HC-KAR

NC: 2026:KHC:59716-DB
WP No. 28091 of 2025

CNR: KAHC010600782025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

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

WRIT PETITION NO. 28091 OF 2025 (GM-RES)

BETWEEN:

SRI. G R ANIL KUMAR
S/O SRI. GURURAJ NAGAR,
AGED ABOUT 52 YEARS,
OCCUPATION SELF EMPLOYED
R/AT NO. 10/A, 50 FEET ROAD,
9th MAIN HANUMANTHANAGAR
BENGALURU 560019

...PETITIONER

(BY SRI. BHAT GANAPATHI NARAYANA, ADVOCATE)

Digitally signed by PAVITHRA N
Location: High Court of Karnataka

AND:

1. THE STATE OF KARNATAKA
   BY ITS PRINCIPAL SECRETARY,
   URBAN DEVELOPMENT DEPARTMENT
   VIKASA SOUDHA, DR. B R AMBEDKAR VEEDI
   BENGALURU 560001

2. THE BRUHAT BENGALURU MAHANAGARA PALIKE
   N.R SQUARE,
   HUDSON CIRCLE,
   BENGALURU 560002
   REPRESENTED BY ITS CHIEF COMMISSIONER

3. THE ADDITIONAL COMMISSIONER
BRUHAT BANGALORE MANAHANAGARA PALIKE,
N.R SQUARE, HUDSON CIRCLE,
BENGALURU 560 002

4. THE ADDITONAL COMMISSIONER
(ADMINISTRATION)
BRUHAT BENGALURU MAHANAGARA PALIKE
N.R SQUARE, HUDSON CIRCLE,
BENGALURU 560 002

5. THE DEPUTY COMMISSIONER (ADMINISTRATION)
BRUHAT BENGALURU MAHANAGARA PALIKE
N.R SQUARE, HUDSON CIRCLE,
BENGALURU 560 002

6. THE ADDITIONAL DIRECTOR OF TOWN AND
COUNTRY PLANNING
BRUHAT BENGALURU MAHANAGARA PALIKE
N.R SQUARE, HUDSON CIRCLE,
BENGALURU 560 002

…RESPONDENTS

(BY SMT. PRAMODHINI KISHAN, AGA FOR R1;

SRI. B.L.SANJEEV, ADV. FOR R2-R6)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF MANDAMUS OR ANY APPROPRIATE ORDER BY DIRECTION TO THE RESPONDENTS TO TAKE APPROPRIATE STEPS TO TRANSFER/REPATRIATE TO THEIR MOTHER DEPARTMENT, THE OFFICIALS WHO HAVE BEEN DEPUTED TO THE BBMP ESPECIALLY DEPARTMENT OF TOWN AND COUNTRY PLANNING WITH IMMEDIATE EFFECT.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, 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 releifs:-

> *"a) Issue a writ of Mandamus or any appropriate order by direction to the respondents to take appropriate steps to transfer/repatriate to their mother department, the officials who have been deputed to the BBMP especially Department of Town and Country Planning with immediate effect, in the interest of justice and equity.*
>
> *b) Issue a Writ of Mandamus or any appropriate order by direction to the respondents to not to consider the deputation of the officials from other department by violation the cadre and recruitment Rules, 2020, in the interest of justice and equity."*

2. We have heard the learned counsel appearing for the writ petitioner as well as the learned Government Advocate and the learned counsel appearing for the BBMP.

3. It is submitted by the learned counsel appearing for the writ petitioner that the Cadre and Recruitment Rules, 2020 relating to the posts of Additional Director, Joint Director etc., of Country Planning in the BBMP, provides deputation of Officers in the Cadre of Additional Director of Town and Country Planning from the Department of Town and Country Planning. It is submitted that the Officials have been deputed from other departments in violation of the Cadre and Recruitment Rules and those Officers are passing orders by spoiling the city planning structure by granting building plans on their own whims and fancies for various considerations. It is therefore stated that the officers who are deputed from other departments to the BBMP should be repatriated to their parent department. It is further submitted that further deputation of officials from other departments in violation of the Cadre and Recruitment Rules should not be carried out.

4. The learned Additional Government Advocate submits that the writ petitioner has absolutely no local standing to maintain a writ petition with the prayers as sought for. It is submitted that the Apex Court in ***Dr. Duryodhan Sahu and Others*** **v.** ***Jitendra Kumar Mishra and Others*** reported in

(1998) 7 **SCC 273,** has specifically held that Public Interest Litigation is not maintainable in service matters and that it is only a person aggrieved by an order or an action taken by the Appointing Authority or the Competent Authority who can challenge an order including one of appointment or deputation.

5. The learned counsel appearing for the BBMP submits that it is on the basis of the Cadre and Recruitment Rules that deputations are effected. It is submitted that persons are deputed from other departments after obtaining due orders from the Government and that such orders or instructions issued are not under challenge in the writ petition. It is submitted that the question of appointment of persons either by deputation or otherwise is a matter which falls completely within the competence of the appointing authority and the Government and that a writ petition in the nature of the present one cannot be entertained in a service matter.

6. Having considered the contentions advanced, we notice that it is an admitted case even for the writ petitioner that deputation is a method of appointment for the posts of Additional Director, Joint Director etc., in the BBMP. The question whether persons are appointed in violation of the

Cadre and Recruitment Rules is something which has to be considered in individual cases with the details of the orders passed or the exemptions, if any, granted by the Government and with the particular persons who are likely to be affected being on the party array. We are of the opinion that a blanket direction as sought for in this writ petition cannot be granted specifically in view of the fact that it would affect the rights of several officers who are governed by the Cadre and Recruitment Rules.

In the above view of the matter, we are of the opinion that writ petition cannot succeed. The writ petition fails and the same is accordingly ***disposed of***.

Sd/-
(ANU SIVARAMAN)
JUDGE

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

RAK
List No.: 1 Sl No.: 19