



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 41 OF 2026 (GM-KEB)

BETWEEN:

1. MRS. M C NAGARATHNA
CHIEF EXECUTIVE OFFICER
AGED ABOUT 56 YEARS
MALAVALLI MUNICIPALITY
MALAVALLI TOWN
MANDYA DISTRCIT - 571 430

...APPELLANT

(BY SMT. ANUSHA NANDISH, ADVOCATE FOR
SRI GAURAV G.K., ADVOCATE)

AND:

1. SREE RAMA ANJENEYA
SEVA SAMITHI (REGD.)
SITUATED AT HORAKOTE
MALAVALLI TOWN
MANDYA DISTRCIT - 571 430
REPRESENTED BY ITS
SECRETARY - SRI BOREGOWDA
S/O BOREGOWDA
AGED ABOUT 39 YEARS
2. THE CHIEF OFFICER
MALAVALLI MUNICIPALITY



MALAVALLI TOWN
MANDYA DISTRICT - 571 430

3. THE ASSISTANT EXECUTIVE ENGINEER
CHAMUNDESHWARI ELECTRICITY
SUPPLY CORPORATION LIMITED
MALAVALLI TOWN
MANDYA DISTRICT - 571 430
4. THE EXECUTIVE ENGINEER
CHAMUNDESHWARI ELECTRICITY
SUPPLY CORPORATION LIMITED
MADDUR DIVISION, MADDUR
MANDYA DISTRICT - 571 428
5. THE PRINCIPAL SECRETARY
STATE OF KARNATAKA
VIDHANA SOUDHA
BENGALURU - 560 001

...RESPONDENTS

(BY SRI R. HEMANTH RAJ, ADVOCATE FOR C/R-1,
SRI K.S. HARISH, GOVERNMENT ADVOCATE FOR R-5)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, PRAYING TO ALLOW THIS WRIT
APPEAL AND SET ASIDE THE ORDER DATED 20.11.2025 PASSED
BY THE LEARNED SINGLE JUDGE IN W.P. No.22120/2024 AND ETC.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING,
THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant has filed this appeal challenging an order dated 20.11.2025 passed by the learned Single Judge in W.P.No.22120/2024 (GM-KEB).
2. Respondent No.1 had filed the aforementioned writ petition, *inter alia*, praying that a direction be issued to respondent Nos.3 and 4, the Assistant Executive Engineer and the Executive Engineer of Chamundeshwari Electricity Supply Corporation Limited, to provide electricity connection to the writ petitioner's building (temple) with immediate effect, without being influenced by any directions issued by the Chief Officer, Town Municipality, Malavalli.
3. The writ petitioner is a registered trust that manages the affairs of Sri Anjaneya and Sri Rama Temples at Horakote. The writ petitioner trust (respondent No.1) claims that Sri



Anjaneyaswamy Temple had been constructed by one Ramanayaka, who was the resident of Kote area of Malavalli Town.

4. It is stated that in the past Ramanayaka and his family members were performing the *pooja* of the said temple. It is claimed that the public at large had also constructed another temple (Sri Rama Temple) on the northern side of Sri Anjaneya Swamy Temple. Subsequently, Ramanayaka and his legal heirs were unable to perform the rituals and conduct *poojas*. The writ petitioner claims that, accordingly, the petitioner trust was formed to manage the affairs of the temples and the legal representatives of Ramanayaka had given their consent. The katha of the temple was also transferred in the name of the President of the writ petitioner-trust.

5. The writ petitioner claimed that in order to re-construct and renovate the said temple at the site, it had obtained licence from the Chief Officer of Malavalli Municipality (respondent No.2) on 21.08.2022. After issuance of the building licence, 80% of the construction had been completed and in accordance with the sanctioned plan.



6. The writ petitioner claims that the Member of the Legislative Assembly (MLA), Malavalli and a few of his relatives also formed a trust (Kote Okkaligara Sree Sree Ramamandira Seva Samithi) on 30.04.2022 and had raised rival claims. The said trust filed an application before respondent No.2 for the cancellation of the licence granted to the writ petitioner-trust. The said trust also filed a suit being O.S.No.62/2023 and had obtained interim orders.

7. The writ petitioner claims that the said plaintiffs in O.S.No.62/2023 had also filed a writ petition being W.P.No.9868/2023 styled as a Public Interest Litigation (PIL) before this Court, which was contested by the writ petitioner. The writ petitioner also contested the suit. Although the plaintiffs had filed an application for a temporary injunction, the learned Civil Court rejected it by an order dated 06.11.2023. The writ petitioner claims that W.P.No.9868/2023 was also withdrawn.

8. The writ petitioner alleges that, notwithstanding that the PIL had been withdrawn and the learned civil court had rejected the application for interim relief, the appellant had, at the instance of the rival group, issued a notice on the basis that the Civil Court had granted an order directing that the status quo be maintained. The



said notice was erroneous as on the date of notice (07.11.2023) the writ petition had already been disposed of.

9. The writ petitioner claims that it had filed an application with respondent No.2 for a copy of the katha extract (e-swathu). It found that the appellant had deleted the name of the writ petitioner and had inserted the name of Sri Anajaneyaswamy Temple. The writ petitioner claims that this was done unilaterally without any notice to the writ petitioner.

10. In the meantime, the Tahsildar also informed that the earlier endorsement dated 16.12.2021, confirming that the temple in question is not included in the list of Muzrai temples, had been cancelled. The Tahsildar had also issued a letter to the Registrar, Mandya District, regarding the cancellation of the petitioner trust's registration.

11. The writ petitioner alleges that on 28.11.2023, the appellant had come along with Tahsildar and seized the building materials worth about Rs.25 lakhs and had shifted the construction materials to unknown place without recording any mahazar.



12. Prior to filing the present writ petition, the writ petitioner filed a writ petition, W.P.No.28645/2023, challenging the endorsement dated 21.11.2023, whereby the name of the writ petitioner-trust had been removed from the katha. The writ petitioner prayed that the katha be restored. The said W.P.No.28645/2023 was allowed in terms of an order dated 13.03.2024. The operative part of it reads as under:

ORDER

(A) The petition is allowed quashing the impugned Annexures-O dated 21.11.2023 and Q dated 27.11.2023 directing the revenue entry (E-katha) for the subject temple to continue in the name of the petitioner subject to adjudication of the controversy whether "*Sri Anjaneya Swamy Devasthanam*" is a Muzrai temple or otherwise and subject to the final conclusion in O.S.No.62/2023 pending on the file of Senior Civil Judge and JMFC, Malavalli.

(B) It is needless to observe that consequent to the order as aforesaid, the petitioner shall be entitled to continue with the construction and any construction so put up will be subject to the adjudication as aforesaid.

13. It is material to note that the appellant was also arrayed in the said proceedings as respondent No.1. The writ petitioner had also sought directions for the institution of departmental proceedings against the appellant and the Tahsildar.



14. After construction was completed, the writ petitioner applied for a no-objection certificate from the Chief Officer for an electricity connection, which was granted. However, respondents Nos.3 and 4 did not take any steps to provide electricity. It was revealed that the appellant had sent a letter cancelling the NOC issued to the writ petitioner for securing the power connection.

15. In the given circumstances, the writ petitioner once again approached this Court and filed the writ petition (W.P.No.22120/2024) from which the present appeal arises.

16. The learned Single Judge found that the Chief Officer of Malavalli Municipality had issued a valid no objection certificate, which had not been cancelled. However, the appellant had unilaterally issued a letter/endorsement directing the respondents Nos.3 and 4 to withhold the electricity connection.

17. It is the appellant's case that the writ petitioner had obtained the Katha and the construction licence irregularly and contrary to the provisions of the Karnataka Municipalities Act, 1964. However, the Court had noted that the issue concerning the revenue entries was also the subject matter for consideration in the writ petition



(W.P.No.28645/2023). The court quashed the unilateral change in the revenue entries and directed that the revenue entry for the subject temple be continued in the name of the writ petitioner, subject to adjudication in O.S.No.62/2023. However, notwithstanding the said order, the appellant had once again attempted to issue endorsements and communications on the ground that the entries in the khata were wrongful and that there was an irregularity in obtaining the construction licence and the khata. Admittedly, the appellant had not instituted any proceedings in this regard. But had issued the orders, which in effect, disregarded the court's directions. In the aforesaid circumstances, the learned Single Judge had allowed the writ petition and passed the following order.

"ORDER

- (i) The writ petition is allowed.
- (ii) The impugned communication/endorsement dated 04.07.2024 (Annexure-G) issued by respondent No.1 is hereby quashed.
- (iii) It is declared that the No Objection Certificate dated 08.05.2024 at Annexure-F issued by the Competent Authority continues to remain valid and operates and the petitioner is entitled to act upon the same.
- (iv) Respondent Nos.3 and 4 are directed to provide electricity connection to the petitioner premises within two weeks from



today, subject to the petitioner fulfilling the requisite formalities without being influenced by any communication issued by respondent No.1.

- (v) In view of the wholly unwarranted, unauthorized action, leading to obstruction of basic civic service, despite the subsisting NOC issued by the Competent Authority in favour of the petitioner-trust, the action on part of respondent No.1 is highly deprecated.
- (vi) This Court directs the competent supervisory authority of the Urban Development Department to initiate appropriate departmental action against respondent No.1 for issuing Annexure-G without jurisdiction and acting contrary to the statutory frame work and the rights of the petitioner."

18. The learned counsel for the appellant submits that the appellant had taken the necessary action and had withdrawn the NOC in the official capacity, and therefore, the question of directing the institution of an inquiry did not arise. She also submitted that the suit was withdrawn (O.S.No.62/2023); therefore, final adjudication of the issues regarding the writ petitioner's right in respect of the temple property had remained unadjudicated. In the given circumstances, the appellant was required to take action.

19. We note that there were allegations against the appellant that the appellant had acted to favour the rival contender in the earlier writ petition, being W.P.No.28645/2023. The Court found



that the khata had been unilaterally changed without notice to the writ petitioner and concluded that it was not in accordance with law.

20. In the given circumstances, considering that disputes that were pending before the Civil Court, this Court, had directed the e-katha to be restored in the name of the writ petitioner, pending disposal of the disputes.

21. It is apparent that the appellant had again taken an action on the basis of an alleged irregularity in the khata without any adjudicatory exercise. It is also material to note that since the allegations were made against the appellant, she was also arrayed as respondent No.1 in her personal capacity, in the earlier writ petition (W.P.No.28645/2023).

22. We find no justification in the appellant taking *sou moto* steps for cancellation of the NOC, without adjudication of the writ petitioner's claims. The contention that the suit (O.S.No.62/2023) had been withdrawn; therefore, the order passed by the court in W.P.No.28645/2023 was rendered inoperative, is not merited. The court quashed the unilateral change in the revenue entries and directed that the revenue entry for the subject temple continue in



the name of the writ petitioner, subject to the outcome of the suit (O.S.No.62/2023). If the suit was withdrawn, the order maintaining entries in the name of the writ petitioner would continue till the same were altered in accordance with law. It was also open for the appellant to seek clarification from the court. However, the appellant had unilaterally taken steps to cancel the NOC. This appears to be an attempt to overreach the court's order.

23. It is necessary to note that the learned counsel for the appellant did not controvert the finding that the action taken by the appellant was without the authority of law.

24. In the given circumstances, we find no ground to fault the decision of the learned Single Judge.

25. However, we are of the view that the impugned direction to the supervisory authority to institute appropriate departmental action is not to be construed as a direction to necessarily issue a chargesheet or to institute a departmental enquiry. The supervisory authority may decide on the appropriate action. Needless to state that the concerned authority is required to afford the appellant an opportunity to explain before considering further steps. We also



clarify that the orders passed by the learned Single Judge would not preclude the appellant from raising all the defences, which would be considered by the concerned authority, uninfluenced by the observations made by this Court.

26. The appeal is, accordingly, dismissed.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**

KMV
List No.: 2 Sl No.: 6