



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 35474 OF 2017 (LB-BMP)

BETWEEN:

SMT. A. DHANALAKSHMI
AGED ABOUT 88 YEARS,
W/O LATE V.P. ARMUGUM,
PRESENTLY RESIDING AT NO.116,
11TH CROSS, (MUNESHWARA LAYOUT),
ATTUR, YELAHANKA,
BANGALORE-560 064.

REPRESENTED BY HER GPA HOLDER
SRI. V A K RAJA,
AGED ABOUT 60 YEARS,
S/O LATE V.P. ARMUGUM,
RESIDING AT NO.305, 3RD FLOOR,
ULTIMATE COMFORTS, OPP: DOUMERVEL,
ANANTHAPURA VILLAGE,
BANGALORE-560 064.

...PETITIONER



(BY SRI. SANKET M. YENAGI, ADVOCATE)

AND:

1. THE COMMISSIONER
BRUHAT BANGALORE MAHANAGAR PALIKE,
BANGALORE-560 002.
2. ASSISTANT EXECUTIVE ENGINEER
YELAHANKA UPANAGAR SUB DIVISION,
BBMP,
BANGALORE-560 064.
3. THE STATE OF KARNATAKA
URBAN DEVELOPMENT DEPARTMENT,



VIKASA SOUDHA,
DR. BR AMBEDKAR ROAD,
BENGALURU-560 001,
REPRESENTED BY
ADDITIONAL CHIEF SECRETARY.

...RESPONDENTS

(BY SMT. M.C. NAGASHREE, ADVOCATE FOR R1 & R2;
SMT. CHANDINI SINGH S., HCGP FOR R3)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE FINAL ORDER DATED 15-07-2017(ANNEXURE-A), ISSUED BY THE 2ND RESPONDENT UNDER SECTION NO. 462 OF THE KMC ACT 1976 AS PER NO BBMP/AEE/YUNUV/01/2017-18, DATED 15-07-2015, RECEIVED BY AFFIXTURE BY THE PETITIONER ON 01-08-2017 FOR DEMOLITION OF THE EXISTING CONSTRUCTION IN THE PROPERTY OF THE PETITIONER AT SITE NO 116, KHATA NO 9/116/116, SITUATED AT WARD NO 3, ATTUR VILLAGE, (MUNESHWAR LAYOUT) YELAHANKA, BANGALORE, ELSE THE RESPONDENTS WILL TAKE STEP TO DEMOLISH AND VACATE THE BUILDING THROUGH THE ASSISTANT EXECUTIVE ENGINEER AS STATED IN THE ORDER OF NOTICE AT THE RISK OF THE PETITIONER AS TO THE COSTS OF SUCH ACTION. THE ORIGINAL FINAL ORDER RECEIVED FROM THE 2ND RESPONDENT DATED 15-07-2017 IS PRODUCED HERewith AS ANNEXURE-A.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN B-GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ



ORAL ORDER

1. Petitioner is before this Court seeking for the following reliefs:

"a) To issue a writ in the nature of mandamus thereby quashing the final order dated 15-07-2017(Annexure-A), issued by the 2nd Respondent under section No. 462 of the KMC Act 1976 as per No BBMP/AEE/YUNUV/01/2017-18, dated 15-07-2015, received by affixture by the Petitioner on 01-08-2017 for demolition of the existing construction in the property of the Petitioner at site No 116, Khata No 9/116/116, situated at Ward No 3, Attur Village, (Muneshwar Layout) Yelahanka, Bangalore, else the Respondents will take step to demolish and vacate the building through the Assistant Executive Engineer as stated in the order of notice at the risk of the Petitioner as to the costs of such action. The original final order received from the 2nd Respondent dated 15-07-2017 is produced herewith as ANNEXURE-A.

b) Grant such other and further reliefs as this Hon'ble Court may deem fit to grant in the circumstances of this Writ Petition in the interest of justice and equity."

2. During the pendency of the present matter, this Court had directed the respondents to carry out a physical inspection of the property in question and submit a report. Pursuant thereto, an inspection was conducted and a report was placed on record. Thereafter, in view of the amendment to the



applicable Regulations dated 05.01.2026, the respondents were again directed to submit a fresh report in terms of the amended Regulations, so as to enable this Court to assess the compliance of the construction with the revised regulatory framework.

3. A perusal of the report submitted pursuant to the said direction indicates that the construction put up by the petitioner is substantially in conformity with the applicable building by-laws. The report discloses that the total built-up area of the structure is 208.26 square meters and that there is no major deviation or violation of the sanctioned parameters, except with regard to the setback on the rear portion of the property.
4. Insofar as the said setback is concerned, the report indicates a minor deviation of 0.35 meters, which is less than one foot. Apart from this marginal deviation in the rear setback, the report does not indicate any other violation of the applicable building regulations.



5. In the light of the above, this Court is of the considered opinion that although the construction has been put up without obtaining prior plan sanction, the deviation noticed in the inspection report is minimal in nature. In such circumstances, it would be appropriate to grant an opportunity to the petitioner to submit an application seeking post facto plan sanction in respect of the construction already put up.
6. Accordingly, the petitioner is permitted to submit an application online for plan sanction, accompanied by the necessary plans and supporting documents reflecting the existing construction. Upon such application being submitted, the respondents shall consider the same in accordance with the applicable building by-laws and regulations and pass appropriate orders.
7. Insofar as the minor deviation of 0.35 meters in the rear setback is concerned, considering that the



deviation is insignificant and falls within the permissible limit of deviation (within 5%), the respondents are directed to consider regularization of the said deviation in accordance with law, subject to the petitioner paying the applicable penalty, regularisation charges and any other statutory dues that may be leviable under the relevant municipal or planning regulations.

8. The submission of the learned counsel for the petitioner that the revised plan and necessary application will be submitted within three weeks from today is placed on record.
9. In the event such application is submitted on or before 18.03.2026, the respondents shall consider the same in accordance with law and pass appropriate orders on or before 30.04.2026.
10. With the above observation, the petition stands **disposed of.**



11. Needless to say, the respondents are directed not to take any coercive steps against the petitioner until such orders are passed.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

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List No.: 2 SI No.: 20