



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 3RD DAY OF JUNE, 2026
PRESENT
THE HON'BLE MR. JUSTICE S.G.PANDIT
AND
THE HON'BLE DR. JUSTICE K.MANMADHA RAO
WRIT PETITION NO. 8765 OF 2023 (S-KSAT)

BETWEEN:

THE REGISTRAR
KARNATAKA LOKAYUKTA
M S BUILDING
BENGALURU-560001.

...PETITIONER

(BY SRI. K PRASANNA SHETTY, ADV.)

AND:

1. SRI. B P VIJAYA KUMAR
S/O LATE PAPEGOWDA,
AGED ABOUT 65 YEARS,
RETIRED ASST. EXECUTIVE ENGINEER,
R/AT NO.15, 12TH BLOCK,
SRIRAMPURA, 2ND STAGE,
MYSORE-570023.
2. THE STATE OF KARNATAKA
REPT. BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF PUBLIC WORKS,
PORTS AND INLAND WATER TRANSPORT,
M S BUILDING
BENGALURU-560001.
3. THE STATE OF KARNATAKA
REPT. BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF URBAN DEVELOPMENT



VIKASA SOUDHA
BENGALURU-560001.

...RESPONDENTS

(BY SRI. SATISH K., ADV. FOR R1
SRI HARISHA A S, AGA FOR R2 & R3)

THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO WHEREFORE IT IS RESPECTFULLY PRAY THAT THIS COURT BE PLEASED TO CALL FOR THE RECORDS IN APPLICATION NO.3848/2019 ON THE FILE OF THE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BANGALORE AND BE PLEASED TO A) ISSUE AN ORDER OR DIRECTION OR A WRIT IN THE NATURE OF CERTIORARI TO QUASH/SET-ASIDE THE ORDER DATED 28.07.2021 PASSED IN APPLICATION NO. 3848/2019 PASSED BY THE KARNATAKA ADMINISTRATIVE TRIBUNAL, BENGALURU (ANNEXURE-C) AND ETC.

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

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL ORDER

(PER: HON'BLE MR. JUSTICE S.G.PANDIT)

The Karnataka Lokayukta represented by its Registrar is before this Court, questioning the order dated 28.07.2021 in Application No.3848/2019 whereunder the entrustment of enquiry by Government Order dated 30.04.2019 insofar as respondent No.1 is quashed, observing that no notice was issued to respondent No.1



enclosing the copy of complaint under Section 9(3) of Karnataka Lokayukta Act, 1984 (for short "1984 Act").

2. Heard Sri.K.Prasanna Shetty, learned counsel for the petitioner, Sri.K.Satish, learned counsel for respondent No.1 and Sri.Harisha A.S., learned AGA for respondents No.2 and 3. Perused the entire writ petition papers.

3. Learned counsel Sri.K.Prasanna Shetty appearing for petitioner would submit that initially there was complaint against one Sri.Nissar Ahamed Khan, Executive Engineer, BBMP, Sri.M.Basavaraju, Assistant Executive Engineer, BBMP and Sri.N.Kadaripathi, Assistant Engineer, BBMP in respect of unauthorized construction. It is submitted that during investigation and while submitting report under Section 12(3) of 1984 Act to the State, the role of respondent No.1 was found and notice was issued at that stage. However, it is submitted that respondent No.1 submitted his reply dated 24.03.2017 at the stage of Section 9(3) proceedings, as such he submits that the



same would suffice the requirement of Section 9(3) of 1984 Act. Further, learned counsel would submit that in respect of other 3 delinquent officials, the writ petition filed by them is withdrawn and enquiry is being proceeded against them. Further, learned counsel would point out that the Tribunal is not justified in observing that no notice was issued to respondent No.1, while quashing the order of entrustment of enquiry. He submits that when respondent No.1 has submitted his reply dated 24.03.2017 (Annexure-A3) it is deemed that notice has been served on respondent No.1. Thus, he would pray for setting aside the impugned order passed by the Tribunal and seeks permission to proceed in pursuance of the order of entrustment of enquiry dated 30.04.2019.

4. Per contra, learned counsel Sri.K.Satish for respondent No.1 would contend that there was no complaint against respondent No.1 and he was not in picture at the stage of Section 9(3) proceedings. Further, he submits that when role of respondent No.1 was found



during the course of investigation, enquiry against respondent No.1 was also recommended. It is his categorical submission that no notice whatsoever was issued to respondent No.1 at the stage of proceedings under Section 9(3) of 1984 Act. Thus, he supports the findings of the Tribunal and further submits that there is no order to issue notice under Section 9(3) of 1984 Act by Upa Lokayukta to respondent No.1. Thus, he would pray for dismissal of the writ petition.

5. Having heard the learned counsel for the parties and on perusal of the entire writ petition papers, the only point which falls for our consideration is as to whether in the facts and circumstances of the case, the impugned order passed by the Tribunal warrants interference?

6. Answer to the above point would be in the negative for the following reasons:

It is an admitted fact that initially there was no complaint against respondent No.1 whereas the complaint



was against one Sri.Nizar Ahmed Khan, Executive Engineer, BBMP, M.Basavaraj, Assistant Executive Engineer, BBMP and Sri.Kadaripathi, Assistant Engineer, BBMP. Under Section 9(3) of 1984 Act, the copy of complaint against those three persons was forwarded and at that stage, respondent No.1 was not issued with any notice or copy of complaint was forwarded, since there was no complaint against him. Learned counsel for the petitioner-Lokayukta categorically submits that during the course of submission of Section 12(3) report, it was found that respondent No.1 is also a party in respect of unauthorized construction and it was felt that enquiry against the role of respondent No.1 is also necessary.

7. The submission of the learned counsel would indicate that when the role of respondent No.1 was found at the stage of submitting report under Section 12(3) of 1984 Act would mean that there was no complaint against respondent No.1 initially and no notice enclosing a copy of the complaint under Section 9(3) of 1984 Act was issued



to him. Though respondent No.1 submitted his reply on 24.03.2017, there was no complaint against respondent No.1 as on that date. The Tribunal is justified in observing that there was no notice issued under Section 9(3) of 1984 Act, enclosing copy of complaint against respondent No.1.

8. In that light of the matter, we are not inclined to interfere with the order passed by the Tribunal. Accordingly, the writ petition stands rejected.

SD/-
(S.G.PANDIT)
JUDGE

SD/-
(DR.K.MANMADHA RAO)
JUDGE