



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 32988 OF 2025 (LA-RES)

BETWEEN:

1. SRI. B. M. CHANDRASHEKAR
S/O. LATE MAYAPPA,
AGED ABOUT 66 YEARS,
R/AT THIRUMALA NILAYA
2ND CROSS, UPPER HUTTA,
BHADRAVATHI-577 301.

... PETITIONER

(BY SRI. NAGARAJ D., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
PUBLIC WORKS DEPARTMENT,
M.S.BUILDING,
DR.B.R.AMBEDKAR VEEDHI,
BANGALORE-560 001.
2. KARNATAKA ROAD DEVELOPMENT
CORPORATION LIMITED,
2ND FLOOR, SAMPARKA SOUDHA,
OPP: ORION MALL,
DR.RAJKUMAR ROAD,



RAJAJINAGAR,
BANGALORE-560 010
REPRESENTED BY MANAGING DIRECTOR

3. THE EXECUTIVE ENGINEER,
KARNATAKA ROAD DEVELOPMENT
CORPORATION LTD.,
PLANNING OFFICE,
LOKOPAYOGI BHAVAN,
GROUND FLOOR, BALRAJ URS ROAD,
SHIVAMOGGA-577 201

... RESPONDENTS

(BY SRI. A.S. HARISH, AGA FOR R1;
SRI VIJAY KUMAR BAJANTRI, ADVOCATE FOR R2 AND R3)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE A WRIT, ORDER, OR DIRECTION IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, AS THIS HON'BLE COURT DEEMS FIT IN THE CIRCUMSTANCES OF THE CASE, QUASHING THE IMPUGNED NOTICE BEARING NO.KA.RA.A.NINI/KA-EN-SHIVAMOGGA/2025-26/226 DATED 18.10.2025 ISSUED BY THE 3RD RESPONDENT, VIDE ANNEXURE-A, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV



ORAL ORDER

The present writ petition has been filed seeking for issuance of a direction in the nature of certiorari to set aside the impugned notice at Annexure-A issued by respondent No.3.

2. The notice at Annexure-A issued by respondent No.3 is to be effect that the petitioner had undertaken that as soon as he receives the compensation amount by way of demand draft, within one week, he would remove the construction. But despite compensation amount having been paid, the construction has not been demolished. Accordingly, the authority has called upon the petitioner to vacate the portion of 309.89 square feet, the details of which are mentioned in the said notice to enable the authority to proceed further.

3. The petitioner has also sought for issuance of a writ in the nature of mandamus to consider the representation at Annexure-K dated 30.10.2025, that has



been addressed to the officials of respondent No.3. In terms of the said representation, the petitioner has requested the authority not to demolish the portion of the building as regards the steps and also undertakes that he is ready to refund the compensation amount received in respect of that portion of land which has not been utilized for the construction of approach road. The representation is detailed, and the petitioner submits that the road has already been formed and no further land is required. The portion of the petitioner's property which is not required may be permitted to be reconveyed to the petitioner, if the petitioner makes good the compensation already collected.

4. The facts that are made out are that the petitioner being the owner of the commercial building measuring 268.310 square meters bearing PID No.16-5-1-17 situated adjoining to the B.H. Road. It is further submitted that the petitioner has let out the property to tenants, including Karnataka Bank Ltd.,



5. It is stated that respondent No.2 had intended to construct a new bridge across the Bhadra river and for the purpose of an approach road, certain properties were sought to be acquired including that of the petitioner.

6. It is the submission of the learned counsel Sri.D. Nagaraj, appearing for the petitioner that though a sale deed executed with respect to the extent of 309.89 square feet, however, the civil works of respondent No.3 having been completed, the portion of the property which has been sold by virtue of the sale deed dated 04.12.2023 in favour of the State still not having been utilised, the same may be re-conveyed.

7. It is specifically asserted that on the southern side of the petitioner's property, the building of Sabjan Store, which was also demarcated for demolition, in order to lay the approach road, has been left out and till the property of Sabjan as well is demolished and the authority takes a decision as regards the request of the petitioner, further demolishing could be stayed.



8. It is the contention of the petitioner that the civil works having been completed, and if the authority has not utilised some portion of the property, then the same is ought to be re-conveyed.

9. Reliance is placed on the judgment of the Hon'ble Apex Court in the case of ***Municipal Corporation of the City of Ahmedabad and Others vs. State of Gujarat and Others***¹

It is contended that the compensation must be for the loss suffered by the property owner and there must be full indemnification for the loss or deprivation as may be suffered by the owner of the building, including compensation as regards to other interests in the property.

10. The petitioner has also relied on the judgment of the Hon'ble Apex Court in the case of the ***Ravindra Ramchandra Waghmare Vs. Indore Municipal***

¹ (1972) 1 SCC 802



Corporation and Others² and in particular to the observations made at paragraph 83. It is contended that there must be quantification of actual compensation which depends on the value of the total loss of deprivation actually suffered.

11. Learned counsel for the petitioner has also relied on the order of the Hon'ble Apex Court in the case of ***Raghubir Singh and Another Vs. State of Haryana and Others***.³

It is contended that the State has the power to denotify the land where the same is not used, as continuance of possession of such land has become unviable or non-essential. It is further submitted that it is the duty of the State to examine the relevant facts and form a suitable opinion.

² (2017) 1 SCC 667

³ (2022) 4 SCC 728.



12. Learned counsel appearing for the respondents submits that the petitioner has executed a sale deed and accordingly, the request of the petitioner at this stage cannot be considered, as the petitioner has given up his rights.

13. It is further submitted that the petitioner had executed a consent agreement, and in terms of the said agreement there was an undertaking that upon receipt of the amount by way of demand draft, within one week from such date the constructed portion would be removed.

14. Learned counsel appearing on behalf of the respondents further places reliance on the report of the Karnataka Road Development Corporation Ltd., and submits that the last column of the table indicating the progress of work would show that the demolishing of the acquired building is still under progress.

15. Learned counsel would point out that the aspect of requirement is a technical aspect which must be left to



the authority, and the Court must not interfere in such matters. It is further submitted that in terms of the map at Annexure-R5, the area that is marked out in shaded portion are required, which would include the property of the petitioner.

16. Heard both sides.

17. It is to be noticed that, admittedly the petitioner has executed Sale Deed at Annexure-F in favour of the Government. The Sale Deed is executed on behalf of the State by the Executive Engineer, PWD Special Division, Shivamogga. The entirety of extent of 309.89 Sq.Ft., more fully described in the schedule has been conveyed as on 04.12.2023. A Consent Agreement was entered into on 12.07.2021 itself wherein the petitioner has undertaken to accept compensation by way of Demand Draft. Further, as per another Consent Agreement executed on the same date, the petitioner has undertaken that within one month of accepting the compensation, petitioner would remove the structures in the property.



18. It is also not in dispute that petitioner has accepted the compensation of Rs.70,89,062/-.

19. Once the property has been conveyed to the State by way of a Sale Deed, petitioner has no legal right to seek for re-conveyance of portion of property. Though it is the contention of the petitioner that road has been formed and purpose of the respondents having been achieved, the question of State holding onto the property of the petitioner more than what is required for the purpose of the road does not arise, the very assertion that purpose of construction of road is already fulfilled and portion of property of petitioner is not required is disputed by the respondent by placing reliance on Annexure-R3, which is a report of the official of the third respondent. The said report observes that as on December, 2025, the demolition of the acquired building is still to be completed. The request for appointment of a Commissioner to determine as to how much of the work is left out as alleged and to ascertain as to whether land of the



petitioner is still required is rejected. The Court cannot embark on an enquiry as regards to requirement of land for completion of the road. Such roving enquiry is impermissible and this Court cannot sit in appeal over the decision of the authority which asserts that the land of the petitioner is required.

20. Further, the third respondent in their application for vacating stay have also disputed the assertion that portion of the acquired land is not required for the purpose of road. Such contentions involve disputed questions of fact which need not be entered into in the present proceedings. Even otherwise, once title is divested by execution of the Sale Deed, the petitioner cannot dictate as to the method of its use by the State.

21. The judgment of the Apex Court in the case of ***Municipal Corporation of the City of Ahmedabad and Others (supra)***, as well as the judgment in ***Ravindra Ramchandra Waghmare (supra)*** relates to claim of



compensation as regards deprivation suffered by the owner of the building and is of no relevance.

22. While the judgment in ***Raghubir Singh and Another (supra)*** relates to de-notification, on the other hand, the present case relates to outright sale of the property by the petitioner.

23. The learned Counsel D.Nagaraj makes a fervent plea that his representation may be directed to be considered and till such time, the authorities may be restrained from taking action. There is no legal right to insist on re-conveying any portion of the petitioner's property once title is vested with the State.

24. Insofar as the contention that the authorities have not taken action to carry out demolition as regards neighboring properties all that can be observed is that by itself would not confer any positive rights on the petitioner. Further, it is only expected that the State will take appropriate action to ensure that exercise of power



would be uniform to sub-serve public interest without exception.

25. At this juncture, the learned counsel for petitioner submits that without prejudice to the contentions raised, petitioner may be granted 12 months time for carrying out the demolition. However, the learned counsel for respondent upon instructions submits that petitioner may be granted two months time to carry out whatever demolition as is mandatory.

26. Subject to such time being granted and in light of the observations made above, the petition is rejected.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

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