



IN THE HIGH COURT OF KARNATAKA AT BENGALURU DATED THIS THE 21ST DAY OF AUGUST, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN WRIT PETITION NO. 25487 OF 2025 (LB-BMP)

BETWEEN:

- SRI D V VENKATESH, S/O D.N.VISHWANATH, AGED ABOUT 55 YEARS, RESIDING AT FLAT NO.003, KTA APARTMENT, NO.17/33, RAJ NARAYAN VILAS, KANAKAPURA ROAD, BASAVANAGUDI, BANGALORE-560 004.
- 2. SMT. CHANDRAKALA D.V, W/o. D.V. VENKATESH, AGED ABOUT 51 YEARS, RESIDING AT FLAT NO.003, KTA APARTMENT, NO.17/33, RAJ NARAYAN VILAS, KANAKAPURA ROAD, BASAVANAGUDI, BANGALORE-560 004.

...PETITIONERS

(BY SRI. PUNITH C., ADVOCATE)

AND:

- THE STATE OF KARNATAKA, DEPARTMENT OF URBAN DEVELOPMENT, M.S.BUILDING, BENGALURU-560 001.
- 2. THE CHIEF COMMISSIONER, BBMP, HUDSON CIRCLE,





NC: 2025:KHC:32548 WP No. 25487 of 2025

BENGALURU-560 001.

- 3. THE ADTP (SOUTH),
 COMMERCIAL COMPLEX,
 BRUHAT BENGALURU MAHANAGARA PALIKE,
 9TH CROSS ROAD, 9TH MAIN ROAD,
 2ND BLOCK, JAYANAGARA,
 BENGALURU-560 011.
- 4. THE AEE, BRUHAT BENGALURU MAHANAGARA PALIKE, J.P. NAGARA SUB-DIVISION, BANGALORE-560 011.
- 5. THE AEE (ELE),
 BESCOM,
 J.P. NAGARA SUB-DIVISION,
 BANGALORE-560 011.

...RESPONDENTS

(BY SRI. H.K. KENCHEGOWDA, AGA FOR R.1; SRI. PAVAN KUMAR, ADVOCATE FOR R.2 TO R.4; SRI. T.S. VENKATESH, ADVOCATE FOR R.5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE RESPONDENT NO.2 TO CONSIDER THE APPEAL FILED BY THE PETITIONER WHICH IS UNNUMBERED BY THE RESPONDENT NO.2 UNDER SECTION 253 OF THE BBMP ACT AS PER ANNEXURE-F1 ALONG WITH THE I.A., FILED UNDER SECTION 151 OF CPC., AS PER ANNEXURE-F2 AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THROUGH PHYSICAL HEARING/VIDEO CONFERENCING THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.I.ARUN



ORAL ORDER

On the ground that petitioners are putting up an illegal construction, orders have been passed by the Bruhat Bengaluru Mahanagara Palike (for short 'the BBMP') directing the petitioners to demolish the illegal construction. On the ground that the petitioners have not put up any illegal constructions and the deviations, if any, can be regularized, the petitioners have filed an appeal before the respondent No.2, which is un-numbered under Section 253 of the Bruhat Bengaluru Mahanagara Palike Act, 2020 (for short, 'the BBMP Act' vide Annexure-F1 along with I.A. filed under Section 151 of CPC vide Annexure-F2 to the writ petition, which is pending. However, it is submitted that the said appeal is not taken up for hearing, nor the interlocutory application seeking stay or not to precipitate the action against the petitioners are also taken up. It is submitted that there are no regular sittings by respondent No.2 to consider the appeal filed under Section 253 of the BBMP Act. It is submitted that



though there is an alternative remedy, it is not efficacious.

Hence, the present writ petition is filed with the following prayers:

- "a] To issue a Writ of Mandamus, directing the Respondent No.2 to consider the appeal filed by the Petitioner which is unnumbered by the Respondent No.2 under section 253 of the BBMP act as per ANNEXURE-F1 along with the I.A filed under section 151 of CPC as per ANNEXURE-F2,
- b] Grant such other and further relief/s which is/are found suitable under the facts and circumstances of the case in the interest of justice."
- 2. Learned counsel for the BBMP submits that due to the pressure of work and various responsibilities attributed to respondent No.2, there have not been regular sittings to hear the appeals filed under Section 253 of the BBMP Act.
- 3. Under the circumstances, this Court deems it fit to direct respondent No.2 to dispose of the appeal filed under Section 253 of the BBMP Act as expeditiously as

- 5 -

NC: 2025:KHC:32548 WP No. 25487 of 2025

possible. Until a decision is taken in the said appeal, either

by way of interlocutory orders or by way of final disposal,

no precipitative action shall be taken against the

petitioners by the respondents. Further, the petitioners are

hereby restrained from putting up additional

construction on the property concerned and till a decision

is taken by respondent No.2, respondent No.5-BESCOM

will restore the electricity connection if it has been

disconnected at the cost of the petitioners.

4. Accordingly, the Petition hereby Writ is

disposed of.

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

CH

List No.: 1 SI No.: 22