



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 21205 OF 2025 (LB-RES)

BETWEEN:

SMT. SUDHA VENKATESH,
W/O.Y.VENKATESH,
AGED ABOUT 52 YEARS,
R/AT NO. 136, EADEN GARDEN LAYOUT,
NEAR ALLIANCE UNIVERSITY,
ANEKAL-CHANDAPURA ROAD,
BENGALURU URBAN DISTRICT- 562 106

...PETITIONER

(BY SRI RAJESWARA P.N, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
DEPARTMENT OF URBAN DEVELOPMENT,
DR.B.R.AMBEDKAR BEEDI,
M.S.BUILDING, BENGALURU 560 001.
REP. BY ADDITIONAL CHIEF SECRETARY.
2. BANGALORE METROPOLITAN REGION
DEVELOPMENT AUTHORITY,
NO.1, ALI ASKAR ROAD, BENGALURU-560 052,
REP. BY ITS COMMISSIONER.
3. SATELLITE TOWN RING ROAD
PLANNING AUTHORITY,
NO. 1, ALI ASKAR ROAD,
BENGALURU-560 052,
REP. BY ITS MEMBER SECRETARY
AND JOINT DIRECTOR.

...RESPONDENTS

(BY SRI BOPPANNA BELLİYAPPA, AGA FOR R-1;
SRI YOGESH D NAIK, ADVOCATE FOR R-2 & R-3)





THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE STIPULATION CONTAINED IN THE NOTIFICATION BEARING NO. BMRDA/ALN/CR/44/2011-12 DATED 16.03.2023 ISSUED BY THE RESPONDENT NO.2 AT ANNEXURE-A, THAT THE CONCERNED URBAN DEVELOPMENT AUTHORITY/PLANNING AUTHORITIES IN THEIR RESPECTIVE JURISDICTION BEFORE ACCORDING PERMISSION FOR DEVELOPMENT SHALL INITIATE MEASURES TO GET THE RELINQUISHMENT OF LAND FALLING IN THE INTERMEDIATE RING ROAD (IRR) ALIGNMENT TO THE CONCERNED AUTHORITY/DEPARTMENT FROM THE LAND OWNERS FREE OF COST IS NULL, VOID AND ILLEGAL, BEING VIOLATIVE OF ARTICLE 300A AND ARTICLE 31A OF THE CONSTITUTION OF INDIA ETC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court, seeking for the following reliefs:

"i. Declare that the stipulation contained in the Notification bearing No. BMRDA/ALN/CR/44/2011-12 dated 16.03.2023 issued by the Respondent No.2 at Annexure-A, that the concerned Urban Development Authority/Planning Authorities in their respective jurisdiction before according permission for development shall initiate measures to get the relinquishment of land falling in the Intermediate Ring Road (IRR) alignment to the concerned Authority/Department from the land owners free of cost is null, void and illegal, being violative of Article 300A and Article 31A of the Constitution of India;

ii. Issue a Writ of Mandamus directing the Respondent No.3 to approve the Single Plot Development Plan without insisting the Petitioner to execute Relinquishment Deed as per the Notification dated 16.03.2023 at Annexure-A and without insisting the Petitioner to surrender 5% of the land area towards



land bank free of cost by executing a relinquishment deed in favour of the State Government as per Notification dated 20.05.2017 as per Annexure-F;

ii. Issue a Writ of Certiorari quashing the Endorsement bearing No. STRRPA/LAO/44/2023-24/25-26 dated 09.05.2025 issued by Respondent No.3 at Annexure-P in respect of land measuring 29 guntas in Sy.No.69/6 of Biliganakuppe Village, in so far as stipulating a condition to relinquish 90 meters of land for IRR as per Notification dated 16.03.2023 at Annexure-A.

iib. Issue a Writ of Certiorari quashing the Endorsement bearing No.STRRPA/LAO/45/2023-24/25-26 dated 09.05.2025 issued by Respondent No.3 at Annexure-P1 in respect of 2 acres 35 guntas in SY.No.69/7 of Biliganakuppe Vilalge in so far as Stipulating a condition to relinquish 90 meters of land for IRR as per Notification dated 16.03.2023 at Annexure-A.

iii. Pass such other orders as this Hon'ble deems fit, including the award of cost/s, in the interest of justice and equity."

2. The petitioner asserts absolute ownership over land measuring 29 guntas in Survey No.69/6 and 2 acres 35 guntas in Survey No.69/7 of Belliganakuppe Village, Maralavadi Hobli, Kanakapura Taluk, Ramanagara District, having acquired the same under two duly registered sale deeds. The title of the petitioner is not in dispute. Upon acquisition, the petitioner sought to utilise the land for establishing a



hotel and resort. For that purpose, an application was submitted for change of land use from agricultural to commercial (hotel and resort), which was granted by the competent authority on 03.06.2022. Thus, the land stood lawfully converted for commercial use.

3. Subsequent to such conversion, the petitioner was called upon to surrender 5% of the land area towards a land bank, free of cost, by execution of a relinquishment deed in favour of the State Government. The petitioner objected to this demand on the ground that the very notification dated 20.05.2017, which mandated such surrender, had already been quashed by a Co-ordinate Bench of this Court by order dated 10.08.2022 in W.P. No.15250/2022.
4. Thereafter, the petitioner approached respondent No.3 seeking sanction of a single plot development plan. At that stage, respondent No.3 insisted that the



petitioner earmark 90 metres of land for the proposed widening of the Intermediate Ring Road pursuant to the notification dated 16.03.2023. When the petitioner questioned this insistence, a further communication dated 09.05.2025 (Annexure P-series) was issued, clearly stating that unless the 90-metre stretch was marked and reserved, the development plan would not be considered. The challenge in the present proceedings is directed against both these requirements.

5. The issues which arise for consideration are therefore twofold:
 - a) Whether the petitioner can be compelled to surrender 5% of the land towards a land bank free of cost; and
 - b) Whether the petitioner can be compelled to demarcate and hand over 90 metres of land free of cost for proposed widening of the Intermediate



Ring Road as a precondition for sanction of a single plot development plan.

6. The Co-ordinate Bench of this Court, by its order dated 10.08.2022 in W.P. No.15250/2022, has categorically quashed the notification dated 20.05.2017 which required surrender of 5% of land towards a land bank as a condition for development. The legal consequence of quashing a notification is that it is rendered inoperative and unenforceable unless and until the order is stayed or set aside in appeal.
7. It is not in dispute that though writ appeals in W.A. No.1367/2023 and W.A. No.1595/2023 have been filed challenging the said order, no interim order of stay has been granted by the Hon'ble Division Bench. In the absence of a stay, the judgment of the Co-ordinate Bench continues to operate and bind the authorities.



8. It is a settled principle of constitutional jurisprudence that executive authorities cannot act contrary to a binding judicial pronouncement merely because an appeal is pending. So long as the order quashing the notification stands, the respondents cannot seek to indirectly enforce the very condition which has been judicially invalidated.
9. Therefore, insistence upon surrender of 5% land free of cost, at this stage, would amount to reintroducing through administrative action a condition which has been judicially declared unsustainable. Such action would be contrary to the rule of law and judicial discipline.
10. However, it is equally necessary to clarify that any benefit flowing to the petitioner by reason of the quashing of the notification shall remain subject to the outcome of W.A. No.1367/2023 and W.A. No.1595/2023. If the Division Bench were to reverse the order of the Co-ordinate Bench, the legal position



would stand altered. The petitioner, though not a party to the appeals, is bound by the declaration of law rendered therein. This position is fairly accepted by learned counsel for the petitioner.

11. The second issue pertains to the insistence on demarcation and surrender of 90 metres of land for widening of the Intermediate Ring Road.
12. The law on this aspect has been consistently laid down by this Court in several decisions. In the case of a single plot development plan, the owner of a parcel of land is not required to surrender land free of cost except where the development itself involves the formation of internal roads, civic amenity sites, parks or open spaces as part of a layout scheme. The rationale behind such a requirement in layout development is that the developer derives commercial benefit from the subdivision and sale of plots, and therefore is obligated to provide common amenities and internal infrastructure.



13. However, the present case concerns a single plot development plan for a hotel and resort. There is no subdivision into plots. There is no internal layout being carved out for public use. In such circumstances, the authority cannot impose conditions analogous to those applicable to layout development.
14. Insofar as roads are concerned, surrender without compensation may be justified where an internal road is formed within the property as part of development. The position is entirely different where the authority proposes to widen an existing public road abutting the property. The proposal for widening of the Intermediate Ring Road is a public infrastructure project. The burden of such public project cannot be shifted onto an individual landowner by compelling gratuitous surrender.
15. If the widening results in a portion of the petitioner's land being required for public purpose, the only



legally permissible course is to initiate acquisition proceedings in accordance with the statutory framework. Compulsory deprivation of property without authority of law or without payment of compensation would offend Article 300A of the Constitution of India.

16. The respondents cannot, under the guise of development control, achieve indirectly what can only be done through acquisition. Conditioning approval of a single plot development plan upon surrender of land free of cost for road widening would amount to an impermissible exaction.
17. At the same time, the concern of the planning authority that future widening should not be frustrated by constructions raised in the earmarked area is legitimate. If construction is permitted within the 90-metre stretch and subsequently acquisition is undertaken, demolition would become inevitable,



leading to avoidable hardship and potential claims of equity by the landowner.

18. It is in this background that the petitioner has filed an affidavit undertaking:

- a) Not to carry out any construction or development within the 90-metre area earmarked for proposed widening;
- b) To hand over possession of such land in the event acquisition is initiated, subject to payment of compensation in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

19. The undertaking effectively addresses the apprehension of the respondents. By voluntarily refraining from development within the earmarked area, the petitioner ensures that no equities are created and that public interest in future



infrastructure expansion is preserved.

Simultaneously, the petitioner safeguards the constitutional guarantee against deprivation of property without compensation.

20. The plan annexed along with the affidavit clearly demarcates the 90-metre stretch. The undertaking is unequivocal. The same is therefore accepted and shall bind the petitioner. It is, however, made clear that the petitioner will be entitled to FAR for the entire land.

21. In view of the above detailed analysis, the insistence on surrender of 5% land towards land bank and surrender of 90 metres of land free of cost for road widening cannot be sustained in law, subject to the petitioner abiding by the undertaking furnished and subject to the result of the pending writ appeals.

22. Hence, I pass the following

ORDER

- i. The writ petition is partly allowed.



- ii. The respondents are directed to consider the application submitted by the petitioner for sanction of a single plot development plan without insisting upon surrender of any portion of the land free of cost, save and except as indicated herein.

- iii. It is made clear that, in the event of widening of the Intermediate Ring Road at any future point of time, it shall be open to the respondents to initiate acquisition proceedings in accordance with law and to acquire the portion of land required for such widening upon payment of compensation in terms of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The undertaking filed by the petitioner, stating that no objection shall be raised to such acquisition subject to receipt of lawful compensation, is placed on record and shall bind the petitioner.



- iv. Insofar as the demand for surrender of 5% of the land area towards land bank free of cost is concerned, the same shall remain subject to the result of Writ Appeal No.1367/2023 and Writ Appeal No.1595/2023. Any orders passed therein by the Hon'ble Division Bench shall be binding upon the petitioner.
- v. In the event the Hon'ble Division Bench upholds the validity of the notification dated 20.05.2017, the petitioner shall make available 5% of the land area free of cost towards the land bank in accordance with law.
- vi. The submission of learned counsel for the petitioner that, pending such adjudication, 5% of the land with appropriate access shall be earmarked and shall not be put to use or development by the petitioner is placed on record. The petitioner shall remain bound by the said submission.



- vii. If a revised plan is submitted earmarking (a) the 90-metre strip proposed for widening of the Intermediate Ring Road and (b) the 5% of land required to be surrendered towards land bank, the respondents shall consider such application for plan sanction strictly in terms of the observations made hereinabove and pass appropriate orders within a period of 60 days from the date of such submission.
- viii. Needless to observe, the respondents shall grant Floor Area Ratio (FAR) benefits in respect of both the portions, namely, the 90 metre area earmarked for road widening and the 5% of land earmarked towards land bank, in accordance with the applicable planning regulations.

SD/-
(SURAJ GOVINDARAJ)
JUDGE