



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 6749 OF 2024 (LB-BMP)

BETWEEN:

SRI. VINOD M.L. KUMAR,
S/O MUNI SANJEEVAIAH,
AGED ABOUT 35 YEARS,
R/AT NAGASANDRA VILLAGE,
YESHWANTHPURA HOBLI,
BENGALURU NORTH TALUK.

...PETITIONER

(BY SRI. VISHNU HEGDE, ADVOCATE)

AND:

1. THE COMMISSIONER,
BRUHAT BENGALURU MAHANAGRA PALIKE,
HUDSON CIRCLE,
BENGALURU - 560 002.
2. THE ENGINEER IN CHIEF AND
DESIGNATED CHIEF ENGINEER
STORM WATER DRAIN,
BRUHAT BENGALURU MAHANAGARA PALIKE,
HUDSON CIRCLE, BENGALURU - 560 002.
3. THE ASSISTANT EXECUTIVE ENGINEER
DASARAHALLI ZONE,
BRUHAT BENGALURU MAHANAGARA PALIKE,
DASARAHALLI,





BENGALURU - 560 036.

...RESPONDENTS

(BY SRI. MONESH KUMAR K.B, ADVOCATE FOR R1 TO R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE R-1 THE COMMISSIONER BBMP HUDSON CIRCLE BENGALURU - 560002 TO CONSIDER THE REQUEST OF THE PETITIONER AS PER THE LEGAL NOTICE DATED 10.11.2023 VIDE ANNEX-C 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

This petition is filed seeking a mandamus against respondent No.1 to consider the petitioner's legal notice dated 10.11.2023 as well as representation dated 19.01.2024, as per Annexure-C and D respectively.

2. Heard learned counsel for the petitioner and learned standing counsel appearing for respondents No.1 to 3.



3. The petitioner is compelled to knock the doors of the writ court, feeling aggrieved by the formation of a drainage/SWD in the land owned by the petitioner bearing Sy.No.5/1 and Sy.No.5/2 of Nagasandra village, Yeshwanthapura-1 hobli, Bengaluru North Taluk. The petitioner asserts that he is the absolute owner of the petition lands, which are agricultural lands and he is in exclusive possession of the petition lands. The petitioner is asserting that the respondents have handedly formed a drainage in the petition lands without acquiring the lands as provided under the law. Therefore, feeling aggrieved by the inaction on the part of officials of respondent No.1, the petitioner is before this Court.

4. Learned standing counsel appearing for the respondents, on instructions, has assured this Court that the petitioner's representation dated 19.01.2024, evidenced at Annexure-D, will be considered by respondent No.1 and appropriate orders will be passed in accordance with law.



5. On perusal of the records, this Court is more than satisfied that there is complete laxness on the part of respondent No.1 and his officials in not responding to the legal notice dated 10.11.2023, evidenced at Annexure-C and to the representation dated 19.01.2024, evidenced at Annexure-D. This Court in numerous judgments has consistently held that though the right to property is not a fundamental right, it is a constitutional right and the State and its instrumentalities should take recourse to the provisions of the Land Reforms Act before a private property is utilized. The petitioner, through the legal notice and representation, is asserting that the new drainage is formed on his property. Though the representation is of the year 2024 and the legal notice is of the year 2023, the respondents have not taken a stand either disputing or admitting the formation of the drainage in the petition lands. A sketch furnished by the petitioner, which is through a private engineer, depicts the utilization of a portion of the petitioner's land in Sy.No.5/1 and



Sy.No.5/2. Therefore, the respondents are hereby obligated to consider the petitioner's legal notice as well as representation and pass appropriate orders. In the event the respondents acknowledge and admit that the petitioner's land is utilized to form a drainage, the consequences are bound to follow and the respondents are required to acknowledge and compensate the petitioner in the manner known to law.

6. For the reasons stated supra, respondent No.1 is hereby granted two months time to consider the petitioner's legal notice and representation and pass appropriate order in accordance with law. For the foregoing reasons, this Court passes the following:

ORDER

- i. The writ petition is allowed;
- ii. Respondent No.1 hereby directed to consider the petitioner's legal notice dated 10.11.2023 as per Annexure-C and representation dated



19.01.2024 as per Annexure-D and pass appropriate orders in accordance with law;

- iii. This exercise shall be accomplished within a period of two months from the date of receipt of order copy.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

HDK
List No.: 1 Sl No.: 2
CT: BHK