



CNR: KAHC010636892026

NC: 2026:KHC:49607
WP No. 28947 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

**DATED THIS THE 11TH DAY OF SEPTEMBER,
2026**

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 28947 OF 2026 (LB-BMP)

BETWEEN:

SRI MATHIPAL T JAIN
S/O TEJPAL JAIN,
AGED ABOUT 46 YEARS,
R/A NO.16, MASTER NIVAS, 3RD FLOOR,
RANGARAO ROAD, SHANKAR PURAM
BENGALURU - 560019

...PETITIONER

(BY SRI. RAVISHANKAR G S.,ADVOCATE)

AND:

1. GREATER BENGALURU AUTHORITY
BRUHAT BENGALURU MAHANAGARA PALIKE
(BBMP) N.R.SQUARE,
BANGALORE - 560002
REP. BY ITS CHIEF COMMISSIONER
2. THE ASSISTANT DIRECTOR OF TOWN PLANNING
BENGALURU CENTRAL CITY CORPORATION
GREATER BANGALORE AUTHORITY,





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N R ROAD,
BENGALURU - 560001

3. THE ZONAL COMMISSIONER, GBA
BENGALURU CENTRAL CITY CORPORATION
GREATER BANGALORE AUTHORITY
N.R.ROAD
BENGALURU - 560001

...RESPONDENTS

(BY SRI. PAWAN KUMAR, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT BBMP/GBA AUTHORITIES, THEIR OFFICERS, AGENTS, AND SUBORDINATES NOT TO PRECIPITATE, ISSUE FURTHER THREATS, OR TAKE ANY COERCIVE ACTION, INCLUDING DEMOLITION, AGAINST THE BUILDING ON THE SCHEDULE PROPERTY, UNTIL THE RESPONDENT AUTHORITIES PROVIDE/SERVE THE CERTIFIED OR ORIGINAL COPIES OF THE IMPUGNED NOTICES TO THE PETITIONER, AND FOR A REASONABLE PERIOD THEREAFTER TO ENABLE THE PETITIONER TO PREFER AND OBTAIN INTERIM RELIEFS IN THE STATUTORY APPEAL BEFORE THE COMPETENT APPELLATE AUTHORITY.

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

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



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ORAL ORDER

The petitioner has constructed a commercial building acting under a sanctioned plan, and this sanctioned plan is produced as Annexure-D to the petition. The petitioner seeks directions to the Authorities not to be precipitous unless the petitioner is furnished with certified copies of **[a]** the Inspection Report, **[b]** the Provisional Order under Section 243(3)(c) of the Greater Bengaluru Governance Act 2024 [for short, '*the GBG Act*'], **[c]** the notice of the Provisional Order under Section 243(3)(d) of the GBG Act and **[d]** the Confirmation Order under Section 243(3)(e) of the GBG Act.

2. Mr. G. S. Ravishankar, the learned counsel for the petitioner arguing in support of the petition, submits the following.

[A] The petitioner is not issued with any notice of inspection or with copies of the Provisional or the Confirmation



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Order, nor extended an opportunity of personal hearing as contemplated under Proviso to Section 243(3)(d) of the GBG Act.

[B] The petitioner was surprised when the respondents landed at his property with a copy of the Confirmation Order dated 16.05.2026 wanting to demolish the petitioner's construction on the ground that the petitioner has deviated from the sanctioned plan in the setback and in constructing additional floors.

[C] The officers have only furnished the petitioner with photocopies when informed about the lack of notices.

[D] The petitioner has not deviated in constructing the building with certain



floors because the petitioner is admitted to a basement, stilt and upper floors. There is an error in mentioning that the petitioner has constructed two basements.

[E] The petitioner can also show cause against the allegations of deviations in the setback.

Mr. Pawan Kumar, a learned Standing counsel who accepts notice for the respondents, is heard in the light of these submissions, to examine whether this Court must intervene observing that the petitioner will be at liberty to avail the statutory remedy against the Provisional/Confirmation Order and the terms upon which such liberty must be.

3. It is salient that the proceedings must be initiated under Section 243 of the GBG Act after *site inspection* under Section 243(2) of the GBG Act, and



that the concerned, if there could be allegations of deviation from the sanctioned plan [*or the construction being without a sanction plan*], must be put on notice of the Provisional Order with opportunity of personal hearing to show cause against confirmation of such Order. The petitioner is categorical in asserting that there was neither inspection nor opportunity.

4. In fact, Mr. G. S. Ravishankar is categorical in stating that the petitioner proposes to avail statutory remedy, but the petitioner's handicap is that he is not served with the certified copies and that unless certified copies are issued, the petitioner cannot avail the appellate remedy. The learned counsel further submits that there could be immediate threat of demolition jeopardising the rights of the petitioner's occupants. These circumstances are considered peculiar that would require specific directions while relegating the



petitioner to the alternative remedy leaving open all questions to be considered. Hence, the following.

ORDER

A. The petition is allowed observing that the petitioner will be at liberty to file an appeal along with a certified copy of this Order and a copy of the Confirmation Order dated 16.05.2026 with liberty to assert limitation from the date on which a photocopy of the order dated 16.05.2026 is furnished by the officers.

B. The Appellate Authority is called upon to take on its board the appeal if so filed and also the interim application that the petitioner may have filed to seek protection against demolition during the pendency of the appeal.



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C. The petitioner shall not undertake any construction unless specifically permitted by the Appellate Authority in the appeal that he may file, and the respondents are directed to hold their hands and not demolish or dispossess the petitioner/the persons claiming under the petitioner for a period of six [6] weeks from today.

Sd/-
(B M SHYAM PRASAD)
JUDGE

RB