



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 37459 OF 2025 (LB-BMP)

BETWEEN:

SMT.B.SHOBHA BAI
AGED ABOUT 68 YEARS,
W/O LATE. RAMAKRISHNA RAO,
NO.517/125, 8TH MAIN,
WARD NO.123, VIJAYANAGAR,
BENGALURU-560040.

...PETITIONER

(BY SRI. SURESH S. LOKRE., SR. ADVOCATE FOR
SRI. SAMARTH S. LOKRE.,ADVOCATE)

AND:

1. THE CHIEF COMMISSIONER
GREATER BENGALURU AUTHORITY,
HUDSON CIRCLE, N R SQUARE,
BENGALURU 560 002
2. THE COMMISSIONER,
BENGALURU WEST CITY CORPORATION, GBA,
18THCROSS, IDEAL HOMES LAYOUT,
R R NAGAR, BENGALURU 560 098
3. THE ZONAL COMMISSIONER,
BENGALURU WEST CITY CORPORATION, WEST ZONE 2,
GBA, IPP CENTER, 72/4,
16THCROSS, VYALIKAVAL, MALLESHWARAM,
BENGALURU 560 003
4. THE ASSISTANT EXECUTIVE ENGINEER,
BENGALURU WEST CITY CORPORATION, GBA,
VIJAYANAGAR SUB-DIVISION, WARD NO 123,
2NDFLOOR, SHASHKARA BHAVANA, 3RD MAIN,





VIJAYANAGAR,
BENGALURU - 560 040

5. SMT. RAMYA S,
W/O HITESHWAR B E,
AGED ABOUT 35 YEARS,
NO 5, SRI NANDI HOMES, 2NDFLOOR,
FF 101, 7THMAIN, SAMPIGE LAYOUT,
VIJAYANAGAR,
BENGALURU 560 079
6. SRI. HITESHWAR B E,
S/ O T.S. ESWARAI AH,
AGED ABOUT 36 YEARS,
NO 5, SRI NANDI HOMES, 2NDFLOOR,
FF 101, 7THMAIN, SAMPIGE LAYOUT,
VIJAYANAGAR,
BENGALURU - 560 079

...RESPONDENTS

(BY SRI. KARTHIKEYAN B S.,ADVOCATE FOR R1 TO R4;
SRI. NANDISH PATIL., ADVOCATE FOR R5 & R6)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE BUILDING
LICENSE LP.NO.GBA/MWM/TVP/ADTP/0089/25-26 DTD 11.11.2025.
(ANNEXURE-D) AND ETC.

THIS WRIT 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. Quash the building license
LP.No.GBA/MWM/TVP/ADTP/0089/25-26 dated
11.11.2025 (Annexure-D)*



II. Quash the plan sanctioned in project No. GBA/BWCC/0293/25-25 (Annexure-D)

III. Grant such other reliefs as this Hon'ble Court deems fit to grant.

2. The petitioner and respondents No.5 and 6 are neighbouring property owners. Respondents No.5 and 6 commenced construction in their property. The petitioner, noticing what he believed to be a deviation from the sanctioned plan, particularly an encroachment into the setback area, issued a notice and thereafter submitted a representation to the respondent authorities seeking appropriate action. Alleging that no action was taken on the said representation, the petitioner has approached this Court seeking quashing of the building licence and plan sanction granted in favour of respondents No.5 and 6.
3. This Court, by order dated 11.12.2025, directed respondent No.4 to inspect the property of



respondents No.5 and 6, verify whether the construction being put up was in accordance with the sanctioned plan and whether the setbacks were maintained as per the sanctioned plan. It was further directed that if any deviation was noticed, respondent No.4 should take immediate steps to stop the construction.

4. Upon service of notice, respondents No.1 to 4 entered appearance and submitted that violations had been noticed in the construction undertaken by respondents No.5 and 6, and that steps had been taken to restrain further construction.
5. When the matter was taken up on 04.02.2026, the petitioner contended that despite the statement made on behalf of respondent No.4, construction activities were still continuing. In view of the said submission, this Court directed a further inspection to be carried out and installation of a CCTV camera at



the premises to monitor the construction activity. Pursuant thereto, a memo along with CCTV footage has been placed on record.

6. Respondents No.5 and 6 thereafter appeared before this Court and submitted on 17.02.2026 that the construction had been stopped. This submission was disputed by the petitioner. Respondents No.5 and 6 further contended that the construction undertaken by them was in conformity with the amended Regulations dated 05.01.2026. In that background, this Court directed a further inspection, and the report pursuant thereto has been filed and taken on record.
7. The inspection report submitted by the Assistant Executive Engineer of the adjoining ward has been placed on record.
8. A perusal of the said report indicates that insofar as the original plan sanction is concerned, there is a



deviation. However, the measurements recorded in the report, when examined with reference to the amended Regulations dated 05.01.2026, indicate that there is no substantial violation, except for a projection on the first floor measuring approximately 0.33 metres × 4.55 metres. Even the measurements furnished by the petitioner indicate that no significant violation exists with respect to the setbacks, except for the aforesaid projection.

9. Sri Suresh Lokre, learned Senior Counsel appearing for the petitioner, has expressed an apprehension that the deviation presently carried out on the roof of the stilt floor may be replicated on the upper floors, thereby resulting in further violations.
10. He submits that the construction must be examined strictly with reference to the original sanctioned plan, and not with reference to the amended Regulations dated 05.01.2026. According to him, if the



construction is tested against the original sanctioned plan, substantial deviations exist, warranting action by the municipal authorities.

11. He further submits that the amended Regulations dated 05.01.2026 are not applicable in the present case. According to him:

11.1 The amended Regulations would apply only where a modification application is pending consideration, as contemplated under Sub-regulation (2) of Regulation 1.

11.2 Alternatively, the amended Regulations would apply in cases of new constructions where plan approval or modified approval is yet to be granted.

11.3 Since no application for modification of the sanctioned plan is pending consideration, respondents No.5 and 6 cannot rely on the amended Regulations.



12. Per contra, Sri Nandish Patil, learned counsel appearing for respondents No.5 and 6, submits that the construction has not yet been completed, and an attempt was made to submit an application for modified plan sanction through the online portal, which could not be processed. If permitted, respondents No.5 and 6 are willing to submit an application for modified plan sanction strictly in accordance with the amended Regulations dated 05.01.2026.

12.1.He further submits that the projection measuring 0.34 metres × 4.55 metres will be voluntarily removed within ten days.

13. I have heard Sri Suresh Lokre, learned Senior Counsel for the petitioner, Sri Nandish Patil, learned counsel for respondents No.5 and 6, and Sri Karthikeyan B.S., learned counsel for respondents No.1 to 4, and have perused the material placed on record.



14. The scope and ambit of the present writ petition have been considerably narrowed in view of the amended Regulations dated 05.01.2026, which came into force during the pendency of the present proceedings. Under the amended Regulations, the setbacks required for sites up to 150 square metres are:
 - 14.1. 0.90 metres in the front,
 - 14.2. 0.70 metres at the rear, and
 - 14.3. 0.70 metres on any one side.
15. A perusal of the compliance report, as well as the measurements furnished by the petitioner, indicates that:
 - 15.1. the front setback measures 0.90 metres,
 - 15.2. the rear setback ranges between 0.62 metres and 0.80 metres,
 - 15.3. the right side setback ranges between 0.65 metres and 0.70 metres, and
 - 15.4. the left side setback ranges between 0.56 metres and 0.80 metres.



16. Thus, the front setback complies with the amended Regulations, and the rear setback substantially satisfies the requirement. Insofar as the side setbacks are concerned, the Regulations require 0.70 metres on any one side, and in the present case setbacks have been provided on both sides, with one side complying fully with the requirement.
17. The principal issue that arises for consideration is whether the amended Regulations dated 05.01.2026 can be applied to the construction undertaken by respondents No.5 and 6, which had originally commenced pursuant to an earlier plan sanction.
18. It is well settled that where construction is incomplete and no occupancy or completion certificate has been issued, the owner does not acquire a vested right to insist that the construction be examined solely under the earlier regulatory regime. In such situations, the competent authority



may legitimately consider the regulatory framework prevailing on the date when the matter is examined, particularly where the amended regulations seek to rationalise setback requirements and address practical difficulties faced in smaller plots.

19. In the present case, the construction is still in progress and has not reached completion. The amended Regulations dated 05.01.2026, which prescribe modified setback norms for smaller plots, are intended to address practical planning issues. Such a regulatory framework, being beneficial and clarificatory in nature, cannot be ignored when the construction itself has not attained finality.
20. The concern expressed by the petitioner that the projection affects the free flow of light and air to the petitioner's property stands substantially addressed in view of the undertaking given by respondents No.5



and 6 to remove the projection measuring 0.34 metres × 4.55 metres.

21. It is further undertaken that no further projections or deviations shall be made on the upper floors, and the construction shall strictly conform to the modified plan, if sanctioned.
22. It is therefore clarified that the observations made herein are confined to the peculiar facts of the present case, where the deviation noticed is minimal in nature, the construction is incomplete, and respondents No.5 and 6 have undertaken to remove the offending projection and seek modification of the sanctioned plan. This order shall therefore not be construed as laying down any general proposition permitting regularisation of constructions made in violation of sanctioned plans or applicable building regulations.



23. Hence, I pass the following:

ORDER

- i) Respondents no.5 and 6 are permitted to submit a modified plan sanction as per the amended Regulation dated 5.1.2026 after removal of the projection of 3.4 x 4.55, which removal shall be made on or before 18.3.2026.
- ii) On an application being submitted by respondents no.5 and 6 for grant of modified plan sanction, the same is directed to be considered by respondents no.1 to 4 within a period of 30 days from the date of such submission.
- iii) Needless to say until the said application for plan is considered and orders passed by respondents no.1 to 4, respondents no.5 and 6 are restrained from putting up any further construction.
- iv) The above order will not come in the way of respondents no.5 and 6 removing the centering material.



- v) In the event of failure to comply with these directions, respondents No.1 to 3 shall be at liberty to initiate action under the applicable municipal laws.
- vi) If the petitioner notices any future violation, he may submit a representation to the authorities, who shall inspect and take action within two weeks.
- vii) The directions issued herein are intended to ensure compliance with municipal planning regulations while balancing the rights of neighbouring property owners, including preservation of setbacks and prevention of unauthorized projections.
- viii) In view of the order passed above, this Court refrains from initiating any proceedings against the concerned officers of respondents no.1 to 4.
- ix) With the above observations, the Writ Petition stands ***disposed.***

Sd/-
(SURAJ GOVINDARAJ)
JUDGE