



CNR: KAHC010729122025

NC: 2026:KHC:48618-DB
WA No. 1803 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT APPEAL NO. 1803 OF 2025 (BDA)

BETWEEN:

1. BANGALORE DEVELOPMENT AUTHORITY
KUMARA KRUPA ROAD
BANGALORE - 560 020
REPRESENTED BY ITS CHAIRMAN

...APPELLANT

(BY SRI. SACHIN B.S., ADVOCATE)

AND:

1. SMT. PRANESHWARI P.K.
W/O SHRI O. KASTURAPPA
AGED ABOUT 65 YEARS
R/O NO 720, "KASTURI TILAKA"
III A CROSS, HRBR LAYOUT
1ST BLOCK, KALYAN NAGAR
BENGALURU - 560 043

...RESPONDENT

(BY SRI SAGAR B.B., ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 07/01/2025 PASSED BY LEARNED SINGLE JUDGE IN WRIT PETITION NO. 39821/2018 (BDA) AND ETC.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:



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CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The Bangalore Development Authority [**BDA**] has filed the present appeal impugning the order dated 07.01.2025 passed by the learned Single Judge in WP.No.39821/2018 (BDA).
2. The present appeal has been filed after an inordinate delay of 273 days. The respondent had filed the said writ petition, *inter alia*, praying that directions be issued to BDA to allot the site bearing No.1158 at 6th Stage, 4th 'B' Block, in further extension of Banashankari 6th phase, in terms of the allotment letter dated 01.02.2004 or any other alternative site at the same rate.
3. The writ petitioner was allotted the said site under a letter of allotment dated 01.02.2004 for a total sale consideration of ₹7,56,000/-. The writ petitioner had paid the initial deposit of ₹37,800/- on 16.10.2003, and was required to pay the balance amount within a period of 60 days from the date of allotment, that is, by 01.04.2004. The BDA states that under the Rules, the



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pay the balance amount with interest at the rate of 18% for the first 30 days and 21% for the further 30 days. Thus, according to the BDA, the entire consideration was required to be paid on or before 01.04.2004.

4. The writ petitioner sought an extension to make the payment and finally made it on 06.09.2004. However, the BDA cancelled the allotment on 30.11.2004.

5. The learned Single Judge had directed the BDA to clarify whether the site in question was still available or was allotted to another person. BDA reported that the site in question was not allotted to any other person. In the aforesaid view, the learned Single Judge passed an order directing the BDA to inform the writ petitioner of the interest amount that would be payable for the delay in payment of the amount and subject to the writ petitioner paying the amount to complete the formalities and allot the site.

6. As noted above, BDA has filed this appeal after an inordinate delay of 273 days. It has filed an application seeking condonation of delay, which is supported by an affidavit explaining the delay by stating that after receiving the entire file from the advocate, the



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concerned officer put up the file to obtain a legal opinion and, after securing the legal opinion, decided to file an appeal. It is stated that thereafter, the file was sent to the land acquisition section for confirmation to prefer an appeal, where it was confirmed that the appeal would be filed. However, the file was mixed up with another file and was not traceable. It states after a thorough search of records, the BDA officials had found some part of the records and steps were taken to entrust the case to a panel advocate. After drafting the appeal, the documents in Kannada were given for translation. After securing the translated documents, the appeal was filed. The explanation does not provide any specific details as to the dates on which the files were sent; when the opinion was obtained; when the decision to file the appeal was taken; when the part of the file was found; the period during which the files were lost; the date on which the documents were forwarded to the panel advocate; the date when the writ appeal was finally drafted, and the dates when the translation of documents was obtained. The application merely sets out bald averments without substantiating the same.



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7. In view of the above, we are not persuaded to allow the said application; hence, the same is dismissed. Consequently, the appeal is dismissed as well.

8. The pending application stands disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(K.S. HEMALEKHA)
JUDGE**

sd
List No.: 1 Sl No.: 1