



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO.17884 OF 2024 (LB-BMP)

BETWEEN:

SRI RAMESH R HEGDE
S/O LATE U. RAGHAVENDRA HEGDE,
AGED ABOUT 72 YEARS,
R/AT NO.L-42, 15TH CROSS,
2ND MAIN ROAD, HBR LAYOUT,
SECTOR-6, BANGALORE-5600102.

ALSO AT
NO.558/A, 2ND FLOOR ,
2ND A MAIN, 2ND CROSS,
APEX CRYSTAL APARTMENT NO.680/558/A
SECTOR-6, HSR LAYOUT,
BANGALORE-5600102.
(SENIOR CITIZEN BENEFITS ANY NOT CLAIMED)

...PETITIONER

(BY SRI YASHAVANTHSWAMY A.M., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
THE URBAN DEVELOPMENT DEPARTMENT,
4TH FLOOR, VIKAS SOUDHA,
DR. AMBEDKAR VEEDI,
BANGALORE-560001
REPRESENTED BY ITS SECRETARY.
2. THE STATE OF KARNATAKA
DEPARTMENT OF PARLIAMENTARY
AFFAIRS AND LEGISLATION
VIKASA SOUDHA,





DR.B.R. AMBEDKAR VEEDHI,
BANGALORE-560001
REPRESENTED BY ITS SECRETARY.

3. BRUHAT BENGALURU MAHANAGARA PALIKE,
N.R. SQUARE, BANGALORE
BANGALORE-560002,
REP. BY ITS COMMISSIONER.
4. THE ASSISTANT DIRECTOR
TOWN PLANNING (WARD-174)
BBMP, (BOMMANAHALLI)
BEGURU MAIN ROAD,
BENGALURU-5600068.

...RESPONDENTS

(BY SRI BOPANNA B., AGA FOR R-1 & R-2;
SRI K.B. MONESH KUMAR, ADVOCATE FOR R-3 & R-4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE KARNATAKA MUNICIPAL CORPORATIONS AND CERTAIN OTHER LAW (AMENDMENT) ACT 2021 NO.1/2022 DATED 13/01/2022 ENACTED BY THE SECOND RESPONDENT PUBLISHED THROUGH NOTIFICATION BEARING NO.DPAL 50 SHASANA 2021 GAZETTE ON 13/01/2022 AT ANNEXURE-G DECLARING IT TO BE ULTRA VIRES AND UNCONSTITUTIONAL; QUASH THE OFFICE ORDER BEARING NO.ADTP/PR/461/2021-22 DATED 09/03/2022 ISSUED BY THE THIRD RESPONDENT AT ANNEXURE-H AND ETC.

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

CORAM: HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM



ORAL ORDER

The captioned petition is filed seeking following reliefs:

"i) Issue a writ of certiorari or similar writ or order or direction to quash the Karnataka Municipal Corporations and Certain other law (amendment) act 2021 act No.1/2022 dated 13/01/2022 enacted by the second respondent published through notification bearing No.DPAL 50 SHASANA 2021 gazette on 13/01/2022 at ANNEXURE-G declaring it to be ultravires and unconstitutional.

ii) Issue writ of certiorari or similar writ or order or direction to quash the office order bearing No.ADTP/PR/461/2021-22 dated 09/03/2022 issued by the third respondent at ANNEXURE-H.

iii) Issue a writ of certiorari to quash the Demand notice L.P. No.BBMP/Ad.Com/BMH/0061/24-25, project No.PRJ/0317/24-25, Ward No.174, dated 01/07/2024, Residential-Plotted Resi development building at property Bearing No.1439/B, katha No.1173/1439/B, Bangalore, sy.no. Sector-7, HSR Layout, Bangalore, Bommanahalli Zone, Bangalore, ward no.174, has been approved by JDTP Bommanahalli zone office at ANNEXURE-D issued by the respondent No.4 in so far as demand notice towards. Fee payable to BBMP

Sl. No.	Details of fees	Amount (rs)
1	Scrutiny fee	18,600.00
2	Ground rent (including 9% CGST and 9% SGST)	1,77,000.00



3	<i>Licence fee</i>	<i>2,99,000.00</i>
4	<i>Fee U/s 18 of KTCP Act (Betterment fee) for building</i>	<i>24,600.00</i>
5	<i>Fee U/s 18 of KTCP act (Betterment levy) for site</i>	<i>1,01,000.00</i>
6	<i>Security deposit</i>	<i>00.00</i>
7	<i>Lake Rejuvenation fee</i>	<i>9,282.00</i>
8	<i>Compound wall fee</i>	<i>792.00</i>
9	<i>Road cutting fee</i>	<i>35,000.00</i>
10	<i>1% of labour cess amount to BBMP</i>	<i>6,800.00</i>
11	<i>Levy and Collection of Cess and Surcharges as per Rule 37-C of KPA(AMENDMENT) Rules 2019 as per sub clauses (i), (ii), (iii), (iv) of sub section (1) of section 18-A of KTCP Act 1961</i>	
	<i>(a) Water supply Cess</i>	<i>12,490.00</i>
	<i>(b) Ring Road Surcharge</i>	<i>12,490.00</i>
	<i>(c) Cess for Improvement of Slums</i>	<i>6,250.00</i>
	<i>(d) MRTS Surcharge</i>	<i>62,500.00</i>
12	<i>5% of Administrative charges to BBMP on cess and Surcharge</i>	<i>4,690.00</i>
	Total Rs.	<i>7,70,494.00</i>
	<i>Previously paid amt</i>	<i>3,600.00</i>
	<i>Total amount to be paid</i>	<i>7,66,894.00</i>



to be paid to BBMP are concerned. And Labour Cess total amount Rs.2,34,000.00/-

Issue writ of Certiorari or similar writ, order or direction to quash the Circular bearing No.He.Ni.Ka.Pa.Ko/P.R/320/2020-21 dated 14/08/2020 at ANNEXURE-J issued by the 3rd Respondent.

iv) Issue a writ of Certiorari or similar writ or order or direction to quash provisions of section 18-A of Karnataka Town and Country Planning act, 1961 brought into effect by Karnataka act No.23 of 2004 by the 1st respondent at ANNEXURE-K in so far as 18-A (i) and) (iv) of Karnataka act No.23 of 2004 is concerned.

v) Grant an order, direction or writ in the nature of Certiorari quashing the notification issued by the 1st respondent bearing No.UDD 3TTP 2015 dated 25/2/2020 as contained in ANNEXURE-L in so far as the amended Rule 37-A and rule 37-C are concerned,

vi) Issue any other appropriate writ or order or direction to the respondents demand fit in the circumstances of the case in the interest of justice and equity.

vii) Pass any such other orders as this Hon'ble court deems fit in the facts and circumstances of the case in the interest 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 01.07.2024 issued by respondent No.4 as per Annexure-D is hereby set-aside.
- (iii) Respondent- BBMP 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

MBM
List No.: 2 SI No.: 32