



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 3208 OF 2025 (LA-RES)

BETWEEN:

1. SRI. M. SATHISH KUMAR,
AGED ABOUT 62 YEARS,
S/O LATE P. MAHALINGAPPA,
2. MR. SHANKAR,
AGED ABOUT 46 YEARS,
S/O LATE P. MAHALINGAPPA,
3. C. MADHUKAR,
AGED ABOUT 46 YEARS,
S/O LATE P. CHAMMARASAPPA,

ALL ARE R/AT NO.1463,
FORT STREET, VIJAYAPURA,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT -562135

...PETITIONERS

(BY SRI. C M NAGABUSHANA., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
DEPARTMENT OF PUBLIC WORKS DEPARTMENT,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
M. S. BUILDING, AMBEDKAR VEEDHI ROAD,
BENGALURU -560001.

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by VIJAYA P
Location:
HIGH COURT
OF
KARNATAKA



2. CHIEF ENGINEER,
PUBLIC WORKS DEPARTMENT,
PWD ANNEX BUILDING,
SHESHADRI ROAD, NEAR K. R. CIRCLE,
AMBEDKAR VEEDHI,
BENGALURU -560001.
3. EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT,
PWD ANNEX BUILDING,
SHESHADRI ROAD, NEAR K. R. CIRCLE,
AMBEDKAR VEEDHI,
BENGALURU -560001.

...RESPONDENTS

(BY SRI. HARISHA A.S., AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTION RESTRAINING THE RESPONDENTS FROM INTERFERING WITH THE PETITIONER'S PEACEFUL POSSESSION AND ENJOYMENT OF THE SCHEDULE PROPERTY IN ANY MANNER INCLUDING THE DEMOLISHING OF THE STRUCTURE STANDING IN THEREON OR UTILIZATION OF THE SCHEDULE PROPERTY, OTHER THAN THROUGH DUE PROCESS OF LAW AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV



ORAL ORDER

The petitioners have sought for issuance of writ and necessary direction restraining the respondents from interfering with the petitioners' peaceful possession and enjoyment of the scheduled property and have also sought for an order of restraint against the respondents from demolishing the structure of the petitioners' property, more fully described in the schedule. The petitioners have also sought for an appropriate writ against the respondents restraining them from utilising the property of the petitioners without following due process of law.

2. It is the case of the petitioners that they are absolute owners of the scheduled property and they have been enjoying all rights as owners since execution of sale deed dated 30.01.2015. It is further submitted that the Vijayapura Town Municipality has registered katha in the name of the petitioners and that the property is assessed to tax. It is further asserted that the petitioners have obtained license from the Deputy Commissioner,



Bangalore Rural for exhibiting cinemas in the theatre situated in the scheduled property.

3. It is the case of the petitioners that the respondent authorities are seeking to widen the road and in that process, there is an apprehension of the petitioners that the respondent authorities may seek to utilise the property of the petitioners without acquisition or following due process of law. It is further submitted that markings have been made on the property which could indicate intention of the respondents.

4. Learned Additional Government Advocate admits that the authorities are also of the view that there may be some encroachment of the right of way.

5. It must be noticed that if it is the case of the revenue authorities that there is encroachment by the petitioners of the right of way, which enquiry must be done under the provisions of Municipalities Act or under applicable law. Needless to state, any allegation or



assertion by the respondents regarding encroachment of public property by the petitioners would require holding of a duly constituted enquiry as per applicable law, with notice to the petitioners. Such enquiry must be as per the prescription under the applicable statutes and once such enquiry is made, the respondent-State would be in a position to ascertain whether in-effect there has been any encroachment.

6. If it is the private property of the petitioners that is required for the purpose of road widening, needless to state, the interference in the property rights can be made only by due process of law i.e., by acquisition under the applicable legislations.

7. Without following the procedures prescribed above, question of interfering with the petitioners' property would not arise. Accordingly, petition is disposed of. The respondent authorities are restrained from interfering with the possession of the petitioners' property



except as per procedure stipulated under law and by resort to procedure referred to above.

8. All contentions are kept open. Needless to state, the respondent - State is at liberty to resort to the procedures referred to above.

Accordingly, petition is ***disposed of.***

**SD/-
(S SUNIL DUTT YADAV)
JUDGE**

MCR