HC-KAR

NC: 2026:KHC:31799
WP No. 20139 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 20139 OF 2025 (BDA)

BETWEEN:

SMT. JAYAMMA
W/O SRINIVAS REDDY,
AGED ABOUT 64 YEARS,
R/AT NO.114, 1ST CROSS, 4TH 'H' BLOCK,
VRUSHABHAVATI NAGAR,
GUBLALA EXTENSION,
SUBRAMANYAPURA,
BSK 6TH STAGE,
BENGALURU-560061

...PETITIONER

(BY SMT. POONAM N., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF REVENUE,
REP. BY ITS SECRETARY,
M.S. BUILDING,
DR. AMBEDKAR VEEDHI,
BENGALURU-560001.

2. THE BENGALURU DEVELOPMENT AUTHORITY
NO.3, SOUTH DIVISION,
BANASHANKARI 2ND STAGE,
BENGALURU-560070

...RESPONDENTS

(BY SRI. ADITYA DIWAKAR, ADDITIONAL GOVERNMENT ADVOCATE FOR RESPONDENT NO.1;

SRI. B.S.SACHIN, ADVOCATE FOR RESPONDENT NO.2)

Digitally signed by HEMALATHA J
Location: HIGH COURT OF KARNATAKA

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE NOTICE ISSUED BY THE 2ND RESPONDENT IN NO.B.A.PR/SAKAA-3(DA)/T-98/2025-26 DATED 22.05.2025 IN RESPECT OF THE PROPERTY BEARING SITE NO.114, SITUATED AT VRUSHABHAVATHI LAYOUT, 4TH BLOCK, 'H' BLOCK, BANASHANKARI 6TH STAGE, SUBRAMANYAPURA, BENGALURU VIDE ANNEXURE-A AND ETC.

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

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioner has sought for writ in the nature of certiorari to quash the notice bearing No.ಬೆಂಅಪ್ರಾ/ಸಕಾಅ–3(ದ)/T-98/2025-26 dated 22.05.2025 issued by respondent No.2. She has also sought for a writ in the nature of mandamus to consider her representations to regularise her title concerning the property bearing site No.114, situated at Vrushabhavathi layout, 4th H Block, Banashankari 6th Stage, Subramanyapura, Bengaluru.

2. (i) The petitioner claims that she is in unauthorised occupation of the property bearing Site No.114 at Vrushabhavathi layout, 4th H Block, Banashankari 6th Stage,

Subramanyapura, Bengaluru and that she is in possession for over 40 years. She claims that she has constructed a house thereon and is residing there along with her family members. She claims that in the year 2003, a mahazar was conducted by the respondent No.2 in respect of Sy. No.8 and where it was recorded that the petitioner had constructed a house on Site No. 114.

(ii) She contends that in the year 2005, the Special Tahsildar also recognised her possession and issued a certificate of domicile in favour of her son on 16.04.2005. She claims that she, her husband and son had given several representations requesting respondent No.2 to regularise her possession. However, the respondent No.2 did not consider the same. In the meanwhile, the respondent No.2 issued a notice dated 22.05.2025 alleging that the petitioner had encroached into the property and had constructed a house thereon. The petitioner then approached respondent No.2 and once again submitted documents in respect of the property. The petitioner claims that the respondent No.2 failed to consider the same.

(iii) She contends that among the documents placed before respondent No.2, were electricity bills and receipts for having paid the electricity consumption charges, bills issued by BWSSB, ration card and voter ID card etc. Though these documents were furnsihed, the respondent No.2 has not considered the same.

3. The learned counsel for the petitioner reiterated the above contentions and submitted that the respondent No.2 is likely to enter upon the property and demolish the construction put up thereon. She therefore prays that the impugned notice be set at nought and a direction be issued to the respondent No.2 to regularise the title and possession of the petitioner with respect to the site bearing No.114 mentioned supra.

4. Learned counsel for respondent No.2 submits that the land bearing Sy.No.8 is already acquired, the acquisition has attained finality and a layout is already formed. He further submits that the site in question is already allotted to Mr. T. Boonesh Kumar and therefore, no indulgence can be shown to the petitioner. An application is also filed by the

purchaser of the site in question from Mr. T.Boonesh Kumar, seeking to come on record as a respondent in this petition.

5. Having regard to the fact that the respondent No.2 has issued a notice calling upon the petitioner to produce documents in support of her contention that she is in possession of the property in question, it would be appropriate to direct the petitioner to furnish all documents in her custody to establish that she is in possession of the property for more than 12 years prior to the year 2020, when Section 38D was inserted into the Bengaluru Development Authority Act, 1976.

6. In view of the above, the writ petition is ***disposed off***. The respondent No.2 shall consider the same in accordance with law after providing an opportunity to the petitioner of being heard and thereafter pass appropriate orders.

7. Until then, the respondent No.2 shall not dispossess the petitioner nor damage or demolish the construction existing thereon.

8. The petitioner shall furnish the documents within a period of one week from the date of receipt of a copy of this

order and the respondent No.2 shall consider the same in accordance with law and pass appropriate orders within a period of three months from the date of receipt of the documents from the petitioner. The petitioner shall not put up any further construction in the property until then.

8. In view of disposal of main petition, I.A.Nos.1/2026 and 2/2026 do not survive for consideration and same stand disposed off. All contentions urged in these applications are kept open to be considered at an appropriate stage.

Sd/-
(R. NATARAJ)
JUDGE

HJ
List No.: 1 Sl No.: 13