HC-KAR
NC: 2026:KHC:65563
WP No. 36189 of 2026
CNR: KAHC010802382026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 36189 OF 2026 (LB-BMP)

BETWEEN:

LEENA DANI
AGED ABOUT 49 YEARS
W/O DANI C WATTACHERIL
NO.301, 5TH MAIN
14TH CROSS,
RMV 2ND STAGE,
DOLLARS COLONY
BENGALURU-560094.

...PETITIONER

(BY SRI. N MANOHAR., ADVOCATE)

Digitally signed by VANAMALA N
Location: HIGH COURT OF KARNATAKA

AND:

1. THE COMMISSIONER
BRUHAT BANGALORE
MAHANAGARA PALIKE
HUDSON CIRCLE
BANGALORE-560002.

2. THE MEDICAL OFFICER OF HEALTH
BRUHAT BANGALORE
MAHANAGARA PALIKE
HEALTH DEPARTMENT
HEBBAL MOH
ZONE-2,

R T NAGAR MAIN ROAD
BANGALORE-560032.

...RESPONDENTS

(BY SRI.PAWAN KUMAR., ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH OR SET ASIDE THE IMPUGNED NOTICE NO. ಆ.ವ್ಯೆ(ಹೆ)/ಬೆಂ.ಉ.ನ.ಪಾ/ವ–2/ಪಿಆರ್/170/2026–27 DATED 18.11.2026 (ANNEXURE B) AND SET ASIDE ALL ACTIONS TAKEN PURSUANT TO THE SAME ISSUED BY R2; DIRECTING THE RESPONDENTS TO PERMIT THE PETITIONER TO CONTINUE ITS BUSINESS UNDER THE EXISTING LICENSE (ANNEXURE A).

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

The petitioner runs a *Spa* under the name and style '*Lotus Lounge Spa*' in property No.301, 5th Main, 14th Cross, Dollars Colony, RMV II Stage Bengaluru – 560 094 [*the Spa*], and the petitioner's grievance is

with the Notice dated 18.11.2026 issued referring to Section 306 of the Greater Bengaluru Governance Act, 2024 [for short, the *Act*] and calling upon the petitioner to voluntarily shut down its premises lest there be action in law to close down. The impugned Notice also reads that in a meeting, the Commissioner, Bengaluru North City Corporation, has directed the concerned to withdraw the trade license issued to the petitioner because it is for a property which is within a *Residential Zone* under the Revised Master Plan – 2015 [RMP].

2. Sri N. Manohar, the learned counsel for the petitioner, submits that the petitioner has been running the *Spa* for over 16 years and the petitioner has been issued the trade license for this business from day one. The learned counsel relying upon Annexure-A submits that the petitioner has a trade license which is valid until 31.03.2027 and that even if there could be a decision calling upon the petitioner

to shut down the business or recall the trade license, the petitioner should have been extended with a reasonable opportunity and the denial is obvious in stipulating that the petitioner must forthwith close the business.

3. Sri Pawan Kumar, a learned Standing Counsel who accepts notice for the respondents, is heard for the disposal of this petition. As could be seen from Annexure-A, a trade license is issued to the petitioner and this is valid up to 31.03.2027 and if this trade license is to be recalled in exercise of the powers under Section 306, in the facts of this case where it is shown that the petitioner has had a trade license from the year 2010, the petitioner ought to have been given reasonable opportunity. The denial of this opportunity with the direction to close the *Spa* forthwith renders the impugned Notice arbitrary and impermissible in lawful violating the principles of natural justice.

4. Further, this Court must opine that if the trade licence is to be cancelled on the ground that the Spa is in a residential area, there must be a *reasoned order* in this regard with the petitioner contending that the Spa is not the only commercial activity on this road and every other property houses a commercial enterprise. A *reasoned order* would be an absolute need in law because the petitioner, if there is a decision to cancel the trade license, can avail remedy under Section 309 of the Act and this remedy will be meaningful only if there is a *reasoned order*.

5. As such, this Court is persuaded to dispose of this petition observing that the petitioner will have fourteen [14] days from today to file a detailed response to the impugned Notice and calling upon the second respondent to consider such response and reason why the petitioner's trade license must be recalled before the petitioner is called

upon to shut down the business. It is needless to observe that until there is a decision and a reasonable opportunity to avail appellate remedy under Section 309 of the Act, the petitioner cannot be brought under duress to close the business.

The petition stands disposed of accordingly.

Sd/-
(B M SHYAM PRASAD)
JUDGE

NV