HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN

WRIT PETITION NO.13828 OF 2026 (LB-BMP)

BETWEEN:

1. K G SURESH
   S/O. LATE K G DHAKTAPPA,
   AGED ABOUT 71 YEARS,
   CURRENTLY RESIDING AT NO.1139,
   17TH MAIN ROAD, BSK 1ST STAGE,
   SRINAGAR, BENGALURU- 560 050.

...PETITIONER

(BY SRI. SRINIVAS S V., ADVOCATE)

AND:

Digitally signed by GEETHA P G
Location: HIGH COURT OF KARNATAKA

1. BRUHAT BENGALURU MAHANAGARA PALIKE
   N.R. SQUARE,
   BENGALURU- 560 002,
   REPRESENTED BY ITS COMMISSIONER.

2. THE ASSISTANT DIRECTOR TOWN
   PLANNING (SOUTH),
   BBMP COMPLEX, 9TH CROSS ROAD,
   9TH MAIN ROAD,
   2ND BLOCK JAYANAGAR,
   BENGALURU-560 011.

...RESPONDENTS

(BY SRI. PAWAN KUMAR, ADVOCATE)

THIS PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE PROVISIONAL ORDER BEARING NO.ADTP(S)/PO/17/2021-2022 DATED 11.10.2021 ISSUED BY RESPONDENT NOS.2 AND 3 PRODUCED AS ANNEXURE-K., ETC,

THIS PETITION COMING ON FOR PRELIMINARY HEARING THROUGH PHYSICAL HEARING/VIDEO CONFERENCING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.I.ARUN

ORAL ORDER

1. The petitioner has challenged the provisional order, confirmation order and notice under Sections 248(1), 248(3), 248(2) of the Bruhat Bengaluru Mahanagara Palike Act, 2020 passed by the second respondent.

2. It is seen that the petitioner is having an alternative and efficacious remedy under Section 250 of the Greater Bengaluru Governance Act, 2024.

3. However, learned counsel appearing for the petitioner submits that the Appellate Authority is not holding regular sittings and normally, appeals are taken up only once in a week and there is an immediate threat of demolition and if some

relief is granted, the petitioner would approach the Appellate Authority in accordance with law.

4. Taking into consideration that the matter pertains to demolition of a building and that the petitioner is having an alternative and efficacious remedy, under the given peculiar facts and circumstances of the case, I am of the opinion that if an order granting protection to the petitioner for a period of eight weeks is passed that would serve the ends of justice. Hence the following:-

ORDER

i. The writ petition is ***disposed of*** reserving liberty to the petitioner to avail the appellate remedy in the manner known to law. However, the respondents are directed not to precipitate the matter against the petitioner for a period of eight weeks from today. In the meanwhile, the petitioner shall not put up any additional construction on the property concerned.

ii. The Appellate Authority shall dispose of the appeal in the manner known to law by conducting a fresh

survey of the building, if required. It shall not be influenced by any of the observations made hereinabove while taking a decision and shall decide the matter independently based on the pleadings and the evidence before it.

iii. If the petitioner has sought for a modified sanction plan/fresh plan, the same shall be considered by the authorities in the manner known to law.

iv. Pending interlocutory applications, if any, stand disposed of.

Sd/-
(M.I.ARUN)
JUDGE

VMB
List No.: 1 Sl No.: 10