

**BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL SOUTHERN ZONE, CHENNAI**

O.A. No. 114 / 2024 (SZ)

IN THE MATTER OF:

V. Ravi ... **Applicant**

Versus

State of Karnataka and Ors. ... **Respondents**

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Date: 15.04.2025

Place: Bengaluru/ New Delhi

Filed By:



Shreya Mathur

Advocate for the Applicant

Chamber No. D 418, Addtl. Building,
Supreme Court of India, New Delhi.

(M): 91-8527080105

(E): shreya.mathur.5@gmail.com

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

O.A. No. 114 / 2024 (SZ)

[Earlier O.A. No. 779 of 2023(PB)LP]

IN THE MATTER OF:

V. Ravi

... **Applicant**

Versus

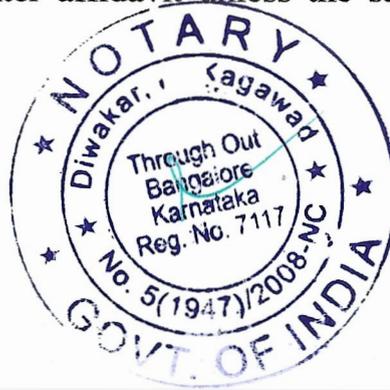
State of Karnataka and Ors.

... **Respondents**

**REJOINDER AFFIDAVIT ON BEHALF OF THE APPLICANT TO
THE COUNTER AFFIDAVIT DATED 11.09.2024 FILED BY R-2 (KSPCB)**

I, Ravi V., aged about 52 years, R/o 1870, C-Block, Sahakar Nagar, Kodigehalli, Bengaluru, 560092, Karnataka, do hereby solemnly affirm and state as under:

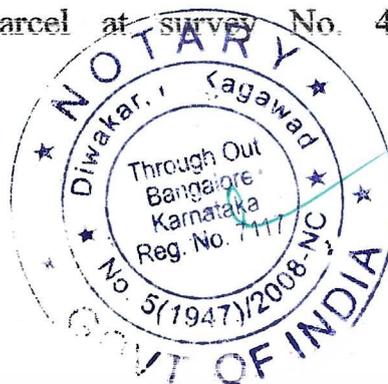
- (i) That, I am the Applicant in present matter and as such I am well conversant with the facts and circumstances of the case and I am filing the present Rejoinder Affidavit in response to the Counter Affidavit filed by the Respondent No. 2 – Karnataka State Pollution Control Board [*hereinafter, 'KSPCB'*].
- (ii) That, I have read the Counter Affidavit and at the outset, I deny each and every averment made in the counter affidavit unless the same is admitted in the present rejoinder affidavit.



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(iii) PRELIMINARY SUBMISSIONS:

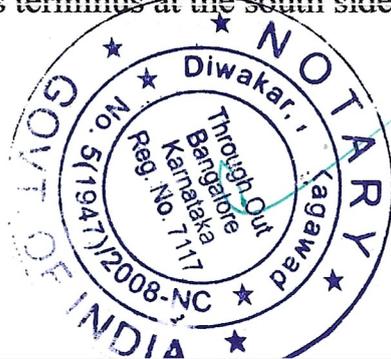
- A. At the outset, it is submitted that the citizens of Bengaluru have already suffered immensely due to flooding resulting from the systematic destruction of the city's natural drainage systems, and the inaction and delay in enforcement of the same by the instant Respondents is only compound this suffering. As such, the Deponent is a public-spirited person who has no vested interest except for preserving the ecology and sensitive ecosystem of the area for benefit of our children's generations.
- B. I say that the issues in the complaint are two-fold:
- a. The illegal occupation upon B-Kharab Land by private parties, which land as per Rule 21(2)(b) of the Karnataka Land Revenue Rules, 1966 is owned by the State of Karnataka, is non-convertible, and is for public use. However there is rampant construction on this land – against which instant complaint has been filed.
 - b. The land records demarcate construction of certain Storm Water Drains [*hereinafter*, 'SWD'] and buffer zones around them. However, it is noted by the residents that neither is the SWD constructed nor the buffer zone maintained. Instead, construction of basements, ramps, compound wall, and even the main buildings has been carried out within the buffer zone area by private parties which surrounds Land parcel at survey No. 46/2, 46/3, 46/3(P),



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Kothihosahalli, Ward no. 8, Kodigehalli Village, Bengaluru – 560092 [*hereinafter, 'Land Parcel'*].

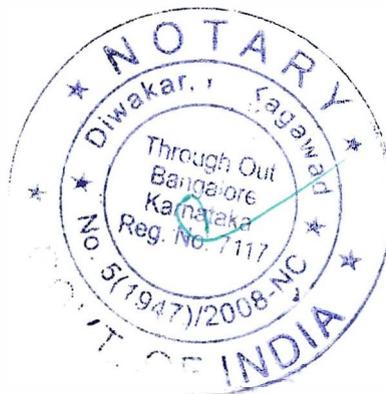
- C. The environmental impact visibly due to encroachment of SWD and its buffer zone (West South and East side of the Land Parcel) is:
- a. Frequent floodings during heavy rains in adjacent buildings and areas due to lack of SWD and its buffer zones.
 - b. Huge decrease in Ground Water Table in the area. (lower than 1000 ft to 1500 ft in North Bangalore).
- D. The environmental impact visibly due to encroachment of B-Kharab Land is:
- a. Widespread felling of trees has disturbing of sensitive ecology of the area, displacing birds and wildlife residing there for decades, along with reducing air quality in the area.
 - b. Moreover, the topography of the land has been modified with filling around 3 meters of soil, disturbing the natural flow of storm water in the area.
 - c. Land designated for public use has been encroached, therefore footpath is no longer available on the road leading towards Kodigehalli Bus terminus at the south side of this Land Parcel.



No. of Corrections

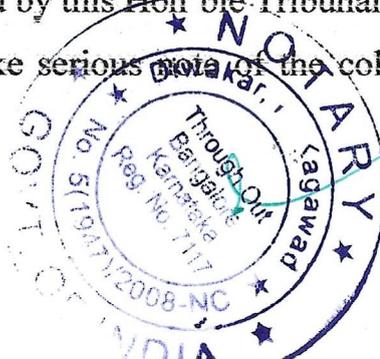
E. I say that the Counter Affidavit filed by the Respondent No. 2 fails to address several critical issues, despite them being clearly highlighted in the Joint Committee Inspection Report attached therewith:

- a. The nala passing on the west side of the property is a Primary SWD (not Secondary SWD) requiring a 50-meter buffer zone as per the zoning of landuse and regulations issued by the Bangalore Development Authority called the 'Revised Master Plan 2015'. [hereinafter, '**RMP 2015**']
(True copy of the Revised Master Plan 2015 is attached alongwith as **Annexure A-1**)
- b. No NOC was obtained from KSPCB during Phase-1 building construction despite the fact that the property is surrounded by nalas on three sides.
- c. B-Kharab land has been encroached in the South and East side of the property, where an 8-foot width SWD/nala was marked on site by BBMP.
- d. The 15 to 20-foot high RCC (Reinforced Cement Concrete) wall construction was allowed to continue for 6-8 months after BBMP issued notice to the land owner confirming the encroachment of B-Kharab land on 24.08.2023.



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- F. I say that the Counter Affidavit filed by the Respondent No. 2 deliberately omits mention of multiple official correspondences that confirm encroachment and violations, such as:
- a. KSPCB's letter through its AEO dated 16.08.2023 addressed to the BBMP through its Joint Commissioner and Tehsildar, Yelahanka Zone, directing necessary action after site inspection on 14.08.2023. (A true copy of this is attached as Annexure A-2)
 - b. BBMP's notice through its ADTP dated 24.08.2023 to the land parcel owner, confirming encroachment of B-Kharab land and instructing demolition of the ongoing construction of compound wall. (A true copy of this is attached as Annexure A-3)
 - c. BBMP's letter dated 25.08.2023 to the Tehsildar of Yelahanka Zone, confirming encroachment based on their site inspection on 22.08.2023. (A true copy of this is attached as Annexure A-4)
- G. I say that the Respondent No. 2 has been negligent by failing to address the fact that BBMP has not constructed the SWD/nala in the B-Kharab land in the South and East side of the property, despite acknowledging its existence in land records.
- H. The conduct of all the Respondents in this matter is inexcusable and should not be entertained by this Hon'ble Tribunal. I say that this Hon'ble Tribunal should also take serious note of the collusion between all the



Respondent Authorities in the non-settlement of this issue, particularly the Respondent No. 2 and the Respondent No. 3 (BBMP), and must consider issuing appropriate directions to ensure that such blatant irrefutable instances of collusion do not occur in the future.

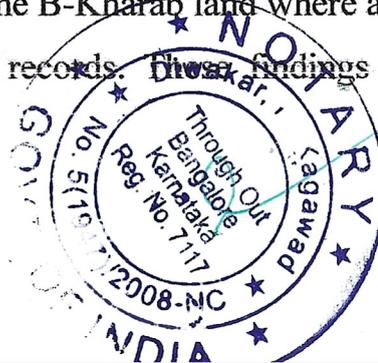
- I. I say that it is of utmost importance that the Respondent No.2 be directed to file a fresh Affidavit clearly laying out the steps and action proposed to be taken in view of the non-action, non-compliance and violation of the clear and categoric directions given to it by this Hon'ble Court as well as by Respondent No. 2.
- J. I say that over a year has elapsed since this Hon'ble Tribunal issued directions to the Respondent No. 2 to lead in this matter and submit a report, but the Respondent No. 2 has only filed a Counter Affidavit with misleading statements and no substantive progress or action plan to remedy the violations. This inexcusable delay reflects a profound disregard for environmental justice and the well-being of communities who bear the brunt of flooding disasters during monsoon seasons.
- K. I say that the topography of the B-Kharab land has been modified with filling of approximately 3 meters of soil, affecting the natural flow of storm water, and the Respondent No. 2 has failed to address this critical issue which has severe environmental implications. This reckless alteration of natural drainage patterns has heightened the vulnerability of neighboring residential areas to flooding, where families live in constant fear during heavy rainfall, with their homes, possessions, and sometimes



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lives at risk. The human cost of such environmental violations cannot be overstated.

- L. I say that it is now established beyond doubt that the entire construction activity in the subject property violates the RMP, 2015 regarding SWD buffer zones, and the Respondent No. 2, despite being well aware of these violations as evident from their own inspection report, has deliberately misrepresented facts before this Hon'ble Tribunal by stating that "no encroachment was visibly noticeable on site."
- M. I say that the continuing construction activities in Phase-2 of the project in blatant violation of environmental norms requires immediate intervention, and the Respondent No. 2's failure to recommend stoppage of work demonstrates their collusion with the project proponent.
- N. I humbly submit that the Respondent No. 2's Counter Affidavit is an attempt to delay the proceedings and avoid its responsibility as the nodal agency tasked with ensuring environmental compliance, particularly with respect to the protection of Storm Water Drains and their buffer zones. Such abdication of duty by environmental guardians entrusted with protecting our natural resources for future generations reflects a profound moral failure that this Hon'ble Tribunal must address decisively.
- O. I say that the Joint Committee has already confirmed that basements have been constructed with zero buffer from the nala, and that there is ongoing construction activity in the B-Kharab land where an 8-foot width SWD is marked as per revenue records. These findings necessitate immediate



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action which the Respondent No. 2 has failed to recommend or initiate. Every day of inaction emboldens other potential violators, creating a domino effect of environmental degradation across Bengaluru that threatens the city's sustainability and resilience in the face of climate change.

(iv) PARA-WISE OBJECTIONS:

1. In response to para 1, it is specifically objected that the statement "... while the physical parameters and distances of the subject-matter building from the storm water drains were noted at the site and as such no encroachment was visibly noticeable on site, ..." is wholly incorrect, misleading and contradicts the findings of the same Joint Committee on whose inspection the Counter Affidavit claims to be based. In this regard, I say that:

a. The Joint Committee's Inspection Report dated 27.03.2024, annexed by the Respondent No. 2 itself as ANNEXURE-R1 to their Counter Affidavit, categorically states at Page 7, point 1 that "*there is a nala passing adjacent to the apartment at west side abating to the compound of the G Corp Mahalakshmi Apartment and it is flowing from north to south direction and they have not left any buffer from the basement of building to nala edge as per RMP, Rule 2015.*"

b. The same Joint Committee Inspection Report clearly notes at Page 7, point 4 that, "*during inspection, it was observed that nala is adjoined to the compound wall, and buffer left from the building pillar line to*



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the compound wall are as follows: a. At Entrance 1st pillar to compound wall -- 15 mtrs; b. At middle pillar to compound wall -- 06 mtrs; c. At south end corner of Apartment premises towards Southwest corner -23 mtrs."

c. It is evident from the said measurements of site obtained in the Joint Committee Report that the superstructure has been left with only 6 meters buffer at its closest point to the storm water drain (*nala*), whereas the regulations require a 50-meter buffer as per the 'Revised Master Plan 2015', for primary storm water drains. This fact clearly establishes encroachment which is plainly "visibly noticeable" contrary to what has been stated by the Respondent No. 2 in their Counter Affidavit.

d. I further say that the Counter Affidavit deliberately omits to mention that the Joint Committee Inspection Report has noted that the basements have been constructed providing zero meters buffer zone abutting the *nala*/compound wall, which in itself is in complete violation of the buffer zone regulations.

2. In response to para 2 of the Counter Affidavit, I say that the Respondent No. 2 has attempted to shift the responsibility entirely to the Respondent No. 3 (Bruhat Bengaluru Mahanagara Palike), whereas the Respondent No. 2, being the nodal agency as per the Hon'ble Principle Bench's directions/order dated 12.02.2024, was duty-bound to ensure compliance with environmental regulations, particularly regarding Storm Water Drains and their buffer zones.



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3. In response to para 3, I say that the Respondent No. 2, despite being directed by this Hon'ble Tribunal in its order dated 12.02.2024 to act as the nodal agency for coordination and compliance, has failed to take any concrete action to remedy the violations. This is evident from their own correspondences annexed to their Counter Affidavit as Annexure-R2 and R3, where they are merely issuing reminder letters to BBMP without ensuring actual compliance.

4. The contents of Para 4 merit no reply.

(v) PRAYER:

In view of the above submissions, I humbly pray that this Hon'ble Tribunal:

- a. Direct KSPCB to cause immediate stoppage of all ongoing construction activities in the vacant site of the private land parcel, as each day of continued construction represents not just a violation of law but an irreversible assault on our city's ecological balance.
- b. Direct KSPCB to carry out a comprehensive survey of Phase-1 building to verify compliance with buffer zone requirements as per RMP 2015 and submit a detailed report on illegal construction activities in the buffer zone with a concrete action plan for ensuring compliance, restoring faith in environmental governance.
- c. Direct KSPCB to file a fresh Affidavit clearly laying out specific steps and actions proposed to remedy the violations, acknowledging their vital role as stewards of our environmental heritage that must be preserved for generations to come.



- d. Direct KSPCB along with BBMP to initiate demolition of the compound wall constructed by encroaching the B-Kharab land and SWD and its buffer zone area in south and east side of the vacant site of the private land parcel, signalling that environmental protection takes precedence over the financial interests of developers and that our natural resources are not for sale.
- e. Set an exemplary precedent by imposing appropriate penalties that reflect the gravity of environmental violations that threaten the very liveability of our urban spaces and the safety of its residents.
- f. Pass any other order or direction as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

(vi) I say that I have personally gone through the contents of the above Rejoinder that has been drafted by my counsel under my instructions, and the contents of the same are true and correct to best of my knowledge and belief and nothing material have been concealed from this Hon'ble Tribunal.

[Handwritten Signature]
DEPONENT

VERIFICATION:

Verified on this 15th day of April, 2025 that the contents of the present affidavit are true and correct to my knowledge and nothing material has been concealed.

[Handwritten Signature]
DEPONENT

*Book No. 1677
 DT 15/4/25*



SWORN TO BEFORE ME

[Handwritten Signature]
 Diwakar.N.Kagawad. B.Sc., M.A., LL.B.
 Advocate & Notary
 Government of India
 No. 1185, 10th Cross, 11th Main,
 Judicial Layout,
 Bangalore - 65. Mob : 9343737492

No. of. Corrections

15 APR 2025

Revised Master Plan 2015
BANGALORE
2007

Volume – III

ZONING OF LANDUSE AND REGULATIONS

**(Approved by Govt vide G.O. No UDD 540 BEM AA SE 2004,
Dated: 22 – 06 - 2007 as part of the Revised Master Plan 2015)**



BANGALORE DEVELOPMENT AUTHORITY,

BANGALORE

ABBREVIATIONS

BDA	Bangalore Development Authority
BEL	Bharat Electronics Limited
BBMP	Bruhat Bangalore Mahanagara Palike
BMTC	Bangalore Metropolitan Transport Corporation
BPO	Business Process Outsourcing
BSUP	Basic Services for Urban Poor
BT	Bio Technology
BWSSB	Bangalore Water Supply & Sewerage Board
CDP	Comprehensive Development Plan
CITB	City Improvement Trust Board
CMC	City Municipal Council
CPS	Coordinated Planning Scheme
EWS	Economically Weaker Section
FAR	Floor Area Ratio
IT	Information Technology
KHB	Karnataka Housing Board
KIADB	Karnataka Industrial Area Development Board
Lpcd	Litre per Capita per day
MPVR	Master Plan Vision Report
MLCP	Multi level Car Parking
NH	National Highway
PRR	Peripheral Ring Road
R&D	Research & Development
RMP	Revised Master Plan 2015
Rs	Rupees
SH	State Highway
TDR	Transferable Development Rights
TGR	Tippagondanahalli Reservoir
TMC	Town Municipal Council
ZR	Zonal Regulations

TECHNICAL TERMS AND DEFINITIONS

The following terminology is adopted:

1. **Amalgamation:** Combining two or more plots as a single plot.
2. **Amenities:** Means roads, open spaces, parks, recreational grounds, gardens, water supply, electric supply, lighting, sewerage, drainage and conveniences.
3. **Apartment:** Means one or two buildings containing or meant for multifamily dwellings and contains more than four units in a building.
4. **Auditorium:** Premises having an enclosed space to seat audience and stage for various performances such as concerts, plays, music, etc.
5. **Authority:** Authority means Bangalore Development Authority
6. **Boarding house (service apartment):** is a premise in which rooms are let out on a long term basis as compared to hotels.
7. **Bifurcation:** Means bifurcation of a plot into two.
8. **Bus depot:** A premises used by Public transport agency or any other agency for parking, maintenance and repair of buses. This may or may not include the workshop.
9. **Building line:** Means the line up to which the plinth of a building may lawfully extend within the plot on a street or an extension of a street. No overhead projections are allowed beyond the building line.
10. **Building setback:** Minimum distance between any building or any structure from the boundary line of the plot.
11. **Bus terminal:** A premises used by public transport agency to park the buses for short duration to serve the population. It may include the related facilities for passengers.

- 12. Clinic:** A premises used for treatment of outdoor patients by a doctor. In case of poly clinic, it shall be managed by a group of doctors
- 13. Clinical laboratory:** A premises used for carrying out various tests for diagnosis of ailments.
- 14. Community hall:** Premises having enclosed space for various social and cultural activities without any cooking facility.
- 15. Corner site:** Means a site at the intersection of two roads and facing two or more roads /streets.
- 16. Development Plan:**
- **Residential development plan:** Plan containing proposal for construction of one or more residential buildings on a plot measuring more than 20,000 sq m in extent.
 - **Non Residential development plan:** Plan containing proposal for construction of one or more commercial buildings on a plot size measuring more than 12,000 sq m in extent.
- 17. Dharmashala:** is a premise where temporary accommodation for short duration is provided on non profit basis.
- 18. Drains:** The drains have been categorized into 3 types namely primary, secondary and tertiary. These drains will have a buffer of 50, 25 and 15m (measured from the centre of the drain) respectively on either side. These classifications have been used for the drains newly identified while finalizing the RMP 2015.
- 19. Dwelling unit:** Used primarily to describe the equivalent household in buildings.
- 20. Frontage:** Frontage means the width of the site abutting the access road.
- 21. Gas godown:** Premises where cylinders of cooking gas are stored.
- 22. Guest house:** is a premise for housing the staff of Government, semi government, public undertaking and private limited company for short duration.
- 23. High density development:** This includes star hotels, shopping malls, multiplexes, commercial complexes, IT and BT.
- 24. Height of building:** Means the vertical distance measured, in the case of flat roofs, from the average level of the ground around and contiguous to the building up to the highest point of the building and in case of pitched roofs, up to the point where the external surface of the outer wall intersects the finished surface of the sloping roof, and in case of gables facing the road, the mid point between the eaves level and the ridge.

25. **High rise building or Multi-Storeyed Building:** Means a building of a height of 24 meters or more above the average surrounding ground level.
26. **Hospital:** A premises providing medical facilities of general or specialized nature for treatment of indoor and outdoor patients.
27. **Hotels:** A premises used for lodging on payment with or without boarding facilities.
28. **Integrated residential schools:** A premises having educational and playing facilities for student's up to XII standard. It shall have boarding facilities and may have residence for faculty members.
29. **Junk yard:** Premises for covered, semi covered, or open storage including sale and purchase of waste goods, commodities and materials.
30. **Kalyana Mantapa:** Premises where marriages, social and religious functions are conducted with cooking facilities.
31. **Lodging house:** is premises used for lodging on payment.
32. **Mezzanine floor:** Means intermediate floor between ground floor and first floor only. The area of the mezzanine floor shall not exceed 1/3 rd of covered area of ground floor.
33. **Nursing home:** A premises having medical facility for indoor and outdoor patients, having up to 30 beds, it shall be managed by a doctor or a group of doctors on commercial basis.
34. **Park:** A premises used for leisure, recreational activities, it may have a related landscaping, parking facilities, public toilet, fence etc. It includes synonyms such as lawn, open space, green, etc.
35. **Playground:** A premises used for outdoor games, it may have on it landscaping , parking facilities, public toilet, etc
36. **Recreational club:** Premises used for assembly of a group of persons for social and recreational purposes with all related facilities
37. **Repair shop:** A premises similar to retail shop for carrying out repair of household goods, electronic gadgets, automobiles, cycles, etc.
38. **Retail shops:** A premises for sale of commodities directly to consumer with necessary storage.
39. **Restaurant:** A premises used for serving food items on commercial basis including cooking facilities, with covered or open space or both having seating arrangements.
40. **Stilt Parking:** Building constructed with stilt area of non habitable height(less than 2.4mtrs), used for parking.
41. **Whole sale:** a premises where goods and commodities are sold, delivered to retailers, the premises include storage / godown, loading and unloading facilities.
42. **Villa:** An independent house /dwelling on a given plot.

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CHAPTER 1: INTRODUCTION

1.1 Spatial extent of land use zoning regulations

The regulation applies to the Bangalore Metropolitan Area, also defined as the Local Planning Area (LPA) for the city of Bangalore and its environs as declared under KTCP Act, 1961.

The provisions of this document are to be read along with the relevant planning district plans of Revised Master Plan 2015, applicable to various areas of the city. The zone delineation and the permissible land uses within zone and respective regulations for land use are properly co-related to achieve orderly growth.

The regulations proposed are prospective. The developments that are lawfully established prior to the coming into force of zonal regulations shall be allowed to continue as non confirming uses.

1.2 LAND USE ZONE CATEGORIES

A. The entire Local Planning Area is conceptually organized into three main Rings for consideration of zoning and regulations.

- i. Areas coming within the Core Ring Road : Ring I
- ii. Areas coming between the Core Ring road and the Outer Ring Road: Ring II
- iii. Areas coming beyond the Outer Ring Road and within the LPA: Ring III
- iv. The above rings are equivalent to Zone-A, Zone-B and Zone-C for TDR Purposes

B. Classification of Land use zones:

- | | |
|------------------------------|--------|
| ▪ RESIDENTIAL | (R) |
| ▪ COMMERCIAL | (C) |
| ▪ INDUSTRIAL | (I) |
| ▪ PUBLIC AND SEMI PUBLIC | (P&SP) |
| ▪ TRAFFIC AND TRANSPORTATION | (T&T) |
| ▪ PUBLIC UTILITIES | (PU) |
| ▪ PARK AND OPEN SPACE | (P) |
| ▪ UNCLASSIFIED | (UC) |
| ▪ AGRICULTURE LAND | (AG) |

1.3 Zonal boundaries and interpretation

The exact location and specific regulations applicable for a particular zone is to be verified from the Proposed Land Use Zoning Plans.

The zonal boundary is usually a feature such as a road, valley, village boundary, etc and includes the immediate inner edge of the area.

Certain restrictions imposed by competent authorities are to be maintained as “buffers” for various utilities such as power, oil, etc and are marked on the proposed land use plans. The NOC for the same shall be sought, if necessary.

The planning perimeters such as area improvement perimeter, transport and utilities perimeter, etc. shown in RMP2015 refer to indicative areas in the city that need to be dealt with detailed action plans and they serve as mere informative tool on the Plans.

Generally, in case of uncertainty as regards the boundary or interpretation, it shall be referred to the authority for final decision.

Table 9: All around setbacks for buildings above 11.5 m height

Sl. No.	Height of the bldg (m)	Front, rear and side setbacks (Min. in m)
1	Above 11.5m up to 15m	5.00
2	Above 15 m up to 18.0 m	6.00
3	Above 18.0 up to 21 .0 m	7.00
4	Above 21 up to 24 m	8.00
5	Above 24.0 m up to 27.0 m	9.00
6	Above 27 up to 30.0 m	10.00
7	Above 30 up to 35.0 m	11.00
8	Above 35 up to 40.0 m	12.00
9	Above 40 up to 45.0 m	13.00
10	Above 45 up to 50.0 m	14.00
11	Above 50.0m	16.00

3.2 Width of the road:

- i. While determining the width of the road the distance between the boundaries of a road including foot path, drains measured at right angles at the center of the plot.
- ii. In case of roads having service roads in addition to the main roads, the width of the roads shall be aggregate width of service roads and main roads for determining the FAR.

3.3 Floor:

The lower surface of storey on which one normally walks into the building; the general term floor does not refer to basements / cellar or mezzanine floor.

- i. **Floor area for calculating Parking requirements:** Floor area shall be the aggregate area of all the floors of a building including thickness of wall, staircase room, lift room, escalators, balconies, lobbies, corridors, foyers, and such other parts provided for common service.

3.4) FAR or Floor Area Ratio

- i) The ratio of the Floor area to the plot area is FAR. However, it includes escalators, open balconies, staircase and corridors.
- ii) The floor area ratio shall exempt the floor area used for purposes such as parking space, main stair case room, lift shaft, lift wells, and lift machine rooms, ramps, ventilation ducts, sanitary ducts and overhead tanks.
- iii) When the site does not face the road of required width noted against each, then the FAR applicable to the corresponding width of the roads shall apply.

iv) Where a plot faces a wider road than the one prescribed against it, the FAR shall be restricted only to the limit prescribed for the area of the plot.

v) **Additional FAR:** With a view to encourage redevelopment in old/core areas, additional floor area ratio(FAR) as an incentive is proposed for properties located within I & II rings(lands falling under 100 & 200 series planning district plans) which are amalgamated or reconstituted only after the date of approval of Revised Master Plan 2015. Details of additional FAR are as follows;

	Up to 360 sq.m	Above 360 sq.m up to 4000 sq.m	Above 4000 sq.m
Ring .1	As per existing FAR	0.25 additional FAR over the existing	0.50 Additional FAR over the existing.
Ring .2	As per existing FAR		0.25 Additional FAR over the existing.
Ring .3	As per existing FAR and Norms		

3.5) Ground coverage:

The total area covered by building immediately above the plinth level. Swimming pool, sump tank, pump house and electric substation, utilities are not included.

3.6) Two or more buildings on the site:

- i. For more than one building on a given site, the distance between the buildings shall be 1/2 the height of the tallest building, between the buildings under consideration.
- ii. In case, two or more buildings with different heights are proposed on a single site, then setbacks shall be applied with reference to the tallest building.

3.7) Garage:

- i. The maximum width of the garage shall not exceed 4m.
- ii. The garages shall not be constructed or reconstructed within 4.5m from the road edge. This may be relaxed in cases where the garage forms part of the main building with minimum setback for that plot.
- iii. The length of garage shall not exceed 1/3 rd the length of the site but not exceeding 8.0 m in any case.
- iv. In case of lumber room being proposed within the portion of the garage, the depth of the lumber room shall not exceed 1.25 m and entrance to such lumber room shall be from the rear setback only.
- v. In the case of corner plots the garage shall be located at the rear corner diagonally opposite to the road intersection.
- vi. For garage, no side or rear setback should be insisted , one upper floor not exceeding 3.0 m height shall be permitted provided, no opening are provided towards neighbouring property and at least one opening for light and ventilation is provided towards the owners property.
- vii. The garage may be allowed in right or left side of the plot subject to site conditions.

3.8) Means of access:

- i. The means of exclusive access which would be other than through public roads or streets shall not be more than 30.0 m in length from the existing public road and the minimum width of such access shall be 3.5 m. If the width of access road is less than 3.5 mtrs, then max floor area permitted in such cases shall not exceed 150 sq mtrs and 50 sq mtrs in residential and commercial zones respectively irrespective of the sital area.
- ii. FAR and height of the building shall be regulated according to the width of public street or road only.
- iii. The means of exclusive access which would be other than through public roads or streets having more width than the public road or street, but less than 30.0 m in length, then width of the public road or street shall be considered for reckoning FAR.
- iv. Access rights needs to be obtained before applying for any sanction/permission for development. Documents to support the rights obtained needs to be submitted along with the plan.

3.9) Basement:

- i. Means storey which is partly or wholly below the average ground level and with a height not exceeding a projection of 1.2 m above the average ground level and overall height of the basement under any circumstances should not exceed 4.5 m between the floor and the ceiling of the basement in case of normal parking. In case of stacked/mechanical parking the height of the basement may be permitted up to a maximum of 4.5m
- ii. If a site is measuring less than 200sqm, then car parking shall not be permitted in the basement floor.
- iii. If the minimum setback is more than 2.0 m, then the basement may be extended on all sides except the side abutting the road, provided the minimum setback between the basement and property boundary is minimum 2.0 m.
- iv. Basement floors up to a maximum of 5 (five) levels may be permitted for car parking.
- v. Permissible uses in the Basement for buildings other than 3 star and above category:
 - Dark rooms for X ray and storage of light sensitive materials
 - Bank Safes/ Strong room included in the FAR
 - Air condition handling units/equipment, utilities and services connected with the building.
 - Parking
- vi. In case of 3 star and above category of hotels, the spare area in the basement after catering to the requirement of parking facilities may be allowed to be used for other purposes incidental to the running of the hotel, such as; health club, shopping arcade, dining area, with or without kitchen facilities, with gas cylinder, administrative office, gym rooms, banquet/conferencing facility, swimming pool, discothèque etc. subject to reckoning of the same for FAR calculations.
- vii. Parking area if misused is liable to be municipalised/taken over by the local body/authority without any compensation.
- viii. Basement in a residential building shall be allowed without taking into FAR calculations subject to the condition that it will be used only for the purposes of Home Theater or Gym or a combination of both for personal use of the occupant on a site

which does not exceed 500sqm and should be in Residential (Main) area as per Revised Master Plan 2015. In such cases, it should be single dwelling unit only and the entry to the basement shall be from inside the main building itself.

- ix. When Basement is used for Car parking, the convenient entry and exit shall be provided. Adequate drainage, ventilation, lighting arrangements shall be made to the satisfaction of the authority.

3.10) Ramps

- i) Provision for ramp shall have a minimum width of 3.5 m and a slope of not less than 1 in 10 and 1 in 8 in special cases. The ramp and the driveway in the basement shall be provided after leaving a clear gap of minimum 2.0 m from the common property line. The slope of the ramp shall commence from 1.5 m of the edge of property line.
- ii) Ramps for the physically challenged shall be provided in all Public buildings.

3.11) Projections:

- i. Projection into open spaces: Every open spaces provided either interior or exterior shall be kept free from any erection there on and shall be open to the sky and no cornice roof or weather shade more than 0.75 m wide or 1/3 rd of open space/setback which ever is less shall overhang or project over the said open space.
- ii. No projection shall over hang/project over the minimum setback area either in cellar floor or at the lower level of ground floor.
- iii. Cantilever Portico of 3.0 m width (maximum) and 4.50 m length (maximum) may be permitted within the side setback. No access is permitted to the top of the portico to use it as a sit out place and the height of the portico shall be not be less than 2.00 m from the plinth level. The portico is allowed only on the side where the setback/open space left exceeds 3.00 m width.
- iv. Balcony: Balcony projection should not exceed 1/3 rd of the setback on that side subject to a maximum of 1.10m in the first floor and 1.75 m beyond the second floor. No balcony is allowed in the ground floor.

3.12) No Objection Certificates:

- i. For all Development Plans, Apartment buildings and Residential layouts which come under the category stipulated by the KSPCB, necessary NOC from KSPCB (KSPCB shall mention the need for environment clearance if any in the NOC) shall be furnished.
- ii. For all buildings with a height of 24.0m and above, NOC from Fire Force in addition to NOC from Pollution Control Board (KSPCB shall mention the need for environment clearance if any in the NOC) shall be furnished.
- iii. For Cinema theatres, the setbacks and other provisions shall be as per Karnataka Cinematography Act and Rules.
- iv. NOC from Airport Authority of India shall be furnished where ever applicable.

3.13) Security Deposit

- i. The applicant shall deposit a refundable non earning security deposit at the rate of **Rs. 100 per sq.m** of floor area within the Corporation area and **Rs. 50 per sq.m**, of the floor area outside Corporation area for the following categories of buildings, namely:

4.12 PARK AND OPEN SPACE (P)

4.12.1) Description

The natural and man made features meant for environmental conservation and preservation, including water bodies, forests and drains; parks, playgrounds, burial grounds and crematoria.

4.12.2) Regulations

i) Permissible land uses:

- i. Uses permissible include: Sports grounds, stadium, playgrounds, parks, swimming pools, cemeteries, garden land and crematoria.
- ii. Uses permissible under special circumstances by the authority: Open air theatres, indoor recreational uses, dwelling for watch and ward, sports clubs, libraries, milk booths, HOPCOMS, the area of such use shall not exceed 5% of the total area and shall not be more than G+ 1 floor in any case.
- iii. Setbacks for the above will be decided by the Authority taking into account the surrounding development and traffic scenario in that area.

ii) Valley/ drain

Within the demarcated buffer for the valley the following uses are allowed:

- i. Sewerage Treatment Plants and Water treatment plants
- ii. Roads, pathways, formation of drains, culverts, bridges, etc which will not obstruct the water course, run offs, channels.
- 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.
- iv. If the valley portion is a part of the layout/ development plan, then that part of the valley zone could be taken into account for reservation of parks and open spaces both in development plan and under subdivision regulations subject to fulfilling section 17 of KTCP Act, 1961 and sec 32 of BDA Act, 1976.
- v. Any land falling within the valley for which permission has been accorded either by the Authority or Government, and then such permission shall be valid irrespective of the land use classification in the RMP 2015. Fresh permissions for developments shall not be accorded in valley zone.

NOTE:

Drains: The drains have been categorized into 3 types namely primary, secondary and tertiary. These drains will have a buffer of 50, 25 and 15m (measured from the centre of the drain) respectively on either side. These classifications have been used for the drains newly identified while finalizing the RMP 2015. In case the buffer has not been marked due to cartographical error for any of the above types of drains, then based on the revenue records buffer shall be insisted in all such cases without referring the land use plan while according approval for building/development/ layout plan. Permissions in sensitive areas earmarked on the land use plan shall be considered only by the planning Authority.

Karnataka State Pollution Control Board**ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ**

Regional Office : Bangalore - Yelahanka
 (Byatarayanapura) 1st Floor, "Nisarga Bhavan"
 7th 'D' Main, Thimmaiah Road,
 Shivanagar, Bangalore - 560 079.
 Tel. Fax : 080-23230770

ಪ್ರಾದೇಶಿಕ ಕಛೇರಿ : ಬೆಂಗಳೂರು - ಯೆಲಹಂಕ
 (ಬ್ಯಾಟರಾಯನಪುರ) 1ನೇ ಮಹಡಿ, ನಿಸರ್ಗ ಭವನ
 7ನೇ 'ಡಿ' ಅಡ್ಡರಸ್ತೆ, ತಿಮ್ಮಯ್ಯ ರಸ್ತೆ,
 ಶಿವನಗರ, ಬೆಂಗಳೂರು - 560 079.
 ದೂ.: ಫ್ಯಾಕ್ಸ್ : 080-23230770

ಕರ್ನಾಟಕ ರಾಜ್ಯ
 ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ



towards a cleaner Karnataka

// RPAD//

No. KSPCB/RO-YELAHANKA/Complaint/2023-24/1538

Date:

16 AUG 2023

To,

1. The Joint Commissioner,
BBMP Yelahanka,
Bellary Road,
Yelahanka Old Town,
Bangalore – 560064.
2. The Tahsildar,
The Tahsildar Office,
Minividhana Soudha, Yelahanka,
Bangalore – 560064.

Sir,

Sub: Encroached land and constructed 15' height boundary wall in survey No.46 Violating the buffer zone norms of Storm Water Drain (SWD) located at #46, C-Block, Sahakar Nagar, Kodigehalli, Bengaluru-560092– reg.

- Ref: 1.Complaint received through e-mail from Mr. Ravi.V-S/o , S.V. Pathy, JWO(Retd.), Indian Air Force, 1870, 2nd Main Road, C-Block, Sahakarnagar, Ward No. 8, Kodigehalli, Bengaluru-560092 on dtd: 10.08.2023 & 17.08.2023.
2. Inspection of the site by AEO of this office on 14.08.2023.

With respect to the above subject, this Office has received a complaint through E-mail from Mr.Ravi.V S/o, S.V. Pathy, JWO(Retd.), Indian Air Force, residing at 1870, 2nd Main Road, C-Block, Sahakarnagar, Ward No. 8, Kodigehalli, Bengaluru-560092 vide ref(1) regarding construction of 15' Height Boundary wall without considering the area marked for SWD and its Buffer Zone at Sy No. 46, C-Block, Sahakar Nagar, Kodigehalli, Bengaluru-560092 and violating the Buffer norms of Storm Water Drain.

In view of the Complaint received, the AEO of this office has inspected the said location on 14.08.2023 vide ref(2) and observed that the land leveling and construction of compound wall around the land at said location was under progress. The contractor present at the time of inspection informed that, they are constructing compound wall all around their premises and type of project is not decided yet by the developer/land owner (Photographs taken at the time of inspection are attached). However, the complainant in its complaint mentioned that, in Survey #46, area being

encroached including 8' width secondary SWD and its buffer Zone. The land/Property owner 27 started construction of 15' height boundary wall without considering the area marked for SWD and its buffer zone at the above said location. The Complainant has submitted related documents and survey map showing that the SWD and BBMP approved development plan along with complaint letter. Further, he requested this office to stop the ongoing construction activities within the area of storm water drain /Nala area in southern and western side of the land and in a B-Kharab land area which is belongs to state Government of Karnataka.

On verification of complaint and documents submitted to this office, the compliant is with respect to Encroachment of SWD and B-Kharab land. Further he requested to stop the ongoing construction activities within the area of storm water drain /Nala area in south and west side of the land and in a B-Kharab land area which, belongs to state Government of Karnataka.

Since, the above said complaint does not falls under the purview of Board as it is the encroachment of SWD and B-Kharab land (Copy of the complaint and documents related to the said complaint which is self-explanatory is herewith enclosed for your kind reference), it is requested to take necessary suitable action as per the Law and action taken may please be informed to the complainant directly marking a copy to this office at the earliest.

Yours faithfully,

Sd/-

**Environmental Officer
Regional Office Yelahanka(Byt)**

Encl: - As said above

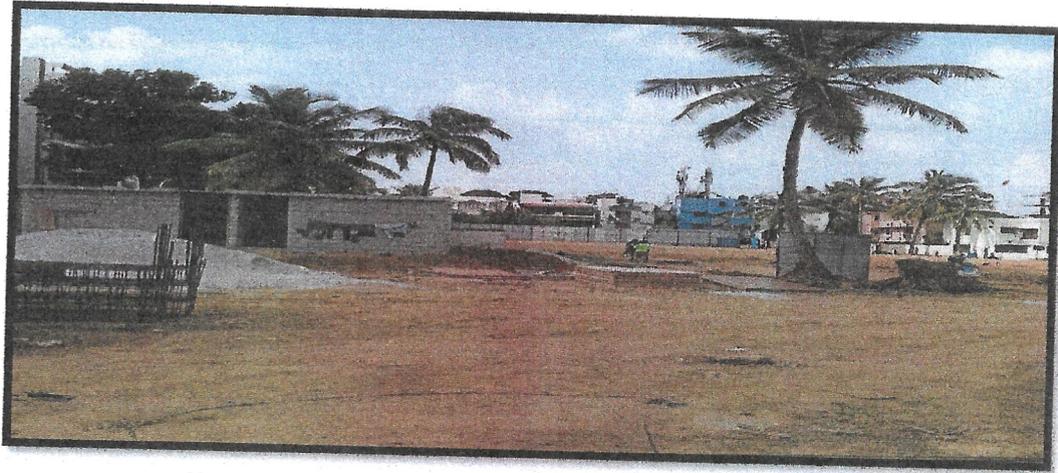
Copy To:

1. The Chief Engineer, (SWD Division), BBMP, 9th Floor, Jayanagar shopping Complex, Jayanagar 4th Block, Bengaluru – 560011 to take necessary action as per the Law.
2. The Executive Engineer, (SWD Division) Yelahanka Zone, BBMP, 9th Floor, Jayanagar Shopping Complex, Jayanagar 4th Block, Bengaluru-560011 to take necessary action as per the Law.
3. The Executive Engineer, Bangalore Water Supply and Sewerage Board (BWSSB), 8th Main Road, 'D' Block, Sahakarnagar, Bengaluru-560092 to take necessary action as per the Law.
4. Mr. Ravi.V – S/o, S.V. Pathy, JWO(Retd.), Indian Air Force, 1870, 2nd Main Road, C-Block, Sahakarnagar, Ward No. 8, Kodigehalli, Bengaluru-560092 (Complainant) for information.
5. The Regional Senior Environmental Officer, Bangalore North, Urban Eco Park, 100 feet road, 3rd Phase, Peenya Industrial Area, Bengaluru – 560058 for information and further needful.


**Environmental Officer
Regional Office Yelahanka(Byt)**


Photographs taken at the time of inspection.







Bruhat Bengaluru Mahanagara Palike

No:ADTP/YLK/PR/v2023-24

Assistant Director of Town Planning
Yelahanka Zone BBMP Byatarayanapura
Amruthahalli Main Road, Bengaluru-92.
Date: 24-08-2023

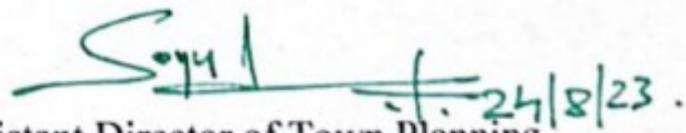
Notice

It is to intimate you that, the plan for the construction of Residential apartment building consisting of 2 Basement floors + Ground floor + 4UFs (67 residential unit) has been sanctioned by BBMP Authorities (O/o JDTP- North, Head office) vide LP: 56/14-15; dated: 10/11/2014, in favour of M/s. G Corp, Buildwell, Pvt Ltd., by Name L. Ramdev & Others in respect of the property bear khata no :302/46/2, 46/3, Kothihosahalli, Ward No 08 of Kodigehalli, Byatarayanapura, Yelahanka Zone of BBMP Bengaluru.

Regarding this we have received a complaint from the neighbor of your property by Mr.SV Pathy (Retrd IAF Officer) Sahakarnagar, C-Block, stating that RCC wall has been constructing in B-Kharab land & steel barricade.

We have inspected the said property on 22/08/23 along with the Building Sanctioned plan dated 10/11/2014. As per the inspection, it is clear that you have been constructing RCC wall on B-Kharab as earmarked on the sanctioned plan. You are here by suppose to leave open space without constructing the compound wall on this B-Kharab. If you want to construct compound wall for your land/property. You are here by instructed to construct the compound wall excluding the B-Kharab.

Hence the owner of the land is responsible in constructing the RCC compound wall on B-Kharab, which is in violation of sanctioned plan & against BBMP Act-2020 and the Bye-laws. So, it is here by ordered that RCC wall which your constructing on B-Kharab is to be removed / dismantled immediately and to leave space as per sanctioned plan and then you can construct the compound wall excluding the B-Kharab.


Assistant Director of Town Planning
Yelahanka Zone

To
Muniraju / land owner
Whom soever it may concern
Kothihosahalli, Ward No 08
Kodigehalli, Byatarayanapura

Copy to:

1. Joint Commissioner Yelahanka Zone for information.
2. Joint Director Yelahanka Zone.
3. Joint Director (North- Head Office)
4. AEE- Kodigehalli for necessary action.



Bruhat Bengaluru Mahanagara Palike

No: ADTP/YLK/PR/ 220 /2023-24

Assistant Director of Town Planning
Yelahanka Zone BBMP Byatarayanapura
Amruthahalli Main Road, Bengaluru-92.

Date: 25-08-2023

To,

Tasildar

Yelahanka, Bangalore

ಯರಸಾರ್ ಪಾಲಿಟಿ,
ಬೆಂಗಳೂರು.

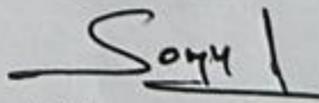
Subject : Requisition to check B-Kharab at Sy no 46/3 & 46/2 of Kothihosahalli
(V) Kodigehalli, Byatarayanapura.

28 AUG 2023

It is to intimate you that, the plan for the construction of Residential apartment building consisting of 2 Basement floors + Ground floor + 4UFs (67 residential unit) has been sanctioned by BBMP Authorities (O/o JDTP- North, Head office) vide LP: 56/14-15; dated: 10/11/2014, in favour of M/s. G Corp, Buildwell, Pvt Ltd., by Name L. Ramdev & Others in respect of the property bear khata no :302/46/2, 46/3, Kothihosahalli, Ward No 08 of Kodigehalli, Byatarayanapura, Yelahanka Zone of BBMP Bengaluru.

Regarding this we have received a complaint from the neighbor of the property by Mr.SV Pathy (Retrd IAF Officer) Sahakarnagar, C-Block, stating that RCC wall has been constructing in B-Kharab land & steel barricade.

We have inspected the said property on 22/08/23 along with the Building Sanctioned plan dated 10/11/2014. As per the inspection, it is clear that they are constructing RCC wall on B-Kharab as earmarked on the sanctioned plan. Accordingly we have instructed along with the notice dated 24/8/23 stating them to construct compound wall excluding the B-Kharab. Also complainant (SV Pathy) has raised B-kharab has continued on sy no 46/3, 46/2, hence in order to take clarity on where exactly this B-Kharab land. We are writing this letter to you to inspect and guide us wheather compound wall can be constructed on B-Kharab or not.


Assistant Director of Town Planning
Yelahanka Zone

Attachment:

1. BBMP sanctioned plan dated:10/11/14
2. Complainant letter dated: 19/08/23
3. Letter to ADLR 25/8/23
4. Site Photos

Copy to:

1. Joint Commissioner Yelahanka Zone for information.
2. Joint Director Yelahanka Zone.
3. Joint Director (North- Head Office)
4. AEE- Kodigehalli for necessary action.

Service of Rejoinder to KSPCB's Counter Affidavit

1 message

Shreya Mathur <shreya.mathur.5@gmail.com>

15 April 2025 at 23:33

To: darpan.advocate@gmail.com, Ashok.devraj@yahoo.com, amc@precinctlegal.com, "Sekar T.V" <sekarvallam@gmail.com>

Kind Attn:

1. Mr. Darpan KM, Adv. for Respondents No. 1 & 4,
2. Mr. Devraj Ashok, Advs., for Respondent No. 2,
3. Mr. T V Sekar Adv. for Respondent No. 3,

In the matter titled Ravi. V. Versus State of Karnataka & Ors before The National Green Tribunal, Southern Zone, Chennai (Original Application No. 114 of 2024 (SZ)).

Please find attached the Complainant's Rejoinder to the Counter Affidavit filed by Respondent No. 2.

Regards,

Shreya Mathur, Advocate

9799553350

Counsel for the Complainant

 **Rejoinder.pdf**
15151K