



HC-KAR

- 1 -

NC: 2026:KHC:3571-DB  
WP No. 8485 of 2024

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

**DATED THIS THE 21<sup>ST</sup> DAY OF JANUARY, 2026**

**PRESENT**

**THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE**

**AND**

**THE HON'BLE MR. JUSTICE C.M. POONACHA**

**WRIT PETITION NO. 8485 OF 2024 (GM-RES-PIL)**

**BETWEEN:**

1. DR. B.R. AMBEDKAR YOUTH SOCIAL AND  
CULTURAL WELFARE TRUST  
REPRESENTED BY FOUNDER AND  
MANAGING DIRECTOR  
M.R. DAVID KUMAR  
TRUST OFFICE AT: NO. 868, 1<sup>ST</sup> CROSS  
7<sup>TH</sup> MAIN ROAD  
DR. B.R. AMBEDKAR STATUE  
80 FEET ROAD, RAJENDRANAGAR  
2<sup>ND</sup> STAGE, NEAR NEW PASSPORT OFFICE  
KORAMANGALA  
BANGALORE - 560 047

...PETITIONER

(BY SRI SADANAND G. SHASTRI, ADVOCATE)

**AND:**

1. UNION OF INDIA  
BY THE SECRETARY TO EXTERNAL AFFAIRS  
MINISTRY OF INDIA





HC-KAR

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JAWAHARLALA NEHRU BHAVAN  
23 D, JANPATH  
NEW DELHI - 110 011

2. THE STATE OF KARNATAKA  
BY ITS CHIEF SECRETARY  
BANGALORE URBAN DISTRICT  
K.G. ROAD  
BANGALORE - 560 009
3. THE SUPERINTENDENT ENGINEER  
DEPARTMENT OF PUBLIC WORKS  
PWD ANNEXE BUILDING  
SESHADRI ROAD, SJP CAMPUS  
AMBEDKAR VEEDHI  
SAMPANGI RAMA NAGAR  
BENGALURU - 560 001
4. THE COMMISSIONER BBMP  
BRUHAT BENGALURU MAHANAGARA PALIKE  
HUDSON CIRCLE, SAMPANGRAMA NAGAR  
BANGALORE - 560 002
5. THE PASSPORT SEVA KENDRA  
BY THE REGIONAL PASSPORT OFFICER  
GOVERNMENT OF INDIA UNDERTAKING (PSU)  
OFFICE AT: 80 FEET RD, 8<sup>TH</sup> BLOCK  
KORAMANGALA  
BANGALORE - 560 095



6. THE TAHSILDAR  
BANGALORE SOUTH TALUK  
BANGALORE
  
7. NATIONAL COMMISSION FOR SCHEDULE CASTE  
BY ITS DIRECTOR  
GOVERNMENT OF INDIA  
3<sup>RD</sup> FLOOR, 'D' WING  
KENDRIYA SADAN  
KORAMANGALA 2<sup>ND</sup> STAGE  
BANGALORE - 560 047

...RESPONDENTS

(BY SRI K. ARVIND KAMATH, ASGI FOR  
SRI H. SHANTHI BHUSHAN, DSGI FOR R-1, 5 & 7,  
SMT. NILOUFER AKBAR, AGA FOR R-2, 3 & 6,  
SRI S.H. PRASHANTH, ADVOCATE FOR R-4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH RULE 14(1) OF THE HIGH COURT OF KARNATAKA (PUBLIC INTEREST LITIGATION) RULES, 2018 PRAYING TO ISSUE A WRIT, DIRECTION OR THE LIKE AND TO DIRECT THE RESPONDENT NO.5 OR ANY PERSON/BODY CLAIMING THROUGH THEM TO CEASE AND DESIST FROM ENCROACHING UPON THE 'SCHEDULE PROPERTY'/OPEN PLAYGROUND OR PUTTING UP ANY CONSTRUCTION THEREON AND FURTHER CHANGING THE NATURE AND USE OF LAND/PLAYGROUND AS EXISTING ON DATE & ETC.



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

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE  
and  
HON'BLE MR. JUSTICE C.M. POONACHA

**ORAL ORDER**

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The present petition is filed as a public interest petition, *inter alia*, praying that directions be issued to respondent No.5 (Passport Seva Kendra) to immediately demolish and remove the structures that have been raised on the subject property, which is described as land measuring 1 acre 30 guntas falling in Survey No.12 of Koramangala Village, Begur Hobli, Bengaluru. The petitioner also alleges that the said respondent has unauthorisedly raised construction and is operating a Passport Seva Kendra office on land falling in Survey Nos.9 and 10 of Koramangala Village, which adjoins the subject property on the south.



2. It is the petitioner's case that the subject property has been used as a playground for several decades by children attending schools in the immediate vicinity. It is also used by other residents of the locality, which has become increasingly congested. The Central Government has constructed a compound wall around the subject property, which effectively prevents the public and particularly the children, from using the subject property.

3. The petitioner alleges that respondent No.5, which is part of the Central Government, has trespassed on the subject property. It is stated that a First Information Report (FIR) has also been filed in this regard.

4. The petitioner claims that after due enquiries, it was found that the subject land belongs to respondent No.4, Bruhat Bengaluru Mahanagara Palike (BBMP). It was alleged that respondent No. 5, on the basis of forged documents, claims the right to use the subject property.

5. The petitioner states that respondent No.5 had been granted 3 acres of vacant land in Sy.No.61 of Koramangala Village for the purpose of offices and residences to be used by the Regional



Passport Office and the Indian Council for Cultural Relations, with the condition that it shall pay pro rata development charges.

6. Sri Sadanand G. Shastri, the learned counsel for the petitioner referred to a Government Order dated 19.11.1994 (Government Order No.PWD 98 BOC 94) whereby, 3 acres of land falling in Survey No.61 of Koramangala, Bengaluru South Taluk was allotted to the Ministry of External Affairs, Government of India for the purpose of offices and residences for the Regional Passport Office and the Indian Council for Cultural Relations, free of cost. It is earnestly contended by the learned counsel that the parcel of land in Survey No.61 of Koramangala Village, which is allotted to the Central Government, is located about 1.5 kilometres from the subject land on which the building of the passport office has been constructed and the subject property. It is also contended that if the said land is permitted to be used by the Ministry of External Affairs, Government of India, it would have a severe adverse impact on the welfare of the local residents and, more particularly, the children.



7. He also referred to the Karnataka Parks, Play-Fields and Open Spaces (Preservation and Regulation) Act, 1985 [hereafter, 'the **KPPOS Act**']. He drew the attention of this Court to Section 6 of the KPPOS Act and submitted that no park, play-field or open space which has been specified can be used for any other purpose. However, he readily conceded that the subject land was not included in any list of parks, playfields or open spaces required to be prepared and published in terms of Sections 3 and 4 of the KPPOS Act.

8. Mr Arvind Kamath, the learned Additional Solicitor General of India, appearing for respondent Nos. 1, 5 and 7, had countered the said submissions. He referred to a Government Order dated 25.01.2023 (Government Order No.PWD 192 BMS 2022) and submitted that there was an error in the earlier Government Order dated 19.11.1994 inasmuch as Survey No.61 was referred. He submitted the said error was rectified in terms of the Government Order dated 25.01.2023. It was found that 3 acres of land allocated to the Ministry of External Affairs for building the Regional Passport Office was situated under different survey numbers.



9. It is noted that the aforesaid 3 acres are under the ownership of the Public Works Department, and therefore, it was proposed to rectify the survey numbers. Accordingly, the State Government passed an order dated 25.01.2023, amending the Government Order dated 19.11.1994 to provide that the details of the 3 acres of land granted to the Ministry of External Affairs, Government of India is as under:

<b>Village</b>	<b>Hobli</b>	<b>Sy.No.</b>	<b>Extent</b>
Koramangala	Begur	4	0-11
Koramangala	Begur	5/1	00-10.08
Koramangala	Begur	5/2	00-05.12
Koramangala	Begur	6/1	00-00.08
Koramangala	Begur	6/2	00-08
Koramangala	Begur	7	00-00.04
Koramangala	Begur	9	00-06
Koramangala	Begur	10	01-09
Koramangala	Begur	12	00-25
Koramangala	Begur	13	00-04
<b>Total</b>			<b>03-00</b>

10. In view of the amendment to the Government Order allotting lands to the Central Government and the assumption on which the present petition rests, does not hold good. Undisputedly, the Central Government is occupying the land as allotted to it.



11. Whilst the petitioner's concern that open lands in the city are shrinking is justified, we are unable to accept that the Central Government can be interdicted from utilising the land allotted to it.

12. We may also note that no zonal plans have been produced that reflect that the subject land is a playground or an open area.

13. In view of the above, the present petition is dismissed.

**Sd/-  
(VIBHU BAKHRU)  
CHIEF JUSTICE**

**Sd/-  
(C.M. POONACHA)  
JUDGE**

KPS  
List No.: 1 Sl No.: 21