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NC: 2026:KHC:16953
WP No. 9458 of 2026

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. 9458 OF 2026 (LB-BMP)

BETWEEN:

SRI P.O. SHIVAKUMAR
S/O OMKARAMURTHY
AGED ABOUT 64 YEARS
NOW RESIDING AT MP/C-57
2ND PARALLEL ROAD, B BLOCK
GANDHI NAGAR
SHIVAMOGGA - 572 201.

...PETITIONER

(BY SRI SANDESH KUMAR M., ADVOCATE)

AND:

1. THE CHIEF COMMISSIONER
GREATER BENGALURU AUTHORITY
HUDSON CIRCLE
BANGALORE - 560 001.
2. THE COMMISSIONER
BENGALURU SOUTH CITY CORPORATION,
BLOCK II, 8TH MAIN CROSS,
JAYANAGAR NAGAR,
BANGALORE - 560 011.
3. ASSISTANT EXECUTIVE ENGINEER
BENGALURU SOUTH CITY CORPORATION
J.P.NAGAR SUB DIVISION,
JAYANAGAR NAGAR CIRCLE,
10TH CROSS, 21ST MAIN ROAD
J.P. NAGAR II STAGE
BANGALORE - 560 078.

...RESPONDENTS

(BY SRI. PAWAN KUMAR, ADVOCATE)





THIS PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 30.09.2024 PASSED BY THE HON'BLE KARNATAKA APPELLATE TRIBUNAL AT BENGALURU IN REVENUE APPEAL NO.333/2021 ANNEXURE-O, CONSEQUENTLY, ALSO QUASH THE ORDER BEARING SA.KA.NI.AA/J.P.NO/C.O./WARD.177/06/2019-20 DATED 21.10.2019 VIDE ANNEXURE-L PASSED BY RESPONDENT NO.2, 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 allegation that the petitioner has put up construction in violation of the building bye-laws and the sanctioned plan, the proceedings have been initiated against the petitioner by the then Bruhat Bengaluru Mahanagara Palike, now Greater Bengaluru Authority. It resulted in the petitioner approaching the Karnataka Appellate Tribunal (for short 'KAT') by way of Rev.Appeal No.333/2021. The Karnataka Appellate Tribunal, after hearing the parties and examining the records, has come to the conclusion that the petitioner has put up construction in violation of the building bye-laws and



sanctioned plan, and hence has dismissed the appeal. Aggrieved by the same, the present petition is filed.

2. In the writ petition, the petitioner has challenged the order passed by the KAT in Appeal No.333/2021 and also the eviction notices issued by the respondents.

3. The learned counsel for the petitioner is unable to show how the order passed by the KAT is erroneous. However, he submits that in the light of recent amendments made to the Rules in respect of set back, certain construction put up by the petitioner can be saved. He submits that the petitioner would submit a request for a modified sanctioned plan and he also undertakes that any construction put up in violation of the present existing building bye-laws, the petitioner is willing to demolish the same.

4. Learned counsel for the respondents, upon instructions, submits that a fresh inspection will be made and that if the petitioner were to submit a request for a modified sanctioned plan, the same would be considered in accordance with law and



only thereafter, the construction put up in violation of the present existing bye-laws will be demolished.

5. Hence, the following:

ORDER

(i) Petitioner is given liberty to submit a request for a modified sanctioned plan. The said request will be made within a period of three weeks from today. If such an application is made within three weeks, the respondents shall consider the same in accordance with law and approve the modified sanctioned plan. Further, respondents shall also hear persons who have complained against petitioner, if any;

(ii) Even after the grant of modified sanctioned plan, if any construction is found to be in violation of the same, the same shall be removed forthwith by the petitioner and if he fails to do so, the respondents have the authority to have the same demolished;

(iii) Until such a decision is taken by the respondents, the present eviction notices shall be kept in abeyance;

(iv) However, if no application is made by the petitioner within three weeks as ordered, then in that event, the respondents are at liberty to proceed in accordance with the notices impugned herein;



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(v) The writ petition stands disposed of accordingly.
Pending IAs., if any, stand disposed of.

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

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List No.: 3 Sl No.: 2