



CNR: KAHC010643052024

NC: 2026:KHC:44666-DB
WP No. 30546 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT PETITION NO. 30546 OF 2024 (KLGP)

BETWEEN:

B R SARASWATHI
AGED ABOUT 70 YEARS,
W/O. SHRI C.V. NAGESH,
D/O B. RAMASESHAIAH B.E.,
HOUSE NO. 32, PATALAMMA TEMPLE STREET,
BASAVANAGUDI, BANGALORE - 560 004.

...PETITIONER

(BY SRI. SANDESH J.CHOUTA, SENIOR ADVOCATE FOR
SRI. AJAY KADKOL.T.,ADVOCATE)

AND:

1. ROYAL LAKEFRONT RESIDENCY
PHASE 3 WELFARE ASSOCIATION,
HAVING ITS REGISTERED
OFFICE AT NO.46, 2ND CROSS,
ROYAL LAKEFRONT RESIDENCY
PHASE - III, JP NAGAR 9TH PHASE,
BANGALORE - 560 062.
REPRESENTED BY ITS PRESIDENT.
2. BRUHAT BENGALURU MAHANAGARA PALIKE,
JOINT COMMISSIONER'S OFFICE
BOMMANAHALLI ZONE, BEGUR ROAD,
BOMMANAHALLI, BENGALURU - 560 083.

...RESPONDENTS

(BY SMT. RAMYA N. HIRIYUR, ADVOCATE FOR
SRI. B.S.KARTHIKEYAN, ADVOCATE FOR R2;
R1 IS SERVED AND UNREPRESENTED)

Digitally
signed by
MALA K N
Location:
High Court
of Karnataka



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO a. PASS AN APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE ORDER DATED 05.06.2024, PASSED BY THE SPECIAL COURT CONSTITUTED TO TRY OFFENSES UNDER THE PROVISIONS OF THE KARNATAKA LAND GRABBING PROHIBITION ACT IN LGC (P) No. 9009 OF 2024 IN WHICH CASE THE PETITIONER HEREIN IS ARRAIGNED AS ACCUSED No. 1, FOR THE ALLEGED COMMISSION OF OFFENSES WHICH ARE MADE PENAL UNDER SECTIONS 4 AND 5 OF THE KARNATAKA LAND GRABBING PROHIBITION ACT, WHICH IS PRODUCED AS ANNEXURE-F AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL ORDER

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present Writ Petition has been filed impugning the order dated 05.06.2024 passed by the Special Court constituted to try offences under the provisions of the Karnataka Land Grabbing Prohibition Act in LGC (P) No.9009/2024 whereby, the Land Grabbing Court has taken cognizance on the complaint filed by the private respondent to whom despite service of notice is not present before this Court.



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2. On the last date of hearing i.e., on 10.08.2026,
we passed the following order:

"We direct Sri B.S. Karthikeyan, learned counsel appearing for the Greater Bengaluru Authority (GBA) to file an affidavit of the Commissioner on the report submitted by the Joint Commissioner, which inter alia would suggest that the petitioner has not encroached upon any public property, for which he seeks a week's accommodation.

Hence post this petition on 19.08.2026.

We make it clear that no further adjournment would be granted for filing the affidavit as directed, on the next date of posting.

Interim order granted earlier, if any, shall remain in operation till the next date of posting."

3. In compliance of the said order passed by this Court, affidavit of the Commissioner, Bengaluru South City Corporation, Greater Bengaluru Authority has been filed.
Paragraph No.4 of the said affidavit reads as under:

"4. I respectfully state that the Respondent, namely Royal Lakefront Residency Phase 3, had filed a complaint alleging that Smt. B.R. Saraswathi has encroached certain land in Sy.Nos. 25 and 26. As per the survey report of the then Joint Commissioner, Bommanahalli Zone BBMP has submitted reports on 08.12.2023 and on 24.01.2024 before the Hon'ble Special Court constituted under the provisions of the Karnataka Land Grabbing Prohibition Act of 2011 (the reports



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*including the survey sketch with mahazar enclosed)
is forthcoming our official records and correct."*

4. The competent authority on survey does not find that there is any encroachment of the Government land by the petitioner in Survey No. 25 and 26 situated at Raghuvanapalya Village, Uttarahalli Hobli, Bengaluru South. We are of the opinion that the continuation of the proceedings would be an abuse of the process of the Court.

Therefore, we allow the Writ Petition. The order dated 05.06.2024 passed by the Special Court constituted to try offences under the provisions of Karnataka Land Grabbing Prohibition Act in LGC(P) No.9009/2024 is hereby quashed.

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

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**

BVK
List No.: 1 Sl No.: 9