IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 2144 OF 2025 (LB-BMP)

BETWEEN:

1. SRI SATISH TUNG,
S/O.LATE CHENNAKESHAVA TUNGA,
AGED ABOUT 64 YEARS,
RESIDING AT OLD HOUSE NO.514/E,
PRESENT NEW BBMP NO.514/E-1/111/2
1ST MAIN ROAD, EAST OF CHORD ROAD,
RPC LAYOUT, HAMPINAGAR,
BENGALURU-560104.

2. SMT. VEDAVATHI
W/O.SRI SATISH TUNGA,
AGED ABOUT 58 YEARS,
RESIDING AT OLD HOUSE NO.514/E,
PRESENT NEW BBMP NO.514/E-1/111/2
1ST MAIN ROAD, EAST OF CHORD ROAD,
RPC LAYOUT, HAMPINAGAR,
BENGALURU-560104.

...APPELLANTS

(BY SRI. A. NAGARAJAPPA, ADVOCATE)

Digitally signed by REKHA R
Location: High Court of Karnataka

AND:

1. THE COMMISSIONER
   BRUHATH BANGALORE MAHANAGARA PALIKE,
   N.R.SQUARE, HUDSON CIRCLE,
   BENGALURU-560002.

2. THE ASSISTANT EXECUTIVE ENGINEER,
   BRUHATH BANGALORE MAHANAGARA PALIKE,
   GALI ANJANEYASWAMY TEMPLE,
   SUB-DIVISION, WARD NO.133,
   V MAIN ROAD, HAMPINAGAR,
   BENGALURU-560104.

…RESPONDENTS

(BY SRI. MONESH KUMAR K B., ADVOCATE)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 26.11.2025 OF THE LEARNED SINGLE JUDGE POASSED IN WP No.49713/2016 AFFIRMING THE ORDERS OF THE KARNATAKA APPELLATE TRIBUNAL IN APPEAL No.510/2012 AND THE CONFIRMATION ORDER 321(3) OF THE KARNATAKA MUNICIPAL CORPORATION ACT 1976, BY ALLOWING THE WRIT APPEAL IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

This intra Court appeal has been filed impugning the judgment and order dated 26.11.2025 passed by the writ Court in W.P.No.49713/2016.

2. By the order dated 10.02.2026, we granted three weeks time to the appellants to close the basement of the building by constructing proper wall and directed the respondent - Bruhath Bengaluru Mahanagara Palike (for short, `BBMP'), to inspect the closure of the basement by constructing a permanent wall by the appellants in accordance with the approved plans.

3. On 11.03.2026, when the matter was listed, learned counsel for the appellants stated that appellants could not close the basement as the tenants have objected

for closure of the basement. This Court, therefore passed the following order on 11.03.2026 :

> *" Vide order dated 10.02.2026, we granted three weeks time to the appellants to close the basement by constructing a proper wall. The BBMP was directed to inspect the closure of the basement by constructing a permanent wall in accordance with the approved plans.*
>
> *Today when the matter is listed, the counsel for the appellants instead of filing the affidavit for compliance of the order dated 10.02.2026 submits that he could not close the basement, because the tenants have objected for closure of the basement. The appellants have never brought to the notice of this Court that there were some tenants in the basement. We are of the view that the appellants have flouted the order passed by this Court and they `do not' deserve any sympathy or compassion from this Court. Therefore, the BBMP is granted ten days time to seal the basement and take appropriate action in accordance with law at the cost of the appellants.*
>
> *The BBMP is directed to file compliance affidavit within ten days.*
>
> *Post this writ appeal on 26.03.2026.*
>
> *The BBMP may take assistance of the police if necessary."*

4. In pursuance to the above directions, the BBMP has filed an affidavit on 26.03.2026 stating that, in compliance of the directions issued by this Court on 11.03.2026, the basement constructed by the appellants has been permanently sealed by putting up a wall.

5. Considering the said statement made by BBMP/concerned Corporation and as evidenced in the photographs being placed along with the affidavit, we dispose of this appeal and set aside the order dated 26th May 2012, passed by the Assistant Executive Engineer, BBMP.

6. As the appellants have already closed the basement, we direct them not to use the basement at any point of time in future.

7. With the aforesaid observations, the present writ appeal stands disposed of.

8. In case, the appellants violates the order and use the basement, the order dated 26th May 2012, passed by

the Assistant Executive Engineer, BBMP, would get revived and the Corporation would be entitled to take action as per the order dated 26th May 2012.

In view of disposal of the appeal, pending I.As., if any, does not survive for consideration and the same are disposed of.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(T.M.NADAF)
JUDGE

BK
List No.: 1 Sl No.: 18