



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 17TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE M.I.ARUN

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

WRIT PETITION NO. 101115 OF 2026 (KLGP)

BETWEEN:

1. SHRI. ARAVIND
S/O. BAPURAO DESHPANDE,
AGE: 76 YEARS,
OCC: BUSINESS & AGRICULTURE,
R/O: HOUSE NO.2, VIKRAMPUR,
TAL. ATHANI, DIST: BELAGAVI.
2. SHRI. HIMANSHU
S/O. RAMESH BHATE,
AGE: 48 YEARS, OCC: BUSINESS,
R/O: NO.763, SIDDHESHWAR ROAD,
ATHANI, DIST: BELAGAVI.
3. SHRI. HANAMANTA
S/O. GANAPATI KALUVE,
AGE: 63 YEARS,
OCC: AGRICULTURE,
R/O: BANA, 90, AMBAI GALLI, ATHANI,
DIST: BELAGAVI.
4. SHRI. NAGARAJA
S/O. SHRINIVAS GUNDA,



AGE: 58 YEARS, OCC: BUSINESS,
R/O: NO.1398/B, SARNSKRUTI LAYOUT,
I.B. ROAD, ATHANI, DIST: BELAGAVI.

5. SHRI. SUSHANT
S/O. SADASHIV PATTANA,
AGE: 39 YEARS, OCC: BUSINESS,
R/O: NO.4361/44, SHANTI NAGAR,
LERE PHATA, ATHANI,
DIST: BELAGAVI.
6. SHRI. VILINARAJA
S/O. MANOHAR YALAMALLE,
AGE: 48 YEARS, OCC: BUSINESS,
R/O: ATHANI, DIST: BELAGAVI.
7. SHRI. RAVASABA
S/O. NIVRUTTI AIHOLE,
AGE: 48 YEARS,
OCC: REAL ESTATE BUSINESS,
R/O: HEBBAL ROAD, WATER TANK,
ATHANI, DIST: BELAGAVI.
8. SHRI. BABUSINGH
S/O. BALAVANTSINGH RAJPUT,
AGE: 45 YEARS, OCC: BUSINESS,
R/O: HEBBAL ROAD, ATHANI,
DIST: BELAGAVI.
9. SHRI. BHIMRAO
S/O. RUDRAPPA BADIGER,
AGE: 67 YEARS, OCC: CARPENTER,
R/O: NO,2590, THANGARI GALLI,
ATHANI, DIST: BELAGAVI.
10. SHRI. BARATH



S/O. GOKULDAS SOMAIAH,
AGE: 61 YEARS, OCC: BUSINESS,
R/O: 760/6, GOKUL NIVAS,
GACCHINAMATA GALLI,
ATHANI, DIST: BELAGAVI.

11. SHRI. JAYACHANDRA
S/O. SHANAKARRAO PAWAR @ DESAI,
AGE: 48 YEARS, OCC: BUSINESS,
R/O: NO.4417, I.B. ROAD,
NEAR HEAD POST OFFICE,
ATHANI, DIST: BELAGAVI.
12. SHRI ANIL
S/O. KESHAV BULABULE,
AGE: 50 YEARS, OCC: BUSINESS,
R/O: ATHANI,
DIST: BELAGAVI.
13. SHRI. BEERAPPA
S/O. MADDEPPA YAKKANCHI,
AGE: 45 YEARS, OCC: CONTRACTOR,
R/O: ATHANI,
DIST: BELAGAVI.
14. SHRI. KALLAPPA
S/O. APPANNA VANAJOOL,
AGE: 55 YEARS, OCC: ADVOCATE &
AGRICULTURE,
R/O: VIKRAMPUR, TAL: ATHANI,
DIST: BELAGAVI.
15. SHRI. KASHINATH
S/O. RAJASHEKHAR MOPAGAR,
AGE: 54 YEARS,
OCC: MEDICAL PRACTITIONER,



**NC: 2026:KHC-D:2403-DB
WP No. 101115 of 2026**

R/O: NO.2639, KURBAR GALLI, ATHANI,
DIST: BELAGAVI.

...PETITIONER

(BY SRI. KULKARNI SANGRAM SUDHIR, ADVOCATE)

AND:

1. SHRI SHASHIKANT SHRIPATI BADAGI,
AGE: MAJOR, OCC: ADVOCATE,
R/O: SIDDARTH NAGAR,
TAL: ATHANI,
DIST: BELAGAVI - 591 304.
2. SHRI. ASHOK GUDIMANI,
AGE: MAJOR, CHIEF OFFICER,
MUNICIPAL COUNCIL,
ATHANI - 591 304.
3. SHRI. GIRIMALLAPPA AVATI,
ASSISTANT EXECUTIVE ENGINEER,
HVKV, ATHANI, HESCOM,
ATHANI.

... RESPONDENTS

(BY SRI. SHARAD V. MAGADUM, AGA FOR R4;
SRI. ARAVIND D. KULKARNI, ADV. FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO, ISSUE A WRIT OF CERTIORARI AND QUASH THE IMPUGNED ORDER PASSED BY THE COURT OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT AT BENGALURU IN LGC(P)/NO.309/2024 DATED 17/11/2025 VIDE ANNEXURE-D. ISSUE ANY OTHER WRIT, ORDER OR DIRECTION TO WHICH THE PETITIONER IS FOUND ENTITLED TO IN THE PRESENT FACTS AND GROUNDS AND ETC.,

THIS WRIT PETITION, COMING ON FOR ORDERS THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: THE HON'BLE MR. JUSTICE M.I.ARUN
AND
THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE M.I.ARUN)

Aggrieved by the order dated 17.11.2025 passed in LGC(P)/No.309/2024 passed by the Karnataka Land Grabbing Prohibition Special Court at Bengaluru (for short, 'the Special Court'), the present writ petition is filed.

2. On the allegation that petitioners herein have encroached upon a portion of Hindu burial ground in Athani, measuring about 1 acre and 38 guntas in Athani, which is a government property, and have illegally constructed certain shops, proceedings have been initiated under the Provisions of Karnataka Land Grabbing Prohibition Act, 2011 (for short, 'the Act').

3. After hearing the parties concerned, the Special Court has passed the following order:

"The Objection statement filed by the Respondents No. 3 to 17 to the Complaint filed by the Complainant is hereby rejected.



Cognizance of the offence punishable u/s 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 is taken against the Respondents No.3 to 17.

Hereinafter, respondents No.3 to 17 shall be referred as accused No.3 to 17 respectively.

Notify on the notice board for having taken cognizance as against the accused No.3 to 17 u/s 9(7) of the Karnataka Land Grabbing Prohibition Act, 2011.

Issue summons against accused No.3 to 17 through Police Inspector, Athani Town Police Station.

Call on 18.02.2026."

4. To conclude that the petitioners herein, who are respondents No.3 to 17 before the Special Court, have illegally encroached upon government land and a *prima facie* case was made out against them, the following reasons are assigned by the Special Court:

"10. These points are interlinked to each other. Hence, we took these points in one stretch in order to avoid repetition.



11. It is the specific allegation of the Complainant that Respondents No.3 to 17 have encroached Government property in Sy.No.1230 which is adjoining to C.T.S No.4357 situated within the jurisdiction of Athani Town Municipal Council. The Complainant has further alleged that Respondents No.3 to 17 have illegally constructed 59 Pathra Sheds over the encroached portion.

12. On the basis of the complaint and its enclosures, this court directed the Tahsildar, Athani as well as the Chief Officer, Athani to submit a status report. As per the direction of this court, the Tahsildar, Athani has submitted a report dated 12.02.2025. In the report, it is specifically stated that Sy.No.1230, which is adjoining to C.T.S.No.4357 is Government property and its extent is 01 acre 38 guntas. In the report, it is stated that as per the orders of Deputy Commissioner in RB/LND/Cr.P.C.520/82-83 dated 30.09.1982, the above said property is reserved for the graveyard of the Hindu Community. In the report, further it is stated that the Hindu Janara Shava Samskara Seva Sangha has erected 59 Pathra Sheds and they are managing the above said sheds. In the report, it is also stated that the above said sheds have been constructed for commercial purposes. In the report, further it is stated that the President of the Hindu



Janara Shava Samskara Seva Sangha has taken the lease for commercial purposes and it is not using the said property for the purpose for which it was taken. The Tahsildar, Athani has also submitted the list of the shops which are running in the Pathra Sheds along with photographs. Admittedly, Chief Officer, Town Municipal Council, Athani has not submitted his status report.

13. On perusal of the contents of the complaint and its enclosures and also on the basis of the report submitted by the Tahsildar, Athani dated 12.02.2025, we are of the opinion that the objection statement filed by the Respondents, at this stage, has no substance at all. Whether the Hindu Janara Shava Samskara Seva Sangha has constructed sheds for commercial purpose or for the purpose for which it was taken are points to be considered at the time of trial. Moreover, in the report it is specifically stated that the above said Sangha and its members are using the sheds for commercial purposes. Admittedly, Respondents have not produced any document to show that they have constructed sheds by obtaining prior permission from the Competent Authority.

14. Moreover, the Respondents along with their objection statement they have produced various documents. As per the document produced by the



Respondents, which is the Official Memorandum issued by the Deputy Commissioner dated 30.09.1982, it is specifically stated that schedule property of the present case is Gayarana land and it should be used for the burial ground of the Hindu Community. When such a document pertains to the schedule property when the Tahsildar, Athani has placed material before the court to show that above said sheds are being used for commercial purposes, we are of the opinion that it needs full pledged trail. Hence, we are of the opinion that the complainant has made out a prima-facie case to take cognizance of the offence punishable u/s 4(3) of Karnataka Land Grabbing Prohibition Act. Hence, our answer to point No. 1 is in the Negative and point No.2 is in the Affirmative."

5. The case of the petitioners is that they have formed a society and are vested with the responsibility of managing the Hindu burial ground, and hence to facilitate cremation and burial of dead bodies, they have constructed shops on a private property adjoining the burial ground.



6. However, the petitioners have failed to produce any documents to show their rights over the property concerned.

7. The learned Additional Government Advocate, upon instructions, submits that the petitioners have encroached upon the government land and have put up construction, and justifies the order passed by the Special Court.

8. What is seen from the impugned order is that the petitioners herein have *prima facie* failed to show that they have a right over the property concerned, which they claim to be a private property, and that the complainant therein was able to *prima facie* establish that the petitioners have encroached upon a portion of the government property and put up shops illegally. For the said reason, the Special Court has taken cognizance of the offence punishable under Section 4(3) of the Act as against them. We do not see any error in the same.



For the aforementioned reasons, the writ petition is hereby dismissed.

In view of dismissal of the appeal, pending I.As, if any, stand disposed of as not surviving for consideration.

**Sd/-
(M.I.ARUN)
JUDGE**

**Sd/-
(B. MURALIDHARA PAI)
JUDGE**