

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 3703 OF 2023 (GM-RES)

BETWEEN:

SARAKKI LAKE AREA IMPROVEMENT TRUST
(REGD NO BNG(U)-JPN-550 OF 2011-2012)
HAVING ITS REGD ADDRESS AT No. 63,
4TH CROSS, EASWARA LAYOUT,
DODDAKALLANDRA POST
J P NAGAR BENGALURU 560062

REPRESENTED BY ITS PRESIDENT
PROFESSOR K S BHAT
S/O K.V. BHAT
AGED ABOUT 84 YEARS
R/O D-1101 LABURNUM,
BRIGADE MILLENNIUM
J P NAGAR, 7TH PHASE,
BENGALURU 560078
AADHAR NO 8883 1427 2229
MOB 8073109569
E-MAIL PROFBHAT@YAHOO.COM
PAN : AEEPB1683E

...PETITIONER

(BY SRI. Y HARIPRASAD, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY THE CHIEF SECRETARY TO
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA,



BENGALURU 560001

2. THE SECRETARY TO GOVERNMENT
DEPARTMENT OF URBAN DEVELOPMENT
VIKAS SOUDHA,
BENGALURU 560001
3. THE MEMBER SECRETARY
KARNATAKA STATE ENVIRONMENT
IMPACT ASSESSMENT AUTHORITY (SEIAA)
DEPT OF ECOLOGY,
FORESTS AND ENVIRONMENT
BENGALURU 560001
4. CHIEF EXECUTIVE OFFICER
KARNATAKA TANK CONSERVATION AND
DEVELOPMENT AUTHORITY
VIKAS SOUDHA,
BENGALURU 560001
5. THE CHIEF COMMISSIONER
BRUHAT BENGALURU MAHANAGARA PALIKE
N R SQUARE
BENGALURU 560002
6. THE DY COMMISSIONER BENGALURU (URBAN)
OFFICE OF D C
K G ROAD
BENGALURU 560009
7. THE COMMISSIONER OF POLICE
INFANTRY ROAD
BENGALURU 560001
8. THE COMMISSIONER
SURVEY SETTLEMENT AND LAND RECORDS
HUDSON CIRCLE
BENGALURU 560002
9. THE COMMISSIONER
BENGALURU DEVELOPMENT AUTHORITY
KUMARA PARK WEST
BENGALURU 560020

10. THE CHAIRMAN
BWSSB
CAUVERY BHAVAN
KEMPE GOWDA ROAD
BENGALURU 560009
11. THE MEMBER SECRETARY
RERA,
SIVER JUBILEE BLOCK
3RD CROSS, SAMPANGIRAMANAGARA
BENGALURU 560027
12. THE TAHASILDAR
BENGALURU(S) TQ
KANDAYA BHAVAN
BENGALURU 560009
13. MESSERS MAHAVIR DEVELOPERS
JAGRUTHI COLONY,
PUTTENAHALLI,
J P NAGAR, 7TH PHASE
BENGALURU 560078

...RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA FOR R1 TO R4,
R6 TO R8 & R12
SRI. S.H. PRASHANTH, ADVOCATE FOR R5
SRI. UNNIKRIISHNAN M, ADVOCATE FOR R9
SRI. K.B. MONESH KUMAR, ADVOCATE FOR R10
SRI. SHASHANK GARG, SENIOR ADVOCATE A/W
SRI. B.S. RADHANANDAN, ADVOCATE FOR R13)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA R/W RULE 14 (1) OF THE HIGH COURT OF KARNATAKA (PUBLIC INTEREST LITIGATION) RULES, 2018 PRAYING TO ISSUE WRIT OF MANDAMUS DIRECTING THE RESPONDENTS-5, 6, 8 AND 12 TO STOP THE ILLEGAL CONSTRUCTIONS IN THE SITE SITUATED AT JAGRUTHI COLONY, PUTTENAHALLI, JP NAGAR 7TH PHASE, DONE BY THE 13TH RESPONDENT AND ETC.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, ORDER WAS PRONOUNCED AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU ,CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

CAV ORDER

(PER: HON'BLE MR. JUSTICE C.M. POONACHA)

1. The present Public Interest Litigation is filed by the petitioner seeking for the following reliefs:

"Wherefore, the Petitioner prays this Hon'ble Court

(a) To issue writ of mandamus directing the Respondents 5, 6, 8 and 12 to stop the illegal constructions in the site situated at Jagruthi Colony, Puttenahalli, JP Nagar 7th Phase, done by the 13th Respondent.

(b) Issue a writ, order or direction in the nature of mandamus directing the Respondents No 5,6,8,12 & 13 with regard to the site/property described in this petition to take all necessary steps to restore the sarakki lake land, its buffer area, the rajakaluve, the main road on top of the bund to their original status as per revenue records and RMP by clearing all illegal constructions and infringements on building code in accordance with law.

(c) Issue a writ, order or direction in the nature of mandamus to Respondent no 2 and 5 to establish the identity and take action against the proponents of the illegal constructions, business establishments, land developers that their unauthorized activities cease forthwith and they compensate the damages caused to the lake environment.

(d) Issue writ, order directing Respondent no.1 to initiate probe proceedings to fix personal responsibility of the jurisdictional officials in to reasons for inaction leading to damage to the lakes environment and infringement on the main tank bund road.

(f) Grant such other reliefs as this Hon'ble Court deems fit in the facts and circumstances of the above case including costs in the interest of justice and equity."

2. It is the case of the petitioner that Sarakki Lake [**Lake**] is located between the 6th and 7th phases of J.P. Nagar, Bengaluru (South) and is spread over 82 acres and 19 guntas with a catchment area of 5.65 sq. kilometers. That various Apartments and Commercial Complexes were being constructed in the vicinity of the lake area, thereby illegally encroaching the same. Hence, the petitioner along with others filed W.P. No. 17464/2013[GM-RES-PIL]. A Division Bench of this Court vide order dated 05.08.2014 disposed of the said petition and ordered for, inter alia, removal of encroachments and comprehensive rejuvenation of the Lake.

3. It is the case of the petitioner that in compliance of the directions of this Court, the Tahsildar Bangalore South under the direction of the Deputy Commissioner and the assistance of the Bangalore Development Authority [**BDA**] which is the Lake Custodian removed various illegal encroachments. The BDA had initiated the fencing of the Lake boundary. However, the same was incomplete and the custody of the Lake was handed over to the

Bruhat Bengaluru Mahanagara Palike [**BBMP**] on 11.04.2016. It is further contented that respondent No.13 had put up construction of a residential apartment complex in violation of the Master Plan - 2015. Hence, the writ petition is filed seeking for the aforementioned reliefs.

4. Respondent No.13 [Builder/private respondent] has entered appearance and filed statement of objections denying the assertion of the petitioner that the construction put up is illegal. It was also stated that the construction was put up by M/s. Reddy Structures Pvt. Ltd. and not by M/s.Mahaveer Developers which is arrayed as respondent No13. It is asserted that the construction put up is in accordance with the Master Plan 2015 and the provisions of the Karnataka Town and Country Planning Act, 1961 [**KTCP Act**]. It is further asserted that a buffer zone of 30 metres is stipulated from the lake boundary and the construction put up is beyond the said buffer zone. That a road runs parallel to the Lake which is also shown in the Village Map, which runs from Puttenalli Village to Bengaluru City via Sarakki layout. That the property bearing Sy. No.25 is situated after the said road and hence, the tank is not abutting the property of the private respondent. The road is in existence since time immemorial. It is asserted that the width of

the road is 24 meters as per the Master Plan - 2015. That the private respondent had acquired the property by virtue of absolute Sale Deed dated 08.02.2013 and thereafter had obtained the sanction plan on 18.07.2019 and put up construction as per the sanction plan. That the BBMP granted commencement certificate on 17.03.2020. That the private respondent having put up construction in the property in accordance with law by adhering to all the statutory stipulations, the writ petition is liable to be dismissed. That only the said private respondent has been targeted by the petitioner whereas there are other constructions put up abutting the property of the private respondent.

5. In the rejoinder to the statement of objection filed by the respondent, it is contended on behalf of the petitioner that the private respondent has not displayed the project details and other salient features of the project as is required under the law and hence, has concealed the identity of the builder who has put up construction in violation of the buffer zone. It is further contended that pursuant to the orders passed by this Court in the earlier writ petition, the fencing of the lake was erected by the former custodian of the Lake, i.e. the BDA and it has been placed on record that the entire area of the Lake is not fenced since it blocks

the existing main road as well as ingress and egress of occupants of the adjacent buildings. That as directed by this Court in the earlier petition, a qualified team of land surveyors conducted the survey in the year 2013 and submitted an authenticated sketch and in compliance of the order passed by this Court, various illegal encroachments were removed between 16th and 25th April 2015. The private respondent is deliberately referring to old village sketches, Google maps and images etc., to hide the buffer zone violations. The position of the fencing is well over 100 metres from inside the Lake's actual outer revenue boundary. That the main road runs entirely on the Lake's eastern-earthen bund; that the Lake's actual revenue boundary was fixed by steel poles at periodic intervals, which was uprooted and removed by land mafia without any trace of evidence. That the private respondent has concealed the boundary markings and created distractions by planting few saplings to aid and abet the illegal activities; that the 30 metres of the buffer area should be measured from the edge of the outer revenue boundary of the sketch, irrespective of the location of the water in the tank. The land survey sketch prepared pursuant to orders passed in the earlier writ petition, clearly demonstrates that the property of the private respondent is within

the buffer zone and that the construction put up by the respondent is an illegal construction.

6. This Court vide order dated 13.08.2025 ordered as under:

1. We find that one of the principal issues that arises in the present PIL is regarding construction being raised, which the petitioner has alleged, is within the buffer zone of the lake in question (Sarakki lake).

2. The petitioner has also produced the joint map in respect of a lake dated 09.11.2024, which the petitioner claims to have obtained pursuant to an application filed under Right to Information Act, 2005. The said map is also signed by the Assistant Director of Land Records and Taluk Surveyor.

3. The petitioner claims that the said map clearly delineates the boundaries to the lake in question and the construction being raised is within the buffer zone of 30 meters.

4. In view of the above, the learned counsel appearing for respondent No.13 (the developer), contends that the said map is incorrect, in as much as it shows the far edge of the road to be boundary of the lake.

5. Since the controversy essentially relates to the boundaries of the lake, we direct the respondent Nos.5 and 6 to file personal affidavits after examining the record, along with map showing the boundary of the lake as well as lake/tank in question. The respondent Nos.5 and 6 shall also clearly make a statement with regard to the validity of the map which is produced by the petitioner, as referred above. The said affidavits be filed within a period of two weeks from date.

6. List on 03.09.2025.

(emphasis supplied)

7. Pursuant to order dated 13.08.2025, respondent No.5 [Chief Commissioner, Bangalore Bruhath Mahanagara Palike (**BBMP**)] and respondent No.6 [the Deputy Commissioner, Bangalore, Urban] have filed their affidavits. The affidavit dated 17.10.2015 filed by respondent No.6-Deputy Commissioner read as under:

AFFIDAVIT

I, G. JAGADEESH, S/o Sri Ganapathiyappa, aged about 51 years, working as DC BENGAWRU URBAN DISTRICT, resident of Bengaluru, do hereby solemnly affirm and state on oath as follows:

1. I am the Respondent No.6 in this Petition and I am aware of the facts of the case as borne out on record. As per the directions of this Hon'ble Court dated 13.08.2025, I am filing this Affidavit.

2. I humbly submit that Sarakki Lake is also known as Jarakabande Lake located in Sy.No.26 of Sarakki Village, Uttarahalli, Bengaluru South Taluk. It is spread over. 82 19 acres with the catchment area of 5,65 sq.kms. and compound area of another 6 kms.

3. The Petitioner herein lodged Complaints before the Hon'ble Lokayukta, Bengaluru in Complaint. No, COMPLAINT/LOK/BCD/ 2686/2018 and 2608/2017/CE dated 10.08.2023 to the effect that the Respondent No.13 was constructing an apartment in the buffer zone of the said lake. Immediately there was a direction by the Hon'ble Lokayukta to the Chief Engineer, BBMP and myself to conduct a spot inspection, survey the said lake area and submit the Survey sketch and report.

4. I referred to the documents pertaining to this lake i.e., Akarbandh, Tippani, Secondary Reclass Prathi (which shows the lake details, measurement, extent and boundary and Resurvey Tippani extracted from the original records) before conducting a spot inspection on 11.11.2024 and survey conducted on 14.11.2024. Certified copies of the

said documents are produced herewith and marked as ANNEXURES-R1 TO R4.

5. Accordingly, a survey map had been prepared, in file number bearing No. Bhu.Sa.Ni/P.R./E-541175/2024-25 dated 09.11.2024. This file number that had been started for the survey sketch, the Petitioner refers to it as a Joint map of 09.11.2024.

6. After the survey was conducted on 14.11.2024, the map was prepared and has been signed by the Assistant Director of Land Records and Taluk Surveyor of Bengaluru South Taluk. The said map clearly delineates the boundaries of the lake and the construction made by Respondent No.13, which is within 30 mtrs. in the buffer zone.

7. On 03.10.2025, the Taluk Surveyor, Bengaluru South Taluk prepared a fresh survey map and submitted a report to the Respondent No. 12. Taking into consideration this survey sketch, the report and comparing with the records i.e., Exhibits R1 to R4, it is found that the Respondent NO.13 has indeed constructed an apartment, which is within the physical lake boundary and is reflected in pink colour in the map. The length of the building is 1679.39 sq.mtrs. i.e. 17guntas.

8. I humbly submit that the map dated 09.11.2024 so validated is correct.

I do solemnly affirm that this is my name and signature and that the contents of the affidavit are true to the best of my knowledge, belief and information.

WHEREFORE, I pray that this Hon'ble Court be pleased to take the aforesaid facts on record, in the interest of justice and equity.

(emphasis supplied)

8. The affidavit dated 14.11.2025 filed on behalf of respondent No.5 reads as follows:

Affidavit

I, Sri Ramesh K.N, I.A.S, S/o Late Sri K.S Nagaraju,, Aged about 54 years, working as Commissioner, Bengaluru South City Corporation, having its office at 9th Main, 9th Cross, Jayanagar 2nd Block, Bangalore- 560011, do hereby solemnly affirm and state on oath as follows;

1. I state that I have been working in the above mentioned position since September 2025. The statements made in the affidavit are based on the records and information that were available in the office.

2. That this Hon'ble High Court in its order dated 13.08.2025 (para 5) in the instant case had issued the following directions:

"Since the controversy essentially relates to the boundaries of the lake, we direct the Respondent No.5 & 6 to file personal affidavits after examining the record, alongwith map showing the boundary of the lake as well as the lake/tank in question. The respondent no.s 5 & 6 shall also clearly make a statement with regard to the validity of the map which is produced by the Petitioner, as referred above."

3. In compliance with the above directions, I have personally visited and physically inspected the lake and the subject building being constructed by the Respondent No.13, along with the Joint Commissioner (BSCC), ADTP (Zone 2), EE- Lakes on 10.11.2025. I state that during the inspection it was found that a public road runs outside the physical boundary of the lake, i.e., from the fenced area of the lake and the building of the Respondent No.13 is adjacent to the public road. I state that the public road is also within the actual lake area, as could be seen from the survey sketch prepared by the revenue authorities. The photographs taken during the inspection of the property is enclosed as Annexure-R1.

4. On the basis of verification of the records, I state that the plan for the building of the Respondent No.13 was sanctioned in the year 2019 (18.07.2019). The plan was sanctioned on the basis of the field inspection conducted by the then ADTP and Chief Engineer, Bommanahalli Zone, BBMP. The Plan sketch has been approved to the

Respondent No.13 subject to the condition of buffer zone of 30 meters being retained from the physical boundary of the lake. The copy of the sanctioned plan is enclosed as Annexure-R2.

5. On the physical inspection of the building compared with the sanctioned plan, the building is constructed by leaving vacant an area of about 9-10 meters within its premises. On the examination of the survey sketch prepared by the Revenue Department, it is clear that the building falls within the buffer zone of 30 meters from the actual lake boundary and that the Respondent has occupied about 1679.38 square meters of the designated buffer area. The copy of the map prepared by the Surveyor, Bangalore South Taluk, Bangalore on 03.10.2025 is enclosed as Annexure-R3.

6. I pray that the above statements made and the actions/measures undertaken may kindly be taken as due compliance with the orders/ directions passed by this Hon'ble Court.

(emphasis supplied)

9. The private respondent has also filed common statement of objections to the affidavits filed by respondent Nos.5 and 6.

10. Section 9 of the KTCP Act, stipulates the requirement of preparing a Master Plan. The said Section 9 reads as under:

9. Preparation of Master Plan. – (1) Every planning authority shall, as soon as may be, carry out a survey of the area within its jurisdiction and shall, not later than two years from the date of declaration of the local planning area, prepare and publish in the prescribed manner a Master Plan for such area and submit it to the State Government, through the Director, for provisional approval.

(2) If the Master Plan is not prepared, published and submitted to the State Government by the Planning Authority within the period specified in sub-section (1), the State Government may authorise the Director to prepare

and publish such plan in the prescribed manner and direct the cost thereof to be recovered from the Planning Authority out of its funds, notwithstanding anything contained in any law relating to the said fund.

(3) Notwithstanding anything contained in sub-section (2), if any Planning Authority is converted into, or amalgamated with any other Planning Authority or is sub-divided into two or more Planning Authorities, the Master Plan prepared for the area by the planning authority so converted, amalgamated or sub-divided shall, with such alterations and modifications as the State Government may approve, be deemed to be the Master Plan for the area of the new Planning Authority or authorities into or with which the former Planning Authority was converted, amalgamated or sub-divided.

(4) A copy of the Master Plan with the report sent to State Government under sub-section (1) or sub-section (3) shall be kept open for inspection by the public at the head office of the Planning Authority.]

11. Regulation 4.2.2(ii)(iv) of the Master Plan 2015 reads as under:-

iii. In case of water bodies a 30.0 m buffer of 'no development zone' is to be maintained around the lake (as per revenue records) with exception of activities associated with lake and this buffer may be taken into account for reservation of park while sanctioning plans.

12. It is further pertinent to note that W.P. No.17464/2013 which was filed by the petitioner was disposed of vide order dated 05.08.2014. The relevant portion of the said order reads as under:-

7. In the above facts and circumstances, the petition is required to be disposed on the basis of the statements which are made by learned counsel for the respondents. It

is stated on behalf of the State Government by learned Principal Government Advocate that upon conclusion of the proceedings before the Tahsildar as aforesaid, all necessary action will be taken to remove the encroachment which is found to be illegal and unauthorised in terms of the aforesaid order in Case No.NCR.CR.47/2013-14 and in case of necessity, the Home Department will be requested to provide sufficient police force for carrying out the operation of forcible eviction. He further stated that except the land occupied by BWSSB for the purpose of protecting the lake from being filled with sewage water, the other parties or persons in illegal occupation of the tank or tankbed of Sarakki lake will be evicted and the constructions thereon shall be demolished as far as may be, within a period of six weeks.

8. Learned counsel appearing for the BDA submitted that by now the lake is protected by laying fences on the boundary of the land to the extent of 725 mtrs. and as soon as the encroachments on the lake bed are removed, the remaining area shall also be covered and protected by proper fencing.

9. Learned counsel appearing for the Lake Development Authority also submitted that upon the sewerage system around the lake becoming operational, they will provide necessary consultation and assistance in bringing about rejuvenation of the lake and restore the position of the lake as a water body containing clean water and open space for the people in general and the residents of Bangalore: in particular.

10. As for the contentions of respondent Nos. 9 to 13 and other applicants who have made applications for being impleaded in the present proceeding, it is clarified that if they are aggrieved by the aforesaid order dated 10.07.2014 of the Tahsildar, Bangalore and/or the notice of eviction dated 21.07.2014, they will be at liberty to challenge the same and seek adjudication of their claims in appropriate proceedings.

11. Recording the aforesaid statements, to be read as directions of this Court, the petition is disposed in those terms, with no order as to cost. In view of this order, the interim applications made in the petition do not survive for consideration and hence they stand disposed accordingly.

(emphasis supplied)

13. Regulation 4.2.2(ii)(iv) of the Master Plan stipulates that a buffer area of 30 metres is required to be maintained around the Lake as a 'non development zone'. Since the buffer zone is required to be maintained around the Lake, it is clear that for the purpose of demarcation of the buffer zone, thirty metres is to be demarcated from the boundary of the lake as is forthcoming from the revenue records.

14. Pursuant to the order dated 05.08.2014, passed in WP No.17464/2013, portions of the Lake boundary have been fenced. Annexure-O which is produced by the petitioner along with the rejoinder indicates that although the Lake boundary has been marked and certain portions have been fenced, certain other portions have not been fenced since it blocks "existing main roads"; "ingress and egress of occupants of adjacent buildings" and "due to litigation and interim order". The map/sketch which has been produced by the petitioner as an Annexure-Q dated 09.11.2024, which the petitioner is stated to have obtained pursuant to an application made under the Right to Information Act, 2005 [RTI Act]. The Deputy Commissioner in his affidavit filed

before this Court has validated the said map dated 09.11.2024 as being correct. The BBMP in its affidavit filed before this Court has further confirmed that the private respondent has occupied an area of 1679.38 square meters of the designated buffer area. Although it is the contention of the private respondent that the BBMP has granted the sanctioned plan, BBMP in its affidavit has stated that the sanctioned land is subject to condition of the buffer zone of thirty metres being retained from the physical boundary of the Lake.

15. At this juncture, it is pertinent to note that the earlier writ petition (W.P. No.17464/2013) was filed to take all steps to restore, protect and retain the Sarakki Lake to its original status as per revenue records by clearing all encroachments, as also to cease draining domestic sewage into the Sarakki Lake and to take action against all business establishments, industrial units and residential units discharging effluents into domestic drains and storm water drains. The direction was also sought to prepare a comprehensive conservation and rejuvenation plan for Sarakki Lake and for other reliefs.

16. In the earlier writ petition, the Co-ordinate Bench of Court had directed the concerned Tahsildar to survey the extent of the

Lake and fixed its boundaries and submit a report to the Court. The Tahsildar had filed an affidavit dated 19.08.2013 that the survey was conducted and the survey sketch was produced as Annexure-R1 to the said affidavit. The encroachment was also shown in the said survey sketch and the list of encroachers along with the extent of encroachment was also mentioned. It is also stated that notices under Section 104 of the Karnataka Land Revenue Act, 1964 were issued to all encroachers, calling upon them to show cause as to why the encroachment should not be removed. Time was sought by the Tahsildar to complete the said enquiry. The relevant portion of the order dated 05.08.2014 passed by this Court in the earlier writ petition is as under:

2. During the pendency and hearing of the petition from time to time, various interim orders have been made. On 14.06.2013, it was noted that the Tahsildar concerned was seized of the matter and after fixing the boundaries of the Sarakki lake, he was required to handover possession of the lake to BDA for the purpose of development. Therefore, a direction was issued on that date to the Tahsildar concerned to survey the extent of lake, fix its boundaries and submit a report to this Court. On 26.08.2013, the Bangalore Water Supply and Sewerage Board (BWSSB) was impleaded as respondent No.8 and affidavit of the Tahsildar was taken on record. On the basis of certain recent photographs produced before the Court, it was found that despite several authorities being in charge of the lake, the problem of dumping of solid waste and encroachments was persisting. There was a clear admission on the part of the authorities that there were encroachments on the peripheral area of the lake, sewage water was let into the lake and there was dumping of garbage and solid waste by

the contractors working for the Bruhat Bangalore Mahanagara Palike (BBMP), as a result of which, rejuvenation of the lake has become even more difficult. By that time, survey of the lake was completed and boundaries were fixed by the Tahsildar concerned. It was noticed that appropriate action for de-weeding and desilting of the lake was necessary on the one hand and the sewage water entering the lake was required to be diverted as much as dumping of solid waste and garbage was required to be stopped. It was stated before this Court on 20.01.2014 that the Tahsildar concerned was required to issue approximately 200 notices in respect of alleged encroachments in the area which was originally covered by the lake. Pursuant to those notices, hearing has taken place on the one hand and on the other hand it was submitted for the petitioner No.2 that fresh encroachments were also being made. By that time the respondent Nos.9 to 13 had been impleaded on the basis of their plea that they were not encroaching upon the area of the lake. Due to the intervening general elections, the task before the Tahsildar was interrupted and adjournments had to be granted.

(emphasis supplied)

17. Under the said circumstances, this Court noticed that proceedings to remove the encroachments were required to be completed and the encroachments were required to be removed/cleared. It is also noticed that an extent of 725 meters of the Lake boundary has been fenced and after removing the encroachments the remaining area would be fenced. This Court has specifically reserved liberty to any of the persons who are aggrieved by the eviction proceedings to seek for adjudication of their claim in appropriate proceedings.

18. The Affidavit filed by respondent No.5 - Deputy Commissioner and respondent No.6 - BBMP clearly discloses that there are encroachments and the private respondent has encroached upon the buffer zone of the lake. The private respondent has essentially disputed the affidavit as well as the sketch produced along with the affidavit on various grounds. Firstly, that the building constructed by the private respondent is beyond the buffer zone of 30 metres from the Lake boundary. The Map that was produced along with the affidavit dated 17.10.2025 indicates that an extent of 1679.389 square meters of the buffer zone has been occupied by the private respondent. However, it is pertinent to state here that the private respondent was not party to the survey that was conducted which has recorded the said finding that the private respondent is occupying 1679.389 square meters of the buffer zone.

19. Another dispute that has been raised by the private respondent is the point from which the buffer zone is required to be mentioned. In this context, it is clear from the revised Master Plan that an extent of 30 metres is required to be earmarked as buffer zone 'from the edge of the Lake boundary'.

20. It is also sought to be contended on behalf of the private respondent that respondent No.5 - BBMP has issued a sanction plan. However, the said contention would not aid the case of the private respondent since grant of sanction plan would in no manner entitle the private respondent to put up construction in the buffer zone, contrary to the Master Plan. In this context, it is pertinent to note that Section 299 of the Karnataka Municipal Corporations Act, 1976 **[KMC Act]** enables a person who is desirous of constructing/re-constructing a building to make an application for permission to execute the work. Such application is required to be accompanied with all necessary information and documents as stipulated/prescribed. Section 300 of the KMC Act specifically prohibits construction/re-construction of a building unless the Commissioner has granted permission for execution of the work. Various provisions of the KMC Act have specific stipulations with regard to all aspects of the construction which is proposed to be put up. Section 310 contemplates the issuance of a completion certificate, consequent to which occupation of the building is permissible. Section 505 of the KMC Act requires that action of the Corporation is to be in conformity with the KTCP Act. Section 505 of the KMC Act reads as under:

"505. Exercise of powers by a corporation to be in conformity with the provisions of the Karnataka Town and Country Planning Act, 1961.- Notwithstanding anything contained in this Act, a corporation or any officer or other authority required by or under this Act to exercise any power, or perform any function or discharge any duty-

(i) with regard to any matter relating to land use or development as defined in the Explanation to section 14 of the Karnataka Town and Country Planning Act 1961, shall exercise such power, or perform such function or discharge such duty with regard to such land use or development plan or where there is no development plan, with the concurrence of the Planning Authority;

(ii) shall not grant any permission, approval or sanction required by or under this Act to any person if it relates to any matter in respect of which compliance with the provisions of the Karnataka Town and Country Planning Act, 1961 is necessary unless evidence in support of having complied with the provisions of the said Act is produced by such person to the satisfaction of the corporation or the officer or other authority, as the case may be."

21. The question as to whether the sanctioned plan, which has been granted by the Corporation under the provisions of the KMC Act, which was found to be violative of the KTCP Act was considered by a learned Single Judge of this Court in the case of ***M/s.SJR Prime Corporation Pvt.Ltd., v. Bruhat Bengaluru Mahanagara Palike & Ors., : NC:2023:KHC:36358.*** It is clear

from the statutory stipulations as noticed above that the sanctioned plan granted under the provisions of the KMC Act cannot be contrary to the provisions of the KTCP Act.

22. It is also pertinent to note that in the present case although the private respondent has contended that it has been granted a sanctioned plan as also been issued a commencement certificate, the private respondent has not placed on record any occupancy certificate granted by respondent No.5 - BBMP. Hence, it is clear that any construction put up by the private respondent within the buffer zone of 30 metres from the actual lake boundaries, even if it is in accordance with the sanctioned plan, is illegal and unauthorized. It is also pertinent to note that in the sanctioned plan there is a specific stipulation (clause 21) that "the building constructed should not be occupied without obtaining an occupancy certificate from the competent authority.

23. It is also sought to be contended on behalf of the private respondent that the said respondent has been victimized and there are other persons who have put up construction in the buffer zone. The said contention would not aid the case of the private respondent. It is incumbent on the State and its authorities to clearly demarcate and fence the Lake area so as to prevent any

encroachment and misuse of the same. It is also required to clear any encroachment in the 30 metres buffer zone from the edge of the lake area. However, in order to clear the encroachment since various aspects requiring factual determination is required to be undertaken, the same is not expedient to be done in the present public interest litigation. The said exercise which requires determination of rights of parties is to be done by following the procedure prescribed/stipulated under law.

24. The private respondent contends that the present petition is barred by *res judicata* since adequate orders regarding the buffer zone of the Lake has been passed in the previous writ petition. The said contention does not merit acceptance. Respondent Nos.5 and 6 has placed on record that the private respondent has encroached certain portions of the buffer zone, which aspect has not been adjudicated in the previous writ petition.

25. It is relevant to note that subsequent to the order passed in the earlier writ petition, the Karnataka Tank Conservation and Development Authority Act, 2014 [**Tank Conservation Act**] has been enacted vide the Karnataka Act No.32/2014 and was published in the Gazette on 06.09.2014. Section 3 of the Tank Conservation Act contemplates establishment of the Karnataka

Tank Conservation and Development Authority [**Authority**] which constitutes various members with the Principal Secretary/Secretary of the Government, Minor Irrigation to be the Member Secretary, ex-officio Chief Executive Officer (CEO) of the Authority. Subsequently, the Karnataka Tank Conservation and Development Authority and Certain Other Law (Amendment) Act, 2018 was enacted vide Karnataka Act No.15 of 2018 and as we notified in the Gazette on 26.03.2018. Also the Karnataka Tank Conservation and Development Authority (Amendment) Act, 2025 has been published in the gazette on 18.02.2026. Section 2(g) of the Tank conservation Act defines Tanks or Ponds or Lakes. Section 12 of the Tank Conservation Act stipulates the acts, which are prohibited in Tanks. The Authority has also been vested with adequate powers to initiate various actions for protection of the Tanks. Hence, it is clear that subsequent to the orders passed by this Court in the earlier writ petition, a separate statutory scheme/mechanism has been enacted for protection of Tanks and other water bodies.

26. It is also pertinent to note that the Bruhat Bengaluru Mahanagara Palike Act, 2020 [**BBMP Act**] has been enacted vide Karnataka Act No.53/2020 to provide adequate administrative and

structural matters for governance of the City of Bengaluru since it was felt that although BBMP was established and governed under the provisions of the KMC Act, the same was inadequate. Hence, the BBMP Act was enacted "to provide independent legislation for the purposes of improving de-centralization, integration of public participation at various levels and to ensure efficient decision making by the BBMP". Various provisions are provided in the BBMP Act as well as the KMC Act for demolition or alteration of buildings as well as for action to be initiated with respect to unlawfully constructed buildings. It is further pertinent to note that vide Act No.36/2025 the Greater Bengaluru Authority [**GBA**] has been constituted in place of BBMP.

27. Over the passage of time, various authorities have been named to be the custodian of the Lake and the State has constituted various authorities like the authorities under the Tank Conservation Act, etc., so as to preserve and protect the Lake. Hence, it is expedient that the State appoint a committee constituting the necessary stakeholders for the purpose of taking the necessary steps in accordance with law for compliance of the orders passed in the earlier writ petition as well as in the present proceedings.

28. It is clear from the aforementioned that the order dated 05.08.2014 passed in the earlier writ petition (WP.No.17464/2013) which required the encroachments in the buffer zone of the lake to be cleared, the lake area to be fenced, as also the buffer zone of the lake area to be fenced, has not been complied with. Although specific directions were issued, it is clear from the affidavits filed by respondent Nos.5 and 6 that the private respondent has put up construction in a portion of the buffer zone. It is also pertinent to place on record that none of the official respondents have filed any statement of objections traversing the averments made in the present petition. It is only pursuant to the order dated 13.08.2025 that respondent Nos.5 and 6 have filed their personal affidavits in compliance of the orders of this Court.

29. In view of the above, the present petition is disposed of with the following directions:

- i) Respondent No.1 - Chief Secretary of the State of Karnataka shall constitute a committee comprising of a representative of respondent No.5 - BBMP (or the GBA as the case may be), respondent No.6 - Deputy Commissioner, Bengaluru Urban, a representative of the Tank Development Authority and such other

stakeholders as may be required. A Nodal Officer shall also be appointed, from amongst the members of the said Committee. The requisite Government Order for constituting the Committee shall be issued within three weeks from date;

ii) The Committee shall oversee and ensure the relevant statutory authorities initiate necessary action as per the relevant statute so as to notify the person/s and/or entities, who have put up construction/s in the buffer zone to take further action in accordance with law for the purposes of clearing/removing the said encroachments as also other measures to preserve and protect the Lake in question;

iii) The Committee through its Nodal Officer shall send a report to this Court within three months as to the action taken for clearances of the unauthorized constructions as well as other actions/measures taken by it;

iv) The rights and contentions of all persons, who have been notified for the purpose of clearing the encroachments are reserved.

30. Although the present petition has been disposed of, the present petition be listed before the Court on 30.06.2026 for reporting compliance of the aforementioned directions.

31. Pending IAs., if any, also stand disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**

BS/Vmb/nd