



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

**DATED THIS THE 1<sup>ST</sup> DAY OF JULY, 2025**

**BEFORE**

**THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ**

**WRIT PETITION NO. 30129 OF 2017 (GM-RES)**

**BETWEEN:**

C BHAVANI @ HAMSA  
AGED ABOUT 40 YEARS,  
W/O SRI K M NARENDRA KUMAR  
D/O LATE CHINNAPPA  
NO.177, LAKSHMI NIVAS  
8<sup>TH</sup> MAIN, C Q A L LAYOUT  
SAHAKARNAGAR  
BANGALORE 560092

...PETITIONER

(BY SRI. SHIVAPRASAD SHANTANAGOUDAR., ADVOCATE FOR  
SRI. VINOD REDDY V.,ADVOCATE)

**AND:**

1. THE PETITIONS COMMITTEE  
KARNATAKA LEGISLATIVE COUNCIL  
VIDHANA PARISHAD  
DR AMBEDKAR VEEDHI  
BENGALURU 560001  
BY ITS CHAIRMAN
2. THE SECRETARY  
KARNATAKA LEGISLATIVE COUNCIL  
VIDHANA PARISHAD  
DR AMBEDKAR VEEDHI  
BENGALURU 560001
3. THE GOVERNMENT OF KARNATAKA  
URBAN DEVELOPMENT DEPARTMENT  
VIKASA SOUDHA, DR AMBEDKAR VEEDHI  
BENGALURU 560001  
BY ITS ADDITIONAL CHIEF SECRETARY





4. THE COMMISSIONER  
BRUHATH BENGALURU MAHANAGARA PALIKE  
N R SQUARE, BENGALURU 560001

...RESPONDENTS

DR. C. RAMESH  
S/O LATE CHINNAPPA  
AGED ABOUT 59 YEARS  
RESIDING AT FORTUNE ICON  
APARTMENTS, F-14, 'F' BLOCK  
SAHAKARA NAGARA,  
BANGALORE-560092.

...IMPLEADING APPLICANT

(BY SRI. MAHANTESH SHETTAR., AGA FOR R1 TO R3;  
SRI. N.R. JAGADEESWARA., ADVOCATE FOR R4;  
SRI. G.S. VENKAT SUBBARAO., ADVOCATE FOR  
IMPLEADING APPLICANT ON IA 1/25)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED DIRECTION DATED 8.3.2017 ISSUED BY THE R1 IN NO.KAVIPA:21:ASA/2017 VIDE ANNEXURE-Z3 AND ALL FURTHER PROCEEDINGS TAKEN THERETO IN RESPECT OF THE ISSUE IN QUESTION AND ETC.

THIS WRIT PETITION, COMING ON FOR FINAL HEARING, 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:

1. *Quash the impugned direction dated 8.3.2017 issued by the R1 in No.KAVIPA:21:ASA/2017 vide Annexure-Z3 and all further proceedings taken thereto in respect of the issue in question.*



2. *Grant such other relief or reliefs as the situation demands to the meet the ends of justice.*

2. The submission of Sri.Shivaprasad Shantanagoudar.,  
learned counsel for the petitioner is that;

2.1. Vide Annexure-Z3, respondent No.1-the  
Petitions Committee, Karnataka Legislative  
Council has acted on a complaint filed by one  
Sri.C.Ramesh as regards an alleged  
encroachment of a public road of Rajakaluve at  
Sy.No.83/2, old Sy.No.83, BBMP Khatha  
No.2986/83/2 of Byatarayanapura village,  
Yelahanka Hobli, Bangalore North Taluk.

2.2. His submission is that the said Sri.C.Ramesh  
was a party to the proceedings before the  
Division Bench of this Court in a public Interest  
Litigation in ***Shriram Properties Pvt Ltd vs.  
State Of Karnataka & others in  
WP No.47747 of 2017 & other connected  
matters*** dated 19.01.2021, wherein said



Sri.C.Ramesh was respondent No.2 in WP No.1348 of 2018.

2.3. The Division Bench of this Court having categorically come to a conclusion vide its order dated 19.1.2021 that there is no encroachment of Rajakaluve or a road as alleged by the said Sri.C.Ramesh, the proceedings by way of a complaint filed by the Sri.C.Ramesh before the Land Grabbing Court had also been dismissed.

2.4. On the above grounds, he submits that the order passed by the Division Bench would be equally applicable to the present facts and as such, the direction issued on 8.3.2017 by the Petitions Committee, Karnataka Legislative Council cannot be acted upon in view of the judgment of the Division Bench of this Court.

3. Having gone through the order of the Division Bench of this Court in WP No.47747 of 2017 & other connected matters, more particularly that in



WP 1348 of 2018, it is clearly and categorically observed by the Division Bench of a suit in OS No.3596 of 2015 having been filed before the Special Court Land Grabbing and the Division Bench has categorically come to a conclusion that there is no encroachment of any public road or a Rajakaluve in Sy.No.83/2 and the Assistant Executive Engineer, BBMP had reported on 19.7.2017 to the Special Court that there is no existence of any Rajakaluve in Sy.No.83/ 2.

4. That being so, the finding of the Division Bench of this Court though subsequent to the direction issued by Respondent No.1, the said finding would be binding even on Respondent No.1-Committee. As such, I pass the following;

**ORDER**

- i. The writ petition is ***allowed***.
- ii. The impugned direction dated 8.3.2017 issued by the Respondent No.1 in No.KAVIPA:21:ASA/2017 at Annexure-Z3, is hereby quashed.



**NC: 2025:KHC:23782  
WP No. 30129 of 2017**

**iii.** In view of disposal of the main petition, pending  
IA's do not survive for consideration. Hence, IA  
stands disposed of.

**SD/-  
(SURAJ GOVINDARAJ)  
JUDGE**

SR  
List No.: 1 Sl No.: 24