



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO.36073 OF 2025 (KLR-RES)

BETWEEN:

1. SMT. SARASWATHI
W/O LATE VENKATARAJU
AGED ABOUT 67 YEARS
NO. 12, SMR VINAY REGENCY
OUTER RING ROAD,
DODDA BANASAWADI
BENGALURU - 560 043.

REP. BY HER DAUGHTER AND SPA HOLDER
SMT. HARSHITHA KUMAR
W/O LATE SHIVAKUMAR B.
AGED ABOUT 42 YEARS.

...PETITIONER

Digitally signed
by CHAYA S A
Location: HIGH
COURT OF
KARNATAKA

(BY SRI. M. JAGANNATH ALVA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE
MULTI-STORIED BUILDING
BENGALURU - 560 001.



2. THE DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT
BENGALURU - 560 009.
3. THE ASST. COMMISSIONER
DODDABALLAPUR SUB-DIVISION
BENGALURU - 560 001.
4. THE TAHSILDAR
BENGALURU EAST TALUK
K.R. PURAM
BENGALURU - 560 036.
5. THE TALUK SURVEYOR
BENGALURU EAST TALUK
K.R. PURAM
BENGALURU - 560 036.
6. RAJARAJESHWARI EDUCATION TRUST (REGD.)
REP. BY ITS MANAGING TRUSTEE
MR. H.D. RANGANATH
CHANNASANDRA
BENGALURU-560067.
7. VASUDEVA RAO
S/O LATE RAMA RAO
MAJOR IN AGE
BEHIND GOVT POLYTECHNIC
CHANNASANDRA VILLAGE,
KADUGODI POST
BENGALURU EAST TALUK-560067.
8. ANJINAPPA
S/O LATE VENKATA RAMAIAH
MAJOR IN AGE



BEHIND GOVT POLYTECHNIC
CHANNASANDRA VILLAGE,
KADUGODI POST
BENGALURU EAST TALUK-560067.

...RESPONDENTS

(BY SRI. A.S. HARISH, AGA FOR R1 TO R5;
SRI. H.N. VASUDEVAN, ADVOCATE FOR R6;
SRI. P.B. RAJU, ADVOCATE FOR R7;
SRI. M.V. VEDACHALA, ADVOCATE FOR R8)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE IMPUGNED ORDER NO. LND (E) CR 182/2003-04
DATED 08.2.2022 PASSED BY THE LEARNED DEPUTY
COMMISSIONER, BENGALURU URBAN DISTRICT,
BENGALURU/RESPONDENT NO.2 WHICH IS PRODUCED AT
ANNEXURE-A AND THE SKETCH ANNEXED TO THE SAME AND
PREPARED BY THE TALUK SURVEYOR, BENGALURU EAST
TALUK, K.R.PURAM WHICH IS PRODUCED AT ANNEXURE-B SO
FAR AS THE PETITIONER IS CONCERNED; AND ETC.

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



CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

1. Heard learned counsel appearing for the parties.
2. In this Writ Petition, petitioner is assailing the order dated 08.02.2022 in case NO. LND (E) CR 182/2003-04(Annexure-A), passed by respondent No.2.
3. The relevant facts for adjudication of this Writ Petition are that the petitioner claims to be the owner of the land bearing Sy.No.115/3 of Channasandra Village, Bidarahalli Hobli, Bengaluru East Taluk, to an extent of 3 acres which was granted in favour of the petitioner as per the Grant order dated 30.12.1978 (Annexure-C). It is stated in the Writ Petition that pursuant to the grant made in favour of the petitioner, the revenue records stand in the name of the petitioner. It is stated that Grant Certificate in Form-1 was issued to the petitioner on 20.04.1979 (Annexure-F). In this regard, it is the grievance of the petitioner that the Special Deputy Commissioner had granted an extent of 2 acres of land for construction of Government I Grade College during 2020 and in



this regard, encroachment was made by respondent - authorities and as such, petitioner has filed O.S.No.168/2021 and the same is pending consideration before the competent Civil Court. It is stated by the petitioner that the respondent - authorities have issued the impugned Notification at Annexure-A and Sketch at Annexure-B and have sought to make a road in so far as the land comprising petitioner's land and it is averred that, a portion of the land is being encroached by the respondent - authorities in the guise of making road to facilitate the respondent No.6. Hence this Writ Petition has been filed.

4. Sri. M.J. Alva, learned counsel appearing for the petitioner, contended that, since the land has been granted in favour of the petitioner herein way back in the year 1978 and further the petitioner is in possession of the land in question and therefore, any encroachment that may be made by the respondent - authorities in the guise of construction of road to facilitate respondent No.6 is without any basis and accordingly, sought for interference of this Court. It is also submitted by the learned counsel appearing for the petitioner by referring to the averments in the suit in O.S.No.168/2021 that portion of



the land has been encroached by respondent - authorities for the purpose of construction of the building for Government College and the said suit is pending before the competent Civil Court. It is also submitted by learned counsel by referring to the order dated 25.04.2026 in W.P.No.13086/2026 that the petitioner herein has approached this Court to direct respondent - Tahsildar to implement the order dated 16.05.2025 passed by the Assistant Commissioner, Bengaluru North Sub-Division, and in the said Writ Petition, this Court has directed the respondent - Tahsildar to proceed to comply with the direction issued by the Assistant Commissioner. In that view of the matter, it is averred by the learned counsel appearing for the petitioner that, there is no impediment for the respondent - authorities to lay road to facilitate the public, however, the same cannot be taken as an element of encroachment of land belonging to the petitioner and accordingly, sought for interference of this Court.

5. Sri. M.V. Vedachala, learned counsel appearing for respondent No.8, submitted that respondent No.8 is one of the grantees of the land and the adjacent owner of the land in



question and further referring to sketch at Annexure-B is concerned, it is submitted that there was no encroachment being made in respect of the land belonging to petitioner. By referring to the averments made in the Writ Petition and schedule mentioned in the Writ Petition as well as the schedule in O.S.No.168/2021, it is contented by the learned counsel appearing for the respondent No.8 that the allegation made by the learned counsel for the petitioner that encroachment is being made for the purpose of construction of the road is incorrect and accordingly sought for dismissal of the Writ Petition.

6. Sri. H.N. Vasudevan, learned counsel appearing for the respondent No.6 - Institution, submitted that the land has been granted to respondent No.6 for the purpose of establishment of the educational Institution and therefore, there should not be any hindrance for construction of the road is concerned, as the same would facilitate not only the respondent No.6 but even the petitioner as well.



7. Sri. A.S. Harish, learned Additional Government Advocate appearing for respondent Nos.1 to 5, sought to justify the impugned order passed by the respondent No.2.

8. In the light of the submissions made by the learned counsel appearing for the parties, on-careful consideration of the writ papers would indicate that, the respondent-State by Official Memorandum dated 30.12.1978(Annexure-C) and sketch appended to the same(Annexure-D) had granted 3 acres of land to the petitioner. It is forthcoming from the Writ Petition that, the respondent No.2 has passed the impugned order dated 08.02.2022 (Annexure-A) and it is the case of the petitioner that, the respondent authorities are interfering with the land belonged to the petitioner in the guise of construction of the road to facilitate the respondent No.6. In the background of these aspects, as the land in question has been granted in favour of the petitioner as per Annexures-'C and D', I am of the view that, no interference could be made in so far as the land belonging to the petitioner is concerned, in the light of the Judgment of the Hon'ble Supreme Court, in the case of VIDYA



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reported in AIR 2020 SC 4709.

9. It is also to be noted from the writ papers that the petitioner herein has filed O.S.No.168/2021 seeking relief of permanent injunction against the respondent - State in so far as the alleged encroachment made therein as to the construction of college building in the schedule property. However taking into consideration that the suit is pending consideration before the competent Civil Court, I am of the view that, no interference is called for in so far as the issue involved in the aforementioned suit is concerned.

10. It is also to be noted from the Order passed by this Court on 24.08.2022 in W.P.No.24620/2021, wherein an observation has been made by this Court as to the alleged encroachment that has been made by the respondent - authorities in view of the order passed in O.S.No.168/2021. In that view of the matter, since the land in question has been granted by the Government to the petitioner as per Annexures - 'C and D' respectively, I am of the view that, respondent - authorities have no authority under law to lay the road in the land



belonging to the petitioner is concerned, without there being valid acquisition under law. However, it is made clear that there is no impediment for the respondent - authorities to lay the road for the public purpose without interfering with the land belonging to the petitioner or any adjacent owners, in a manner known to law. The respondents are directed not to interfere with the land belonging to the petitioner, in terms of the observations made above.

11. Accordingly, the Writ Petition is disposed of. It is open for the petitioner herein, to make an application to the concerned authority to enter her name in the revenue records, in respect of the subject land.

12. In view of disposal of the main matter, I.A.1/2026 stands allowed and pending I.A.2/2025 does not survive for consideration.

SD/-
(E.S.INDIRESH)
JUDGE

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List No.: 1 Sl No.: 54