



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 25133 OF 2022 (GM-RES)

BETWEEN:

ITTINA PROPERTIES PRIVATE
LIMITED COMAPANY
INCORPOTATED UNDER COMPANIES
ACT, 1956,
380, ITTNA CENTER,
16TH MAIN ROAD,
KORAMANGALA 3RD BLOCK,
BENGALURU - 560 034.
REPRESENTED BY ITS
AUTHORISED SIGNATORY
MANU ITTINA.

...PETITIONER

(BY SRI. NITIN PRASAD, ADVOCATE)

AND:

1. EXECUTIVE ENGINEER,
NATIONAL HIGHWAYS
AUTHORITY OF INDIA,
BENGALURU DIVISION,
14/3, 4TH FLOOR,
CFC BUILDING,
NRUPATHUNGA ROAD,
BENGALURU - 560 001.
ALSO AT NAGASANDRA VILLAGE,
BANGALORE - TUMKURU ROAD,
HESARGHATTA,
BENGALURU - 560 073.



2. DEPUTY COMMISSIONER,
BANGALORE RURAL DISTRICT,
DISTRICT OFFICE COMPLEX,
BEERASANDRA VILLAGE,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT - 562 110.
3. ASSISTANT EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT
OFFICE COURT ROAD,
BEHIND BUS STOP,
HOSAKOTE,
BENGALURU RURAL - 562 114.
4. ASSISTANT COMMISSIONER,
DODDABALLAPUR SUB - DIVISION,
DODDABALLAPUR,
BENGALURU RURAL DISTRICT - 561 203.
5. THE TAHSILDAR,
HOSKOTE,
HOSKOTE TALUK - 562 14.

...RESPONDENTS

(BY SRI.S.V.GIRIDHAR, ADVOCATE FOR R1;
SRI.SRINIVAS KUMAR, HCGP FOR R2 TO R5)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE RESPONDENTS TO CONSIDER THE PETITIONERS REPRESENTATION DATED 02.12.2022 AT ANNEXURES - E, F AND G AND TAKE IMMEDIATE ACTION TO STOP THE ILLEGAL CONSTRUCTION AND PUTTING UP OF STRUCTURES ON THE NO CONSTRUCTION ZONE AROUND SY.NO.6/1, 8/1 AND 8/3 SITUATED AT BAGUR VILLAGE, ANUGONDANAHALLI HOBLI, HOSKOTE TALUK, BENGALURU RURAL DISTRICT AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL



ORAL ORDER

Petitioner who claims to be the owner and in possession of lands bearing Sy.Nos.6/1, 8/1 and 8/3 which are situated by the side of National Highway No.648 (Old No.207) is before this Court contending that in between the said National Highway and the land owned by the petitioner there lies a portion of land bearing Sy.No.6/1 belonging to the Government. The petitioner has access to the National Highway only through the said Government land, and as such the petitioner had made representation to the respondent-authorities not to obstruct the petitioner for having access to the National Highway through and from the said Government land. Non-consideration of the same, constrained the petitioner to file the present petition seeking following reliefs:

"(i) Issue a writ of mandamus or any other writ in the nature of mandamus or any other writ, order or direction directing the Respondents to consider the Petitioner's representations dated 02.12.2022 at Annexures-E, F and G and take immediate action to stop the illegal construction and putting up of structures on the "no construction zone" around Sy.No.6/1, 8/1 and 8/3 situated at Bagur village, Anugondanahalli Hobli, Hoskote Taluk, Benaluru Rural District.

(ii) Restrain the respondents from interfering with the access to the Petitioner's property in so far as any extent of government land that falls within the 40 meter 'No Construction Zone' on the NH 207.



(iii) Direct the Respondents not to allot any portion of land in Sy.No.57 that falls within the 'No Construction Zone' of 40 meters to any third parties without hearing the petitioner or offering an opportunity to the petitioner to purchase the land if so permitted as per law.

(iv) Award cost of these proceedings to the petitioners; and,

(v) Pass such other or further orders as this Hon'ble Court may deem fit in the interests of justice and equity."

2. Learned counsel for the petitioner submits that during pendency of the petition, the office of Executive Engineer, N.H. Division, Government of Karnataka has issued a communication dated 26.12.2024 which reads as under:

"(Government of Karnataka)

*OFFICE OF THE EXECUTIVE ENGINEER, NII DIVISION,
BANGALORE*

*No.13/4,4th floor, OFC Building,
Bangalore: -560001
Ph No:080-22211207,
E-Mail-executive engi@yahoo.com,
website <https://north.nic.in>*

REF:EE/NHD/BANG/ITTINA/KM27.513/2024-25/2651

Date: 26.12.2024

*TO,
M/S ITTINA PROPERTIES PRIVATE LIMITED.
No.380, ITTINA CENTER, 16th Main Road,
Koramangala, 3rd Block, Bangalore- 560034.*

Subject: -Issue of NH Access Permission for M/s ITTINA PROPERTIES PRIVATE LIMITED abutting on Right side boundary of NH-648 (Old NH-207) (Sarjapur Hoskte Section) at KM27.513 in abutting Survey No.6/1, of Bagur Village, AnugondanahalliHobli, Hoskote Taluk, Bangalore Rural District, Karnataka state.



Ref: 1) M/s Ittina Properties Private Limited, Bangalore Letter No. Nil, Dated: 24.06.2023.

2) The Regional officer, Ministry of Road Transport and Highways, Bangalore office Letter No.RW/BNG/NOC/NH-207/Km16,800/551/2023/1216 Dated: 01.11.2023.

3) Assistant Executive Engineer, National Highway Sub Division, Bangalore letter No. AE3/NH-207/2024-25/472 Dated: 13.11.2024.

Dear Sir,

With reference to the above subject, M/s Ittina Properties Private Limited, Bangalore had submitted a proposal to the Assistant Executive Engineer, National Highway Sub-Division, Bangalore, as cited in reference (1).

The Regional Officer, MoRT&H, Bangalore, vide reference (2), instructed this office that as per Clause I (Appendix II) of the Ministry's Circular dated 26.06.2020, there shall be no direct access to the National Highway. The access shall be through a service road (including deceleration and acceleration lanes) in both rural and urban reaches. Accordingly, the proposal was required to be modified.

Subsequently, the Assistant Executive Engineer, National Highway Sub-Division, Bangalore, inspected the site and recommended the same in accordance with the Ministry Guidelines dated 26.06.2020, and also enclosed the amended layout plan as instructed by the Regional Officer, MoRT&H, Bangalore, as cited in reference (3).

1. The proposal has been examined in light of the Ministry's Guidelines issued vide letter No. RW-NH-33032/01/2017-S&R(R) dated 26.06.2020, along with the details submitted by you.

2. The permission is hereby accorded subject to the following conditions:

(i) Applicant/Land owner shall strictly adhere to Clause I (Appendix II) of the Ministry Circular dated 26.06.2020 there shall be no direct access to the National Highway. Access shall be through a service road (including deceleration and acceleration lanes).

(ii) The building line shall be maintained at a minimum distance of 40 meters from the centerline of the National Highway.



(ii) There should be sufficient parking inside so that there is no overflow of vehicles on approach roads.

(iv) Applicant/Land owner shall install all requisite road signs as per IRC:67 and provide road markings as per IRC:35 in accordance with Ministry guidelines.

(v) The applicant shall obtain all necessary clearances (including forest clearance, if applicable) required for constructing the proposed access as per the approved drawing. The applicant shall also bear the entire cost of shifting utilities/tree plantations, if required, as directed by the concerned departments.

(vi) Applicant/Land owner shall implement Rain Water Harvesting measures by constructing internal drainage connected to recharge wells.

vii) Notwithstanding anything stated above, this provisional permission shall stand cancelled under the following circumstances: If any document or information furnished by the applicant is found to be false, or if any information has been willfully suppressed.

3. This is for your information and take necessary action.

*Yours faithfully,
sd/-
Executive Engineer,
National Highway Division,
Bangalore.*

Enclosed: Approved layout plan."

3. Thus, referring to the above learned counsel for the petitioner submits that substantial grievance of the petitioner has been addressed by the respondent-authority in terms of the aforesaid communication providing access to the petitioner as sought for through and from the said Government land.



4. Further learned counsel for the petitioner submits that the State authorities, namely Respondent Nos.2 to 5 may create/grant rights in favour of third parties over the said portion of the Government land and if a direction to the said extent is given to the respondent-authorities to take into consideration the communication dated 26.12.2024 issued by the office of the Executive Engineer, NH Division, Government of Karnataka, the purpose of the petition will be served.

5. Learned AGA taking note of the communication dated 26.12.2024 issued by office of Executive Engineer, NH Division, Government of Karnataka submits that the access as provided in terms of the said communication to the land of the petitioner through the service road in terms of the said communication would be taken note of in the relevant records.

6. Recording the above submission, this petition is ***disposed of.***

Sd/-
(M.G.S. KAMAL)
JUDGE