HC-KAR

NC: 2026:KHC:60693
RP No. 264 of 2026

CNR: KAHC010322992026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

REVIEW PETITION NO. 264 OF 2026

BETWEEN:

1. SATELLITE TOWN RING ROAD PLANNING AUTHORITY
2ND FLOOR, VANAVIKASA,
PRESENTLY
KARNATAKA FOREST DEPARTMENT,
CORPORATION LTD, 18TH CROSS
MALLESHWARAM,
BANGALORE
REPRESENTED BY ITS MEMBER SECRETARY
AND JOINT DIRECTOR
560003

2. THE BANGALORE METROPOLITAN
REGION DEVELOPMENT AUTHORITY,
NO. 1, ALI ASKAR ROAD,
BENGALURU 560 052
REPRESENTED BY ITS COMMISSIONER

…PETITIONERS

(BY SRI. YOGESH D. NAIK., ADVOCATE)

AND:

1. SMT SUDHA VENKATESH
W/O. Y. VENKATESH,
AGED ABOUT 52 YEARS,
RESIDING AT NO. 136,
EDEN GARDEN LAYOUT,
NEAR ALLIANCE UNIVERSITY,
ANEKAL-CHANDAPURA ROAD,
BENGALURU URBAN DISTRICT 562106.

2. THE STATE OF KARNATAKA,
DEPARTMENT OF URBAN DEVELOPMENT

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DR. B.R. AMBEDKAR BEEDI,
M/S BUILDING,
BENGALURU 560001
REPRESENTED BY ADDITIONAL CHIEF SECRETARY

…RESPONDENTS

(BY SRI. RAJESWARA.P.N., ADVOCATE FOR R1;
SRI. RANJITH KUMAR N., HCGP FOR R2)

THIS REVIEW PETITION IS FILED UNDER ORDR LVVII RULE 1 READ WITH SECTION 114 OF CPC PRAYING TO REVIEW THE ORDER DATED 25.2.2026 PASSED BY THIS HON'BLE COURT IN WP NO.21205/2025 BY TAKING INTO CONSIDERATION THE CONTENTIONS RAISED BY THE REVIEW PETITION.

THIS REVIEW PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioners are before this Court seeking for the following reliefs;

> *"Review the order dated 25.2.2026 passed by this hon'ble court in WP No.21205/2025 by taking into consideration the contentions raised by the review petition."*

2. The petitioner has filed the present review petition seeking review of the order dated 25.02.2026 passed in W.P. No.21205/2025. By the said order, this Court set aside the demand made by the petitioner upon the respondent to relinquish, free of cost, the land falling within the proposed road alignment, holding

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that such relinquishment could not be insisted upon without payment of compensation.

3. The learned counsel appearing for the petitioner, while seeking review of the said order, places reliance upon the notification dated 20.05.2017 and submits that, in terms thereof, the petitioner has adopted the Zoning Regulations and Master Plan applicable to the respective Planning Areas falling within its jurisdiction. It is contended that, under the Zoning Regulations applicable to the Kanakapura Local Planning Area, within which the subject land is situated, provision has been made for relinquishment of land falling within the proposed road alignment free of cost. Since the said Zoning Regulations continue to remain in force and have not been challenged or set aside, the demand made by the petitioner-STRR is in accordance with the applicable Zoning Regulations.

4. The learned counsel further submits that the notification dated 20.05.2017 and the relevant Zoning Regulations applicable to the Kanakapura Local Planning Area could not be brought to the notice of this Court while considering the writ

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petition, due to inadvertence. It is, therefore, contended that the order under review was passed without consideration of the applicable statutory and regulatory framework governing the subject land.

5. Per contra, the learned counsel appearing for the respondent opposes the review petition by placing reliance upon Section 69 of the Karnataka Town and Country Planning Act, 1961. However, the fact remains that the Zoning Regulations applicable to the Kanakapura Local Planning Area are in force. Whether the said Regulations are ultra vires Section 69 of the Karnataka Town and Country Planning Act, 1961, is a question which would require adjudication in appropriate proceedings. Unless and until the said Zoning Regulations are successfully challenged and set aside by a competent Court, the same continue to hold the field and the parties concerned are required to act in accordance therewith.

6. In the present case, the notification dated 20.05.2017 and the Zoning Regulations applicable to the Kanakapura Local Planning Area, which have a direct bearing on the controversy involved, were not brought to the notice of this Court when the writ petition was considered. The said Regulations

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constitute relevant material which ought to have been taken into consideration while adjudicating the legality of the demand made by the petitioner for relinquishment of the land falling within the proposed road alignment.

7. This Court is conscious of the limited scope of review jurisdiction. However, where an order has been passed without taking into consideration the applicable statutory and regulatory provisions having a direct bearing on the issue involved, the same warrants reconsideration. The omission to bring the aforesaid notification and Zoning Regulations to the notice of this Court was inadvertent, and the same has a material bearing on the adjudication of the dispute.

8. In that view of the matter, this Court is of the considered opinion that the order dated 25.02.2026 passed in W.P. No.21205/2025 requires reconsideration in the light of the notification dated 20.05.2017 and the Zoning Regulations applicable to the Kanakapura Local Planning Area.

9. This Court passes the following;

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ORDER

i. Review petition is ***allowed***.

ii. The order dated 25.02.2026 in W.P.No.21205 of 2025 is recalled and restored to file.

iii. The petitioner who is respondent therein would be entitled to file his written objections.

iv. Respondent No.1 would be entitled to challenge the Zoning Regulation, if so, advised.

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(SURAJ GOVINDARAJ)
JUDGE

SR
List No.: 1 Sl No.: 82