



CNR: KAHC010643272023

NC: 2026:KHC:39460  
WP No. 28006 of 2023

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

**DATED THIS THE 29<sup>TH</sup> DAY OF JULY, 2026**

**BEFORE**

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

**WRIT PETITION NO. 28006 OF 2023 (GM-RES)**

**BETWEEN:**

THE RAJATHA COMPLEX TENANTS  
WELFARE ASSOCIATION (R)  
SOCIETY REGISTERED UNDER  
KARNATAKA SOCIETY REGISTRATION ACT 1960  
NO.812/1, OCTCD ROAD,  
BANGALORE-560053  
REPRESENTED BY ITS SECRETARY,  
MR. PARASMAL JAIN,  
S/O MOOL CHAND,  
AGED ABOUT 68 YEARS.

...PETITIONER

(BY SRI. BIPIN HEGDE, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY,  
REVENUE DEPARTMENT,  
VIKAS SOUDHA,  
BANGALORE-560001.
2. SPECIAL DEPUTY COMMISSIONER  
BANGALORE URBAN DISTRICT,  
K.G.ROAD,  
BANGALORE-560001

Digitally  
signed by  
BHARATHI S  
Location:  
HIGH  
COURT OF  
KARNATAKA



CNR: KAHC010643272023

NC: 2026:KHC:39460  
WP No. 28006 of 2023

3. TASILDAR  
BANGALORE NORTH TALUK,  
K.G.ROAD,  
BANGALORE-560001
4. THE EXECUTIVE ENGINEER  
PUBLIC WORKS DEPARTMENT,  
BUILDING DIVISION NO.7,  
K.R. CIRCLE,  
BANGALORE-560001
5. UNDER SECRETARY GOVERNMENT  
REVENUE DEPARTMENT,  
SMT. VIMALAMMA C,  
(LAND GRANT-1)  
ROOM NO.531, 5TH FLOOR,  
GATE -2, M.S.BUILDING,  
DR.B.R.AMBEDKAR VEEDHI.

...RESPONDENTS

(BY SRI. MAHANTESH SHETTAR, AGA)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE  
CONSTITUTION OF INDIA PRAYING TO DIRECTION QUASHING  
THE ORDER DATED 19.9.23 PASSED BY THE R5 BEARING NO.  
RD.63LGB2022 (ANNEXURE-A)

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

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



CNR: KAHC010643272023

NC: 2026:KHC:39460  
WP No. 28006 of 2023

**ORAL ORDER**

Petitioner is an Association of tenants in respect of certain commercial complex known and called as Rajatha complex, situated at No.812/1, OTC Road, Chickpet Bangalre.

2. Respondent - State by its order dated 19.09.2023 has sought to cancel the lease which had been granted in favour of the petitioner association as it had expired on 31.05.2021. Further, the respondent - State has indicated the land over which the said complex existing is required for the purpose and usage of Public Education Department of the State.

3. Learned counsel for the petitioner taking this Court through the records submits that the purpose for which the land being sought by the respondent - State is only a make believe. That the complex is occupied by several tenants for their business purpose which is the only source of their livelihood. That a detailed representation has been made by the petitioner to the



CNR: KAHC010643272023

**NC: 2026:KHC:39460**  
**WP No. 28006 of 2023**

respondent - State as per Annexure - B and no order in this regard has been passed. Therefore, seeks for allowing of the petition.

4. Learned AGA referring to the statement of objections, submits that by order dated 03.03.2011, the State Government had granted lease in respect of the complex consisting of various shop premises in favour of the tenants on a monthly rent of ₹4,00,000/- subject to condition of tenants depositing a sum of ₹30,00,000/- for repair of the building and other conditions set out in the order and the said lease was for a period of 10 years. That the grounds urged in the petition requiring allotment of the lease in a public auction, and fixation of fair rent by the State had not been urged any time earlier.

5. The present impugned communication has been issued in the light of a requisition being received by the Headmaster of Govt. High School, Chickpet, Bangalore, seeking space for its expansion. It is in this larger interest and also in the light of respondent government incurring



CNR: KAHC010643272023

**NC: 2026:KHC:39460  
WP No. 28006 of 2023**

huge financial loss in maintaining the building in question, the impugned communication has been issued. Hence, seeks for dismissal of petition.

6. Heard and perused the records.

7. There is no dispute of the fact that the tenants who are the members of the petitioner's association are in occupation of the subject complex having been inducted in terms of lease agreement. Though admittedly lease has expired, the process of eviction in accordance with law cannot be circumvented.

8. The purpose of eviction being sought by the respondent - State, is for accommodating the land over which the said complex existing, for the purpose of a school.

9. In the light of grounds urged in the petition and the contents of the representation, as per Annexure-B this Court deems it appropriate to direct the respondent - State to consider the said representation and pass appropriate order and if required after giving personal



CNR: KAHC010643272023

**NC: 2026:KHC:39460  
WP No. 28006 of 2023**

hearing to the members of the petitioner. Such consideration and order shall be passed within an outer limit of 3 months from the date of receipt of certified copy of this order.

10. It is further clarified any action to be taken thereafter by the respondent's government shall be strictly in accordance with law.

11. All contentions are kept open.

12. The respondent - Authority shall not proceed with the matter pursuant to Annexure - A.

13. Petition is disposed off accordingly.

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

Vmb  
List No.: 1 Sl No.: 17