



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JULY, 2025

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 7604 OF 2025 (LB-BMP)

BETWEEN:

SRI.Y.R. NAGESH KUMAR,
S/O SRI. Y M RANGAPPA,
AGED ABOUT 52 YEARS,
R/AT NO.51/A, 1ST B MAIN ROAD,
B SECTOR, NEAR GANESH TEMPLE,
YELAHANKA NEW TOWN,
BENGALURU NORTH, BENGALURU – 560064.

...PETITIONER

(BY SRI. MOHAN KUMAR M., ADVOCATE)

AND:

1. THE COMMISSIONER,
BRUHAT BENGALURU MAHANAGARA PALIKE,
JDPT-NORTH, BENGALURU – 560062.
2. THE ASSISTANT DIRECTOR,
TOWN PLANING - (YELAHANKA),
ROOM NO.2, AMRUTHAHALLI MAIN ROAD,
BYTARAYANAPURA, BELLARY ROAD,
BENGALURU – 560092.
3. STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
URBAN DEVELOPMENT, AMBEDKAR VEEDHI,
BENGALURU – 560001.

...RESPONDENTS

(BY SRI.MONESH KUMAR, ADVOCATE FOR R1 AND R2;
SRI.H.K.KENCHEGOWDA, AGA FOR R3)





THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED DEMAND NOTICE DTD. 01.03.2025 IN LP NO. BBMP/AD.COM/YLK/0772/24-25 VIDE ANNEX-A ISSUED BY R-2 AND DIRECTING TO ISSUE THE PLAN SANCTION BY ALLOWING THE PRESENT WRIT PETITION AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned petition is filed seeking the following reliefs:

"WHEREFORE, this Hon'ble Court may be pleased to

(a) Issue writ or order or direction in the nature Certiorari quashing the impugned DEMAND NOTICE DATED 01.03.2025 in LP No.BBMP/Ad.Com/YLK/0772/24-25 vide Annexure - A issued by Respondent No.2 and directing to issue the plan sanction by allowing the present Writ Petition.

(b) To pass such other order or to issue such directions as deemed fit in the peculiar facts and circumstances of the case.

(c) To award exemplary costs against the Respondents in the interest of justice and equity."

2. It is brought to the notice of this Court that across the Bar, the issue is dealt by the Co-ordinate Bench in the reported judgment in ***W.P.No.23086/2022 and***



connected matters. The Co-ordinate Bench, while deciding the issue, has set-aside the Karnataka Municipal Corporations and Certain Other Law (Amendment) Act, 2021 (Karnataka Act No.01 of 2022) and the Karnataka Municipal Corporations and Certain Other Law (Amendment) Act, 2023, (Karnataka Act No.37 of 2024). Therefore, this Court deems it fit to cull out the operative portion of the order, which reads as under;

"ORDER

(i) The writ petitions are partly allowed.

(ii) The Karnataka Municipal Corporations and Certain Other Law (Amendment) Act, 2021 (Karnataka Act No.01 of 2022), is hereby quashed and set aside.

(iii) The Karnataka Municipal Corporations and Certain Other Law (Amendment) Act, 2023, (Karnataka Act No.37 of 2024), is hereby quashed and set aside.

(iv) It is hereby declared that the provisions contained in Section 18-A of the Karnataka Town and Country Planning Act, 1961, read with Rules 37-A and 37-C of the Karnataka Planning Authority Rules, 1965, are applicable only in respect of 'Development Plan' containing the proposal for construction on plots measuring more than 20,000 square meters in extent



and not in respect of plots measuring less than 20,000 square meters.

(v) It is hereby declared that if fee has been earlier collected for change of land use or while approving a layout plan, fee shall not be collected for subsequent 'Development Plan' in terms of the 'Note' found below TABLE I of Rule 37-A of the Karnataka Planning Authority Rules, 1965.

(vi) It is hereby declared that the linking of the fee leviable under Rule 37-A of the Karnataka Planning Authority Rules, 1965, to the 'market value' or 'guidance value' as determined under Section 45-B of the Karnataka Stamp Act, 1957, is illegal. However, liberty is reserved to the respondent-State Government and the BBMP to re-fix a standard after collecting empirical data.

(vii) Consequently, all the impugned Circulars which seek to give effect to the Rules 37-A and 37-C of the Karnataka Planning Authority Rules, 1965, are hereby quashed and set aside.

(viii) It is hereby declared that Clause 3.8 of the Bengaluru Mahanagara Palike Building Bye- laws, 2003, providing for 'Ground Rent', is illegal and are accordingly quashed and set aside.

(ix) Consequently, all the impugned Demand Notices raised by the respondent-BBMP, in respect of the writ petitioners herein are also quashed and set aside. It would be advisable that the BBMP may come



out with a scheme for 'One Time Settlement' and settle the levy and collect the fee generally acceptable to the citizens of Bengaluru. This would also augment the present situation."

3. In the present writ petition, the core issue raised stands substantially covered and decided by the authoritative pronouncement of the coordinate bench, wherein the writ petitions were partly allowed and several consequential reliefs were granted. The Hon'ble Court, in unequivocal terms, quashed and set aside the *Karnataka Municipal Corporations and Certain Other Law (Amendment) Acts of 2021 and 2023* (Karnataka Act Nos.01 of 2022 and 37 of 2024 respectively).

4. The Court further declared that the provisions under Section 18-A of the Karnataka Town and Country Planning Act, 1961, read with Rules 37-A and 37-C of the Karnataka Planning Authority Rules, 1965, are applicable only to development proposals concerning plots exceeding 20,000 square meters, and not to smaller plots. Importantly, it was also held that if a fee has been



previously collected for change of land use or approval of layout plan, no further fee shall be levied for subsequent development plans, in view of the explanatory 'Note' to Table I of Rule 37-A.

5. The Court declared illegal the linkage of such levies to market or guidance value under Section 45-B of the Karnataka Stamp Act, and consequently, quashed all Circulars and demand notices issued to give effect to such unlawful interpretations. Clause 3.8 of the BBMP Building Bye-laws, 2003, imposing 'Ground Rent', was also struck down.

6. In view of these comprehensive declarations and findings, it is submitted that the controversy raised in the present writ petition no longer survives for adjudication independently, as it is squarely covered by the binding judgment of the coordinate bench. In the light of the law laid down in the reported judgment substantially covering the issue, which is raised in the captioned writ petition, the



writ petition is liable to be allowed strictly aligning to the operative portion of the said writ petition.

7. In view of the above, this Court proceeds to pass the following;

ORDER

- i. The writ petition is ***allowed.***
- ii. The impugned demand notice dated 01.03.2025 issued by respondent No.2 as per Annexure-A is hereby set-aside.
- iii. Respondent- BBMP is hereby directed to issue fresh/modified plan as the case may be.
- iv. Respondent- BBMP is hereby directed to forthwith process the petitioner's application seeking building license and sanction of the building plan, strictly in accordance with law.
- v. It is made clear that the issuance of the building license and approval plan shall not be withheld merely on the



ground that the BBMP is contemplating to file an appeal against the reported judgment.

vi. If the building license and sanction plan are issued, the same shall be subjected to the outcome of any appeal that may be filed by the BBMP against the judgment.

Pending applications, if any, are also disposed off.

**SD/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

KAV
List No.: 2 Sl No.: 9