



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 25<sup>TH</sup> DAY OF FEBRUARY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV**

**WRIT PETITION NO. 6495 OF 2026 (BDA)**

**BETWEEN:**

1. SRI KISHORE R  
S/O RAJESH K,  
AGED ABOUT 29 YEARS,  
RESIDING AT NO.450, 36<sup>TH</sup> MAIN,  
17<sup>TH</sup> CROSS, J P NAGAR,  
6<sup>TH</sup> PHASE, BENGALURU-560 078

... PETITIONER

(BY SRI. MANMOHAN P.N., ADVOCATE FOR  
SRI. VIVEKANANDA N., ADVOCATE)

**AND:**

1. BANGALORE DEVELOPMENT AUTHORITY  
HAVING OFFICE AT KUMARA PARK WEST,  
T.CHOWDAIAH ROAD,  
BANGALORE-560 020  
REPRESENTED BY ITS COMMISSIONER,
2. OFFICE OF THE ASSISTANT EXECUTIVE ENGINEER  
HAVING OFFICE AT NO.2,  
SOUTH SUB-DIVISION,  
BDA COMMERCIAL COMPLEX,  
BANASHANKARI 2<sup>ND</sup> STAGE,  
BENGALURU-560 070.

... RESPONDENTS

(BY SRI K. KRISHNA, ADVOCATE)





THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE FINAL NOTICE DATED 23.02.2026 BEARING NO. BMAPRA/SAKAAHA-2(DA)/529/2025-26 ISSUED BY THE R2 (PRODUCED AS ANNEXURE-A) AND ETC.

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

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

### **ORAL ORDER**

The petitioner has sought for setting aside of the Final Notice at Annexure-'A' dated 23.02.2026 issued by respondent No.2 - Assistant Executive Engineer, Bangalore Development Authority [BDA]. The Final Notice at Annexure-'A' is to the effect that a complaint was received regarding encroachment of a site and upon examination, the respondent Authority has issued a notice calling upon the petitioner to make out a reply, and in the absence of any reply to the said notice, the respondent Authority had intended to take action to evict the petitioner.

2. The petitioner would point out that the Sale Deed was executed on 12.10.2007 by the respondent BDA



in favour of Smt. Saraswathi, who is stated to be the grandmother of the petitioner. It is submitted that the description of property in the Schedule to the Sale Deed is identical to the description of property in the Final Notice at Annexure-'A' dated 23.02.2026. Accordingly, it is submitted that the notice has no legs to stand.

3. Learned counsel appearing for the respondent-BDA upon advance notice, submits that the Final Notice at Annexure-'A' dated 23.02.2026 must be read in conjunction with the notice at Annexure-'M' dated 29.11.2025 and that the proceedings regarding the alleged encroachment are with respect to the land apart from the extent of land that was sold to the grandmother of the petitioner in terms of the Sale Deed at Annexure-'F'.

4. It is further submitted that the Final Notice at Annexure-'A' dated 23.02.2026 is to be construed to be in furtherance of notice at Annexure-'M' dated 29.11.2025 and is to be treated as Show Cause Notice and would be



limited to the alleged encroachment beyond the limits of the property bearing Site No.450, situated at Sarakki 6<sup>th</sup> Phase (J.P.Nagar), Bengaluru with respect to which Sale Deed has been conveyed to the petitioner's grandmother.

5. It is however noticed that the Final Notice at Annexure-'A' is vague and bereft of specific details and accordingly. In light of the stand of learned counsel appearing for the respondent BDA that the intention is to elicit reply of the petitioner in terms of Annexure-'M', it would be appropriate to set aside the Final Notice at Annexure-'A' dated 23.02.2026, while observing that the respondent-BDA is at liberty to proceed further pursuant to Annexure-'M' dated 29.11.2025. The identity of the property not being in dispute insofar as the property with respect to which the Sale Deed at Annexure-'F' has been executed, it is needless to state that the proceedings for alleged encroachment as noticed at Annexure-'M' would be only with respect to the extent of property beyond the extent as conveyed to the petitioner's grandmother



through the Sale Deed at Exhibit-'F'. The respondent-BDA while proceeding further with Annexure-'M' is to afford an opportunity of hearing to the petitioner and follow the procedure as per the applicable Rules.

6. The petitioner to make out his objections to Annexure-'M' within a period of two weeks from the date of receipt of certified copy of the order. All contentions are kept open.

Accordingly, the petition is ***disposed of***.

**Sd/-**  
**(S SUNIL DUTT YADAV)**  
**JUDGE**

VGR