



CNR: KAHC010706482025

NC: 2026:KHC:46597
WP No. 32747 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

WRIT PETITION NO.32747 OF 2025 (GM-RES)

BETWEEN:

MR. N. BHUPENDER KUMAR
S/O SRI. A. NARAYAN,
AGED ABOUT 52 YEARS,
C/O M/S BKN AMBARAM ENTERPRISES,
NO.31, INDIRANAGAR SHOPPING COMPLEX,
INDIRANAGAR, BENGALURU-560 038.

...PETITIONER

(BY SRI. M.D.RAGHUNATH, ADVOCATE)

AND:

1. THE BENGALURU DEVELOPMENT AUTHORITY
BY ITS COMMISSIONER,
SANKEY ROAD, BENGALURU-560 020.
2. THE REVENUE OFFICER
BENGALURU DEVELOPMENT AUTHORITY,
INDIRANAGAR SHOPPING COMPLEX,
INDIRANAGAR, BENGALURU-560 038.
3. M/S. EMBASSY AND MAVERICK
HOLDINGS COMPANY (P) LTD,
FORMERLY KNOWN AS EMBASSY
MAVERICK MALLS PRIVATE LIMITED,
(HAVING INCORPORATED UNDER
THE COMPANIES ACT, 1956),



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WP No. 32747 of 2025

HAVING ITS OFFICE AT 1ST FLOOR,
EMBASSY POINT, NO.150, INFANTRY ROAD,
BENGALURU-560 001.
REPRESENTED BY SPA HOLDER
MS. MADHUSHREE H.N.,

...RESPONDENTS

(BY SRI. K.KRISHNA, ADVOCATE FOR R1 & R2;
SMT. MANEESHA KONGOVI, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ALLOW THE WRIT PETITION WITH COSTS AND ISSUE A WRIT OF MANDAMUS, DIRECTING THE RESPONDENTS NOT TO TAKE ILLEGAL STEPS TO EVICT THE PETITIONER FROM THE SHOP PREMISES NO.31, INDIRNAGAR SHOPPING COMPLEX, INDIRANAGAR, BENGALURU AND ANY OTHER ORDER/S MAY BE PLEASED TO BE PASSED IN FAVOUR OF THE PETITIONER, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE T.P.VIVEKANANDA

ORAL ORDER

The petitioner is before this Court seeking for issue of writ of mandamus directing the respondents not to take illegal steps to evict the petitioner from the shop premises No.31, Indiranagar Shopping Complex, Bengaluru.



CNR: KAHC010706482025

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WP No. 32747 of 2025**

2. To show that the petitioner was/is in possession of Shop No.31, Indiranagar Shopping Complex, no material is produced along with the writ petition.

3. Learned counsel for the respondents submits that the entire shopping complex building has already been demolished. If that is so, question of respondents following due process of law for evicting the petitioner from the shop premises in question does not arise. Therefore, the prayer sought in the writ petition does not survive for further consideration.

4. Learned counsel for the petitioner submits that petitioner was a licensee of the aforesaid premises under the BDA. Upon taking over the licensed premises for construction of new commercial complex, the petitioner is entitled for certain compensation.

5. The learned counsel for respondent No.3 would contend that when the contract for construction of new commercial complex was entered into between the BDA



CNR: KAHC010706482025

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WP No. 32747 of 2025**

and respondent No.3, there was an understanding that in respect of the existing licensees or lessees subject to they producing the relevant documents to establish their license or right of lease, respondent No.3 has paid certain compensation to the licensees or lessees who were in possession and who have come forward to surrender their shop premises to the respondents. The respondent No.3 has paid certain compensation to the shop owners on a case to case basis depending upon their rights as confirmed by the BDA only with a view to implement the project smoothly and without any implement. There is no legal obligation on respondent No.3 to make any payment to the petitioner nor the petitioner has any legal or statutory right.

6. In the present case, so far, the petitioner has not submitted any such claim/representation before the respondents. Today, the learned counsel for the petitioner seeks leave of this Court to submit a representation to the respondents along with all necessary documents to



CNR: KAHC010706482025

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WP No. 32747 of 2025**

establish that he was a licensee or lessee of the premises in question and seek compensation on par with similarly situated lessees/licensees. If such a representation is submitted, it is for the respondents to consider the same. The petitioner has not pointed out any legal right and corresponding legal duty on the part of the respondents to grant the relief.

7. The learned counsel for the BDA has filed the statement of objections contending that the shop premises which was in occupation of the petitioner has been taken possession of in the year 2012 itself under a mahazar and the writ petition is not maintainable. Learned counsel contends that the compensation granted to the lessees/licensees of the shop premises in the old commercial complex subject to they complying with the conditions as detailed in paragraph No.5 of the statement of objections, which reads as follows:



CNR: KAHC010706482025

NC: 2026:KHC:46597
WP No. 32747 of 2025

"5. It is submitted that the existing tenants are classified as under:

- (i) Those who had entered into agreement with BDA from time to time and had been carrying on business;*
- (ii) Those who had entered into agreement but defaulted on payments while continuing to run their business;*
- (iii) Those who had sublet the premises unauthorisedly and the existing occupants of the shops were not the original lessees and*
- (iv) Those sub-lessees defaulting on payments while continuing their business.*

The first priority before implementing the relocation plan was to get the payments up-to-date to become eligible for consideration under the relocation and rehabilitation package. With regard to the rehabilitation after development, the following formula has been adopted:

- (i) Those tenants who were the main lessees are to be allotted shops with comparable space subject to recovery of the rent at revised rates to be fixed after development of the complex.*
- (ii) Those tenants who were the sub-lessees should show proof that they had been paying rent to BDA and such amounts as would have been charged by the main lessee for sub-letting the premises. In such cases, only the sub-lessees would be eligible for rehabilitation and the main lessee would have no right whatsoever to claim commercial space after development of the complexes."*

8. In the light of the said submission, the writ petition is disposed of declining the relief sought in the writ petition, but, permitting the petitioner to approach the respondents with a representation along with all necessary



CNR: KAHC010706482025

NC: 2026:KHC:46597
WP No. 32747 of 2025

documents and information to seek compensation or rehabilitation, subject to compliance of the terms and conditions as enumerated in paragraph No.5 of the statement of objections filed by the BDA. If the petitioner fulfils the conditions stipulated in paragraph No.5 of the statement of objections of the BDA, the case of the petitioner shall be considered for payment of permissible compensation/damages. Accordingly, writ petition is ***disposed of.***

**Sd/-
(T.P.VIVEKANANDA)
JUDGE**

PB
List No.: 1 Sl No.: 8