

(2025) 11 KAR CK 1789

In the Karnataka High Court, Principal Bench

Case No : Writ Petition No. 33622 Of 2025 (LB-RES)

Usha Shankar

APPELLANT

Vs

Great Bengaluru Authority Represented Through Their
Commissioner & Ors

RESPONDENT

Date of Decision : 07-11-2025

Acts Referred:

Greater Bengaluru Governance Act, 2024 — Section 243(3)(e), 243(3)(f)
Bruhat Bengaluru Mahanagara Palike Act, 2020 — Section 248(1), 248(3)

Citation : (2025) 11 KAR CK 1789

Hon'ble Judges : R. Nataraj, J

Bench : Single Bench

Advocate : Udit Ramesh, Pawan Kumar

Final Decision : Dismissed

Judgement

R. Nataraj, J

1. The petitioner has challenged an order bearing No. dated 25.09.2025 passed by the respondent No.1 under Sections 243(3)(e) and (f) of the Greater Bengaluru Governance Act, 2024 (for short, 'the GGBA, 2024') read with Section 248(3) of the Bruhat Bengaluru Mahanagara Palike Act, 2020 (for short, 'the BBMP Act, 2020').

2. The petitioner contends that she is the owner of the second floor of the residential house bearing No.62, "Ramprasad" situate at Palace Lower Orchards, Bangalore-560 003, comprising of site and the three storeyed house and that she had constructed a temporary structure on the terrace of the petition schedule property. She contends that her sister had filed a petition in W.P. No.30386/2024 before this Court contending that the construction put up by the petitioner is illegal and the same needs to be demolished. In the meanwhile, the petitioner had filed suits in O.S. No.25073/2021 and 25072/2021 for partition and separate possession which are pending consideration before the Additional City Civil and Sessions Judge, Mayo Hall, Bengaluru. The writ petition referred above was

disposed off by this Court on 29.04.2025 on the following terms:

"5. The respondent-BBMP on the basis of mahazar having issued 313 notice is to proceed further in terms of Section 248. The 4th respondent is to make out reply to 313 notice within a period of two weeks from today. Upon such reply being made out, respondent-BBMP to proceed further as is permissible in law.

6. It is made clear that the 4th respondent shall not seek for any unnecessary adjournments in the proceedings under Section 248 as may be initiated by the respondent-BBMP.

7. All contentions are kept open. It is made clear that present proceedings under Section 248 are to be proceeded without reference to any civil dispute and must be restricted to violation of sanctioned plan, building by-laws and other regulations of BBMP. The proceedings under Section 248 are to be initiated and concluded within a period of two months from today."

Later, the respondent No.2 passed a provisional order under Section 248(1) of the BBMP Act, 2020 for removal of the unauthorized structure. The petitioner submitted her reply on 23.06.2025. However, there was no communication from the respondent No.2. The sister of the petitioner then filed C.C.C No.1107/2025 before this Court following which the respondent No.1 served an order dated 25.09.2025 on the petitioner on 27.09.2025 for removal of the unauthorized structure. The petitioner contends that she was not served with any notice by the respondent No.1 before initiating action and therefore, she has challenged the order passed by the respondent No.1.

3. When this Court queried the learned counsel for the petitioner as to how the writ petition is maintainable when an opportunity to reply to the notice under Section 248(1) of the BBMP Act, 2020 was given following which a confirmation order is passed in view of the remedy of an appeal provided under the GBGA, 2024, the learned counsel submitted that he had to rush to this Court in view of the fact that the respondents are trying to remove the temporary structure put up on the terrace of the petition schedule property. He submits that if reasonable time is given, the petitioner would pursue the remedy as provided under law.

4. In view of the aforesaid submission made by the learned counsel for the petitioner, this petition is dismissed. However, liberty is reserved to the petitioner to file an appeal before the appropriate Authority challenging the impugned order dated 25.09.2025 passed by the respondent No.1. The appeal shall be filed within a period of 10 days from today and until then, the respondents shall not take any action to remove or demolish the temporary structure on the terrace of the petition schedule property put up by the petitioner. It is made clear that if the petitioner does not file appeal within ten days, the protection granted by this Court under this order will automatically expire.

5. Learned counsel for the respondents is permitted to file his vakalath within 10 days from today.