HC-KAR

NC: 2026:KHC:60266-DB
WA No. 2200 of 2026

CNR: KAHC010660662026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT APPEAL NO.2200 OF 2026 (BDA)

BETWEEN:

K. VIDYASHANKAR
S/O LATE B. KRISHNASWAMY,
AGED ABOUT 73 YEARS,
SENIOR JOURNALIST,
R/AT 18, 10TH CROSS, NR COLONY,
BENGALURU - 560028.

…APPELLANT

(BY SRI. VIKRAM HUILGOL, SENIOR ADVOCATE A/W
SRI. CHETHAN A.C., ADVOCATE)

AND:

Digitally signed by C K LATHA
Location: High Court of Karnataka

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
URBAN DEVELOPMENT DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU - 560001.

2. THE COMMISSIONER,
BANGALORE DEVELOPMENT AUTHORITY,
T. CHOWDAIAH ROAD,
BENGALURU - 560020.

3. THE EXECUTIVE ENGINEER (EAST),
BDA EAST DIVISION,
HSR LAYOUT BDA COMPLEX,
BENGALURU - 560102.

4. THE ENGINEERING MEMBER,
BANGALORE DEVELOPMENT AUTHORITY,
T. CHOWDAIAH ROAD,
BENGALURU - 560020.

5. THE FINANCE MEMBER,
BANGALORE DEVELOPMENT AUTHORITY,
T. CHOWDAIAH ROAD,
BENGALURU - 560020.

6. THE DEPUTY SECRETARY-1,
BANGALORE DEVELOPMENT AUTHORITY,
T. CHOWDAIAH ROAD,
BENGALURU - 560020.

…RESPONDENTS

(BY SMT. NAVYA SHEKAR, AGA, FOR R-1)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961 PRAYING TO ALLOW THIS APPEAL AND SET ASIDE THE JUDGMENT DATED 12.06.2026 IN W.P.NO.26539/2025 DISPOSING THE WRIT PETITION FILED BY THE APPELLANT HEREIN; ALLOW W.P.NO.26539/2025 AND ETC.

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

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE K.S. HEMALEKHA)

1. For the reasons stated in the application - I..A.No.1/2026, the same is allowed and the delay in filing the appeal is condoned.

2. The learned Additional Government Advocate accepts notice for respondent No.1.

3. This intra-Court appeal is preferred by the appellant, who was the petitioner in Writ Petition No. 26539/2025 [BDA], assailing the order dated 12.06.2026 [**impugned order**] passed by the learned Single Judge, whereby the Writ Petition filed by the appellant seeking quashing of the auction notification issued by the Bangalore Development Authority [**BDA**] insofar as it pertains to site No.304/A measuring 12.19 x 18.00 metres situated at Agara Village, HSR Layout 4th Sector, Bengaluru, shown as item No.2 in the auction notification published in Times of India, Bengaluru Edition dated 17.08.2025 came to be rejected. However, liberty was reserved to the appellant to take possession of site No.B7-SF-3240 measuring 12.00 x 18.00 metres allotted by BDA in Nadaprabhu Kempegowda Layout.

BRIEF FACTS

4. The appellant is a senior journalist. It is his case that, in recognition of his services, the BDA allotted him site under the "G" category and executed a lease-cum-sale agreement dated 16.07.2011, agreeing to convey site No.1017 situated in HSR layout, 6th Sector Bengaluru. However, as the said site was subject

matter of litigation, the appellant could not take possession thereof. Consequently, he submitted a representation dated 08.08.2024 requesting the BDA to allot site No.304/A situated in HSR Layout 4th Sector as an alternative site. Since the said representation was not considered, the appellant approached this Court in Writ Petition No.11456/2025. This Court by order dated 22.04.2025 directed the BDA to consider the representation dated 08.08.2024 seeking allotment of an alternative site and to communicate the result of such consideration to the appellant within the stipulated period. As the direction was allegedly not complied with, the appellant initiated contempt proceedings in CCC No.1089/2025.

5. In the meanwhile, the BDA proposed to auction various sites, including site No.304/A situated in HSR Layout 4th Sector, which was the very site sought by the appellant in his representation. Aggrieved by the inclusion of the said site in the auction notification dated 17.08.2025, the appellant approached this Court seeking for quashing of the auction notification insofar as it related to site No.304/A.

CONTENTIONS

6. Sri Vikram Huilgol, the learned Senior Counsel appearing for the appellant, contended that the appellant had specifically requested allotment of site No.304/A in HSR Layout 4th Sector as an alternative site in lieu of site No.1017, which had been allotted to him earlier but of which he could not take possession owing to pending litigation. It was contended that BDA was under a bounden duty to consider the appellant's representation and indicate the reason as to why site No.304/A could not be allotted to him as an alternative site. It is further contended that with a view of defeating the legitimate claim of the appellant, the BDA has proceeded to include the very same site in the auction notification. Therefore, he contends that the learned Single Judge ought to have interfered with the auction notification.

IMPUGNED ORDER

7. The learned Single Judge held that the appellant had no vested right to seek allotment of a particular site of his choice as the allotment of an alternative site was a policy decision falling within the domain of the BDA. It was also noticed that the sites

under the 'G' category was allotted out of turn in recognition of the services rendered by the citizens to society at large. The BDA, having found that the appellant could not take possession of the site originally allotted to him, had made amends by allotting another site of similar dimension in Nadaprabhu Kempegowda layout. Accordingly, the learned Single Judge declined to interfere with the auction notification and disposed of the writ petition, leaving it open to the appellant to take possession of the alternate site allotted by the BDA.

REASONS AND CONCLUSION

8. It is undisputed that the appellant was initially allotted site No.1017 in HSR layout 6 sector under the 'G' category and he could not take possession of the said site owing to the pending litigation. It is also not in dispute that the BDA has subsequently allotted site No.B7-SF-3240 measuring 12.00 x 18.00 metres situated in Nadaprabhu Kempegowda layout as an alternative site. The principal grievance of the appellant is that BDA ought to have allotted site No.304/A as specifically sought by him in his representation dated 08.08.2024 instead of proceeding to auction

the said site. However, merely because the appellant had identified and sought allotment of a particular site, no vested or enforceable right accrues to him to insist upon the allotment of that very site. The identification and allotment of an alternative site is a matter falling within the domain of BDA subject to the applicable statutory provisions and rules.

9. As rightly held by the learned Single Judge, the appellant cannot claim as a matter of right, allotment of a particular site of his choice. The BDA having taken note of the fact that the appellant could not take possession of the site originally allotted to him, has already allotted an alternative site of similar dimensions in Nadaprabhu Kempegowda layout. In such circumstances, the appellant can neither insist that site No.304/A in HSR layout, 4th sector alone should be allotted to him nor can the auction notification relating to the said site be interfered with merely on that ground. We are therefore of the considered view that the learned Single Judge has rightly declined to interfere with the auction notification issued by the BDA. We find no merit in the contentions urged by the appellant warranting any interference in this intra-Court appeal. Accordingly, the writ appeal stands dismissed.

10. The pending interlocutory application stand disposed of.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(K.S. HEMALEKHA)
JUDGE

CKL
List No.: 1 Sl No.: 6