HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

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

WRIT APPEAL NO. 1095 OF 2026 (LB-BMP)

BETWEEN:

BAPUJI NAGAR WELFARE ASSOCIATION (R)
A SOCIETY REGISTERED UNDER THE MYSORE
SOCIETIES REGISTRATION ACT, 1960
HAVING ITS OFFICE AT NO.6,
6TH CROSS, BAPUJINAGAR,
MYSORE ROAD, BENGALURU - 560 026.
REPRESENTED BY ITS PRESIDENT
SHRI. PRAKASH D.

...APPELLANT

(BY SRI. ANIRUDH A KULKARNI., ADVOCATE)

AND:

1. BRUHAT BENGALURU
   MAHANAGARA PALIKE (BBMP)
   REPRESENTED BY ITS
   CHIEF COMMISSIONER,
   HAVING OFFICE AT:
   N.R. SQUARE,
   BENGALURU - 560 002.

2. EXECUTIVE ENGINEER,
   BBMP, VIJAYANAGAR SUB-DIVISION,
   HAVING OFFICE AT: BBMP
   VIJAYANAGARA SUB-DIVISION
   OFFICE COMPLEX,
   SHASAKARA BHAVANA,
   3RD MAIN ROAD, 2ND FLOOR,

Digitally signed by REKHA R
Location: High Court of Karnataka

VIJAYANAGAR,
BENGALURU - 560 040.

3. ASSISTANT EXECUTIVE ENGINEER,
BBMP, VIJAYANAGAR SUB-DIVISION,
HAVING OFFICE AT:
BBMP VIJAYANAGARA
SUB-DIVISION OFFICE COMPLEX,
SHASAKARA BHAVANA,
3RD MAIN ROAD, 2ND FLOOR,
VIJAYANAGAR,
BENGALURU - 560 040.

4. SENIOR ASSISTANT,
DIRECTOR OF HORTICULTURE,
SOUTH ZONE, BBMP
HAVING OFFICE AT:
BBMP SOUTH ZONE,
9TH CROSS, 9TH MAIN,
JAYANAGAR, 2ND BLOCK,
BANGALORE - 560 011.

5. M/S. CHINMAYEE CONSTRUCTIONS,
A PROPRIETORSHIP CONCERN
HAVING OFFICE AT NO.5/121,
14TH CROSS ROAD,
GANGAMMA GARDEN, MALAGALA,
NAGARBHAVI 2ND STAGE,
BENGALURU - 560 072.
REPRESENTED BY ITS PROPRIETOR
SHRI. NAGARAJ R.

…RESPONDENTS

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO ALLOW THE WRIT APPEAL AND SET ASIDE THE ORDER OF THE LEARNED SINGLE JUDGE DATED:02.03.2026 IN WP No.23734/2025 (LB-BMP) AND ETC.,

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

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

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T M NADAF)

The appellant is before this Court calling in question the order dated 02.03.2026 passed by the Writ Court in WP.No.23734/2025.

2. The parties are referred to as per their rankings before the Writ Court.

3. The brief facts leading to filing of this appeal are as under:

The main grievance of the petitioner before the Writ Court was that, the Bruhat Bengaluru Mahanagara Palike[1] authorities are trying to encroach upon a public park situated in Ward No.134 of Bangalore South measuring

[1] the BBMP, for short

1,016.91 square meters to put up construction of a proposed health centre.

4. Learned counsel appearing for the BBMP, now Greater Bengaluru Authority, upon instructions has submitted that the proposed health centre is adjoining the park and the area of 1,061.91 square meters of park area is not encroached upon for the purpose of the hospital.

5. Taking into consideration of the said submission, the Writ Petition was disposed of, directing the Greater Bengaluru Authority to maintain 1,061.91 square meters of area as reserved for park and in case of any encroachment, the petitioner is given liberty to approach the appropriate forum in accordance with law to redress their grievance. It is this order passed by the Writ Court is called in question in this appeal.

6. Heard Sri.Anirduh A.Kulkarni, learned counsel appearing for the appellant.

7. Learned counsel for the appellant reiterated the very same submission taken before the writ Court and after perusing the order of the writ Court, we find no infirmities to interfere with the order passed by the Writ Court, since liberty is granted to the petitioner by the Writ Court, in case of any encroachment in public park. The liberty granted is saved.

8. With the above observation, the appeal is ***disposed of***.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(T.M.NADAF)
JUDGE

PK
List No.: 1 Sl No.: 5
ct-vn