



CNR: KAHC010044392019

NC: 2026:KHC:52464
WP No. 9515 of 2019
C/W WP No. 9514 of 2019
WP No. 9516 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 9515 OF 2019 (GM-PP)

C/W

WRIT PETITION NO. 9514 OF 2019 (GM-PP)

WRIT PETITION NO. 9516 OF 2019 (GM-PP)

IN WP No. 9515/2019

BETWEEN:

MYSORE STEEL TUBES COMPANY
A PROPRIETARY CONCERN
HAVING ITS OFFICE AT NO.5,
2ND FLOOR, SAIFY MANZIL
MANDI VEERAPPA LANE,
S.J.P ROAD, BENGALURU - 560 002,
REPRESENTED BY ITS PROPRIETOR
MR. KANTILAL CHOPRA.

...PETITIONER

(BY SRI. NAGESH MORO, ADVOCATE FOR
SMT. SUMANA NAGANAND, ADVOCATE AND
SRI. PRASHANTH MURTHY S.B, ADVOCATE)

AND:

1. THE ASST. COMMISSIONER
FOR MUZRAI,
BENGALURU CORPORATION AREA,
PODIUM BLOCK,
VISVESWARAIAH TOWERS,

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CNR: KAHC010044392019

NC: 2026:KHC:52464
WP No. 9515 of 2019
C/W WP No. 9514 of 2019
WP No. 9516 of 2019

BENGALURU - 560 001.

2. HEADQUARTERS ASSISTANT TO
THE DEPUTY COMMISISONER AND
COMPETENT AUTHORITY,
UNDER KARNATAKA PUBLIC PREMISES
(EVICTION OF UNAUTHORISED OCCUPATION)
ACT 1974, BENGALURU DISTRICT,
KEMPE GOWDA ROAD
BENGALURU - 560 009.

...RESPONDENTS

(BY SRI. MAHANTESH SHETTAR, AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO CALL FOR
RECORDS AND SET ASIDE THE ORDER DATED 13.02.2019
(ANNEXURE-A) PASSED BY THE X ADDITIONAL CITY CIVIL &
SESSIONS JUDGE, BENGALURU IN M.A.NO.48/2001 AND ETC.,

IN WP NO. 9514/2019

BETWEEN:

MANISH TUBES
A PROPRIETARY CONCERN
HAVING ITS OFFICE AT NO.94/2
SHOUKAT MOHALLA,
SADAR PATRAPPA ROAD,
BENGALURU - 560 002,
REPRESENTED BY ITS
PROPRIETOR JAYANTHILAL
THROUGH HIS POWER OF ATTORNEY HOLDER
MR. KANTILAL CHOPRA.

...PETITIONER

(BY SRI. NAGESH MORO, ADVOCATE FOR
SMT. SUMANA NAGANAND, ADVOCATE AND
SRI. PRASHANTH MURTHY S.B)

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CNR: KAHC010044392019

NC: 2026:KHC:52464
WP No. 9515 of 2019
C/W WP No. 9514 of 2019
WP No. 9516 of 2019

AND:

1. THE ASST. COMMISSIONER FOR MUZRAI
BENGALURU CORPORATION AREA,
PODIUM BLOCK, VISVESWARIAH TOWERS
BENGALURU - 560 001.
2. HEADQUARTERS ASSISTANT TO THE
DEPUTY COMMISSIONER AND
COMPETENT AUTHORITY
UNDER KARNATAKA PUBLIC
PREMISES (EVICTION OF UNAUTHORISED
OCCUPATION) ACT 1974,
BENGALURU DISTRICT,
KEMPE GOWDA ROAD,
BENGALURU - 560 009.

...RESPONDENTS

(BY SRI. MAHANTESH SHETTAR, AGA)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR
RECORDS AND SET ASIDE THE ORDER DTD 13.2.2019
[ANNEXURE-A] PASSED BY THE X ADDITIONAL CITY CIVIL
AND SESSIONS JUDGE, BENGALURU IN M.A.NO.49/2001
AND ETC.,

IN WP NO. 9516/2019

BETWEEN:

MYSORE TUBES SUPPLIERS
A PROPRIETARY CONCERN,
HAVING ITS OFFICE AT NO.2,
MANDI VEERAPPA LANE,
S.J.P CROSS ROAD,
BENGALURU - 560 002,

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CNR: KAHC010044392019

NC: 2026:KHC:52464
WP No. 9515 of 2019
C/W WP No. 9514 of 2019
WP No. 9516 of 2019

REPRESENTED BY ITS
PROPRIETOR CHAMPALAL
THROUGH HIS POWER OF ATTORNEY
HOLDER MR. KANTILAL CHOPRA.

...PETITIONER

(BY SRI. NAGESH MORO, ADVOCATE FOR
SMT. SUMANA NAGANAND, ADVOCATE AND
SRI. PRASHANTH MURTHY S.B)

AND:

1. THE ASST. COMMISSIONER FOR MUZRAI,
BENGALURU CORPORATION AREA,
PODIUM BLOCK, VISVESWARIAH TOWERS
BENGALURU - 560 001.
2. HEADQUARTERS ASSISTANT TO THE
DEPUTY COMMISSIONER AND
COMPETENT AUTHORITY,
UNDER KARNATAKA PUBLIC
PREMISES (EVICTION OF UNAUTHORISED
OCCUPATION) ACT 1974,
BENGALURU DISTRICT,
KEMPE GOWDA ROAD
BENGALURU - 560 009.

...RESPONDENTS

(BY SRI. MAHANTESH SHETTAR, AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO CALL FOR
RECORDS AND SET ASIDE THE ORDER DATED 13.02.2019
(ANNEXURE-A)PASSED BY THE X ADDITIONAL CITY CIVIL
AND SESSIONS JUDGE, BENGALURU IN M.A.NO.50/2001
AND ETC.,

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CNR: KAHC010044392019

NC: 2026:KHC:52464
WP No. 9515 of 2019
C/W WP No. 9514 of 2019
WP No. 9516 of 2019

THESE PETITIONS, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

These batch of writ petitions are filed assailing the concurrent orders passed by the Estate Officer under Sections 4 and 5 of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 (hereinafter referred to as 'the 1974 Act') and the order passed by the Appellate Court dismissing the appeals preferred by these three petitioners.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Government Advocate appearing for the respondents. This Court has also carefully considered the judgment relied upon by the learned counsel for the petitioners.

3. The learned Additional Government Advocate has also addressed his arguments and, in support of the contention that the petition premises are not being put to any use, has produced photographs along with a memo. The photographs demonstrate that the petition premises are in a dilapidated

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CNR: KAHC010044392019

NC: 2026:KHC:52464
WP No. 9515 of 2019
C/W WP No. 9514 of 2019
WP No. 9516 of 2019

condition, are locked and are not being put to any use as on date.

4. The controversy in the present batch of petitions has a rather chequered history. The status of the present petitioners as unauthorised occupants had already fallen for consideration before this Court in an earlier round of litigation. By order dated 15.04.1999, this Court had categorically held that the petitioners had no legal right to continue in possession of the petition premises and had declared them to be unauthorised occupants. Despite such declaration, the petitioners have continued to remain in possession of the public premises for nearly 26 years.

5. The facts leading to the present proceedings, in brief, are that the respondent-Muzrai Department had leased out the disputed premises to Steel Constructions Pvt. Ltd., M/s. Super Sales Corporation and one Ganesh Vaibhav Hotel. The premises had been leased by the Muzrai Department to the aforesaid entities. Upon expiry/determination of the lease period, the Assistant Commissioner, Muzrai Department, Bengaluru Corporation, issued notices to the concerned occupants. Steel

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CNR: KAHC010044392019

NC: 2026:KHC:52464
WP No. 9515 of 2019
C/W WP No. 9514 of 2019
WP No. 9516 of 2019

Constructions Pvt. Ltd. agreed to hand over vacant possession. Thereafter, the Assistant Commissioner attached to the Muzrai Department, upon determination of the lease, proceeded to lock the premises.

6. Aggrieved by such action, the present petitioners approached this Court by filing writ petitions. M/s. Super Sales Corporation also approached this Court. The present petitioners had also independently instituted writ proceedings along with M/s. Super Sales Corporation. The said writ petitions came to be disposed of by a common order, reserving liberty to the Muzrai Department to take possession in accordance with law and to assess damages in terms of Sections 4, 5 and 7 of the 1974 Act.

7. In view of the controversy now raised by the petitioners, it would be apposite to refer to the observations made by the Co-ordinate Bench while disposing of the earlier batch of writ petitions. Paragraph Nos.20 and 21 are relevant and are extracted hereunder:

"20. Even though the petitioners do not have any legal right to be in possession or continue in possession of the

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CNR: KAHC010044392019

NC: 2026:KHC:52464
WP No. 9515 of 2019
C/W WP No. 9514 of 2019
WP No. 9516 of 2019

premises and they are unauthorised occupants, they can be dispossessed only in accordance with law. Hence the action of the Muzrai Department locking/sealing premises, merely based on the consent of STEELCON is unreasonable and unsustainable.

21. The rent paid for the premises is a paltry sum. Under Section 7 of the Act, the Muzrai Department will be entitled to damages for wrongful occupation from 2.1.1999 to date of vacating the premises. The only way to ensure recovery of such damages, is to direct all petitioners to deposit the rent/licence fee directly with the Muzrai Department (Lessor) without prejudice, till the completion of proceedings for eviction and assessment of damages under Sec.4, 5 & 7 of the Act. Interests of Justice would be served if relief is granted making it conditional upon the respective occupant (petitioners herein) depositing the rents/licence fees directly with the Muzrai Department pending final decision in the matter."

8. A plain reading of the aforesaid observations leaves no manner of doubt that this Court, in the earlier round of litigation, had already determined the status of the present petitioners. The Co-ordinate Bench categorically recorded that the petitioners had no legal right to remain in possession and that they were unauthorised occupants. The protection extended to them was confined to a direction that they could be dispossessed only by following the procedure established by law.

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CNR: KAHC010044392019

NC: 2026:KHC:52464
WP No. 9515 of 2019
C/W WP No. 9514 of 2019
WP No. 9516 of 2019

9. The operative portion of the earlier order is also relevant in this context. Paragraph Nos.22 and 23 are extracted hereunder:

“22. Hence, these petitions are disposed of with the following directions:

(i) The respondents (Commissioner and Charitable Endowments in Karnataka and the Assistant Commissioner Muzrai, Bangalore Corporation area) are directed to remove the locks/seals put to the premises No.9, Pampa Mahakavi Road, Bangalore or any of the portions godowns forming part of said premises within one week from this date and permit the respective previous occupants thereof to continue in possession. This will not come in the way of said respondents (Muzrai Department) initiating action for eviction against all the petitioners and against STEELCON under the provisions of the Karnataka Public Premises (Eviction of unauthorised Occupants) Act, 1974 for eviction and for payment of damages.

(ii) The petitioner in W.P.NO.7670/1999 and the petitioners in W.P.Nos.9814-16/1999 are directed to deposit the rents/licence fee(which they are presently paying to STEELCON/SSC or to the account of SSC (directly to the lessor (Muzrai Department) without prejudice to the rights and contentions of all the parties. The amounts so deposited shall be dealt with in accordance with the final orders to be passed under Sec.5 and 7 of the Act.

(iii) The Muzrai Department shall initiate action against STEELCON and all petitioners by issuing notices under the Act within one month from the date of receipt of this order. STEELCON ON and petitioners shall file their objections without delay so that the proceedings under the Act can be concluded within a period of six months from the date of issue of notices.

23. The disposal of these petitions as above will not come in the way of all the petitioners and STEELCON giving a

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CNR: KAHC010044392019

NC: 2026:KHC:52464
WP No. 9515 of 2019
C/W WP No. 9514 of 2019
WP No. 9516 of 2019

joint representation to Muzrai Department for continuing them as direct tenants under the Department, in respect of the respective portions in their occupation on the current market rates of rent to be fixed by the Muzrai Department or consideration and grant of such requests by the Department."

10. The above directions have to be read in conjunction with the findings recorded in paragraph Nos.20 and 21. The earlier order, therefore, did not recognise any subsisting legal right of the petitioners to remain in possession. On the contrary, it expressly recorded their status as unauthorised occupants and merely directed that their dispossession be undertaken in accordance with the procedure prescribed by law.

11. Pursuant to the aforesaid directions, the respondent authorities appointed an Estate Officer and proceedings were initiated under the 1974 Act. The Estate Officer issued notice under Section 4 of the 1974 Act. The petitioners, notwithstanding the adjudication already made by this Court regarding their status, entered appearance and filed detailed objections contesting the proceedings.

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CNR: KAHC010044392019

NC: 2026:KHC:52464
WP No. 9515 of 2019
C/W WP No. 9514 of 2019
WP No. 9516 of 2019

12. It would be relevant to refer to paragraph No.1 of the statement of objections filed by the petitioners, which reads as under:

"1. These Respondents have received notice of hearing from this Hon'ble Authority on the assumption that the Respondent is an unauthorised an occupant. This Respondent submits that the Respondent has not received any petition purporting to have been filed by the Petitioner in order to initiate proceedings under Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, (hereinafter referred to as "Act".) In the absence of such a petition, it is respectfully submitted that the above proceedings are liable premature and are liable to be dropped."

13. The aforesaid objection itself admits receipt of the notice issued by the Estate Officer. The objection, however, proceeds on the premise that the petitioners could once again question the very foundation of the proceedings by disputing their status as unauthorised occupants and by contending that the notice did not satisfy the requirements of Section 4(1) of the 1974 Act.

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CNR: KAHC010044392019

NC: 2026:KHC:52464
WP No. 9515 of 2019
C/W WP No. 9514 of 2019
WP No. 9516 of 2019

14. The principal contention urged before this Court is that the notice issued under Section 4(1) of the 1974 Act did not contain sufficient particulars and, consequently, the proceedings undertaken by the Estate Officer under Section 5(1) of the Act stand vitiated. In order to examine this contention, it is necessary to bear in mind the distinction between the requirement under Section 4(1) and the satisfaction contemplated under Section 5(1) of the 1974 Act.

15. Section 4(1) contemplates formation of an opinion by the Estate Officer that a person is in unauthorised occupation of the public premises and, upon such opinion being formed, issuance of notice in the prescribed manner. The expression used in Section 4(1) is materially distinct from the requirement under Section 5(1), where the Estate Officer is required to record his satisfaction after considering the objections and the material placed before him.

16. However, the question in the present case cannot be examined in isolation from the peculiar and undisputed factual background. The status of these petitioners was not being determined for the first time by the Estate Officer. In the earlier



CNR: KAHC010044392019

NC: 2026:KHC:52464
WP No. 9515 of 2019
C/W WP No. 9514 of 2019
WP No. 9516 of 2019

round of litigation, this Court had already categorically held that the petitioners had no legal right to continue in possession and had expressly described them as unauthorised occupants. The only protection granted to them was that they could not be dispossessed except by following the procedure established by law.

17. Therefore, in the peculiar facts of the present case, the Estate Officer was not required to undertake a fresh adjudication as to whether the petitioners had a legal right to remain in possession. That issue had already been concluded by the order of this Court dated 15.04.1999. The Estate Officer was required to proceed in accordance with the statutory mechanism prescribed under the 1974 Act for effectuating the eviction of the petitioners.

18. The objection that the notice under Section 4(1) was defective for want of material particulars must, therefore, be considered in the aforesaid factual and legal background. Once the petitioners had already been declared to be unauthorised occupants by this Court, the Estate Officer was justified in forming the requisite opinion under Section 4(1) on the basis of

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CNR: KAHC010044392019

NC: 2026:KHC:52464
WP No. 9515 of 2019
C/W WP No. 9514 of 2019
WP No. 9516 of 2019

the earlier adjudication. The notice issued thereafter clearly disclosed that the Estate Officer had formed an opinion that the petitioners were unauthorised occupants and called upon them to show cause in accordance with the statutory procedure.

19. The contention urged by the petitioners, if accepted in the facts of the present case, would virtually require the Estate Officer to reopen an issue which already stood concluded by an order of this Court. Such an approach cannot be countenanced. The statutory procedure under the 1974 Act was intended to ensure that the petitioners were afforded an opportunity before their possession was disturbed. That opportunity was duly afforded to them. They entered appearance, filed detailed objections and contested the proceedings. The Estate Officer thereafter passed orders under Section 5(1) of the 1974 Act, which have been affirmed by the Appellate Court.

20. The earlier order of this Court did not confer any substantive right of occupation upon the petitioners. The protection extended therein was procedural in nature and was intended to ensure that the respondents did not resort to forcible or high-handed dispossession. Unfortunately, that



CNR: KAHC010044392019

NC: 2026:KHC:52464
WP No. 9515 of 2019
C/W WP No. 9514 of 2019
WP No. 9516 of 2019

limited protection has continued for nearly 26 years, during which period the petitioners have continued to occupy the premises despite the categorical finding that they had no legal right to remain in possession.

21. This Court is also required to take note of the subsequent factual position. The photographs produced by the learned Additional Government Advocate along with the memo dated 23.09.2026 demonstrate that the petition premises are presently in a dilapidated condition and remain locked and unused. The premises are situated in Bengaluru City and constitute valuable public property. Despite this, the premises have not been put to any productive use and have not generated corresponding revenue for the public exchequer.

22. The circumstances of the present case are, therefore, materially distinguishable from the cases relied upon by the learned counsel for the petitioners. The judgments cited by the learned counsel proceed on the requirement that the Estate Officer must form the requisite opinion before initiating proceedings under Section 4(1). That proposition is not in dispute. What distinguishes the present case is that the

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CNR: KAHC010044392019

NC: 2026:KHC:52464
WP No. 9515 of 2019
C/W WP No. 9514 of 2019
WP No. 9516 of 2019

requisite factual foundation had already been conclusively established by the earlier order of this Court, wherein the petitioners themselves were declared to be unauthorised occupants.

23. Consequently, this Court finds no infirmity either in the notice issued by the Estate Officer under Section 4(1) of the 1974 Act or in the order subsequently passed under Section 5(1). The Estate Officer had sufficient material to form the requisite opinion. The notice also contained the necessary particulars and substantially complied with the requirements of the prescribed Form-A. The order passed under Section 5(1) is likewise in conformity with the statutory scheme and the prescribed Form-B.

24. The Appellate Court has considered the matter in the proper perspective and has declined to interfere with the order of eviction. This Court, in exercise of its jurisdiction under Article 226 of the Constitution of India, finds no ground warranting interference with the concurrent orders passed by the Estate Officer and the Appellate Court.

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CNR: KAHC010044392019

NC: 2026:KHC:52464
WP No. 9515 of 2019
C/W WP No. 9514 of 2019
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25. Before concluding, this Court is also constrained to deal with the question of costs. The imposition of costs in the present case is not merely on account of the petitioners having exercised their statutory remedies. The petitioners were parties to the earlier proceedings in W.P.No.7124/1999 and connected matters and had suffered an order wherein this Court had categorically declared that they had no legal right to continue in possession and that they were unauthorised occupants.

26. Notwithstanding the aforesaid adjudication, the petitioners, while contesting the proceedings before the Estate Officer, raised objections which sought to reopen issues that already stood concluded. Paragraph Nos.2 to 4 of the objections are relevant and are extracted hereunder:

"2. This Hon'ble Authority had no jurisdiction to issue any notice when there was no termination of tenancy and petition seeking eviction of the respondents from the petitioners.

3.The Respondent is occupying the premises lawfully and has been regularly paying monthly rent to the Muzrai Assistant Commissioner, Bangalore. Therefore, the question of initiating proceedings under the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act does not arise.

4.The property is not a public premises. It does not belong to Government or any Public Authority. The property

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CNR: KAHC010044392019

NC: 2026:KHC:52464
WP No. 9515 of 2019
C/W WP No. 9514 of 2019
WP No. 9516 of 2019

belongs to Sri Raya Raya Choultry which is a Public Charitable Trust. Therefore the property cannot be regarded as public premises at all. Therefore any recourse to the Karnataka Public Premises (Eviction of Unauthorised Occupants) is bad and illegal."

(Emphasis supplied)

27. The aforesaid objections assume significance in the light of the binding adjudication already made by this Court. The petitioners had already been declared to be unauthorised occupants. The proceedings before the Estate Officer were initiated pursuant to the express liberty granted by this Court to the respondents to proceed under the 1974 Act. In such circumstances, the attempt to once again contend that the petitioners were lawful occupants, that there was no occasion to invoke the 1974 Act and that the premises did not constitute public premises was wholly inconsistent with the earlier adjudication.

28. It is also material that the petitioners are commercial entities and that the premises were originally leased to commercial establishments. The petitioners have continued to remain in occupation notwithstanding the absence of any subsisting legal right recognised by this Court. The continued



CNR: KAHC010044392019

NC: 2026:KHC:52464
WP No. 9515 of 2019
C/W WP No. 9514 of 2019
WP No. 9516 of 2019

occupation for nearly 26 years, despite the order passed in the earlier round of litigation, has prevented the respondent authorities from effectively utilising the premises or securing appropriate revenue therefrom.

29. This Court cannot lose sight of the fact that the statutory proceedings were initiated pursuant to the directions issued in the earlier writ petitions. The petitioners were afforded an opportunity to contest the proceedings, availed themselves of the same and thereafter pursued the appellate remedy and the present writ proceedings. While the right to avail a statutory remedy cannot, by itself, constitute a ground for imposing costs, the nature of the objections raised, viewed against the background of the earlier binding adjudication and the prolonged unauthorised occupation of public premises, warrants an order of costs.

30. The conduct of the petitioners has resulted in the continued occupation of valuable public premises for an extended period, notwithstanding the categorical declaration made by this Court that they had no legal right to continue in possession. The photographs now placed before this Court

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CNR: KAHC010044392019

NC: 2026:KHC:52464
WP No. 9515 of 2019
C/W WP No. 9514 of 2019
WP No. 9516 of 2019

further demonstrate that the premises are in a dilapidated and unused condition. In these peculiar circumstances, the Court is of the considered view that the writ petitions deserve to be dismissed with costs.

31. Accordingly, for the reasons stated above, the writ petitions are liable to be dismissed. The respondents shall also take immediate steps to secure possession of the petition premises and determine and recover damages in accordance with the provisions of the 1974 Act.

32. Hence, the following:

ORDER

i. The writ petitions are dismissed with costs of Rs.1,00,000/- (Rupees One Lakh only) on each petitioner. The costs shall be paid to respondent No.1-Muzrai Department within a period of four weeks from the date of receipt of a certified copy of this order.

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CNR: KAHC010044392019

NC: 2026:KHC:52464
WP No. 9515 of 2019
C/W WP No. 9514 of 2019
WP No. 9516 of 2019

ii. The respondents shall ensure that possession of the petition premises is taken forthwith, in accordance with law.

iii. The respondents shall determine the damages payable by the petitioners in accordance with the provisions of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974, and shall take appropriate steps for recovery of such damages, strictly in accordance with law, so as to safeguard and recover the loss caused to the public exchequer.

No order as to costs in respect of the other proceedings.

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(SACHIN SHANKAR MAGADUM)
JUDGE

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List No.: 1 SI No.: 4