



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 9987 OF 2025 (LB-BMP)

BETWEEN:

SRI. L. GUNDU RAO
AGED 63 YEARS,
SON OF LATE SRI. L.S. VENKOBA RAO,
RESIDING AT NO.146, DR. D.V.G ROAD,
BASAVANAGUDI,
BENGALURU - 560 004
ALSO AT NO.56,
GANDHI BAZAAR MAIN ROAD,
BASAVANAGUDI,
BENGALURU - 560 004.

...PETITIONER

(BY SRI. G.R. MOHAN, ADVOCATE)

AND:

1. THE CHIEF COMMISSIONER
BRUHATH BENGALURU MAHANAGARA PALIKE,
N.R. SQUARE, BENGALURU - 560 001.
2. THE ASSISTANT DIRECTOR
OF TOWN PLANNING, SOUTH RANGE,
BRUHATH BENGALURU MAHANAGARA PALIKE,
BENGALURU - 560 011.

...RESPONDENTS

(BY SRI. SIDDHARTH PADMARAJ DEASI, ADVOCATE FOR R1
AND R2)





THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT TO THE RESPONDENT TO GRANT LICENSE FOR BUILDING A DWELLING HOUSE AS PER LETTER DTD 25.03.2024 AND 26.03.2025 AS PER ANNEX-D AND E AND ALSO ANNEX-C THE JUDGEMENT OF THE TRAIL COURT DTD 03.02.2024 IN OS NO. 9355/2018 AS PER ANNEX-C AND THAT OF BMP BUILDING BY-LAWS 2003.

THIS PETITION, COMING ON FOR PRELIMINARY IN 'B' GROUP HEARING, 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. *Issue Writ of Mandamus or Directions to the Respondent to grant license for building a dwelling house as per letter dated 25-03-2024 and 26-03-2025 as per 'C' the Judgement of the Trail Court Annexure 'D' and 'E' and also Annexure C the Judgement of the Trial Court dated 03-02-2024 III Additional City Civil & Sessions Judge in OS No.9355 of 2018 as per Annexure 'C' and that of Bangalore Mahanagara Palike Building Bye-Laws 2003: also to quash the endorsement bearing No.JUM.NE.ANI.YO(D)P.R./400/25-26 dated 30.08.2025 as per Anneuxre-G.*
- b. *Pass such other or orders as this Hon'ble Court may deem fit in the facts and circumstances of the case in the interest of justice and equity.*



2. The grievance of the petitioner is that the application submitted for the sanction of the building plan and grant of building licence has not been considered by the respondents. Instead of examining the application on its merits, the respondents have issued an endorsement dated 30.08.2025 stating that the Building Bye-laws do not contemplate sanction of plans in respect of properties measuring less than 50 square metres. On the basis of the said endorsement, the petitioner's request has effectively been declined without substantive consideration.
3. The endorsement proceeds on the premise that there is an absolute bar under the Building Bye-laws against sanction of building plans for sites measuring less than 50 square metres. However, such a position is not borne out from the statutory framework governing planning and development. The Building Bye-laws and the Zonal Regulations framed under the Revised Master Plan 2015 do not impose a



blanket prohibition against consideration of applications relating to smaller sites. What is contemplated is regulatory compliance with minimum standards relating to setbacks, coverage, floor area ratio, and other planning norms.

4. This very issue has already been considered by this Court in its order dated 11.12.2023 passed in W.P. No. 7204/2021. In the said decision, this Court has categorically held that even in respect of sites measuring less than 50 square metres, the authorities are not absolved of their obligation to examine applications for building plan sanction. It was clarified that such applications are required to be evaluated in the light of the applicable Building Bye-laws and in particular with reference to Table 8 under Regulation 3.1 of the Zonal Regulations of the Revised Master Plan 2015, by adopting the lowest sital measurement indicated therein. The Court has thus recognised that regulatory norms are to be



applied proportionately and pragmatically, and not in a manner that results in an automatic rejection solely on the ground of sital measurement.

5. The principle that emerges from the earlier decision is that statutory authorities cannot decline consideration of an application by relying upon a perceived prohibition that does not find express support in the governing regulations. Administrative discretion must be exercised in conformity with the statutory scheme. Where the regulations provide measurable parameters for smaller sites, the authority is bound to apply those parameters and determine compliance, rather than refuse consideration at the threshold.
6. In the present case, the endorsement dated 30.08.2025 does not disclose any examination of the petitioner's application with reference to the applicable zoning norms, setbacks, coverage limits,



or other technical requirements. It merely states that sanction cannot be granted for sites less than 50 square metres. Such an approach amounts to abdication of statutory duty. The authority is required to consider whether the petitioner's proposal satisfies the minimum regulatory standards; it cannot substitute that exercise with a blanket rejection.

7. The earlier decision of this Court dated 11.12.2023 squarely governs the present case. Administrative discipline requires that similarly situated applicants be treated alike and that the respondents adhere to the Judicial interpretation already placed upon the regulations by this court.
8. In these circumstances, the endorsement dated 30.08.2025 cannot be sustained to the extent it refuses consideration of the petitioner's application solely on the ground of sital measurement. The



respondents are under a statutory obligation to examine the application in accordance with the Building Bye-laws and the Zonal Regulations, particularly Table 8 under Regulation 3.1 of the Revised Master Plan 2015, by applying the lowest cycle measurement as indicated therein.

9. Accordingly, the petition stands ***disposed of.***

**SD/-
(SURAJ GOVINDARAJ)
JUDGE**

GJM
List No.: 2 Sl No.: 40