months time was granted in both the cases and if the directions contemplated in the operative portion of the order at No.III and IV are not complied within the time stipulated, respondent No.1 - Corporation was directed to demolish the portion of the building which is against the law and to recover the cost from the concerned party.

6. It is germane to mention here that the husband-respondent No.2 herein, Channegowda - a retired School Teacher invested his entire hard earned money along with retirement benefits for construction of the house. It is not disputed that there are violations to some extent, which has been recorded by the Writ Court. This



Court after hearing the parties, in order to afford another chance to the parties to save their buildings, which is an one time achievement in their entire life after investing their hard earned money with sweat and blood, on 16.02.2026 passed the following order:

"ORAL ORDER"

The learned counsels representing respondent No.1 - Town Municipal Council, in both appeals, are directed to take the services of a good Structural Engineer from the Public Works Department, for which both the appellants will deposit the cost of Rs.25,000/- each.

The Structural Engineer will inspect both buildings of the appellants and submit a report that whether the building constructed by the appellant in Writ Appeal No.461/2024 Smt.P.K.Leelavathi (ground floor and first floor) can be brought within the permissible limit and whether the ground floor and first floor can be strengthened by constructing pillars and other beams etc., so that the structure does not endanger the neighboring property and lives.

The Structural Engineer will also submit a report that whether it is possible to bring the structure constructed by the appellant in Writ Appeal No.1447/2024 Smt.B.S.Latha within the permissible



parameters and as per the sanctioned building plan by making suitable alterations.

Let these reports be submitted within four weeks from today.

Both the appellants are directed to deposit cost of Rs.25,000/- (Rupees Twenty Five Thousand) each within one week before the Chief Officer, Town Municipal Council, K.R.Pet Taluk, Mandya District.

Post these appeals on 16.03.2026.

Interim order granted earlier, if any, shall stand extended till the next date of hearing."

7. Thereafter, the Town Municipal Council submitted a report of the Structural Engineer as directed by this Court vide order dated 16.02.2026, which reads as under:

FULL TECHNICAL REPORT

Subject: Regarding taking necessary action and submitting a report as per the court order of the Hon'ble High Court Writ Petition WP 461/2024 and 1447/2024.

For reference:

- 1. Their office letter No. Krirapepuka /Technical Branch/ CR/ 01 2025-26 dt.31.03.26*
- 2. M.I., Lo.E.. Sankad, Ben. Office Order No. Muli/// -2/2026-27 dt. 08.04.26*



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3. Letter from S.C.I, Lo.E., Gu.B.Sub-Division, Mysore dt. 15.04.26.

4. Their office letter no.Kr.R.P.P.C/Technical Branch/CR/01/2026-27 dt.22.05.2026.

As per the orders of the Hon'ble High Court Writ Petition WP 461/2024/ and 1447/2024, the site inspection of the disputed buildings in the court was conducted on 09.04.26 in the presence of the Technical and Structural Experts of the Central Office of the Public Works Department, Quality Assurance, Officials of the Public Works Department, Municipal Officials, and the Officers of the Sub-Division of the Owner's Building of the K.R. Pete Public Works Department. Accordingly, both the buildings were inspected and in this regard. The details found on the surface are as follows:

1. *At the disputed site, Mrs. P.K. Leelavathi K.R. Pete constructed a ground floor building in the year 2009 using traditional construction methods with a stone foundation, brick walls and R.C.C. roof. And 8 years ago, the first and second floors were constructed on the ground floor building itself. The portico in the front of the building was constructed with the help of R.C.C. pillars and beams. As can be seen from the surface, no cracks or settlement of the foundation were found in the said building.*

2. *The details of the spectral elements in the construction of the said building are as follows:*

SL. NO.	STRUCTURAL ELEMENTS	SIZE IN MM	REINFORCEMENT
1.	Elevation columns	230 mm dia	4 Nos. of 12
2.	Portico beams	230 x 380	Not known
3.	RCC Slab	150mm thick	12mm @ 150 mm c/c



			8mm @ 200 mm c/c (Distribution)
4.	Concealed beam on all 230 mm brick wall	230 x 150	2 Nos. 16mm dia @ Top 3 Nos.16 mm dia @ Bottom Stirrups 8 mm dia @ 300 mm c/c
5.	Staircase	125 mm thick	16mm dia rod 25mm cover provided Tread 250 mm Riser 200 mm

3. It is clarified on the technical basis that the current building has been constructed as per the traditional and Prem Specter construction method, as per the report of Gunabharavase Sub-Division, the foundation is up to 1.5m from the ground level. Clay soil was found in the site, the bearing capacity of the soil is stated in the report to be 18.0033 sq.m. and it is seen to be in good condition. Since the current ground floor has been constructed as per the traditional construction method with brick walls and the first and second floors on the foundation of stone building, there is no possibility of causing any danger to the neighboring sites/properties and lives.

4. However, as per the claim filed by petitioner, in order to check the feasibility of constructing the existing ground floor and first floor brick building within the limits permitted by bye-laws on the basis of setbacks, existing ground floor building will have to be shifted from the foundation on all sides. Therefore, it is brought to their notice that they cannot be held responsible for the soundness of the said building.

5. Further, as per the suit filed by Mrs. B.N. Latha K.R. Pete, her building has been inspected as ordered by the Hon'ble High Court. Her premises consist of ground floor and partial first



floor and no cracks or settlement of the foundation have been found in the building

Further, the following reports have been received from the Municipality as per the relevant quality assurance and order to submit a report on the soundness of the first and second floors of the currently constructed Smt. P.K. Lilavati K.R. Pete. The following opinions have been expressed.

SL. NO.	ELEMENTS	OPINION
1)	<i>Non- Destructive Test on structural elements</i>	<i>Mrs. P.K Leelavathi K.R. Pete's ground floor, first and second floors are constructed as conventional & framed building, and the report on the strength has been obtained from Gunabharavase. Accordingly, in the light of the report submitted confirming that the pillars and beams of the existing building are of M.25 concrete grade and the terrace is of M.30 concrete grade. It is hereby opined that the building of Mrs. P.K. Leelavathi is within the strength limits and does not pose a threat to any neighboring property and lives.</i> <i>Further, it is of the opinion that the existing pillars of the ground floor, first and second floors are within the strength limits.</i>
2)	<i>Soil retention capacity report</i>	<i>Gunabharavase stated in his report that the bearing capacity of the soil below the building at the said current site at the depth of 1.5m from the ground level 18.00 tons per square meter, and that the quality of the said soil is capable of bearing the weight of the ground floor and two floors.</i> <i>It is believed that the existing stone foundation is capable of supporting the weight of the ground floor and two floors, and the existing foundation is solid, with no apparent spectral cracks in the building.</i>



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3)	From the municipality A sanction /Actual executed as built plan of both buildings with existing setbacks	Sanction/Actual executed as built plan of both buildings with existing setbacks confirmed by the said municipality. Maps have been submitted, as per which the details of the site of Smt. P.K. Lilavathi K. R. Pete are as follows <table><tr><th>Actual</th><th>As per Bye law</th></tr><tr><td>Site Area- 168.60 Sq.m Built up Area GF 138.53 Sq.m FF 138.53 Sq.m SF 138.53 Sq.m</td><td>Site Area- 168.60 Sq.m Built up Area GF 96.57Sq.m FF 72.00 Sq.m</td></tr><tr><td>Total : 415.59Sq.m</td><td>Total : 168.57Sq.m</td></tr></table>	Actual	As per Bye law	Site Area- 168.60 Sq.m Built up Area GF 138.53 Sq.m FF 138.53 Sq.m SF 138.53 Sq.m	Site Area- 168.60 Sq.m Built up Area GF 96.57Sq.m FF 72.00 Sq.m	Total : 415.59Sq.m	Total : 168.57Sq.m
Actual	As per Bye law							
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Total : 415.59Sq.m	Total : 168.57Sq.m							
		The details of the Sanction/Actual executed as built plan of both buildings with existing setbacks confirmed by the said Municipalty are as follows: The site of the presen MRS. P.K. Lilavathi K.R. Pete has been constructed with 138.53 sq.m. instead of 96.57 sq.m. at ground level, which is clearly in violation of the setback norm and an additional second floor has also been constructed in addition to the sanctioned first floor. Due to this, it has been found that there is a violation of the Bye Law in the construction of the building and appropriate action can be taken in this regard as per the provisions of the City Act. <table><tr><th>Actual</th><th>As per Bye law</th></tr><tr><td>Site Area- 185.77 Sq.m Built up Area GF 120.68 Sq.m FF 7.08 Sq.m</td><td>Site Area- 185.77 Sq.m Built up Area GF 111.33 Sq.m FF 73.0Sq.m</td></tr><tr><td>Total : 127.76 Sq.m</td><td>Total : 185.13Sq.m</td></tr></table>	Actual	As per Bye law	Site Area- 185.77 Sq.m Built up Area GF 120.68 Sq.m FF 7.08 Sq.m	Site Area- 185.77 Sq.m Built up Area GF 111.33 Sq.m FF 73.0Sq.m	Total : 127.76 Sq.m	Total : 185.13Sq.m
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Total : 127.76 Sq.m	Total : 185.13Sq.m							



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Further, in the context of the order to inspect both the buildings of the defendants in connection with the site inspection of the disputed building located in the court as per the suit filed in the court, it is a legal order to submit a report on the ground floor and the first floor of the building of Mrs. B.N. Latha, K.R. Pete, and the following reports have been obtained from the connected Quality Assurance and Municipality and it is considered as follows.

SL. NO.	ELEMENTS	OPINION						
1.	Non-Destructive Test on structural elements	-----						
2.	Soil Retention Capacity Report	The said Smt.P.K.Leelavathi K.R.Pete's site is adjacent to the site of Smt.B.N.latha, K.R.Pete and the said building has a ground floor and a first floor. Therefore, the same report on the bearing capacity of the soil already given by Gunabharavase can be considered for the said building as well, and it is considered that no type of spectral cracks have been found in the bui9lding on the surface.						
3.	Confirmed by the municipality Sanction/ Actual executed as built plan of both buildings with existing setbacks.	Confirmed by the municipality Sanction/ Actual executed as built plan of both buildings with existing setbacks.						
		The maps have been submitted, and as per the same, the details of the site of Mrs.b.N.Latha, K.R.Pete are as follows: As per Bye law <table><tr><th>As per Bye law</th><th>Actual</th></tr><tr><td>Site Area - 185.77 Sq.m Built up area GF 111.33 Sq.mm FF 73.80 Sq.mm</td><td>Site Area - 185.77 Sq.m Built up area GF 120.68 Sq.m FF 7.08 Sq.m</td></tr><tr><td>Total: 185.13 Sq.m</td><td>Total: 127.76 Sq.m</td></tr></table>	As per Bye law	Actual	Site Area - 185.77 Sq.m Built up area GF 111.33 Sq.mm FF 73.80 Sq.mm	Site Area - 185.77 Sq.m Built up area GF 120.68 Sq.m FF 7.08 Sq.m	Total: 185.13 Sq.m	Total: 127.76 Sq.m
As per Bye law	Actual							
Site Area - 185.77 Sq.m Built up area GF 111.33 Sq.mm FF 73.80 Sq.mm	Site Area - 185.77 Sq.m Built up area GF 120.68 Sq.m FF 7.08 Sq.m							
Total: 185.13 Sq.m	Total: 127.76 Sq.m							



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		<i>The details of Sanction/ Actual executed as built plan of both buildings with existing setbacks confirmed by the said Municipality are as follows: The site of the present Mrs.B.N.Latha, K.R.Pet, has been constructed with 120.68 sq.m instead of 111.33 sq.m. at ground level, which has clearly violated the setback norm. Due to this, it has been found that there is a violation of the Bye law in the construction of the building and appropriate action can be taken in this regard as per the provisions of the City Act.</i>
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Final opinion.

1. Taking the above points into consideration, it is hereby held that both the disputed buildings disputed in the court are structurally sound and do not cause any damage to any adjacent properties

2. An appeal has been filed as to whether the ground floor, first floor and second floor constructed by Smt. P.K. Leelavathi, K.R. Pete can be brought within the permissible limits and whether the ground floor and first floor should be strengthened by constructing pillars and other beams, etc so as not to endanger the property and lives of neighbours. Since the court has ordered to provide a report in this regard, if the ground floor, first floor and second floor constructed by Smt. P. K. Leelavathi, K.R. Pete are constructed as per the bye law, the entire building will have to be redesigned and constructed with a necessary modification, and several modifications will have to be made in the already constructed building. In this regard, it is felt that the entire building will have to be shifted from the



foundation itself, which is matter for the discretion of the building owner and the Municipality.

As per the order of the Hon'ble High Court, after conducting an inspection of the disputed sites, obtaining and verifying the necessary documents and having expressed the opinion as above, the said report is here by submitted for their further action, requesting that it be considered as a complete technical report."

8. We having considered the report, in view of categorical opinion that the buildings are structurally sound and do not cause any damage to any adjacent properties and noticing the fact that the buildings constructed by respondent No.2 with the hard earned money and petitioner's husband - retired School Teacher after investing hard earned money along with retirement benefits, be afforded another chance to bring the buildings in compliance with the plan/byelaws within the exemption provided.

9. The appellants in both the appeals are granted 08 months time to workout their remedies in consonance



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with the report filed by the Structural Engineer through Chief Municipal Officer, K.R.Pet dated 30.05.2026.

10. With this observation and modification to the order passed by the Writ Court, we ***dispose of*** these appeals. The appellants shall workout their remedies within 08 months time, starting from 01st day of August, 2026.

11. In view of disposal of the appeals, pending interlocutory applications, if any, stand disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

TKN
List No.: 1 Sl No.: 13
ct-vn