



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

**DATED THIS THE 10<sup>TH</sup> DAY OF JULY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE B M SHYAM PRASAD**

**WRIT PETITION NO. 20839 OF 2026 (LB-BMP)**

**BETWEEN:**

1. SRI K N VENUGOPAL @ VENUGOPALA REDDY  
S/O NANJUNDA REDDY,  
AGED ABOUT 57 YEARS,  
RESIDING AT NO.24/130/115,  
DODDAKANNALLI, SARJAPURA ROAD, BENGALURU-  
560 035.
2. SRI K.N. SRINIVAS,  
5/0 NANJUNDA REDDY  
AGED ABOUT 53 YEARS,  
RESIDING AT NO.130/16,  
SARJAPURA ROAD,  
DODDAKANNALLI,  
BENGALURU-560 035.

...PETITIONERS

(BY SRI. ANGAD KAMATH, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS PRINCIPAL SECRETARY,  
URBAN DEVELOPMENT DEPARTMENT,  
VIDHANA SOUDHA,  
DR. B.R. AMBEDKAR VEEDHI,  
BENGALURU - 560 001.
2. THE GREATER BENGALURU AUTHORITY,  
REPRESENTED BY ITS CHIEF COMMISSIONER, GBA  
MAIN OFFICE,  
HUDSON CIRCLE, N.R. SQUARE,  
BENGALURU, KARNATAKA-560002





3. THE BENGALURU EAST CITY CORPORATION,  
REPRESENTED BY ITS COMMISSIONER,  
RHB COLONY, WHITEFIELD MAIN ROAD,  
MAHADEVAPURA, BENGALURU,  
KARNATAKA 560048.
  4. THE DEPUTY DIRECTOR, TOWN PLANNING.  
BENGALURU EAST CITY CORPORATION,  
MAHADEVAPURA ZONE,  
HMT MAIN ROAD, R.H.B. COLONY,  
MAHADEVAPURA,  
BENGALURU-560 048.
  5. THE ASSISTANT DIRECTOR, TOWN PLANNING,  
BENGALURU EAST CITY CORPORATION,  
MAHADEVAPURA ZONE-1,  
HMT MAIN ROAD, R.H.B. COLONY,  
MAHADEVAPURA,  
BENGALURU 560 048.
  6. THE ASSISTANT EXECUTIVE ENGINEER,  
TDR AND LAND ACQUISITION,  
BENGALURU EAST CITY CORPORATION,  
RESIDENCY ROAD,  
SHANTHALA NAGAR,  
ASHOK NAGAR, BENGALURU,  
KARNATAKA - 560001
  7. THE BANGALORE ELECTRICITY SUPPLY COMPANY  
LIMITED (BESCOM),  
REPRESENTED BY ITS MANAGING DIRECTOR,  
K.R. CIRCLE, BENGALURU - 560 001.
- ...RESPONDENTS
- (BY SRI. BOPANNA BELLIAPPA, AGA FOR R-1;  
SRI. PAWAN KUMAR, ADVOCATE FOR R-2, 3, 4,  
5 & 6)

THIS WP IS FILED UNDER ARTICLE 226 OF THE  
CONSTITUTION OF INDIA AND PRAYING TO A. ISSUE A  
WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE  
WRIT, ORDER OR DIRECTION QUASHING THE



HC-KAR

**NC: 2026:KHC:35039**  
**WP No. 20839 of 2026**

ENDORSEMENT DATED 01.07.2026 BEARING NO. BPNPCNR)V-1)/PR/132/26-27 (ANNEXURE-N) ISSUED BY THE RESPONDENT NO.5, INsofar AS IT REQUIRES THE PETITIONERS TO RELINQUISH 656.46 SQ M FREE OF COST BY WAY OF A RELINQUISHMENT DEED AS A CONDITION PRECEDENT TO THE GRANT OF THE OCCUPANCY CERTIFICATE B. ISSUE A WRIT IN THE NATURE OF A DECLARATION THAT THE EXACTION OF LAND FREE OF COST AS A CONDITION PRECEDENT TO THE GRANT OF AN OCCUPANCY CERTIFICATE, IN RESPECT OF A BUILDING CONSTRUCTED IN CONFORMITY WITH THE SANCTIONED PLAN, IS WITHOUT AUTHORITY OF LAW, ULTRA VIRES SECTIONS 226 AND 241 OF THE GREATER BENGALURU GOVERNANCE ACT, 2024, AND VIOLATIVE OF ARTICLE 300A OF THE CONSTITUTION OF INDIA C. ISSUE A WRIT OF MANDAMUS OR OTHER APPROPRIATE DIRECTION DIRECTING THE RESPONDENTS TO CONSIDER AND DISPOSE OF THE PETITIONERS OCCUPANCY CERTIFICATE APPLICATION NO. PRJ/11300/23-24(OC) PRODUCED AS ANNEURE-K IN ACCORDANCE WITH SECTION 241 OF THE SAID ACT, SOLELY ON THE BASIS OF THE BUILDINGS CONFORMITY WITH THE SANCTIONED PLAN AND THE PETITIONERS COMPLIANCE WITH GENUINE STATUTORY REQUIREMENTS, WITHOUT INSISTING UPON THE RELINQUISHMENT DEED, WITHIN A TIME TO BE FIXED BY THIS HON'BLE COURT, AND TO RELEASE THE SANCTIONED PERMANENT ELECTRICITY CONNECTION UPON ISSUANCE OF THE OCCUPANCY CERTIFICATE IN TERMS OF SECTION 246(5) OF THE SAID ACT D. IN THE ALTERNATIVE, DECLARE THAT, NO VALID REFUSAL HAVING BEEN INTIMATED WITHIN THIRTY DAYS OF THE NOTICE OF COMPLETION, THE PETITIONERS ARE ENTITLED TO OCCUPY THE BUILDING BY OPERATION OF SECTION 241(5)(B) OF THE SAID ACT, THE UNLAWFUL RELINQUISHMENT DEMAND NOT CONSTITUTING A LAWFUL INTIMATION OF REFUSAL E. AWARD COSTS OF THIS PETITION AND GRANT SUCH OTHER OR FURTHER RELIEF AS THIS HON'BLE COURT MAY DEEM FIT IN THE FACTS AND



CIRCUMSTANCES OF THE CASE AND IN THE INTERESTS OF JUSTICE.

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

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

**ORAL ORDER**

The petitioners assert ownership of a property bearing *Khata* No.455/455/25/5B measuring 2,648.81 Square Metres of Doddakannalli Village, Bellandur Ward, Bengaluru East within the Bruhat Bengaluru Mahanagara Palike limits [*now within the Greater Bengaluru Authority limits*]. The petitioners are issued with a sanctioned Building Plan and Building License on 05.02.2024 for the construction of a building with a basement, a ground floor and three upper floors. The petitioners also have the benefit of the Commencement Certificate dated 15.02.2025, which is admittedly issued upon verifying that the construction, as of that date, was in accordance with the sanctioned plan.



2. The petitioners' grievance is with the fifth respondent's Endorsement dated 01.07.2026 [*Annexure - M*], and the fifth respondent has issued this Endorsement on the petitioners' application for Occupancy Certificate informing the petitioners **[a]** that their property abuts a road which is 24 metres in width but that has to be widened to 45 metres in terms of the Revised Master Plan 2015, **[b]** that the petitioners must execute Relinquishment Deed for the portion that is required for such widening, and **[c]** that if the petitioners require additional information, they can contact the sixth respondent.

3. Mr. Angad Kamath, the learned counsel for the petitioners, submits that this Court must intervene with the impugned Endorsement with just directions to the fifth respondent because it cannot be gainsaid that the petitioners were issued with the building license and sanctioned plan on 05.02.2024



without insisting upon any relinquishment much less relinquishment of an area required for road widening and that with the petitioners being admitted to a sanctioned plan under the Erstwhile Bruhat Bengaluru Mahanagara Palike Act, 2020 [for short, '*the BBMP Act*'], their request for Occupancy Certificate must be considered under such enactment given the transitional powers under the Greater Bengaluru Governance Act, 2024 [for short, '*the GBG Act*'].

4. Mr. Angad Kamath also argues that Section 226 of the GBG Act could be invoked when an application for a Building plan is filed under the enactment, and the learned counsel proposes to elaborate on why the petitioners cannot be driven to execute the Relinquishment Deed as required under Section 226 of the GBG Act. However, this Court has heard Mr. Pawan Kumar, a learned Standing counsel for the GBA and its Officers, for disposal of the



petition essentially on the following contentions

**[A]** The sanctioned plan/building licence is issued on 05.02.2024 without insisting on any relinquishment.

**[B]** The petitioners have also completed the construction under this plan and license. **[C]** The petitioners are categorical in stating that the construction is strictly in terms of the sanctioned plan and building license without deviation. **[D]** If ever there is widening after due process, the petitioners will have to be bound by the process subject to the remedies available in the law.

5. This Court is of the view that the petitioners' request for an Occupancy Certificate should be examined based on the conditions upon which the sanction is granted and the construction is completed. Indisputably, the relinquishment was not insisted upon while granting the building license and sanctioned plan, and this relinquishment is not insisted upon even when the Commencement



Certificate is issued. *Post facto* conditions cannot be insisted upon, and there must be a specific provision permitting the same if such conditions are to be sustained<sup>1</sup>.

6. This Court must observe that its attention is not drawn to any such provision in the BBMP Act for relinquishment of property for road widening as a condition for grant of sanction/approval for a new building, or a provision under the GBG Act permitting such insistence at the time of issuing the

---

<sup>1</sup> The Section 226 of the Greater Bangalore Governance Act, 2024 in its material part read as under:

**226. Relinquishment of area reserved for road.** – *In case of khatadar or person responsible, request for sanction of building plan before the road widening is taken up by the City Corporation or any other Authority:-*

- (i) *The khatadar of a building site shall relinquish the area required or reserved for road formation or widening in the master plan or as notified by the City Corporation free from all encumbrances, before the sanction is accorded for the building plans under this act.*

*The other provisions of this Section relate to the benefit that will flow if there is a relinquishment.*



Occupancy Certificate for a building constructed in terms of the sanction/approval under the BBMP Act. A person cannot be denied the right to property save by the Authority of law; a right under Article 300A of the Constitution of India. As such, the impugned Endorsement dated 01.07.2026 [*Annexure - N*] cannot be sustained and there must be directions to the fifth respondent to communicate to the petitioners the legal demand/levy payable for issuing an Occupancy Certificate beyond what is already remitted by them for the Occupancy Certificate. In the light of the afore, the following.

**ORDER**

The petition is allowed quashing the impugned Endorsement dated 01.07.2026 [*Annexure - N*] directing the Assistant Director, Town Planning, Bengaluru East City Corporation [*the fifth respondent*] to issue Occupancy Certificate to the petitioners



without insisting on the Relinquishment Deed subject to the following.

**[A]** The petitioners are reserved with liberty to file a certified copy of this Order with the fifth respondent within a week from the date of receipt of this Order.

**[B]** The fifth respondent shall re-verify if the construction by the petitioners is in accordance with the sanctioned plan.

**[C]** The fifth respondent shall complete the process of issuing the Occupancy Certificate, or assigning reasons if it cannot be issued for any other reason, within 8 [eight] weeks from the date of receipt of a certified copy of this Order.



**[D]** It is observed that this disposal cannot create any equity in favour of the petitioners in the event there are any proceedings for acquiring the portion required for widening of the road.

**Sd/-**  
**(B M SHYAM PRASAD)**  
**JUDGE**

RB