

Karnataka Slum Development Board vs M/S Davanam Constructions P Ltd,

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Court : Karnataka

Decided On : Sep-12-2025

Judge : E.S.Indires

Appeal No. : RP/28/2025

Appellant : Karnataka Slum Development Board

Respondent : M/S Davanam Constructions P Ltd,

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF SEPTEMBER, 2025 BEFORE THE
HON'BLE MR. JUSTICE E.S.INDIRESH REVIEW PETITION NO.28 OF
2025 BETWEEN:

1. KARNATAKA SLUM DEVELOPMENT BOARD NO.55, ABHAYA
COMPLEX 3RD FLOOR, RISALDAR STREET SESHADRIOPURAM
BENGALURU - 560 020 REPRESENTED BY ITS COMMISSIONER.
PETITIONER (BY SRI. MANOHAR N., ADVOCATE) AND:

1. M/S. DAVANAM CONSTRUCTIONS P. LTD,

(INCORPORATED UNDER THE COMPANIES ACT, 1956) Digitally signed by REGISTERED OFFICE NO.148 SHARMA ANAND SURVEYOR STREET, BASAVANAGUDI CHAYA Location: HIGH COURT BENGALURU - 560004 OF KARNATAKA REPRESENTED BY ITS GENERAL DIRECTOR D V HARISH.

2. STATE OF KARNATAKA DEPARTMENT OF URBAN DEVELOPMENT VIDHANA SOUDHA BENGALURU - 560001 PRINCIPAL SECRETARY.

3. STATE OF KARNATAKA DEPARTMENT OF HOUSING -2- VIDHANA SOUDHA BENGALURU - 560001 PRINCIPAL SECRETARY.

4. BANGALORE DEVELOPMENT AUTHORITY KUMARA PARK EAST BENGALURU - 560020 REPRESENTED BY ITS COMMISSIONER.

5. TOWN PLANNING AUTHORITY BDA KUMAR APARK EAST BENGALURU - 560020 REPRESENTED BY ITS COMMISSIONER.

6. DISTRICT COMMISSIONER BENGALURU URBAN DISTRICT KANDAYA BHAVANA K.G. ROAD BENGALURU - 560009.

7. BRUHAT BENGALURU MAHANAGARA PALIKE

N.R.SQUARE, HUDSON CIRCLE BENGALURU - 560002 COMMISSIONER. RESPONDENTS (BY SRI. BIPIN HEGDE, ADVOCATE FOR SRI. KIRAN J, ADVOCATE FOR R1; SRI. MURUGESH V. CHARATI, ADVOCATE FOR R4; SMT. HEMALATHA V., AGA FOR R2, R3 AND R6; SRI. V.S. KARTHIKEYAN, ADVOCATE FOR R7; R5 SERVED) -3- THIS RP IS FILED UNDER ORDER XLVII RULE 1 OF CPC,

PRAYING TO REVIEW THE ORDER DATED 29.11.2024 PASSED IN WRIT PETITION NO.30676/2024 AND PLEASED TO RESTORE THE WRIT PETITION ON FILE AND TO DISPOSE OF THE SAME ON MERITS IN THE INTEREST OF JUSTICE AND EQUITY. THIS PETITION, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

Sri. Murugesh V. Charati, learned counsel accepts notice for respondent No.4.
Smt. Hemalatha V., learned Additional Government Advocate accepts notice for respondent No.6.

2. This petition is filed by the respondent No.6

in W.P.No.30676 of 2024, seeking review of the order

dated 29.11.2024 (Annexure-A), passed in the said writ petition.

3. Heard the learned counsel appearing for the

parties. -4- It is submitted by the learned counsel appearing for the petitioner, Sri. Manohar N., that Government has to acquire the land in question and handover the same to the petitioner herein for the purpose of effectuating in favour of welfare of the slum dwellers. Accordingly, submitted that the order impugned in this petition required to be reviewed.

4. Per contra, Sri. Bipin Hegde, learned counsel

appearing for the respondent No.1 invited the attention of the Court to the Preliminary Notification dated 05.05.2022 (Annexure-E) and Final Notification dated 12.08.2022 (Annexure-F) in the writ petition and submitted that the observation made by this court insofar as issuance of Transferable Development Rights (TDR) for the lands acquired is in accordance with law since the petitioner herein has not taken any -5- steps insofar as effectuating the scheme of the Government.

5. In that view of the matter, though the

petitioner had taken possession of the land in question and not giving effect to the Preliminary Notification and Final Notification (Annexures-E and F to the writ petition) and in view of the Article 300A of the Constitution of India, wherein right to

property has been considered as a human rights and also in view of the judgment of the Hon'ble Supreme Court in the case of Vidya Devi v. State of Himachal Pradesh reported in (2020) 2 SCC 569 the petitioner has not made out a case for review of the order dated 29.11.2024. In view of the declaration of law made by the Hon'ble Supreme Court in the case of Sanjay Kumar Agarwal v State Tax Officer and another reported in (2024) 2 SCC 362, I am of the view that -6- the petition does not survive for consideration as there is no error apparent on the face of the record. Accordingly, the Review Petition is dismissed. SD/- (E.S.INDIRESH)
JUDGE SB List No.: 1 SI No.: 16

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