



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN

WRIT PETITION NO. 20449 OF 2022 (LB-BMP)

BETWEEN:

SRI BALARAM GUPTA B G
S/O GOVINDAIAH SETTY,
AGED ABOUT 59 YEARS,
R/AT OLD NO.232/10
NEW NO.60, 22ND CROSS,
JAYANAGAR 6TH BLOCK,
WARD NO.167,
YEDIYUR,
BANGALORE-560082

REPRESENTED BY GPA HOLDER/BROTHER,
SRI B G ASHOK KUMAR,
S/O LATE B GOVINDAIAH SETTY,
AGED ABOUT 61 YEARS,
FLAT NO.3-C, AISHWARYA CASTLE,
41/21, NORTH MAIN ROAD,
YEDIYUR, K R ROAD,
BANGALORE-560082

(BY SRI. SRINIVASA C., ADVOCATE)

...PETITIONER

AND:

1. THE COMMISSIONER
BHRUHATH BANGALORE MAHANAGARA PALIKE,
N R SQUARE,
HUDSON CIRCLE,
BANGALORE-560002
2. THE ASSISTANT EXECUTIVE ENGINEER
BRUHATH BANGALORE MAHANAGARA PALIKE,

Digitally
signed by
GEETHA P G
Location:
HIGH
COURT OF
KARNATAKA



BANASHANKARI SUB DIVISION,
8TH B MAIN ROAD, 17TH B CROSS,
BANASHANKARI II STAGE,
BANGALORE-560068

3. DR CHIRAN BABU A
NO.232/10, NEW NO.60,
M K SAROVARA BUILDING,
22ND CROSS,
JAYANAGAR 6TH BLOCK,
BENGALURU-560068
4. CHAITRA PRIYA A
R/AT G-1, (GROUND FLOOR)
NO.232/10, NEW NO.60,
M K SAROVARA BUILDING,
22ND CROSS, JAYANAGAR 6TH BLOCK,
BENGALURU-560068
5. GOWRAMMA T M
R/AT SECOND FLOOR,
NO.232/10, NEW NO.60,
M K SAROVARA BUILDING,
22ND CROSS,
JAYANAGAR 6TH BLOCK,
BENGALURU-560068
REPRESENTED BY SPECIAL POWER OF ATTORNEY
HOLDER,
BHARATH KUMAR,
R/AT G-1,
(GROUND FLOOR)
NO.232/10,NEW NO.60,
M K SAROVARA BUILDING,
22ND CROSS,
JAYANAGAR 6TH BLOCK,
BENGALURU-560068

...RESPONDENTS

(BY SRI. B.V. MURALIDHAR, ADVOCATE FOR R1 AND R2
SRI. JWALAKUMAR, ADVOCATE FOR R3 TO R5)



THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-SET ASIDE THE IMPUGNED NOTICE BEARING NO.SA.KA.NI.AA (BANASHANKARI)/CO NO.50/WARD 167/2012-13 DTD 25.02.2013 ISSUED BY THE R2 VIDE ANEXURE-K 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 M.I.ARUN

ORAL ORDER

On the allegation that petitioner has put up illegal construction, respondents Nos.3 to 5 made a complaint to the Bruhat Bengaluru Mahanagara Palike now Greater Bengaluru Authority. Based on the said complaint, the proceedings have been initiated against the petitioner, which is challenged in the instant writ petition.

2. The case of the petitioner is that as per the new amendment to the law, much of the construction being put up by the petitioner can be saved and prays that his construction to be considered in accordance with present law applicable.



3. Learned counsel for the respondents together submits that they have no objection for petitioner to put up a construction in accordance with law as prevailing now. It is their categorical submission that even as per the present law, some of the construction put up by the petitioner will have to be removed.

4. No person is entitled to put up construction in violation of the building bye-laws and sanction plan. However, if any of the construction now put up can be saved as per the present building bye-laws, the petitioner can however avail the said benefit. Hence, the following:

ORDER

- i) The petitioner is granted liberty to apply for a modified sanction plan within a period of three weeks from today.
- ii) If the petitioner makes such an application then, in that event, respondent Nos.1 and 2 shall consider the case of the petitioner in



accordance with law and pass appropriate orders.

- iii) Till such orders are passed, respondent Nos.1 and 2 not to take any precipitate action against the petitioner. However, it is clarified that this condition will not be applied if the petitioner fails to make a necessary application within a period of three weeks from today.
- iv) If respondent Nos.3 to 5, who are said to be the purchasers of the flats sold by the petitioner are put to injury due to action of respondent Nos.1 and 2, they are at liberty to recover the damages from the petitioner.

The Writ Petition is accordingly ***disposed of.***

**Sd/-
(M.I.ARUN)
JUDGE**

KA, List No.: 1 Sl No.: 38
CT: SG