



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 15938 OF 2023 (GM-RES)

BETWEEN:

1. SRI. BHARAT. C.,
S/O LATE G CHANDRASHEKAR
AGED ABOUT 31 YEARS
2. SMT DEEPA
W/O LATE G CHANDRASHEKAR
AGED ABOUT 54 YEARS
3. SMT BINDUSHREE
D/O LATE G CHANDRASHEKAR
AGED ABOUT 34 YEARS

ALL ARE R/AT NO.538, 31ST MAIN ROAD
1ST CROSS, BANAGIRI NAGAR
BSK III STAGE
BANGALORE-560 086.

...PETITIONERS

(BY SRI. RAJESWARA P.N.,ADVOCATE)

AND:

1. M/S BHARAT AND BHARATH PROPERTIES,
HAVING ITS FIRM OF PARTNERS
OFFICE AT NO.17, 4TH FLOOR
SHAH SULTAN, ALI ASKAR ROAD
BANGALORE-560 052
REPRESENTED BY ITS PARTNERS.
RESPONDENTS 2 TO 4





2. SMT ANSHU BHANDARI
W/O SRI UTTAMCHAND BHANDARI
AGED ABOUT 69 YEARS

3. SRI BHARAT KUMAR BHANDARI
S/O SRI UTTAMCHAND BHANDARI
AGED ABOUT 44 YEARS

4. SRI GAURAV KUMAR BHANDARI
S/O SRI UTTAMCHAND BHANDARI
AGED ABOUT 42 YEARS

RESPONDENT NO.2 TO 4 ARE
R/A NO.266, 5TH CROSS, 15TH MAIN
RMV EXTENSION
BANGALORE-560 080.

5. M/S NAMBIAR BUILDERS PVT LTD
HAVING ITS OFFICE AT 2ND FLOOR
P R BUSINESS CENTER, ABOVE CROMA
ORR. MARATHAHALLI
BANGALORE-560037
REPRESENTED BY ITS DIRECTOR
SRI RATHESH NAMBIAR.

6. ANEKAL PLANNING AUTHORITY
NO.403, ANNA BUILDING, 1ST FLOOR
HENNAGARA GATE, NEAR CHANDAPURA
BANGALORE-560099
REPRESENTED BY MEMBER SECRETARY
AND TOWN AND COUNTRY PLANNING
JOINT DIRECTOR.

7. THE ASST. DIRECTOR
TOWN PLANNING
ANEKAL TOWN PLANNING AUTHORITY
NO.403, ANNA BUILDING, 1ST FLOOR
HENNAGARA GATE
NEAR CHANDAPURA
BANGALORE-560 099.



8. THE JOINT DIRECTOR
TOWN AND COUNTRY PLANNING
ANEKAL TOWN PANNING AUTHORITY
NO.403, ANNA BUILDING, 1ST FLOOR
HENNAGARA GATE, NEAR CHANDAPURA
BANGALORE-560 099.

...RESPONDENTS

(BY SMT. MONICA PATIL, ADVOCATE FOR R2 TO R4;
SRI. YOGESH D. NAIK., ADVOCATE FOR R6 R7 AND R8;
SRI. Y.R. SADASIVA REDDY, SENIOR ADVOCATE FOR
SRI. RAHUL S. REDDY., ADVOCATE FOR R5;
V/O DATED 25.06.2024 NOTICE TO R1 IS DISPENSED
WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE LAYOUT PLAN SANCTIONED BY THE R6 TO 8 IN FAVOUR OF THE R5 FOR DEVELOPMENT OF A LAYOUT IN THE LANDS IN SY.NO.17/1, SY.NO.167/1, SY.NO.150/4, SY.NO.150/6, SY.NO.151/2, SY.NO.166/3, SY.NO.166/1, NEW NO.166/4 AND 166/5, SY.NO.169/1, SY.NO.18, NEW NO.18/1, SY.NO.17/1, SY.NO.131/5, SY.NO.132/2, SY.NO.131/1 AND 131/2, SY.NO.133/4 AND SY.NO.132/5 OF GOPASANDRA VILLAGE AND MUTHANALLURU VILLAGE, SARJAPURA HOBLI, ANEKAL TALUK DTD 01.10.2021 BEARING LAO.62-2020-21 IN THE 76TH MEETING OF THE R6 HELD ON 01.10.2021 PRODUCED AS ANNEXURE-E AND THE LETTER OF APPROVAL ISSUED BY THE R6 DATED 11.11.2021 RECODING THE APPROVAL OF ANNEXURE-E OF THE PROCEEDINGS DATED 11.02.2021 IN ITS 74TH MEETING AS PER SUB NO.26 IS PRODUCED HERewith AS ANNEXURE-E1 AND FURTHER TO QUASH THE RELINQUISHMENT DEED DATED 17.11.2021 REGISTERED IN THE OFFICE OF THE SUB-REGISTRAR, ANEKAL AS DOCUMENT NO.ANK-1-05850-2021-22 PRODUCED AT ANNEXURE-F EXECUTED BY THE R5 IN FAVOUR OF THE R6.

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

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL



ORAL ORDER

Petitioners claiming to be the partners of respondent No.1 along with respondent Nos.2 to 4 are before this Court seeking following reliefs;

"WHEREFORE, it is humbly prayed that this Hon'ble court be pleased to issue a writ of certiorari to quash the layout plan sanctioned by the Respondents 6 to 8 in favour of the 5th Respondent for development of a layout in the lands in Sy.No.17/1, Sy.No.167/1, Sy.No.150/4, Sy.No.150/6, Sy.No.151/2, Sy.No.166/3, Sy.No.166/1, New No.166/4 and 166/5, Sy.No.169/1, Sy.No.18, New No.18/1, Sy.No.17/1, Sy.No.131/5, Sy.No.132/2, Sy.No.131/1 & 131/2, Sy.No.133/4 and Sy.No.132/5 of Gopasandra Village and Muthanalluru Village, Sarjapura Hobli, Anekal Taluk dated: 01.10.2021 bearing LAO.62-2020-21 in the 76th meeting of the 6th Respondent held on 11.11.2021 produced as ANNEXURE-E1 and the letter of approval issued by the 6th respondent dated: 11.11.2021 recoding the approval of ANNEXURE-E of the proceedings dated: 11.11.2021 in its 74th meeting as per Sub. No.26 is produced herewith as ANNEXURE-E1 and further to quash the relinquishment deed dated: 17.11.2021 registered in the office of the Sub-Registrar, Anekal as document No.ANK-1-05850-2021-22 produced at ANNEXURE-F executed by the 5th Respondent in favour of the 6th Respondent, in the interest of justice."

2. Sri. Rajeswara P N, learned counsel for the petitioners submits that a Joint Development Agreement dated 30.08.2017 came to be entered into between the respondent No.1/ Partnership Firm and respondent No. 5 for the purpose of development of Lands described in the said agreement. In



furtherance to the said Joint Development Agreement, the respondent No.5 was required to develop the said lands by obtaining a layout plan from the competent authorities subject to obtaining prior approval or consent from the petitioners. That the said application for approval was also required to be filed in the name of the respondent No.1/Partnership Firm.

3. He submits in the meanwhile, the respondent No.1/Partnership Firm has been dissolved by exchange of notices between the petitioners and respondent Nos.2 to 4. He submits that certain disputes also have cropped up pertaining to the said Joint Development Agreement resulting in notices being issued cancelling the Joint Development Agreement. He submits under the circumstances the respondents /authorities ought not to have sanctioned the plan. Therefore, there is not only violation of the terms of the Joint Development Agreement but also the statutory provision requiring an application be made in the name of the owner of the lands. Therefore, he submits that the petition be allowed by quashing the order dated 11.11.2021 produced at Annexure-E1 and the relinquishment deed produced at Annexure-F.



4. Per contra, Sri. Y.R.Sadashiva Reddy, learned Senior counsel appearing for respondent No.5 submits that the petitioners cannot maintain the petition, inasmuch as, in terms of the specific clause provided under the Joint Development Agreement disputes if any between the petitioners and the respondent Nos.2 to 4 pertaining to the Partnership Firm, is amenable for resolution under the Arbitration and Conciliation Act, 1996 and petitioners cannot resort to arm twist the respondent No.5 by filing petition of this nature.

5. Smt.Monica Patil, learned counsel appearing for respondent Nos.2 to 4 submits that the Joint Development Agreement and General Power of Attorney have not been terminated. She further submits that even as on the date when the application seeking issuance of plan was made and sanctioned plan was issued, the Joint Development Agreement and General Power of Attorney were valid and subsisting and there was no dispute of any nature whatsoever. She submitted in any event should the petitioners be aggrieved by the order dated 11.11.2021 at Annexure- E1, there is a statutory remedy provided under sub-section (6) of Section 17 of the Karnataka



Town and Country Planning Act, 1961 ('Act, 1961' for brevity) which the petitioners may well avail. In the light of the availability of the alternate statutory remedy, the present petition is not maintainable. Hence, seeks for dismissal of the petition.

6. Heard. Perused the records.

7. Facts narrated above do not require reiteration. All that the petitioners is appeared to be aggrieved is the order dated 11.11.2021 passed by the respondent No.6 as per Annexure-E1 in exercise of its power under Section 17(2)(a) of the Act, 2015 wherein it has issued a sanctioned layout plan subject to certain terms and conditions provided thereunder. It appears pursuant to the said sanctioned layout plan, a layout has been formed and even a relinquishment deed as per Annexure-F has also been executed.

8. Sub-Section (6) of Section 17 of the Act, 1961 provides for an appeal to be filed by the person aggrieved to the prescribed authority against the decision of Planning Authority under sub-section (2) or sub-section (4) of Section 17



of the Act, 1961 as the case may be within 30 days from the date of such decision. Sub-section (7) of Section 17 of the Act, 1961 contemplates prescribed authority after giving opportunity of being heard to the appellant and the Planning Authority, to pass such orders, as it deems fit, within the time limit stipulated thereunder.

9. Since the grounds urged in this petition seeking quash of the order and the sanctioned plan as noted above, is on the premise of respondent No.1/Partnership Firm having been dissolved, and the application for issuance of sanctioned plan not having been made in the name of the owner of the lands, and consent of the petitioners who are the erstwhile partners of the respondent No.1/Partnership Firm not having been obtained, are the grounds which can be well-urged in the said appeal by the petitioners, if such an appeal is filed.

10. If such an appeal is filed within 30 days from the date of receipt of certified copies of this order, the competent authority shall consider said application within the time stipulated under the statute and shall pass orders after providing sufficient opportunity of hearing both the sides.



11. At this juncture, learned counsel for the petitioners, submits that since the petitioners are pursuing the present petition, the time consumed here may be directed to be considered for the purpose of condoning the delay in filing the appeal as contemplated under the Act.

12. Learned counsel for the respondent No.5 on the other hand submits such question be kept open to be urged before the competent authority.

13. Submissions are placed on record.

14. Parties are at liberty to seek condonation of delay and objection there to be filed and the competent authority shall consider the same in accordance with law.

15. It is made clear no opinion is expressed in this petition on the merits or otherwise of the matter. Since the question of alternative remedy was raised and the same is accepted, petition is **disposed of** reserving liberty to the petitioners as noted above.

Sd/-
(M.G.S. KAMAL)
JUDGE