HC-KAR

NC: 2026:KHC:61861
WP No. 38013 of 2025

CNR: KAHC010812932025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 38013 OF 2025 (LB-BMP)

BETWEEN:

M V MOHAN KUMAR
S/O M.M. VEERABHADRAIAH,
AGED ABOUT 55 YEARS,
SENIOR RESIDING AT NO. 783,
36TH A CROSS, 20TH MAIN,
JAYANAGARA, 4TH T BLOCK,
BANGALORE-560041.
REP. BY ITS GPA HOLDER
SMT. SHASHI MOHAN.

...PETITIONER

(BY SRI.PANDITHARADHYA R., ADVOCATE FOR
SRI. SHIRISH KRISHNA., ADVOCATE)

Digitally signed by VANAMALA N
Location: HIGH COURT OF KARNATAKA

AND:

1. CHIEF COMMISSIONER
GREATER BENGALURU AUTHORITY (GBA)
(FORMERLY BRUHAT BENGALURU
MAHANAGARA PALIKE) HUDSON CIRCLE,
N.R. SQUARE, BENGALURU -560002.

2. COMISSIONER
BENGALURU SOUTH CITY CORPORATION
GREATER BENGALURU AUTHORITY (GBA)

(FORMERLY BRUHAT BENGALURU
MAHANAGARA PALIKE)
HUDSON CIRCLE, N.R. SQUARE,
BENGALURU - 560002.

3. CHIEF ENGINEER
GREATER BENGALURU AUTHORITY (GBA)
(FORMERLY BRUHAT BENGALURU
MAHANAGARA PALIKE) BENGALURU
SOUTH CITY CORPORATION BENGALURU.

4. THE EXECUTIVE ENGINEER
GREATER BENGALURU AUTHORITY (GBA)
(FORMERLY BRUHAT BENGALURU
MAHANAGARA PALIKE)
BENGALURU SOUTH CITY CORPORATION
JAYANAGAR SUB-DIVISION, JAYANAGAR
BENGALURU-560041.

5. THE ASSISTANT EXECUTIVE ENGINEER
GREATER BENGALURU AUTHORITY (GBA)
(FORMERLY BRUHAT
BENGALURU MAHANAGARA PALIKE)
BENGALURU EAST CITY CORPORATION
JAYANAGAR SUB-DIVISION, JAYANAGAR
BENGALURU-560041.

6. MR. HALLADY SHRINIVAS SHETTY
OWNER OF PROPERTY NO. 46,
36TH CROSS ROAD, 20TH MAIN ROAD,
JAYANAGARA 4TH T BLOCK -
WARD NO. 168, BENGALURU.

7. M/S. MYSORE MERCANTILE COMPANY LTD
HAVING ITS REGISTERED OFFICE AT
NO. 201 AND 202, 2ND FLOOR,

NO. 87, SHRESHTA BHOOMI,
OPP. KIMS MEDICAL COLLEGE,
BASAVANAGUDI, BENGALURU
REPRESENTED BY ITS DIRECTOR
SRI. RAKESH SHETTY.

...RESPONDENTS

(BY SRI. SRI. OMKAR KAMBI., ADVOCATE FOR R1 TO R5; SRI AJITH A SHETTY., ADVOCATE FOR R6 & R7)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE RESPONDENTS NO.1 AND 3 TO CONSIDER THE PETITIONERS REPRESENTATION DATED 09.07.2025 (ANNEXURES- A & B)

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

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

ORAL ORDER

The petitioner seeks directions to the first and third respondents [*the Greater Bengaluru Authority and its officers*] to consider the representations dated 09.07.2025 [*Annexures–A and B*]. The petitioner has asserted that no further action has been taken after the proceedings under Section 248 of the Erstwhile

Bruhat Bengaluru Mahanagara Palike Act, 2024 [for short, *'the Erstwhile BBMP Act'*] and vacating of the interim order by the Civil Court.

2. On 22.06.2026, it was stated before this Court on behalf of the first and third respondents that action is not taken possibly because the private respondents, who have suffered an order under Section 248 of the Erstwhile BBMP Act, could have filed an appeal under Section 253 thereof. On 02.07.2026, the submission that the private respondents have filed an appeal in No.273/2026 is taken on record calling upon the learned standing counsel for the first and third respondents to place on record the details of the interim order, if any, in such appeal.

3. Mr. Ajith A Shetty, the learned counsel for the concerned private respondents, submits that ***[a]*** there was an error in mentioning the appeal number

and the contesting respondent's appeal is in No.78/2026 and ***[b]*** the Appellate Authority has called for a report from the concerned in the light of these respondents' case that the deviations would be within the limits that could be regularized and as notified by the GBA on 05.01.2026 and the later notifications. The learned counsel also submits that the appeal is listed today for hearing. At this stage, Mr. Panditharadhya R., the learned counsel for the petitioner, submits that this Court may consider that the respondents' appeal is belated and filed after 3 years from the date of the order under Section 248 of the Erstwhile BBMP Act.

4. It would suffice for this Court to observe that every ground urged on behalf of the petitioner and on behalf of the contesting respondents will have to be decided by the Appellate Authority in the pending appeal and that this Court, when the concerned have availed the remedy available in law,

is not persuaded to truncate such remedy rendering opinion on questions that have to be decided in such proceedings. Hence, the petition stands ***disposed of*** observing that all questions shall be considered by the Appellate Authority in Appeal No.78/2026 expeditiously and in any event before ***31.01.2027***. It is needless to observe that precipitation shall be after the outcome in the appeal.

Sd/-
(B M SHYAM PRASAD)
JUDGE

SA
Ct:sr