



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

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

WRIT PETITION NO. 3920 OF 2026 (LB-BMP)

BETWEEN:

1. SRI. SANDEEP DODDANARASIMHAIAH
S/O DODDANARASIMHAIAH
AGED ABOUT 39 YEARS
R/AT P.NO.58/A, 17TH D CROSS
NANJUDESHWARA BADAVANE
PUTTENAHALLI, BENGALURU-560 078.

...PETITIONER

(BY SMT. LALITA P.M., ADVOCATE)

AND:

1. THE CHIEF COMMISSIONER
BBMP, CORPORATION CIRCLE
N.R.SQUARE, BENGALURU-560 002.
2. ASSISTANT EXECUTIVE ENGINEER
ARAKERE SUB-DIVISION BBMP
BANGALORE-560 078.
3. THE ZONAL COMMISSIONER
BOMMANAHALLI ZONE, BBMP
BENGALURU-560 068.

...RESPONDENTS

(BY SRI. PAWAN KUMAR, ADVOCATE)





THIS PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT CERTIORARI TO CALL FOR THE RECORDS AND QUASH THE IMPUGNED ORDER DATE 03.01.2026 PASSED BY THE 1ST RESPONDENT IN APPEAL NO.144/2025 AS PER ANNEXURE-R AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING, THROUGH PHYSICAL HEARING/VIDEO CONFERENCING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE M.I.ARUN

ORAL ORDER

1. On the ground that petitioner has put up construction in violation of the sanctioned plan, the respondents have initiated action against the petitioner upon a complaint made by his neighbour and after inspection of the property of the petitioner, a provisional order and a confirmatory order have been passed against the petitioner, wherein a finding has been given that petitioner has put up construction in violation of the sanctioned plan and it has been ordered that, that portion of the property which is in violation of the sanctioned plan be demolished.

2. Aggrieved by the same, the petitioner preferred an appeal before respondent no.1. Respondent no.1, based on the pleadings and documents produced by the petitioner has come



to the conclusion that the petitioner has not produced any document to show that the conclusion arrived at in the provisional order and the confirmation order to be erroneous and for the said reason has dismissed the appeal. Aggrieved by the same, the petitioner has preferred the present writ petition.

3. The case of the petitioner is that, notices as contemplated under law, were not issued prior to the passing of the provisional order and the confirmation order to the petitioner. It is further submitted that respondent no.1 has not verified the documents of the petitioner and has passed the impugned order. It is further submitted that, if a new inspection were to be conducted then in that event petitioner would be able to show that he has put up construction only in accordance with the sanctioned plan and not otherwise. Petitioner further submits that if upon a new inspection, it is found that petitioner has put up construction in violation of the sanctioned plan, the petitioner himself will voluntarily demolish the same or will seek regularization of permissible deviations in accordance with law.

4. Learned counsel for respondents, upon instructions, submits that due notices have been issued to the petitioner.



He submits that petitioner has put up construction in violation of building bye-laws and hence the provisional order and confirmatory order have been issued to the petitioner in accordance with law. He also justifies the impugned order passed in the appeal by respondent no.1 and prays for dismissal of the writ petition.

5. The *lis* in the present writ petition pertains to a disputed question of fact. That is, whether the petitioner has put up construction in accordance with the sanctioned plan or not and if there are any deviations, can they be saved by the petitioner, by making a fresh application in accordance with the amended bye-laws or not. This Court in exercise of its powers under Article 226 of Constitution of India cannot decide the issue as it pertains to disputed question of facts.

6. No person has a right to put up construction in violation of sanctioned plan, and if such construction is put up, then the same is liable to be demolished unless the permissible deviations can be saved under the law.



7. It is noticed that in most occasions, the person against whom proceedings are initiated by Greater Bengaluru Authority (GBA) for putting up construction in violation of building bye-laws and the sanctioned plan, files an appeal before the appellate authority or approach this Court under the writ petition jurisdiction making an allegation that appropriate notice was not issued to them at the time of passing of the provisional order and the confirmation order and prays for setting aside the same. It is usually argued that inspection also was conducted in the absence of the petitioner and that if a fresh inspection were to be conducted, the petitioner would be able to show that construction is put up in accordance with law or that there are minor deviations which can be regularized in accordance with law. It is also noticed that the appellate authority passes an order based upon the records made available to them, which is again challenged in the writ petition.

8. To overcome the uncertainty as to whether the petitioner has put up construction in accordance with the sanctioned plan or not and whether any deviations can be regularized in accordance with law or not, in the



interest of justice, it would be appropriate if the appellate authority were to get the construction re-inspected at the appeal stage and record its findings before passing the order.

9. As the same has not been done in this case in my opinion, interest of justice would be met if it is ordered that the authorities concerned resurvey the property of the petitioner and thereafter remove the illegal construction if any.

10. Hence, the following:

ORDER

- (i) Respondent shall survey the writ petition schedule property on **18.05.2026** at 11.00 a.m. without any further notice to the petitioner;
- (ii) Petitioner is at liberty to participate in the said survey;
- (iii) No precipitative action will be taken against the petitioner till the said survey is completed;
- (iv) Thereafter, if it is found that the petitioner has violated or has put up any construction in



violation of the sanctioned plan, the respondents shall have the same demolished;

(v) Till such time, the impugned order passed in Appeal No.144/2025 by respondent no.1 (vide Annexure-R to the writ petitioner) stands modified accordingly;

(vi) The petitioner is granted liberty to make necessary application for grant of modified sanction plan or for regularizing the deviations, if permissible under law to the respondent authorities;

(vii) If such an application is made, the same shall be considered in accordance with law and appropriate orders shall be passed.

(viii) The writ petition stands ***disposed of*** accordingly.

Pending I.As., if any, stand disposed of.

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