



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO.17642 OF 2025 (GM-RES)

BETWEEN:

SRI KANAKA SHREE
LAYOUT RESIDENTS WELFARE ASSOCIATION
A WELFARE ASSOCIATION REGISTERED
UNDER KARNATAKA SOCIETIES
REISTRATION ACT, 1960.
THE ASSOCIATION REGISTERED UNDER THE
PROVISIONS OF KARNATAKA SOCIETIES,
REGISTRATION ACT, 1960.
HAVING ITS OFFICE AT NO. 237,
4TH MAIN, 1ST CROSS, KANAKASREE LAYOUT,
BENGALURU 560 077.

REPRESENTED BY ITS SECRETARY.
SRI MANJUNATH. M V

...PETITIONER

(BY SRI. SAMPATH A.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF URBAN DEVELOPMENT,
VIKASA SOUDHA,
REPRESENTED BY
ITS ADDITIONAL CHIEF SECRETARY.
BENGALURU 560 001.
2. BANGALORE DEVELOPMENT AUTHORITY
REPRESENTED BY ITS COMMISSIONER,





- T CHOWDAIAH ROAD,
KUMARA PARK WEST,
BENGALURU 560 020.
3. CHIEF COMMISSIONER
BRUHAT BANGALORE MAHANAGARA PALIKE,
HUDSON CIRCLE,
BENGALURU 560 002.
4. BANGALORE WATER SUPPLY AND
SEWERAGE BOARD (BWSSB)
CAUVERY BHAVAN,
K G ROAD, BENGALURU - 560009
- REPRESENTED BY ITS CHAIRMAN.
5. BANGALORE ELECTRICITY SUPPLY COMPANY
(BESCOM)
REPRESENTED BY ITS CHAIRMAN,
AMBEDKAR VEEDHI,
K R CIRCLE, BENGALURU 560 001.

...RESPONDENTS

(BY SRI. ADITYA DIWAKAR ,AGA FOR R1;
SRI. K KRISHNA, ADVOCATE FOR R2;
SRI. S H PRASHANTH, ADVOCATE FOR R3;
SRI. B L SANJEEV, ADVOCATE FOR R4;
SRI. H V DEVARAJU, ADVOCATE FOR R5)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE
NATURE OF MANDAMUS DIRECTING THE RESPONDENT NO.2
BDA TO STOP COLLECTING THE TAXES FROM THE RESIDENTS
OF THE PETITIONER IN VIEW OF NOTIFICATION DATED
21.11.2022 VIDE ANNEXURE-H.

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



CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned writ petition is filed seeking for the following reliefs:

"(a) Issue a writ in the nature of Mandamus directing the Respondent No.2 - BDA to stop collecting the taxes from the residents of the Petitioner in view of Notification dated 21.11.2022 vide Annexure-H.

(b) Issue a writ in the nature of Mandamus directing the Respondent No.3 - BBMP to maintain the Layout as per BBMP Act, 2020 by considering the representations dated 03.01.2023 and dated 14.03.2024 vide Annexure-J and Annexure-L.

(c) Issue a writ in the nature of Mandamus directing the Respondent No.4 - BWSSB to maintain the drains and sewerage of the petitioner's Layout by considering the representations dated 27.12.2017 and 05.07.2018 vide Annexures-E1 and E4 respectively.

(d) Issue a writ in the nature of Mandamus directing the BESCO to provide sufficient transformers for the Petitioner's layout by considering the representations dated 05.07.2018 and 10.09.2018 vide Annexure-E5 and E8 respectively.

(e) Issue writ in the nature of Mandamus directing the Respondent No.1 - State do constitute grievance



Redressal committee as per Section 368 of BBMP Act, 2020 dated 21.12.2020 bearing No.DPAL 20 Shashana 2020 Bengaluru vide Annexure-M.

(f) Pass such other orders as this Hon'ble Court deems fit in the facts and circumstances of the above case, in the interest of justice and equity."

2. Facts leading to the case are as under;

The petitioner-Society, registered under the provisions of the Karnataka Societies Registration Act, 1960, has approached this Court ventilating grievances of persistent inaction on the part of the statutory authorities, who are otherwise enjoined with a public duty to provide basic civic amenities to residents. The case of the petitioner is that Sri.Kanakashree House Building Co-operative Society Limited had formed a residential layout and allotted sites to its members, who are presently in settled possession. It is their specific contention that, despite being law-abiding citizens regularly discharging civic obligations, including payment of taxes, they are



deprived of fundamental civic infrastructure owing to apathy on the part of respondents authorities.

3. The residents assert that respondent Nos.3 and 4, namely BBMP and BWSSB, who are the primary urban local bodies entrusted with the statutory obligation of providing roads, drainage, water supply, sanitation, and other essential services, have failed to discharge their duties. The allegations disclose lack of proper roads, drainage facilities, and drinking water supply, thereby compelling residents to live in substandard conditions. Equally, grievance is also directed against respondent No.5 – BESCOM, on account of failure to provide adequate electrical infrastructure, including installation of sufficient transformers, despite repeated representations. The grievance assumes seriousness as the deficiencies relate to basic amenities, which are not matters of discretion, but are enforceable public duties flowing from statutory mandates governing urban governance.



4. At the same time, the petitioner has raised a significant issue concerning respondent No.2 – BDA, contending that even after the layout stood transferred to the jurisdiction of BBMP, the BDA continues to collect taxes, which, according to the petitioner, is wholly without authority of law. The grievance is that such collection not only results in duplication of taxation but also reflects administrative inconsistency, causing prejudice to the residents.

5. Learned counsel appearing for respondent No.2 – BDA fairly submits that pursuant to a Government Order issued in the year 2022, the layout in question has been formally handed over to respondent No.3 – BBMP, and possession was accordingly transferred in the year 2023. This position is fortified by material placed on record at Annexure-H. It is also fairly submitted, on instructions, that BDA would not henceforth collect taxes in respect of Phase Nos.1 and 3 of the layout.



6. While recording the said submission, this Court cannot lose sight of the settled legal position that once a development authority such as BDA hands over a layout to the jurisdictional municipal body, namely BBMP, it effectively cedes control and authority over the said layout. Consequent thereto, the power to levy and collect taxes, as well as the corresponding duty to provide civic amenities, stands transferred to the municipal authority. Therefore, any continued collection of taxes by BDA post such transfer would be without jurisdiction and contrary to the statutory scheme governing urban administration. Such actions, if permitted, would not only result in overlapping authority but would also erode public confidence in institutional governance.

7. In that view of the matter, this Court is of the considered opinion that any amount collected by BDA, after the date of handing over possession, requires scrutiny. It is incumbent upon BDA, as a public authority, to act with transparency and accountability. Accordingly,



BDA is required to undertake an audit to ascertain whether any taxes have been collected post-transfer. In the event such amounts are found to have been collected, which in law are payable to BBMP, the same shall be remitted forthwith to BBMP, accompanied by appropriate communication, so as to ensure financial propriety and administrative coherence.

8. Further, this Court deems it necessary to emphasis that BBMP and BWSSB, being statutory authorities constituted for the very purpose of ensuring planned urban development and provision of essential services, cannot remain passive spectators to the grievances of residents. The obligation to provide roads, drainage, water supply, and sanitation is not merely a statutory duty, but is intrinsically linked to the right to life under Article 21 of the Constitution of India. Any inaction or delay in addressing such grievances would amount to failure in discharge of constitutional and statutory responsibilities.



9. The assurances given by the learned counsel appearing for BBMP and BWSSB that the grievances would be considered, therefore, must translate into concrete action within a time-bound framework.

10. Insofar as respondent No.5 – BESCO is concerned, though this Court is not inclined to grant immediate relief in the absence of adjudicated facts, it is nevertheless expected of BESCO, being a public utility provider, to duly consider the representations submitted by the petitioner and take appropriate decisions in accordance with law, keeping in view the necessity of ensuring adequate electrical infrastructure to residential areas.

11. In view of the above discussion, this Court proceeds to pass the following:

ORDER

(i) The Writ Petition is allowed in part.



(ii) Respondent No.3 – BBMP and respondent No.4 – BWSSB are hereby directed to forthwith consider the grievances set out in the writ petition and in the representations submitted by the petitioner and to take all necessary steps for providing requisite civic amenities, including roads, drainage, and water supply. Such exercise shall be completed within a period of three (03) months from the date of receipt of a copy of this order.

(iii) It is declared that respondent No.2 – BDA, having handed over the layout to respondent No.3 – BBMP, shall have no authority to levy or collect taxes in respect of the said layout henceforth. BDA shall conduct an audit of any amounts collected post-handover and, if any such amounts are found due to BBMP, the same shall be remitted forthwith to respondent No.3 – BBMP.

(iv) The relief sought against respondent No.5 – BESCOM is not granted at this stage. However, respondent No.5 shall consider the representations submitted by the petitioner and pass appropriate orders in accordance with law



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within a period of two (02) months from the
date of receipt of a copy of this order.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

NBM
List No.: 1 Sl No.: 31