



CNR: KAHC010093232026

NC: 2026:KHC:43947-DB
CCC No. 165 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

CIVIL CONTEMPT PETITION NO.165 OF 2026

BETWEEN:

ATHMARAMAN M.S,
S/O M.SRINIVASAN,
AGED ABOUT 50 YEARS,
R/AT: 2ND CROSS,
EASTERN EXTENSION
NEHRUNAGARA,
KEB OFFICE ROAD,
MANDYA-571 401.

...COMPLAINANT

(BY SMT.MAHESHWARI M., ADVOCATE)

AND:

1. DR.KUMARA, IAS
DEPUTY COMMISSIONER,
MANDYA DISTRICT,
MANDYA-571 401.
2. SMT.PUMPASHREE U.P,
CITY MUNICIPAL COUNCIL,
MANDYA DISTRICT,
MANDYA-571 401.

...ACCUSED

3. THE STATE OF KARNATAKA,
REP. BY ITS SECRETARY,
DEPARTMENT OF REVENUE,
M.S.BUILDING,
BENGALURU-560 001.

...PROFORMA RESPONDENT

(BY SMT.B.SUKANYA BALIGA, AGA FOR
PROFORMA RESPONDENT AND A1;
SMT.VAISHALI HEGDE, ADVOCATE FOR A2)

Digitally
signed by K S
RENUKAMBA
Location:
High Court of
Karnataka



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THIS CIVIL CONTEMPT PETITION IS FILED UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURT ACT, 1971 R/W ARTICLE 215 OF THE CONSTITUTION OF INDIA PRAYING TO PUNISH THE ACCUSED FOR THE OFFENCE OF CONTEMPT OF COURT IN NOT OBEYING THE ORDER PASSED BY THIS HON'BLE COURT IN W.P.NO.28116/2023 (LB-RES) DATED 14.08.2025 VIDE ANNEXURE-A AND TO PASS SUCH OTHER ORDERS AS ARE JUST AND PROPER IN THE FACTS AND CIRCUMSTANCE OF THE CASE.

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

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL ORDER

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

Heard learned Counsel for the complainant and learned Counsel appearing for accused No.2.

2. This contempt petition is filed alleging contempt of the order dated 14.08.2025 passed in W.P.No.28116/2023. The operative part of the order reads as follows:

"ORDER

The writ petition is disposed of with a direction to respondent nos.1 and 2 to hear all the affected parties and thereafter initiate appropriate action in accordance with law in respect of the alleged illegal construction and usage of properties situated in 2nd Cross, Nehrunagara, K.E.B. Office Road, Mandya, as expeditiously as possible."



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3. A counter affidavit has been filed on behalf of accused No.2 wherein it is stated that pursuant to the directions of this Court, a final notice dated 17.12.2025 under Section 256 of the Karnataka Municipalities Act, 1964 was issued to all the tenants who were carrying on illegal commercial activities and businesses in residential properties ***and those encroaching the footpath¹***. Reference has been made to the provision of Section 256 of the aforesaid Act, 1964. The notice further stated that despite several prior notices to the tenants, they had failed to clear the footpath of their businesses and commercial activities. Accordingly, they were informed to immediately vacate or stop commercial activities in the said residential property, failing which appropriate legal action would be initiated against them. A spot inspection was also conducted by the officials of CMC Mandya on 18.03.2026, during which it was found that the illegal shops and commercial businesses were still operating, following which the officials shut down and sealed the premises.

¹ See paragraph No.8 herein



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4. It is further stated that one Sri.Chikkabommaiah on 27.03.2026 filed O.S.No.252/2026 before the Principal Civil Judge and JMFC, Mandya against CMC Mandya praying for permanent injunction for restraining CMC Mandya or its agents from interfering with his peaceful possession and enjoyment of the property. The said Sri Chikkabommaiah is the owner of one of the buildings where commercial activity was permitted to be carried out without license or permission, even though the premise was a residential one. It is stated that on 02.05.2026, an order was issued to the staff of the MCM stating that a team will be deployed to take part in the eviction operation of unauthorised businesses and all shops were shut down as per the official order and a report along with the photographs was submitted to the Additional Registrar of Enquiries, Lokayukta. It is stated that on 11.05.2026, two injunction suits in O.S.No.404/2026 and O.S.No.405/2026 were moved before vacation Judge, Mandya by two tenants of the unauthorized buildings namely Sri Bharath M.S. and Sri Siddartha.S. praying for permanent injunction. An ex-parte interim injunction was granted on 14.05.2026 restraining the CMC, Mandya or its agents from 'alienating' the suit schedule property.



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5. It is therefore stated that accused No.2 has been prompt, diligent and has been taking continuous steps to enforce the directions of this Court.

6. Learned Counsel for the complainant however states that due steps as was required to be taken as per the order of the Court, has not been taken.

7. We however find from the affidavit, in respect of which no response has been filed by the complainant that accused No.2 has demonstrated substantial compliance of the order and it is only due to the temporary injunction granted by the Civil Court, that further proceedings are held up. We have no doubt in our mind that accused No.2 shall ensure that the directions of this Court passed from time to time shall be brought to the notice of the trial Court in all the suits that have been filed by the persons carrying on impermissible activities in the properties that are the subject matter of the writ petition.

8. It is also pertinent to mention here that the right to walk on demarcated footpaths has been recognized by the Supreme Court as a fundamental right².

² Maniyar Iliyaz v. P.Ayyappan [2026 SCC Online SC 1162]



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9. In view of the aforesaid facts and circumstances,
we consign this petition.

**Sd/-
(JAYANT BANERJI)
JUDGE**

**Sd/-
(TARA VITASTA GANJU)
JUDGE**