



CNR: KAHC010612472023

NC: 2026:KHC:40012
WP No. 26336 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 26336 OF 2023 (BDA)

BETWEEN:

SMT. SUVARNA BAGI
WIFE OF LATE C.I. PATTANASHETTI,
AGED 60 YEARS,
R/AT NO. 833, 4TH B CROSS,
9TH MAIN ROAD, KALYAN NAGAR,
HRBR LAYOUT, 1ST BLOCK,
BENGALURU-560 043.

...PETITIONER

(BY SMT. POOJA N., ADVOCATE FOR SRI. CHANDRAIAH, ADVOCATE)

AND:

1. THE COMMISSIONER
BENGALURU DEVELOPMENT AUTHORITY,
KUMARA PARK WEST,
T. CHOWDAIAH ROAD,
BENGALURU-560 020.
2. THE DEPUTY SECRETARY - 4
BENGALURU DEVELOPMENT AUTHORITY,
KUMARA PARK WEST,
T. CHOWDAIAH ROAD,
BENGALURU-560 020.

...RESPONDENTS

(BY SRI. K. KRISHNA, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO QUASH REGISTERED
DEED OF CANCELLATION DATED 15.06.2009, REGISTERED IN BOOK-

Digitally
signed by
HEMALATHA
J
Location:
HIGH COURT
OF
KARNATAKA



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I VOLUME BDA-1-00676-2009-10 STORED IN C.D.NO.BDAD149 ON 15.06.2009 IN THE OFFICE OF THE SUB-REGISTRAR, BENGALURU DEVELOPMENT AUTHORITY, EXECUTED BY THE RESPONDENT NO.2 ANNEXURE-A AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioner has sought for a writ in the nature of certiorari to quash the deed of cancellation dated 15.06.2009 registered as Book-I Volume BDA-1-00676-2009-10 stored in C.D.No.BDAD149 on 15.06.2009 in the Office of the Sub-Registrar, Bangalore Development Authority, executed by respondent No.2. She has also sought for a writ in the nature of prohibition restraining the respondents from interfering with her possession in the house constructed in Site No.4BC-833, which was conveyed to Mr. M.I. Pattanashetti (vendor of the petitioner) in terms of the sale deed dated 24.08.2005.

2. Petitioner claims that respondent No.1 had allotted a site bearing No.4BC-833 in favour of one Mr. M.I. Pattanashetti. Thereafter, the petitioner purchased the said site



from Mr. M.I. Pattanashetti in terms of a sale deed dated 31.08.2005. She got her name entered in the records maintained by the Bruhat Bengaluru Mahanagara Palike and paid the property tax. She obtained a permission and plan to construct a building thereon and also raised a loan after mortgaging the aforesaid property with the Karnataka State Co-operative Apex Bank. She contends that when she tried to raise an education loan for her daughter on the security of the aforesaid property, she found that the respondent No.2 had executed deed of cancellation dated 15.06.2009, canceling the sale deed dated 24.08.2005 executed in favour of Mr. M.I. Pattanashetti. She therefore, submitted a representation to the respondent No.1 on 05.08.2022 seeking information as to why the sale deed in favour of her vendor was cancelled. She did not receive any response regarding the cancellation deed dated 15.06.2009. The petitioner is therefore before this Court challenging the deed of cancellation.

3. The learned counsel for the petitioner submitted that respondent No.2 has no right to unilaterally cancel the sale deed executed in favour of the vendor of the petitioner. She



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contends that if the respondent No.2 is interested to cancel the sale deed, it has to file necessary proceedings before the Civil Court as provided under Sections 31(1) and 31(2) of the Specific Relief Act, 1963. In this regard, she relied upon the judgment of a Co-ordinate Bench of this Court in ***Sri. K. Raju vs Bangalore Development Authority [ILR 2011 KAR 120]***. She contends that since the impugned deed of cancellation is without notice to the petitioner and without her knowledge and is done unilaterally, the same is liable to be quashed.

4. The learned counsel for the respondents submitted that the respondent No.1 was perforced to cancel the allotment in favour of Mr. M.I. Pattanashetti, as he had filed an application stating that the allotment made in his favour was under dispute. He therefore, contends that the impugned deed of cancellation cannot be upset at the instance of the petitioner.

5. I have considered the submissions of the learned counsel for the petitioner as well as the learned counsel for the respondents.



6. The respondent Nos.1 and 2 after conveying the property bearing Site No.4BC-833 to Mr. M.I. Pattanashetti, relinquished all their right in respect of the said property. They did not have any subsisting interest in the said property to unilaterally cancel the sale deed by executing a deed of cancellation dated 15.06.2009. The respondent Nos.1 and 2 were clearly unaware of the fact that Mr. M.I. Pattanashetti had already alienated the property to the petitioner on 31.08.2005. Even otherwise, if the respondent No.2 desired to cancel the sale deed executed in favour of Mr. M.I. Pattanashetti, he could have done so in the manner prescribed under Section 31 of the Specific Relief Act, 1963 and could not have usurped the power to unilaterally cancel the said sale deed. This is also the law declared by the Co-ordinate Bench of this Court in **Sri. K. Raju**, referred supra.

7. In that view of the matter, this petition is **allowed**. The impugned deed of cancellation dated 15.06.2009 registered as Book-I Volume BDA-1-00676-2009-10 stored in C.D.No.BDAD149 on 15.06.2009 in the Office of the Sub-Registrar, Bangalore Development Authority, executed by



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respondent No.2 is quashed. The respondent Nos.1 and 2 are directed not to disturb the possession of the petitioner in the Site No.4BC - 833, situate at 1st Block, HRBR layout, Bengaluru.

Sd/-
(R. NATARAJ)
JUDGE

PMR
List No.: 1 Sl No.: 51