



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE R DEVDAS

AND

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

WRIT PETITION NO. 29333 OF 2025 (LA-BDA)

BETWEEN:

1. MRS LATHA RAO
DAUGHTER OF LATE VITTAL RAO
WIFE OF MR. SANJIV SHARAN,
AGED 40 YEARS
AADHAR NO. 9893 1373 7747
TOWER-2, FLAT NO. 1104,
GODREJ BOULEVARD, MANJARI KHURD,
PUNE, MAHARASHTRA-412 307.

2. MR. M YASHWANTH RAO
SON OF LATE VITTAL RAO
AGED ABOUT 39 YEARS
AADHAR NO. 5472 7844 0223
R/A NO.51, 1ST MAIN ROAD,
TEACHERS LAYOUT,
BENGALURU - 560 097.

...PETITIONERS

(BY SRI. ROHAN HOSMATH., ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF HOUSING AND





URBAN DEVELOPMENT
VIDHANA SOUDHA
REPRESENTED BY ITS SECRETARY

2. BANGALORE DEVELOPMENT AUTHORITY
KUMARA PARK WEST, T. CHOWDIAH ROAD,
BENGALURU-560 020
REPRESENTED BY ITS COMMISSIONER
3. SPECIAL LAND ACQUISITION OFFICER
DR. K SHIVARAM KARANTH LAYOUT
OFFICE OF BANGALORE DEVELOPMENT AUTHORITY
KUMARA PARK WEST, T. CHOWDIAH ROAD,
BENGALURU - 560 020.

...RESPONDENTS

(BY SRI. M.RAJAKUMAR., AGA FOR R1
SRI. SHIVAPRASAD.M.SHANTANAGOUDAR., ADVOCATE
FOR R2 & R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING ISSUE A WRIT, ORDER OR DIRECTION IN THE NATURE OF CERTIORARI QUASHING THE NOTIFICATION DATED 30/10/2008 GAZETTED ON 1/12/2008 BEARING NO. BDA/COMMR/DC(LA)/SLAO/A5/PR/283/2008-2009 ISSUED BY RESPONDENT NO.2 INsofar AS THE SCHEDULE PROPERTY PRODUCED AT ANNEXURE-D AND ETC.,

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



CORAM: HON'BLE MR. JUSTICE R DEVDAS
and
HON'BLE MR. JUSTICE M.NAGAPRASANNA

ORAL ORDER

(PER: HON'BLE MR. JUSTICE M.NAGAPRASANNA)

The petitioners are before this Court seeking the following prayers:

- "(a) *Issue a writ, order or direction in the nature of certiorari quashing the notification dated 30.10.2008 gazetted on 31.12.2008 bearing No.BDA/COMMR/DC (LA)/SLAO//A5/PR/283/2008-2009 issued by Respondent No.2 insofar as the schedule property produced at Annexure-D;*
- (b) *Issue a writ, order or direction in the nature of certiorari quashing the notification dated 30.10.2018 gazetted on 01.11.2018 bearing No.UDD/553/MNX/2018, Bengaluru issued by Respondent No.1 insofar as the schedule property produced at Annexure-E;*
- (c) *Issue a writ, order or direction to Respondent No.2 to regularize the schedule property;*
- (d) *Issue any other writ, order or directions as may be necessary in the interest of justice and equity.*



2. Heard Sri.Rohan Hosmath, learned counsel appearing for the petitioners, Sri.M.Rajakumar, learned Additional Government Advocate appearing for respondent – State, Sri.Shivaprasad M. Shantanagoudar, learned counsel appearing for respondents – Bangalore Development Authority and have perused the material on record.

3. Learned counsel appearing for the petitioner would take this Court through the documents appended to the petition to submit that the applications are preferred before Justice Bopaiah Committee and the said Committee is yet to consider the same and pass necessary orders. The impediment that the counsel for the petitioners projects is that the Committee was not empowered to consider the representation *qua* the constructions.

4. In W.P.No.19643/2024, the Co-ordinate Bench of this Court, of which one of us was a part, passed the following order:



"4. The Apex Court, in its order dated 05-05-2021, answering Miscellaneous Application Nos.1614-1616 of 2019 notices the affidavit filed by the BDA in respect of previous layouts formed by the BDA in which purchasers of revenue sites in those layouts have been permitted to apply for allotment of sites measuring 30x40'. The Apex Court observes as follows:

" "

(4) In our Order dated 18.03.2021, we had observed as under:

"It appears that certain persons belonging to poor and middle-income groups have purchased house sites from the land owners whose lands have been notified for the acquisition for the formation of the lay-out in question, prior to the date of the judgment dated 03.08.2018. We are of the view that their grievances also require to be redressed. we are informed that similar grievances of the purchasers of the sites in other layouts formed by the Bangalore Development Authority have been redressed by the Bangalore Development Authority. The Commissioner, Bangalore Development Authority, is directed to place on record the mode and manner of redressal of the grievances of such site-



holders adopted by the Bangalore Development Authority in the previously formed lay-outs within a period of four weeks from today."

(5) In compliance of the above order, the Commissioner, Bangalore Development Authority (B.D.A.), has filed an affidavit dated 12.04.2021 stating that in respect of the previous lay-outs formed by the B.D.A. such as Anjanapura Layout, sir M. Vishweshwaraiah Layout, Banashankari 6th Stage layout, the purchasers of the revenue sites in those lay-outs have been permitted to apply for allotment of sites measuring 30 ft. x 40 ft. even though the sites purchased by them are bigger in dimension. The affidavit also indicates the other conditions based on which the sites were allotted to the revenue site holders.

(6) In consideration of the above, we are of the view that the purchasers of sites in Dr. Shivaram Karanth Layout are entitled for allotment of sites provided that their purchase of such sites is prior to the date of the judgment i.e. 03.08.2018.

(7) The purchasers of the sites in Dr. Shivaram Karanth Layout are permitted to get themselves registered in the B.D.A. as applicants for allotment of sites under the Bangalore Development Authority (Allotment of Sites) Rules, 1984 ("B.D.A. Allotment of Site Rules") within 4 months from today.

(8) These purchasers should not be owning any other residential property in Bangalore and



surrounding vicinity. They shall be bound by all the other terms and conditions for allotment of sites as per the B.D.A. Allotment of Site Rules.

(9) The General Power of Attorney holders and persons having an Agreement to Sell are not entitled for allotment of the sites.

(10) Purchasers of sites, through registered sale deeds, prior to 03.08.2018, are alone entitled for allotment of sites as per this order.

(11) The B.D.A. shall calculate the compensation payable to the applicants in respect of their acquired sites and give credit accordingly by adjusting the same towards the allotment price for the sites to be allotted and call upon the applicants to pay the balance, if any.

(12) The allotment of sites is restricted to sites measuring 30 ft. x40 ft. being the maximum extent irrespective of the measurement of their sites that have been acquired by the B.D.A.

(13) The applicants have to withdraw the cases filed by them, if any, challenging the acquisition of their lands, before filing an application with the B.D.A. in terms of this order

(14) The purchasers of the sites are permitted to apply for allotment of sites to the B.D.A. along with self-certified photocopy of the title deeds on or before 17.09.2021. It is clarified that they need not pay the initial deposit. The documents submitted by the



applicants along with their applications for allotment of sites in terms of this order shall be referred by the Commissioner, B.D.A., to a committee of retired District Judges comprising of a Chairman and two Members. The Committee so appointed shall examine the title deed of the applicants and submit a report as to the ownership of the sites to the Commissioner, B.D.A. The rival claim(s), if any, shall also be decided by the committee. The B.D.A. would allot sites only to those applicants who are duly certified by this Committee as the owners, subject to their satisfying other conditions of this order."

The Apex Court, in terms of the aforesaid order, directed constitution of a Committee to go in the issue of revenue site holders. In furtherance of the direction so issued, Bopaiah Committee is constituted to specifically go into the issue of the revenue site holders and their respective claim.

5. In the light of the direction by the Apex Court as quoted *supra*, and the constitution of the Bopaiah Committee, the petitioners will have to be relegated to appear before the Committee, as in terms of the said order, it is for the Committee to decide the grievance of the petitioners and answer the same. In that light, we are of the considered view that this petition could be disposed, with a



direction to the Committee to consider the grievance of the petitioners – revenue site holder and redress the same.

6. The learned counsel for the Bangalore Development Authority submits that several applications are pending before the Committee and there are several applications to be placed before the Committee, they could be of the notification of the year 2018 or 2022. In that light, we deem it appropriate to direct the Bangalore Development Authority to consider the grievances of those persons i.e., the revenue site holders, by the Committee, notwithstanding the fact that they are petitioners before the Court or otherwise. It is also necessary for the Bangalore Development Authority to notify that the Committee is taking up the applications of the revenue site holders by giving adequate publicity.



7. The learned counsel appearing for the petitioners submits that there are constructions put up in the property. Therefore, specific direction may be issued to the Committee while assessing the claim of the revenue site holders, to also look into the fact whether there are constructions put up in the property and pass necessary orders.

8. In the light of the aforesaid reasons, the following:

ORDER

- (a) The petition stands disposed.
- (b) The petitioners are relegated to appear before the Committee *qua* his grievances.
- (c) The grievance of the petitioners also shall bear consideration at the hands of the Committee like all the other applications that would bear consideration, as observed hereinabove.



(d) The Committee while assessing the claim of the revenue site holders shall also look into the fact whether there are constructions put up in the property and pass necessary opinion in accordance with law.

(e) Till the Committee decides on the applications of the respective applicants, *status quo, qua* the property, be maintained by the parties.

Ordered accordingly."

5. In the light of the order passed by this Court in W.P.No.19643/2024, Justice Bopaiah Committee is now empowered to go into the validity of the constructions that are subsisting in the subject land. The said Committee is empowered to go into all the details with regard to the application so submitted. In that light, the Committee shall



now look into the representation and pass necessary orders within an outer limit of eight weeks from the date of receipt of copy of the order, if not earlier.

Writ Petition is **disposed**.

Till Justice Bopaiah Committee would consider the representation as we have directed, *status quo qua* the property be maintained by the parties.

**Sd/-
(R DEVDAS)
JUDGE**

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

KLY
CT: JL