



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. 38614 OF 2018 (LB-BMP)

BETWEEN:

1. SMT. ZAINABI
AGED 65 YEARS
W/O LATE SRI IMAMSAB,
RESIDING AT NO.372,
NEAR BELLANDUR POST OFFICE,
BENGALURU - 560 102.
2. SRI. SHAIK ALTAF PASHA
AGED 50 YEARS,
S/O LATE SRI. IMAMSAB,
RESIDING AT NO.372,
NEAR BELLANDUR POST OFFICE,
BENGALURU - 560 102.
3. SRI. SHEIK RIYAZ PASHA
AGED 43 YEARS
S/O LATE IMAMSAB,
RESIDING AT NO.372,
NEAR BELLANDUR POST OFFICE,
BENGALURU - 560 102.
4. SHEIK NASIR PASHA
S/O LATE SRI IMAMSAB,
AGED 38 YEARS
RESIDING AT NO.372,
NEAR BELLANDUR POST OFFICE,





BENGALURU - 560 102.

5. SRI. SRIRAM REDDY
AGED 70 YEARS
S/O SRI MUNISWAMY REDDY,
NO.129,9TH CROSS,
BELLANDUR,
BENGALURU - 560 102.
6. MR. DURGESH
S/O SURARAM
AGED 23 YEARS
R/AT 02, NEAR MANTRI
COMMERCIAL APARTMENT,
DEVERABEESANAHALLI,
BELLANDUR, BENGALURU - 560 103.
7. MR SOHAN RAM
AGED 27 YEARS
S/O SURARAM
R/AT 02, NEAR MANTRI
COMMERCIAL APARTMENT,
DEVERABEESANAHALLI,
BELLANDUR, BENGALURU - 560 103.
8. MR. RASMIRANJAN SAHU
AGED 28 YEARS
S/O KARUNAKAR SAHU,
R/AT 02, NEAR MANTRI
COMMERCIAL APARTMENT,
DEVERABEESANAHALLI,
BELLANDUR, BENGALURU - 560 103.
9. MR. ALI MOSTAFA
AGED 22 YEARS



S/O SAINUDDIN,
R/AT 02, NEAR MANTRI
COMMERCIAL APARTMENT,
DEVERABEESANAHALLI,
BELLANDUR, BENGALURU - 560 103.

10. MR. SAIBANA
AGED 32 YEARS
S/O JATTEPPA,
R/AT 02, NEAR MANTRI
COMMERCIAL APARTMENT,
DEVERABEESANAHALLI,
BELLANDUR, BENGALURU - 560 103.

...PETITIONERS

(BY SMT. NIDHISHREE B.V, ADVOCATE)

AND:

1. ASSISTANT EXECUTIVE ENGINEER
MARATHAHALLI SUB DIVISION,
MAHADEV RAPURA ZONE, BBMP,
NO.97/2 D, KRISHNA SHINE BUILDING,
NEAR MARATHAHALLI BRIDGE
BENGALURU - 560 037.
2. MANTRI ESPANA RESIDENTIAL APARTMENT
OWNERS ASSOCIATION,
OUTER RING ROAD, KARIYAMMANA
AGRAHARA, BELLANDUR,
BENGALURU - 560 103
REPRESENTED BY ITS PRESIDENT.

...RESPONDENTS

(BY SRI. PAWAN KUMAR, ADVOCATE FOR R1; R2 SERVED)



THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE COMMUNICATION DATED 24.8.2018 ISSUED BY THE R-1 AUTHORITY TO THE PETITIONERS TO REMOVE THE TEMPORARY STRUCTURES AT PROPERTY BEARING SY.NO. 50/3 SITUATED DEVARABISANAHALLI VILLAGE AT ANNEX-H AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Petitioners are before this Court seeking for the following reliefs:

a. Issue a Writ of Certiorari or any other appropriate writ, order, direction quashing the communication dated 24.08.2018 bearing No.BBMP/SKA/MUV/P.R/72/2018-19 issued by the first Respondent Authority to the Petitioners to remove the temporary structures at property bearing Sy.No.50/3 situated Devarabisanahalli Village (ANNEXURE-H)

b. Grant such other and further reliefs as are just including the cost of this Petition.

2. The grievance of the petitioners is that the order dated 24.08.2018 at Annexure-H has been passed without



issuing any notice to the petitioners. Her submission is that certain others having filed W.P.Nos.54215/2018 and 54270-54334/2018, the Co-ordinate bench of this Court has dealt with the same order dated 19.12.2018 recording the undertakings given by those persons.

3. In that view of the matter, considering that there is no notice which had been issued to the petitioners, I am of considered opinion that an order of eviction could not have been passed without such notice being issued. Hence, I pass the following:

ORDER

- i) Writ petition is partly ***allowed***.
- ii) A certiorari is issued, the communication dated 24.08.2018 bearing No.BBMP/SKA/MUV/P.R/72/2018-19 at Annexure-H is read down as a "show cause notice."
- iii) Reserving liberty to the petitioners to reply to the same, which shall be so replied within 15 days from today providing the undertakings as indicated



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in the order dated 19.12.2018 in
W.P.No.54215/2018 and other connected matters.

- iv) Respondent No.1 is directed to consider the same
and pass necessary orders as indicated *supra* by
taking into account the undertakings furnished by
the petitioners.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

GJM
List No.: 2 Sl No.: 28