



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN

WRIT PETITION NO. 7405 OF 2019 (LB-BMP)

BETWEEN:

MS. N. PRATHIMA
D/O MR. NAGI REDDY,
AGED 37 YEARS,
NO. 450, 8TH CROSS, 24TH MAIN,
SECTOR 1, HSR LAYOUT,
BANGALORE- 560 102.

...PETITIONER

(BY SMT. G K BHAVANA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY CHIEF SECRETARY,
VIDHANA SOUDHA
BENGALURU- 560 001.
2. URBAN DEVELOPMENT DEPARTMENT
THE STATE OF KARNATAKA
VIKASA SOUDHA, 4TH FLOOR,
BENGALURU- 560 001
REPRESENTED BY
ADDITIONAL CHIEF SECRETARY.
3. BRUHAT BENGALURU MAHANAGARA PALIKE
N.R.SQUARE, J.C.ROAD,
BENGALURU- 560 002



REPRESENTED BY COMMISSIONER.

4. BANGALORE DEVELOPMENT AUTHORITY
K.P.WEST, T.CHOWDAIAH ROAD
BANGALORE - 560 020
REPRESENTED BY ITS COMMISSIONER.

5. KARNATAKA REDDY JANASANGHA
A SOCIETY REGISTERED UNDER KARNATAKA
SOCIETIES REGISTRATION ACT
HAVING ITS REGISTERED OFFICE AT NO.1,
100 FEET ROAD, KORAMANGALA
BANGALORE - 560 034
REPRESENTED BY ITS GENERAL SECRETARY.

...RESPONDENTS

(BY SRI. B.BOPANNA, AGA FOR R1 AND R2;
SRI. B V MURALIDHAR, ADVOCATE FOR R3;
K KRISHNA, ADVOCATE FOR R4;
B V MALLAREDDY, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE GOVERNMENT ORDER DATED 24.3.2018 IN
GOVERNMENT ORDER NO.NA A E 607 MNU 2017 PASSED BY
THE 1ST RESPONDENT - ANNEXURE-Q., AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING
FOR B GROUP THROUGH VIDEO CONFERENCING / PHYSICAL
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.I.ARUN



ORAL ORDER

Respondent No.5, a Society registered under the provisions of the Karnataka Societies Registration Act, 1960, has constructed a building on the property which is the subject matter of the writ petition without obtaining the necessary licenses from the authorities concerned. Thereafter, it made a request to the authorities to grant the necessary sanctioned plan. In this regard, the impugned order dated 24.03.2018 passed by respondent No.1 (vide Annexure-Q to the writ petition) and the impugned order dated 17.12.2018 passed by respondent No.2 (vide Annexure-R to the writ petition) were passed, wherein a decision has been taken by the Government / the Bengaluru Development Authority / the Bruhat Bengaluru Mahanagara Palike, now the Greater Bengaluru Authority, to have the property inspected and grant necessary licence after collecting the necessary fees and penalty, if the construction is found to be in accordance



with law. Aggrieved by the same, the present writ petition is filed with the following prayers:

"(a) Issue a writ of Certiorari or any other writ or order and quash the Government order dated 24.03.2018 in Government Order No. Na A E 607 MNU 2017 passed by the 1st Respondent - ANNEXURE - Q.

(b) Issue a writ of Certiorari other writ or order and quash the the letter no. NA A E 607 MNU 2017 dated 17.12.2018 issued by the 2nd Respondent ANNEXURE - R; or any

(c) Issue a writ of Mandamus directing the 3rd Respondent to demolish the unauthorised construction in the schedule property and

(d) Pass such other order as this Hon'ble court deems fit in the interest of Justice and equity."

2. It is the case of the petitioner that respondent No.5, being a society which utilizes the funds collected from its members and the general public, should act in accordance with law and has to comply with all the laws. Unfortunately, it has put up a construction of a medical



college without obtaining the necessary sanctioned plan, which is grossly erroneous. The petitioner is also said to be one of the member of the fifth respondent-society.

3. The concern of the petitioner in this regard is really appreciable and any society, or for that matter even any person has to act in accordance with law and the action of respondent No.5 in putting up construction without obtaining the necessary permissions and sanctions is highly deprecated.

4. However, the question that arises for consideration in the instant writ petition is:

"Whether the construction put up by respondent No.5 warrants an order of demolition under the given peculiar facts and circumstances of the case?"

5. The learned Additional Government Advocate, the learned counsel appearing for the Bengaluru Development Authority and the learned counsel appearing



for the Bruhat Bengaluru Mahanagara Palike now the Greater Bengaluru Authority, together submit that though a necessary sanctioned plan was not obtained prior to commencement of the construction, but subsequently it has been applied. It is further submitted that after filing of the instant writ petition, an inspection was conducted and it has been found that the construction has been put up in accordance with law and does not violate any of the building bye-laws.

6. Further, it is submitted that in the light of the construction being put up in conformity with the present sanctioned plan and also in accordance with building bye-laws, the mistake of the authorities and respondent No.5 in not obtaining the sanctioned plan prior to commencement of the construction may be condoned.

7. As the construction put up by respondent No.5 is found to be in accordance with the building bye-laws and subsequently the plan also having been sanctioned in



its favour. In my opinion, any interference at this stage may not be appropriate.

8. Subject to the aforementioned observations, the Writ petition stands ***disposed of.***

**Sd/-
(M.I.ARUN)
JUDGE**

CH
List No.: 1 Sl No.: 65