**Karnataka High Court passes a judgement against BDA for violating provision under section 69 of the KTCP Act**

**Title: Late H.H. Jyotendra Sinhji Vikramsinhji & anr v State of Karnataka & anr**

**Citation:** **WP No. 1678 of 2018**

**Dated on: 15.12.2023**

**Corum: Justice Suraj Govindaraj**

**Facts of the case**

In this present case the petitioner claims to be claims ownership of a land in Ulsoor Hobli, Bengaluru of Sy. No 32 and 38 which were previously numbered as Sy. No. 65 and 66 which was initially approved as plots that could be used for residential/ commercial purpose in 1995 through comprehensive development plant 2011.

But later on, the same plots through the revised master plan 2015 which was approved in 2007 converted into lands which could be used as parks, open space, sports and play area and included burial grounds. Hence the lands which were once allotted to the petitioner for the purpose of commercial activity and residential were now changed into different reservations.

Now, that the mere reservation of land for parks and open spaces should not impede the petitioners from using the land, especially if they had obtained prior permissions. They assert that the petitioners lack a cause of action, as their rights are not adversely affected, and there is no rejected development plan. Additionally, the BDA points out that the petitioners did not raise objections during the draft Master Plan stage, preventing them from addressing the issue in the current writ petition. Lastly, the BDA emphasizes that the classification in the Revised Master Plan serves the orderly growth of Bengaluru, regardless of whether the land is acquired or not and further the petitioner further challenges provisions under section 69 of the Karnataka Town and Country Planning act (KTCP ACT).

**Legal Provision**

This present case involves section 69 of the KTCP Act- Karnataka Town and Country Planning act which deals with the acquisition of land which was initially designated for particular purpose in master plan which lays down specific designation in terms of section 12 of the KTCP Act. In the matter of Mr. Late Jyothendra Sinhaji as sec 69 was invoked with the reference to the difference in the revised master plan with the initial plan.

**Court analysis and Judgement**

The Karnataka High Court allowed the writ petition filed by the petitioner and observes that the revised master implemented by the BDA to develop into parks, green space and open area and burial ground instead of commercial and residential area stands dismissed as from 26.6.2012. as the requirement of acquiring the property by way of agreement or under the LA (Land Acquisition) Act of 2013 is not predicated on any application made by the land owners for making use of their land so long as the land is not acquired by way of agreement or under the LA Act of 2013 within a period of five years from the date of designation and/or the master plan coming into force, the designation would be deemed to have lapsed.

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**Written by- Namitha Ramesh**