

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF JULY, 2026



PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

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

WRIT APPEAL NO. 1766 OF 2024 (BDA)

BETWEEN:

1. SRI J.V. VENKATESH
S/O. LATE SRI. N. VEERANNA,
AGED ABOUT 59 YEARS,

2. SRI. J.V. SRINIVAS
S/O. LATE SRI. N. VEERANNA,
AGED ABOUT 54 YEARS,

R/AT NO.130, 4TH CROSS,
OPP. VENKATESHWARA TEMPLE,
SUNDARANAGARA, GOKULA,
MATTIKERE, BENGALURU - 560 054.

...APPELLANTS

(BY SRI. R B SADASIVAPPA, ADVOCATE)

AND:

1. THE COMMISSIONER
BANGALORE DEVELOPMENT AUTHORITY (BDA),
KUMARA PARK WEST,
BENGALURU - 560 020.

2. THE TOWN PLANNING MEMBER
BANGALORE DEVELOPMENT AUTHORITY (BDA),
KUMARA PARK WEST,
BENGALURU - 560 020.

3. M/S. TOWNSHIP PROMOTERS
NO.10/1, LAKSHMINARAYAN COMPLEX,
GROUND FLOOR,

Digitally
signed by
VASANTHA
KUMARY B K

Location:
HIGH
COURT OF
KARNATAKA

PALACE ROAD,
BENGALURU -560 001.
REP. BY ITS PARTNER
SRI. P. ASHWIN PAI.

...RESPONDENTS

(BY SRI. K.G.RAGHAVAN, SENIOR ADVOCATE FOR
SRI. CHANDAN K, ADVOCATE FOR C/R-3;
SRI. S.B.KARTHIKEYAN, ADVOCATE FOR R-1 AND R-2)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET ASIDE THE IMPUGNED
ORDER DATED 07.11.2024 PASSED BY THE LEARNED SINGLE
JUDGE IN W.P.NO.8405/2024 (BDA) AND CONSEQUENTLY,
DIRECT THE 1ST RESPONDENT/BDA TO IMPLEMENT THE
RESOLUTION NO.133/2019 DATED 17.01.2020 AND
18.01.2020 PASSED BY THE BDA ON THE REPORT OF THE
KARNATAKA LOKAYUKTHA UNDER SECTION 12(1) OF THE
KARNATAKA LOKAYUKTHA ACT WHICH IS CONFIRMED BY THE
DIVISION BENCH OF THIS COURT AND ALSO BY THE APEX
COURT.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR
JUDGMENT ON 21.07.2026, COMING ON FOR
PRONOUNCEMENT THIS DAY, **HON'BLE MR. JUSTICE**
D K SINGH PRONOUNCED THE FOLLOWING:

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

CAV JUDGMENT

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

PREFACE:

1. This Writ Appeal is filed under Section 4 of the Karnataka High Court Act, 1961, challenging the order dated 07/11/2024 passed by the Learned Single Judge in W.P. No.8405/2024 (BDA). The Appellants, who were the petitioners before the Learned Single Judge, sought to quash the order dated 05/03/2024 issued by Respondent No.1, the Bangalore Development Authority (hereinafter referred to as 'BDA'), and for a direction to Respondents No.1 and 2 to implement Resolution No.133/2019 dated 17/01/2020 and 18/01/2020. The Learned Single Judge dismissed the Writ Petition, holding that the Appellants failed to demonstrate infringement of their rights or violation of law. Being aggrieved by the said dismissal, the Appellants are before this Division Bench.

FACTUAL MATRIX:

2. The factual narrative leading to the present appeal is intricate and spans over two decades, involving multiple rounds of litigation and administrative decisions. The Appellants are

the owners of 3 acres of land in Sy. No.1A, Block 11, Jakkur Plantation Village, Yelahanka Hobli, Bengaluru North Taluk (hereinafter referred to as 'Appellants' land'). This land is admittedly surrounded by lands belonging to Respondent No.3, measuring approximately 25 Acres 16 Guntas in Sy. No.1A and 1B of the same village. The primary dispute revolves around the provision of adequate access to the Appellants' land from the main road.

2.1. Initial Access and Lokayuktha Intervention:

2.1.1 In 1995, the Revised Comprehensive Development Plan (CDP) indicated a 60 ft (18 meters) wide road access to the Appellants' land. The Appellants' father, Sri. N. Veeranna, acquired the land in 1983 and subsequently got it converted for non-agricultural purposes in 1999. Due to obstructions and lack of proper access, Sri. N. Veeranna filed a complaint before the Karnataka Lokayuktha in 2006 against the BDA Commissioner and Deputy Commissioner, Bengaluru Urban. Simultaneously, he filed W.P. No.12884/2006 before this Court, which was allowed on 13/12/2006, directing the Respondents to consider his representations.

2.2. Lokayuktha Report and Judicial Affirmation:

2.2.1 The Lokayuktha, after due inquiry, passed a comprehensive report under Section 12(1) of the Karnataka Lokayuktha Act on 28/07/2011 (COMPT/LOK/BCD-279/2006). This report contained crucial directions, inter alia: (i) To direct the Commissioner, BDA, to withdraw permission issued to M/s Abhishek Developers (partner of Respondent No.3) for developments in Sy. No.1A of Jakkur Plantation. (ii) To direct the Commissioner, BDA, to demolish the compound constructed without permission. (iii) To direct the Commissioner, BDA, to submit and obtain Government approval for the Area Plan for lands in Sy. No.1A of Jakkur Plantations, *showing linkage facilities to the surrounding area, including the complainant's area*. The report specifically referred to the road network plan prepared by the BDA Town Planning Member on 08/10/2009, which provided for an 18 meters wide road.

2.2.2 Respondent No.3 challenged this Lokayuktha report in W.P. No.5434/2012 (GM-KLA) before a Division Bench of this Court. On 26/03/2014, this Court disposed of the writ petition, holding that while Lokayuktha directions are not a decree, they

must be implemented in their "true spirit," and granted one month for BDA to take action and report compliance.

2.2.3 Aggrieved by this order, Respondent No.3 preferred SLP No.28000/2014 before the Supreme Court of India. The Supreme Court, by its order dated 12/07/2016, dismissed the SLP, stating, "Heard. No ground for interference is made out to exercise our jurisdiction under Article 136 of the Constitution of India. The Special Leave Petition is dismissed accordingly." This dismissal attained finality to the Lokayuktha's report and the Division Bench's directions.

2.3. BDA Resolutions and Subsequent Reversal:

2.3.1 Following the Supreme Court's dismissal of the SLP, the BDA passed Resolution No.133/2019 on 17/01/2020 and 18/01/2020. This Resolution explicitly *cancelled* its earlier Resolution No.70/2018 dated 16/03/2018, on the ground that Resolution No.70/2018 was against Orders of Lokayukta, judgments of High Court and Supreme Court. Resolution No.133/2019 decided to adopt the 18 meters wide road network as accepted by the Lokayuktha office while finalizing RMP-2031. The BDA Commissioner also directed Respondent No.3 to submit a revised site development plan as per

Resolution No.133/2019. The relevant portion is extracted hereunder:

"After discussion, it is decided to cancel the resolution of the meeting held on date: 16.03.2018, in view of the approval given for proposed Development Plan on date: 16.03.2018 is against the order of Hon'ble Lokayukta and verdicts of Hon'ble High Court and Supreme Court. Road Linkage Sketch consisting of 18.00 meters width implemented for the lands inclusive of land pertaining to the complainant Sri Veeranna, which has been given by the Bangalore Development Authority to the office of Lokayukta, the said road linkage sketch has been accepted in the office of Hon'ble Lokayukta, accordingly it is decided to obtain revised Development sketch from the Petitioner."

2.3.2 The respondent appears to be extremely powerful for whose help and assistance, the entire State machinery comes forward. This is evident from the fact that the Government of Karnataka subsequently issued a Gazette notification on 09/07/2020, withdrawing RMP-2031 and directing BDA to sanction layouts as per RMP-2015.

2.3.3 As the city of Bengaluru has exponentially grown, the demand of housing has also been increased manyfold and there is unprecedented pressure on natural resources, including land. The Land value is skyrocketing. Several land mafias and land sharks are present in the city. These land mafias and land

sharks get every law and rule bent to be favorable towards them.

2.3.4 The Bangalore Development Authority, by its communication dated 24.11.2020 addressed to the Additional Chief Secretary to Government, Urban Development Department, apprised the Government of the action taken pursuant to the earlier decisions of the Authority. The said communication specifically stated that Resolution No.133/2019 dated 17.01.2020 and 18.01.2020 had been approved by the BDA and that the matter was being dealt with in accordance with the said Resolution, which had been passed in compliance with the directions of the Karnataka Lokayukta as affirmed by this Court and the Supreme Court. Thus, as on that date, the consistent stand of the BDA was that Resolution No.133/2019 governed the consideration of the proposed Site Development Plan.

2.3.5 Thereafter, Respondent No.3 submitted several representations requesting the BDA to accord approval to the proposed Site Development Plan. However, by endorsements dated 17.02.2021 and 22.06.2022, the BDA declined to approve the proposal and instead directed Respondent No.3 to

submit a revised Site Development Plan by incorporating the road network plan prepared by the Town Planning Member of the BDA in conformity with Resolution No.133/2019 dated 17.01.2020 and 18.01.2020. The BDA consistently maintained that unless the revised Development Plan was submitted in accordance with the road linkage approved under the said Resolution, the proposal could not be processed for approval.

2.3.6 Aggrieved by the non-approval of the Site Development Plan, Respondent No.3 lodged a complaint before the Karnataka Lokayukta on 08.11.2023, alleging that the Commissioner, Bangalore Development Authority, had failed to approve the Development Plan despite repeated requests. Pursuant to the notice issued by the Lokayukta in the said proceedings, the Commissioner, Bangalore Development Authority, along with the Town Planning Member and the Additional Town Planning Member, submitted a detailed report dated 24.01.2024 before the Lokayukta.

2.3.7 The said detailed report before the Karnataka Lokayukta sets out the entire history of the dispute and the action taken by the Authority pursuant to the directions issued by the Lokayukta, this Court and the Supreme Court. The report

records that Resolution No.70/2018 dated 16.03.2018, whereby the Development Plan had been approved, was subsequently cancelled under Resolution No.133/2019 dated 17.01.2020 and 18.01.2020, as the earlier resolution was found to be contrary to the order of the Lokayukta and the judgments of this Court and the Supreme Court. The report further notes that, pursuant to Resolution No.133/2019, Respondent No.3 was directed to submit a revised Development Plan incorporating the 18-metre road linkage accepted before the Lokayukta and reflected in the road network plan, so as to ensure proper linkage facilities to the surrounding areas, including the land of the Appellants.

2.3.8 The detailed report further discloses that, notwithstanding repeated communications issued by the BDA on 17.02.2021, 22.06.2022 and 04.08.2022 calling upon Respondent No.3 to submit a revised Development Plan in conformity with Resolution No.133/2019 and the Lokayukta's order dated 28.07.2011, Respondent No.3 failed to comply with the said directions. Consequently, the Commissioner categorically recorded that the revised non-residential (commercial) Development Plan had not been approved by the Authority for want of compliance with the requirement of

adopting the prescribed road linkage. The report thus demonstrates that, as on 24.01.2024, the consistent stand of the BDA was that Resolution No.133/2019 continued to govern the matter and that approval of the Development Plan was contingent upon compliance with the road linkage contemplated therein.

2.3.9 In the meantime, a new Commissioner assumed charge of the BDA. The said Commissioner, vide order dated 05.03.2024 within one and half month from the report dated 24.01.2024 submitted by the earlier Commissioner of BDA, directed the withdrawal of Resolution No.133/2019 dated 17.01.2020 and 18.01.2020 and ordered the implementation of Resolution No.70/2018 dated 16.03.2018, notwithstanding the fact that the said Resolution had been rendered inconsistent with the directions of the Lokayukta and the orders passed by this Court and the Supreme Court. We fail to understand the *raison d'être* of this turnaround by the new Commissioner within 41 days from the categorical stand taken by the BDA in its report dated 24.01.2024. The relevant portion of the order dated 05.03.2024 read as under:

"5)It is ordered to initiate action by placing the proceedings under subject No. 133/2019, dated: 17.01.2020 & 18.01.2020 before the next meeting of the Committee of the Authority for withdrawing it."

2.3.10 Despite the finality of the Lokayuktha report and the BDA's own Resolution No.133/2019, Respondent No.3 continued to make representations. On 05/03/2024, Respondent No.1 (BDA Commissioner) passed an order to *cancel* Resolution No.133/2019 and to *implement* Resolution No.70/2018 dated 16/03/2018, which had been previously cancelled for being contrary to the orders of the Lokayuktha, High Court, and Supreme Court. This order effectively reduced the proposed road access to the Appellants' land from 18 meters to 9.5 meters. We wonder how the Commissioner, BDA has the power to review the earlier decision of the BDA in contravention of the judgment of the High Court against which SLP got dismissed as mentioned above. We, therefore, have no hesitation in saying that the respondent is extremely powerful and even got appointed a Commissioner, BDA favourable to him. The turnaround by the BDA is an exercise in *mala fide*, arbitrary, illegal and for considerations other than legal.

2.4. Proceedings Before the Single Judge:

2.4.1 The Appellants challenged the BDA Commissioner's order dated 05/03/2024 by filing W.P. No.8405/2024. The Learned Single Judge, by order dated 07/11/2024, dismissed the writ petition. The Learned Single Judge reasoned that the Lokayuktha's directions are not a decree, that the BDA is not bound by its earlier resolution (No.133/2019) as it has powers to revise, and that the Appellants failed to demonstrate any infringement of their rights or violation of law, especially in light of the withdrawal of RMP-2031 and the Lokayuktha's later observation dated 12/02/2024 that previous orders did not direct earmarking any particular area for roads.

SUBMISSIONS OF LEARNED COUNSEL FOR APPELLANTS:

3. Learned Counsel for the Appellants vehemently contended that the order of the Learned Single Judge is erroneous and unsustainable both in law and on facts. The core of their arguments can be summarized as follows:

3.1. Finality of Judicial Pronouncements:

The Learned Single Judge failed to appreciate that Resolution No.133/2019 was passed by the BDA based on the report of the Karnataka Lokayuktha under Section 12(1) of the Karnataka Lokayuktha Act, which was unequivocally accepted and confirmed by a Division Bench of this Court in W.P. No.5434/2012 and subsequently by the Supreme Court of India in SLP No.28000/2014. The dismissal of the SLP by the Supreme Court lends absolute finality to the requirement of providing linkage facilities as per the Lokayuktha's report, which included the 18 meters wide road network plan.

3.2. Arbitrary and Illegal Withdrawal of Resolution No.133/2019:

The BDA's action of withdrawing Resolution No.133/2019 and reviving Resolution No.70/2018 (which was previously cancelled for being contrary to the orders of the Lokayuktha, High Court, and Supreme Court) is arbitrary, illegal, and a colourable exercise of power. An administrative authority cannot unilaterally rescind a resolution that was passed to comply with judicial directives, especially without assigning

cogent reasons or providing an opportunity of hearing to the affected parties.

3.3. Legitimate Expectation and Estoppel:

The Appellants had a legitimate expectation that the BDA, having passed Resolution No.133/2019 based on the highest judicial pronouncements, would adhere to it. The BDA even directed Respondent No.3 to submit a revised plan as per Resolution No.133/2019. The sudden reversal, especially when the Appellants' land is landlocked, creates a situation akin to promissory estoppel, where the authority cannot renege on its solemn decision without compelling public interest reasons, which are conspicuously absent in this case.

3.4. Misinterpretation of Lokayuktha's Later Observations:

The Learned Single Judge erred in relying on the Lokayuktha's observations dated 12/02/2024, which stated that previous orders did not direct earmarking any particular area for roads. This general observation cannot override the specific directions in the *earlier* Lokayuktha report (28/07/2011) which explicitly directed approval of an "Area Plan for the lands in Sy No. 1A of Jakkur Plantations showing the linkage facilities" and referred

to the 08/10/2009 plan (18m). The later observation was a general clarification and cannot negate the specific compliance mechanism already affirmed by the High Court and Supreme Court, and adopted by the BDA itself in Resolution No.133/2019.

3.5. Infringement of Right to Access:

The Appellants' land is landlocked, and the provision of a proper access road is crucial for its development and enjoyment. The 1995 CDP itself indicated an 18 meters wide road. The reduction of the road width to 9.5 meters, contrary to the judicially affirmed Lokayuktha report and the BDA's own Resolution No.133/2019, directly infringes upon the Appellants' right to reasonable access, which is an essential incident of property ownership.

3.6. Procedural Impropriety and Violation of Natural Justice:

The BDA's order dated 05/03/2024, which effectively reversed a decision based on judicial pronouncements, was passed without any prior notice or opportunity of hearing to the Appellants, who are directly and severely affected. This is a

clear violation of the principles of natural justice, rendering the order void ab initio.

3.7. Public Interest and Comprehensive Development:

The Lokayuktha's report and Resolution No.133/2019 were aimed at ensuring proper "linkage facilities" for the surrounding area, including the Appellants' land, serving a broader public interest in planned development. Reducing the road width to 9.5 meters not only prejudices the Appellants but also potentially compromises future comprehensive development and accessibility in the area, contrary to the very purpose of a planning authority like BDA.

3.8. Non-Application of Mind to Withdrawal of RMP-2031:

While RMP-2031 was withdrawn, the BDA ought to have incorporated the 18 meters wide road network, which was part of the judicially affirmed Lokayuktha report, into the then-applicable RMP-2015. The withdrawal of RMP-2031 cannot be a blanket justification to disregard a specific direction that has attained finality through judicial review.

**SUBMISSIONS OF LEARNED SENIOR COUNSEL FOR
RESPONDENT NO.3 :**

4. Learned Senior Counsel for the Respondent No.3 and the BDA, supported the order of the Learned Single Judge and advanced the following arguments:

4.1. BDA's Power to Revise Resolutions:

The BDA, as a planning authority, has the inherent power to revise its resolutions, especially when circumstances change. Resolution No.133/2019 was based on the proposed RMP-2031, which was subsequently withdrawn by the Government. Therefore, the BDA was justified in rescinding a resolution based on a non-existent master plan.

4.2. Lokayuktha Report Not a Decree:

The Lokayuktha's report, as clarified by this Court in W.P. No.5434/2012, is not a decree and only directs the BDA to act in accordance with law. The Lokayuktha's subsequent observation dated 12/02/2024 explicitly clarified that previous orders did not direct leaving or earmarking any particular area for roads. This absolves the BDA from being bound by a specific road width.

4.3. Compliance with Applicable Master Plan:

The BDA has processed Respondent No.3's request in accordance with the presently applicable Master Plan, RMP-2015, which requires a road of 9.5 meters width for access. The impugned order/resolution is therefore in accordance with the prevailing legal framework.

4.4. No Violation of Law or Rights:

The Appellants failed to demonstrate how the impugned order/resolution violates any statute or regulation of the BDA. The provision of a 9.5 meters wide road ensures access to the Appellants' property and does not amount to an infringement of their rights, especially when no specific road width was mandated by the higher courts.

4.5. Relinquishment by Respondent No.3:

Respondent No.3 has already relinquished 9.5 meters of land in favour of the BDA for access to the Appellants, demonstrating their willingness to comply with the legal requirements.

POINTS FOR DETERMINATION:

5. Based on the rival contentions and the material on record, the following points arise for our consideration:

(i) Whether the learned Single Judge erred in holding that the BDA's order dated 05/03/2024, which rescinded Resolution No.133/2019 and sought to implement Resolution No.70/2018, was in accordance with law?

(ii) Whether the BDA's action of withdrawing Resolution No.133/2019 and reviving Resolution No.70/2018, which was previously cancelled for being contrary to the Lokayuktha Report affirmed by the High Court and Supreme Court, is arbitrary, illegal, and violative of the principles of natural justice?

(iii) Whether the Appellants have a legitimate expectation and a right to 18 meters wide road access to their property, as envisaged by the Lokayuktha Report and Resolution No.133/2019, which was duly adopted by the BDA?

ANALYSIS AND FINDINGS:

6. We have carefully considered the submissions of both the parties and our findings are as follows:

6.1. RE. POINT 1: The Sanctity of Lokayuktha Report and

Judicial Affirmation: The fulcrum of this dispute lies in the interpretation and implementation of the Lokayuktha Report dated 28/07/2011, which was confirmed by a Division Bench of this Court in W.P. No.5434/2012 and subsequently by the Supreme Court dismissing the SLP No.28000/2014. While it is true that the Lokayuktha's directions are not a "decree" in the strict sense, this Court in W.P. No.5434/2012 categorically held that they "must be implemented in its true spirit." The dismissal of the SLP by the Supreme Court lends an undeniable finality to this mandate. The Lokayuktha's report specifically directed the BDA to obtain Government approval for an "Area Plan... showing linkage facilities to the surrounding area including the area of the Complainant" and referred to the 08/10/2009 plan which depicted an 18 meters wide road. The BDA, in its Resolution No.133/2019, acknowledged this judicial affirmation by cancelling Resolution No.70/2018 precisely because it was "against judgments of Lokayukta, High Court, and Supreme Court." To now argue that the Lokayuktha's directions did not mandate a specific road width is to ignore the very basis on which Resolution No.133/2019 was passed and

the judicial pronouncements that preceded it. The Learned Single Judge erred in not giving due weight to the binding nature of these judicial affirmations on the BDA's obligation to provide adequate linkage. Accordingly, we answer Point No. 1 in favour of appellants.

6.2. RE. POINT 2: Arbitrariness in Withdrawing Resolution No.133/2019:

The BDA's decision to withdraw Resolution No.133/2019 and revive Resolution No.70/2018, which it had itself declared illegal and cancelled, is fraught with arbitrariness and mala-fide. Resolution No.133/2019 was not a mere administrative decision; it was a corrective measure taken by the BDA to align its actions with the directions of the Lokayuktha, affirmed by the High Court and the SLP got dismissed by the Supreme Court. To unilaterally reverse such a decision, without following due process, amounts to an abuse of power. The argument that RMP-2031 was withdrawn does not automatically justify reverting to a resolution that was explicitly cancelled for being legally infirm. The BDA had the option to incorporate the 18 meters road, which was part of the judicially affirmed Lokayuktha report, into the then-applicable RMP-2015, especially given the historical context of the 1995 CDP showing

an 18 meters road. The BDA's action appears to be an arbitrary concession to Respondent No.3 rather than a principled administrative decision. Therefore, we answer Point No.2 in affirmative.

6.3. RE. POINT 3: Legitimate Expectation and Principles

of Natural Justice:

The Appellants had a legitimate expectation that the BDA would adhere to Resolution No.133/2019, which was a culmination of a long legal battle and a decision taken by the authority itself to comply with judicial directives. The BDA even communicated to Respondent No.3 to submit a revised plan as per Resolution No.133/2019. Such a reversal, without notice or hearing to the Appellants, who are directly and severely affected by the reduction in road width, is a clear violation of the principles of natural justice. The order dated 05/03/2024, being passed behind the back of the Appellants, cannot be sustained. We therefore, answer this point in favour of the appellants.

6.4. Misinterpretation of the Later Observations of the Lokayuktha:

The Learned Single Judge's reliance on the Lokayuktha's observation dated 12/02/2024, stating that previous orders did not direct earmarking any particular area for roads, is

misplaced in the context of the specific facts of this case. This general observation cannot override the specific directions contained in the Lokayuktha's report dated 28/07/2011, which explicitly referred to an "Area Plan" showing "linkage facilities" and the 08/10/2009 plan with an 18 meters road. The BDA itself understood this to mean an 18 meters road when it passed Resolution No.133/2019. The later observation was a general clarification in response to a fresh complaint and cannot be interpreted to nullify the specific compliance mechanism that had already been judicially affirmed and adopted by the BDA.

6.5. Right to Access and Public Interest:

The Appellants' right to reasonable access to their land is an essential incident of their property rights. The 1995 CDP, the Lokayuktha report, and Resolution No.133/2019 all pointed towards an 18 meters wide road, not just for the Appellants but for comprehensive development and linkage facilities in the area. Reducing this to 9.5 meters not only severely prejudices the Appellants but also potentially impacts the overall planning and public interest in the locality. The BDA, as a planning authority, is enjoined to act in the larger public interest, and its

decision to revert to a previously cancelled and legally infirm resolution, without proper justification, does not serve this purpose.

6.6. The Doctrine of Issue Estoppel:

While the Lokayuktha report is not a decree, the issues surrounding the requirement of linkage facilities and the illegality of Resolution No.70/2018 were directly and substantially in issue in W.P. No.5434/2012 and SLP No.28000/2014. The findings of this Court and the Supreme Court on these issues, particularly the affirmation of the Lokayuktha's report and the implied illegality of any plan contrary to it, operate as issue estoppel against the BDA.

6.7. Non-Compliance with Section 32 of the BDA Act:

The Lokayuktha's order dated 08/01/2018, while closing a complaint, specifically reminded the BDA to exercise its power under Section 32 of the BDA Act, considering the latest Revised Master Plan and relevant regulations *in the public interest*. The BDA's action of reverting to a 9.5 meters road, which was previously deemed illegal, does not appear to be an exercise of

power under Section 32 in the public interest, but rather an colourable exercise of power and arbitrary concession to Respondent No.3, ignoring the broader implications for planned development.

6.8. The Duty to Act Fairly and Reasonably:

Public authorities are bound to act fairly, reasonably, and in a non-arbitrary manner. The BDA's conduct in first cancelling Resolution No.70/2018 due to its illegality, then passing Resolution No.133/2019 in compliance with judicial orders, and subsequently reversing it without proper justification or hearing, demonstrates a lack of fairness and reasonableness. Such vacillating conduct undermines public trust in administrative decision-making.

In light of the foregoing analysis, we find that the Learned Single Judge erred in dismissing the Writ Petition. The Appellants have successfully demonstrated a clear infringement of their rights and a violation of law by the BDA's arbitrary action.

7. CONCLUSION:

7.1 We conclude that the BDA's order dated 05/03/2024, which sought to cancel Resolution No.133/2019 and revive Resolution No.70/2018, is unsustainable in law. Resolution No.133/2019 was a conscious decision taken by the BDA in compliance with the directions of the Lokayuktha, which were affirmed by a Division Bench of this Court and the Supreme Court of India. The subsequent withdrawal of RMP-2031 does not grant the BDA the authority to arbitrarily revert to a resolution that was previously cancelled for being contrary to judicial pronouncements.

7.2 The principles of legitimate expectation, natural justice, and non-arbitrariness in administrative action mandate that the BDA adhere to its Resolution No.133/2019, which provided for an 18 meters wide road access, consistent with the judicially affirmed Lokayuktha report and the historical context of the 1995 CDP. Therefore, we, while allowing the Writ Appeal, pass the following:

ORDER

(i) The order dated 07/11/2024 passed by the Learned Single Judge in W.P. No.8405/2024 (BDA) is hereby ***set aside***.

(ii) The order dated 05/03/2024 issued by Respondent No.1, the Commissioner, Bangalore Development Authority, is hereby ***quashed***.

(iii) Respondents No.1 and 2 are hereby directed to **implement Resolution** No.133/2019 dated 17/01/2020 and 18/01/2020, which was passed based on the report of the Karnataka Lokayuktha under Section 12(1) of the Karnataka Lokayuktha Act, as confirmed by the Division Bench of this Court and the Supreme Court of India dismissed the SLP.

(iv) No order as to costs.

In view of disposal of the writ appeal, pending IAs, if any, do not survive for consideration and accordingly, they stand disposed of.

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

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

RKA
CT:SN