HC-KAR

NC: 2026:KHC:64437-DB
WP No. 54674 of 2018

CNR: KAHC010249952018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

WRIT PETITION NO. 54674 OF 2018 (LB-RES-PIL)

BETWEEN:

SRI T MAREAPPA
S/O T HANUMANTHAPPA
AGED ABOUT 37 YEARS,
RESIDING AT # 6-6-83
THIMMAPURA PETE,
RAICHUR - 584 101.

...PETITIONER

(BY SRI. UDAYA PRAKASH M., ADV)

AND:

Digitally signed by PAVITHRA N
Location: High Court of Karnataka

1. THE STATE OF KARNATAKA
URBAN DEVELOPMENT DEPARTMENT
VIKAS SOUDHA
BENGALURU - 560 001
REPERSENTED BY ITS SECRETARY.

2. THE MANAGING DIRECTOR
THE KARNATAKA PUBLIC LANDS CORPORATION LTD.,
NEAR CITY CIVIL COURT COMPLEX
D.C.OFFICE BUILDING,
2ND FLOOR,
BENGALURU - 560 009.

3. THE COMMISSIONER
RAICHUR URBAN DEVELOPMENT AUTHORITY
DADDY COLONY,
RAICHUR - 584 101.

4. THE DEPUTY COMMISSIONER
RAICHUR URBAN DEVELOPMENT AUTHORITY
DADDY COLONY,
RAICHUR - 584 101.

5. SRI SATYANATH HOUSING
CO-OPERATIVE SOCIETY LTD.,
MANTRALAYA ROAD,
SATYANATH COLONY
RAICHUR - 584 103
REPRESENTED BY ITS SECRETARY.

…RESPONDENTS

(BY SRI. KHAMROZ KHAN, AGA FOR R1 & R4;
SRI GURU RAGHAVENDRA M., ADV. FOR
SRI GURURAJ JOSHI, ADV. FOR R5;
SRI D.R.RAJASHEKHARAPPA, ADV. FOR R2;
SRI. A.R.TARANATH, ADV. FOR R3)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE APPROPRIATE WRIT OF CERTIORARI, QUASHING THAT PORTION OF THE ORDER DT6.4.2017 PASSED BY THE R-1 DECIDING TO ALLOT THE SITE OWNERS WHO HAVE CONSTRUCTED THE HOUSE TO CONTINUE IN THE ILLEGALLY FORMED SITES AND SHIFT THE PUBLIC/SEMIPUBLIC SPACE OR PARKS ELSEWHERE IN THE CITY [ITEM NO.2] AT IMPUGNED ORDER AT ANNEXURE-A.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

This writ petition is filed seeking the following reliefs;

> *"a. issue appropriate writ of certiorari, quashing that portion of the order dated 6.4.2017 in NA AA E 63 GU AA PRAA 2012, Bengaluru passed by the 1st respondent, deciding to allot the site owners who have constructed the house to continue in the illegally formed sites and shift the public/semi public space or parks elsewhere in the city. (item No.2 at impugned order at Annexure-A).*
>
> *b. pass such other and further orders or directions as may be deemed just and expedient on the facts and circumstances of the case along with costs in the interest of justice and equity."*

2. We have heard the learned counsel appearing for the writ petitioner, the learned Government Advocate appearing for the official respondents, as well as the learned counsel appearing for respondent No.5- Society.

3. Learned counsel appearing for the writ petitioner submits that the orders passed by respondent No.1 in pursuance to the directions issued by this Court in W.P. No.19414/2015 are in violation of the provisions of the Karnataka Town and Country Planning Act, 1961 ("the 1961 Act" for short) and the Karnataka Urban Development Authorities Act, 1987 ("the 1987 Act" for short). It is submitted that it was specifically found in a report submitted by respondent No.4 that the variations made to the layout plan proposed by respondent No.5-Society was clearly against the provisions of the 1961 Act as well as the 1987 Act and that the CA sites, including the parks and the open spaces had been misutilised and converted into house sites. It is contented that after entering such a categorical finding that there was unauthorised diversion of CA sites and open spaces, the respondent has issued directions with regard to taking over only of the vacant sites and has decided not to take any action as against the plots where constructions had

already been made. Further, it is contended that since the respondent has clearly found that there is complete violation of the enactments and the rules while diverting open spaces and parks for formation of sites, the protection granted to persons, who had illegally constructed residential houses in those illegally converted house sites, was unjustified.

4. Learned counsel appearing for respondent No.5 would submit that objections have been specifically placed on record stating that approval of the layout had been granted on 10.06.1983 by the Planning Authority of Raichur and that the further modifications had been allowed by orders dated 18.06.1992 and 09.12.1999. It is submitted that house sites were allotted to members of respondent No.5 and sale deeds were executed in favour of such members. It is submitted that many of the members had constructed houses and are residing in the said houses from 1983 onwards. It is submitted that in

view of the timelines as provided, the Government had considered the matter and had found that where houses had been constructed in the diverted properties, action cannot be taken to evict the residential houses since that would entail undue expenditure to the Government as also undue hardship to the persons who have purchased the sites and have built houses.

5. The respondent No.1 has also placed statement of objections on record, wherein it is stated that the complaints raised by the writ petitioner were considered and it was found that the entire diverted sites where houses had not been constructed were liable to be evicted. However, it is submitted that it is only taking note of the fact that since more than 20 years had elapsed and third party interests had been created in the proposed lands and residential houses had been constructed long ago that the respondent had taken steps not to cancel the resolution and had directed to reserve the same extent of

lands as the land that had been diverted in nearby layouts. It is further submitted that it is after taking into account all the practical aspects of the matter that the decision had been taken not to take action against the persons, who had constructed houses in the diverted sites.

6. Having considered the contentions advanced on either side and having considered the statement of objections filed by the respondents, in the peculiar facts and circumstances of the case, we are of the opinion that in view of the fact that diversions to the layout plans had been made long ago i.e., in 1996-97 and 1998-99, further orders cannot be passed as sought for in the writ petition. The writ petition is accordingly ***closed***.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(K.S.BHARATH KUMAR)
JUDGE

PN
List No.: 2 Sl No.: 3