



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO.6015 OF 2018 (GM-PP)

BETWEEN:

1. SMT. SAKAMMA
W/O MARIDEVAIAH
AGED ABOUT 67 YEARS
D.NO.79, 3RD INFANTRY LINE
PWD RESIDENTIAL QUARTERS
ASHOKA ROAD
MYSURU - 570 007.
2. SMT. SAJEEDA BEGUM
W/O SYED GAFFAR
AGED ABOUT 63 YEARS
D.NO.95, 3RD INFANTRY LINE
PWD RESIDENTIAL QUARTERS
ASHOKA ROAD
MYSURU - 570 007.
3. SMT. KHAMARUNNISA
W/O ABDUL KHUDDUS
AGED ABOUT 56 YEARS
D.NO.83, 3RD INFANTRY LINE
PWD RESIDENTIAL QUARTERS
ASHOKA ROAD
MYSURU - 570 007.
4. SMT. CHIKKAMMANNI
W/O LATE CHANNANAYAKA
AGED ABOUT 76 YEARS
D.NO.53, 3RD INFANTRY LINE



PWD RESIDENTIAL QUARTERS
ASHOKA ROAD
MYSURU - 570 007.

5. SMT. MAMTAX BEGUM
W/O LATE MOHAMMED PEER
AGED ABOUT 58 YEARS
D.NO.82, 3RD INFANTRY LINE
PWD RESIDENTIAL QUARTERS
ASHOKA ROAD
MYSURU - 570 007.
6. SRI. SYED ZAFRRULLA
S/O LATE SYED MOHIDDEEN
AGED ABOUT 70 YEARS
D.NO.95, 3RD INFANTRY LINE
PWD RESIDENTIAL QUARTERS
ASHOKA ROAD
MYSURU - 570 007.
7. SRI. SYED MADAR
S/O LATE SYED ABDUL REHMAN
AGED ABOUT 72 YEARS
D.NO.101, 3RD INFANTRY LINE
PWD RESIDENTIAL QUARTERS
ASHOKA ROAD
MYSURU - 570 007.
8. SRI. M. SARVAR KHAN
S/O LATE MOHAMMED KHAN
AGED ABOUT 77 YEARS
D.NO.95, 3RD INFANTRY LINE
PWD RESIDENTIAL QUARTERS
ASHOKA ROAD
MYSURU - 570 007.
9. SRI. ABDUL RAVOOF
S/O LATE M. IBRAHIM
AGED ABOUT 73 YEARS
D.NO.87, 3RD INFANTRY LINE
PWD RESIDENTIAL QUARTERS



ASHOKA ROAD
MYSURU - 570 007.

....PETITIONERS

(BY SRI. N. RAVINDRANATH KAMATH, SENIOR ADVOCATE FOR
SMT. VANAIAKSHI KAMATH ADVOCATE FOR P1 TO P6;
P7 & P8 ABATED)

AND:

THE ASSISTANT EXECUTIVE ENGINEER
PWD NO.1, SPECIAL SUB DIVISION
VINOBA ROAD
MYSURU - 570 001.

...RESPONDENT

(BY SRI. MAHANTESH SHETTAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER BEARING NO.7/2015-16 AND ALSO ISSUING FINAL NOTICE IN FORM NO.B DATED 31.05.2016 BY COMPETENT OFFICER/ASSISTANT EXECUTIVE ENGINEER OF PUBLIC WORKS DEPARTMENT, MYSORE THE RESPONDENT HEREIN PRODUCED AT ANNEXURE-A CONSEQUENTLY THE JUDGMENT IN M.A. NOS. 23, 24, 26, 27, 29 TO 33/2016 ON THE FILE OF THE IV ADDITIONAL DISTRICT JUDGE OF MYSURU DATED 02.01.2018 PRODUCED AT ANNEXURE-B ALSO BE QUASHED AND ETC.



THIS WRIT PETITION HAVING BEEN RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, **E.S. INDIRESH J.**, MADE THE FOLLOWING:

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

CAV ORDER

1. In this writ petition, petitioners are assailing the final notices in Form 'B' dated 31.05.2016 (Annexure- 'A series') issued by the competent officer / Assistant Executive Engineer of Public Works Department, Mysuru and the order dated 02.01.2018 in M.A.No.23/2016 connected with M.A.Nos.24, 26, 27, 29 to 33 of 2016 on the file of IV Addl. District Judge, Mysuru (Annexure-B).

2. It is the case of the petitioners, that petitioners claim to be in possession of the quarters allotted by His Highness the Maharaja of Mysore, as the petitioners are the descendents of the employees occupying different portions of the house as mentioned in the cause-title. It is also stated that, the petitioners have been advised to continue in possession on ownership basis as they were working under the Maharaja of Mysore. It is also stated that, the petitioners have approached



the respondent - Government, seeking allotment of the quarters and same was not considered and accordingly, the petitioners have filed W.P.Nos.20499/1997, 24482-86/1997, 14915/1998, 14914/1998, 38133/1998, 38396/1998, 9179/2000 and W.P.No.10647/2006 before this Court and this Court, disposed of the writ petitions as per Annexure-C series, with a direction to the respondent - Government, to consider the case of the petitioners. It is also stated that, without considering the representations of the petitioners, the respondent have issued notice dated 31.05.2006(Annexure- 'A series'). It is also stated that, the order of vacating the premises was confirmed in the order dated 02.01.2018 passed by the District Court, as per Annexure-B to the writ petition. Feeling aggrieved by the same, present writ petition has been filed.

3. Heard Sri. N. Ravindranath Kamath, learned Senior Counsel appearing on behalf of Smt. Vanajakshi Kamath, learned counsel for the petitioners and Sri.Mahantesh Shettar, learned Additional Government Advocate appearing for the respondent.



4. It is argued by the learned Senior Counsel for the petitioners that, though this Court has directed the respondent to consider the representations made by the petitioners as per Annexure-C to the writ petition, the same has not been considered by the respondent and therefore, the entire proceedings against the petitioners, requires to be set aside. It is also argued by the learned Senior Counsel that, the petitioners cannot be evicted by invoking the provisions of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 (hereinafter referred to as 'the Act') and the entire proceedings require to be quashed.

5. Per contra, learned Additional Government Advocate appearing for the respondent refers to the finding recorded by this Court in W.P.No.10647/2006 (Annexure-C6) and contended that, the writ petition requires to be dismissed.

6. In the light of the submissions made by the learned counsel appearing for the parties, the claim of the petitioners that, the petitioners are the descendents of the employees of the Maharaja of Mysore and are occupying the quarters belonging to His Highness Maharaja of Mysore. After the



Government took over the administration from His Highness Maharaja of Mysore, the petitioners have continued in the quarters and the Public Works Department had taken care of the premises in question. Petitioners have approached this Court in the writ petitions referred to at Annexure-C series, seeking ownership of the houses on the ground that the petitioners were the descendents of employees of His Highness Maharaja of Mysore. In this regard, it is relevant to extract paragraph No.7 in W.P.No.10647/2006 dated 03.06.2008 (Annexure-C6).

"7. There are eight petitioners. There is no proof to show that petitioners-5 & 7 had filed writ petition in the year 1997 before this Court. It is pertinent to mention that on 22.7.99 in W.P. No. 20499/97 respondents were granted three months' time to consider the petitioners' representation and until then not to disturb their possession. The writ petitioners were disposed of in the month of July 1999. If it is the case of the petitioners that the respondents have not considered their representations within the time stipulated, they could have approached this Court for appropriate relief. The



petitioners remained silent until the respondent no.4-authority issued the impugned notices in the month of July 2006. It is implicit that the respondent considered the representation of the petitioners and decided that they no right to seek for sale of the quarters in which they are in possession. The respondents have issued notice to the petitioners to vacate their respective premises within 15 days from the date of service of notices. In my view, the petitioners have no legal right to ask the respondents to sell PWD quarters in their favour on lease cum sale basis. Though the petitioners have retired form the service on their attaining the age of superannuation during the year 1995-1996, the petitioners/legal heirs are still in occupation of the premises. According to the respondents, the petitioner are unauthorised occupants. The petitioners have not established violation of any statutory right in their favour."

7. Perusal of the observation made by this Court would indicate that the petitioners have been identified as unauthorised occupants and therefore, the respondent - authority has rightly issued eviction notices as per Annexure- 'A



series'. The said eviction notices were challenged by the petitioners in M.A.Nos.23, 24, 26, 27, 29, 30, 31, 32 and 33 of 2016 and the competent Court by its order dated 02.01.2018 (Annexure-B), dismissed the appeals. On careful examination of the finding recorded by the Trial Court would indicate that, the petitioners are claiming right from their ancestors in respect of the premises in question. It is also to be noted that, this Court in above writ petitions has held that the petitioners are in unauthorised occupation as the petitioners were not tenants of the respondent.

8. In that view of the matter, as the petitioners are residing in the premises as unauthorised occupants and also taking into account the observation made by the Trial Court at paragraph Nos.23 to 25 in M.A.No.23/2016 and connected appeals at Annexure-B, I am of the view that, no interference is called for in this writ petition and accordingly, the writ petition is rejected.

9. It is to be noted that, if the petitioners are in possession of the subject premises as on today, the respondent - authority



is directed not to take any coercive steps for eviction of such petitioners, for a period of six weeks from today.

10. Consequently, pending I.A. if any, does not survive for consideration.

SD/-
(E.S.INDIRESH)
JUDGE

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List No.: 1 Sl No.: 48