



January 17, 2019

Dear Sirs,

Sub: Enforce Rule of Law in Bengaluru & end blatant violations of building bye-laws and sanctioned building plans

We are writing to you with a sense of urgency about the violation of the sanctioned building plan by Nitesh Estates Limited in their project 'Nitesh Park Avenue' - property No 25/3 Abshot Layout, Sankey Road, (Ward No. 93- Vasantha Nagar) which is taking place right under your nose close to the Chief Minister's official residence 'Anugraha' and Home Office 'Krishna'.

The BBMP's response to Namma Bengaluru Foundation's (NBF) RTI application reveals that the project plan was only sanctioned for 2 Basement Floors, Ground Floor and 26 Additional Floors (2BF+GF+26UF) by the BBMP's Joint Director of Town Planning (JDTP) on 30 November 2011. But the reality on ground shows that the builder has blatantly violated the law by deviating from the sanctioned plan **with five additional floors** taking the total to 31 additional upper floors.

We have also learned that the builder has attempted to get the modified plan regularised numerous times and has stopped any attempts by the authorities to stop construction with claims of being closely networked with those in the State Government. It is clear that the builder has gone beyond the 5% deviation permissible under the law and the failure of BBMP's Town Planning, Engineering and Legal Departments to enforce the law proves collusion between the authorities and the builders.

Moreover, the authorities have failed to intervene despite repeated requests from local Resident Welfare Organizations invariably forcing them to approach the courts seeking an end to the violation (WP. NO. 56324 / 2017). Unfortunately, none from the BBMP have tried to present documents and photos about the violations to the courts nor have they approached the courts to get a status quo order to prevent construction on the site.

It is a known fact that many unscrupulous builders deliberately violate sanctioned plans and bye-laws to build additional floors with the intention of later regularizing the violations by paying a minuscule fee compared to the profits they will earn by selling or renting the additional floors. Additionally, there seems to be a nexus between the BBMP and these builders who are advised by the BBMP to seek a stay by misusing the legal system to end any attempts to act against these violations from any authority.

The Nitesh Park Avenue case is not just an exception but has become a norm across Bengaluru and warrants immediate attention by the Government and authorities. Not only is this a violation of the law but the additional floors also pose security risk given its proximity to official residences of Chief Minister and other dignitaries.



Therefore, we urge you to instruct the BBMP Commissioner and Mayor to: -

1. Inspect Nitesh Park Avenue and take immediate action against the builders for violating the law.
2. Break the nexus between builders and corrupt officials that overlook and allow these violations.

Looking forward to your response and action.

Yours sincerely,

Suresh NR

Convener – United Bengaluru

D.S. Rajshekar

Citizens' Action Forum

Ajit Naik

Civic Activist

Babu

Civic Activist

Ram Prasad

Friends of Lakes

Ravindranath Guru

Consumer Care Society

Chaitanya

UFERWAS

Ramesh Sivram

The Forward Foundation

Vijay Nishant

Vruksha Foundation

Kathyayini Chamaraj

CIVIC - Bengaluru

MS Shankar

Secretary - FPCE

Jagadish Reddy

Varthur Rising

M. Lakshmikantha

Namma Bengaluru Foundation

Ramaswamy

Malleswaram Swabhimana Initiative

Muralidhar Rao

Civic Activist

To,

1. **Shri H. D. Kumaraswamy**
Hon'ble Chief Minister of Karnataka
Vidhana Soudha, Bengaluru.

2. **Dr. G Parameshwara**
Hon'ble Deputy Chief Minister &
Bengaluru Development Minister
Vidhana Soudha, Bengaluru.

CC:

1. **Shri Rajeev Chandrasekhar,**
Hon'ble Member of Parliament
11th Floor, V. V. Towers
Dr B.R. Ambedkar Road, Bengaluru

2. **Shri P. C. Mohan**
Hon'ble Member of Parliament
3rd Floor, Podium Block, V.V. Towers
Dr B.R Ambedkar Road, Bengaluru

Not on original:

1. **Smt Gangambike Mallikarjun**
Worshipful Mayor
Bruhat Bengaluru Mahanagara Palike
Bengaluru

2. **Shri N. Manjunath Prasad**
Commissioner, IAS
Bruhat Bengaluru Mahanagara Palike
Bengaluru

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