NC: 2025:KHC:8730
WP No. 11328 of 2023

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 24TH DAY OF FEBRUARY, 2025**

**BEFORE**

**THE HON'BLE MR JUSTICE M.G.S. KAMAL**

**WRIT PETITION NO. 11328 OF 2023 (LA-BDA)**

**BETWEEN:**

1. SRI.M. SRINIVAS
   S/O LATE MAHADEVAIAH
   AGED ABOUT 54 YEARS,

2. N SHIVAKUMAR
   W/O LATE MAHADEVAIAH
   AGED ABOUT 52 YEARS,

   BOTH ARE R/AT NO.109,
   HBR LAYOUT, MAGADI ROAD,
   BENGALURU-560 079.

...PETITIONERS

(BY SRI. SUNDARESH H C.,ADVOCATE)

**AND:**

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Location: HIGH COURT OF KARNATAKA

1. THE STATE OF KARNATAKA
   REPT BY ITS PRINCIAPL SECRETARY
   URBAN DEVELOPMENT DEPARTMENT
   M S BUILDING,
   BENGALURU-560 001.

2. THE COMMISSIONER
   BANGALORE DEVELOPMENT AUTHORITY
   T CHOWDAISH ROAD,
   KUMARA PART WEST,
   BENGALURU-560 020.

3. THE SPECIAL LAND ACQUISITION OFFICER
   BANGALORE DEVELOPMENT AUTHORITY
   T CHOWDAIAH ROAD,
   KUMARA PART WEST,

BENGALURU-560 020.

…RESPONDENTS

(BY SRI. SPOORTHY HEGDE N., HCGP FOR R1;
SRI. MURUGESH V. CHARATI., ADVOCATE FOR R2 & R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CONSIDER THE REPRESENTATION FILED BY THE PETITIONER DATED 18.09.2005 AND 07.07.2018 AS PER ANNX-J AND K RESPECTIVELY FOR ALLOTMENT ALTERNATIVE SITES IN LIEU OF DEMOLISHING OF THEIR HOUSES BEARING NO. SITE NO. 6 AND 7 BLOCK NO. 1 OF SY.NO. 1 OF JB KAVAL VILLAGE, NANDINI LAYOUT, BENGALURU NORTH TALUK WITHOUT INITIATING ACQUISITION PROCEEDINGS AND WITHOUT PAYING COMPENSATION.

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

CORAM: HON'BLE MR JUSTICE M.G.S. KAMAL

**ORAL ORDER**

Petitioners are before this Court seeking issue of writ of mandamus to the respondents to consider the representations dated 18.09.2005, 07.07.2018 as per Annexures-J and K for allotment of alternate sites in lieu of demolition of their houses bearing Site Nos.6 and 7, Block No.1, situated within the land in Sy.No.1 of J.B. Kaval Village, Nandini layout, Bengaluru North Taluk.

2. Case of the petitioners is that, they are the purchaser Site Nos. 7 and 6 respectively situated at Block No.1, within the land in Sy.No.1 of J.B. Kaval Village, Nandini layout, Bengaluru North Taluk in terms of registered deeds of sale dated 21.01.1981. That the respondent-BDA had issued notification for the formation of a residential layout. As there is provision for regularization of un-authorized occupation in urban land. The petitioners filed representations seeking regularization, in response to which the respondent-BDA issued an endorsement dated 13.09.1993 calling upon the petitioners to furnish necessary documents. Even before consideration of the said representations respondent-BDA demolished the constructions existing on the said property for formation of outer ring road, connecting Magadi Road and Tumkur Road. As such, an application for allotting for an alternate site was made by the mother of the petitioners. Despite, repeated requests there has been no response. However, certain persons were given alternate sites. Hence, the petitioners are before this Court seeking the relief of direction to the respondent-Authorities on principles of parity.

3. Counsel for the respondent -BDA submit given some time, case of the petitioner would be considered in accordance with law.

4. Hence, following;

ORDER

1. Petition is disposed of.

2. The respondent-BDA shall consider the representations dated 18.09.2005, 07.07.2018 as per Annexures-J and K of the petition and after giving an opportunity of personal hearing to the petitioner and thereafter if the petitioners are found eligible, appropriate orders shall be passed in accordance with law.

3. Such orders shall be passed within an outer limit of four (4) months from the date of receipt of certified copy of this order.

**Sd/-**
**(M.G.S. KAMAL)**
**JUDGE**

RL
List No.: 2 Sl No.: 169