



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO. 57849 OF 2017 (LB-RES)

BETWEEN:

MR. B. R. SOMAYAJI
AGED ABOUT 58 YEARS,
S/O LATE B.KRISHNA SOMAYAJI,
PROPRIETOR,
M/S S.L.BUILDERS, 6TH FLOOR,
ESSEL TOWERS, BUNTS HOSTEL ROAD,
MANGALURU.

...PETITIONER

(BY SRI. DEVI PRASAD SHETTY, ADVOCATE)

AND:

MANGALURU CITY CORPORATION
CITY CORPORATION BUILDING,
LALBAGH, MANGALURU - 575 001,
BY ITS COMMISSIONER.

...RESPONDENT

(BY SRI. K.V. NARASIMHA, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH ANNEXURE-G DATED 20.4.2009 ISSUED BY THE RESPONDENT. QUASH ANNEXURE-H DATED 29.8.2017 IN MISCELLANEOUS APPEAL NO.24/2009 PASSED BY THE VI ADDL DISTRICT AND SESSIONS JUDGE, D.K. MANGALURU AND ETC.,



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

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

ORAL ORDER

Action has been initiated against the petitioner by the respondent on the ground that the petitioner has put up illegal construction on the property which is the subject matter of the writ petition. This resulted in the petitioner preferring Miscellaneous Appeal No.24/2009 before the VI Additional District and Sessions Judge, Mangaluru. However, the same has been dismissed. Aggrieved by the same, the present writ petition is filed.

2. In the instant writ petition, a writ of certiorari is sought to quash the order passed in Miscellaneous Appeal No.24/2009 by VI Additional District and Sessions Judge, Mangaluru and also the impugned order dated 20.04.2009



produced at Annexure-G to the writ petition, passed by the respondent.

3. The petitioner, in the course of the arguments, admitted that he has put up construction on the property in violation of the building bye-laws and the sanctioned plan. However, it is submitted that, in the light of certain property of the petitioner being relinquished in favour of the respondent for formation of a road, the petitioner is entitled to Transferable Development Rights (for short, 'the TDR'). It is further submitted that the petitioner has made the necessary applications to the respondent, and that the construction on the property can be saved / regularized if such TDR are granted in favour of the petitioner as requested.

4. The learned counsel appearing for the respondent, upon instructions, submits that they do not have the details pertaining to the TDR that the petitioner would be entitled to. However, he submits that if the petitioner were to make a detailed representation



regarding the TDR to which he claims entitlement, the same would be considered and appropriate orders will be passed in accordance with law. He further submits that irrespective of it, certain deviations are not permissible in law. However, he submits that if the petitioner were to make a detailed representation regarding the manner in which he can save the present illegal construction made by him, an appropriate decision would be taken in accordance with law.

5. His submission is placed on record.
6. Hence, the following:

ORDER

- (i) The Writ Petition is hereby ***disposed of.***
- (ii) The petitioner is given three (03) weeks time from today to make a detailed representation to the respondent authorities regarding the extent of the TDR to which he is entitled, as



well as for regularization of the illegal construction put up by him.

(iii) If such representation is made within a period of three (03) weeks from today, the respondent shall consider the same in accordance with law and pass appropriate orders thereon. Only thereafter shall any action be initiated against the construction put up by the petitioner.

(iv) The petitioner is prohibited from putting up any additional construction on the property concerned, till such a decision is taken by the respondent.

Sd/-
(M.I.ARUN)
JUDGE