



CNR: KAHC010200732022

NC: 2026:KHC:39508
WP No. 8857 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 8857 OF 2022 (GM-BWSSB)

BETWEEN:

SMT CHANDA SALARIYA
W/O LATE ASHOK SALARIYA
AGED ABOUT 67 YEARS
R/AT KATHA NO 82/2
NAGAVARAPALYA MAIN ROAD
C V RAMAN NAGAR, WARD NO.57
BENGALURU - 560 093.

...PETITIONER

(BY SRI. M.U. NAREN SHAKTI SWARUP., ADVOCATE FOR
SRI. UMA SHANKAR M.N., ADVOCATE)

AND:

1. THE CHAIRMAN
BENGALURU WATER SUPPLY
AND SEWERAGE BOARD
KAVERI BHAVAN, K G ROAD
BENGALURU -560 001.
2. THE ASSISTANT EXECUTIVE ENGINEER
(SOUTH AND EAST), 2 BENGALURU WATER
SUPPLY AND SEWERAGE BOARD
NO 583, 10TH MAIN ROAD
7TH CROSS, HAL 2ND STAGE
INDIRANA GAR
BENGALURU - 560 038.

...RESPONDENTS

(BY SRI. MONESH KUMAR K B.,ADVOCATE FOR R1 AND R2)



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THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE RECORDS OF THE PROCEEDINGS OF THE R-2 PASSED BY THE R-2 AND AFTER EXAMINING THE SAME QUASH AND SET ASIDE THE ORDER DATED.16.04.2022 PASSED BY THE R-2 AT ANNEXURE-A.

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

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

1. Petitioner claiming to be the owner of a residential property bearing No.82/2, Nagavarapalya, C.V. Raman Nagar, Bangalore-560093, is before this Court, being aggrieved by the communication dated 16.04.2022, produced at Annexure-A, in terms of which, the respondent No.2-Assistant Executive Engineer, BWSSB, has disconnected the water supply on the premise of there being an order passed in W.P.No.65163/2016 indicating violation of building bye-laws by the petitioner in not obtaining the occupancy certificate.
2. Learned counsel for the petitioner taking this Court through the records, more particularly, the order passed by the Co-ordinate Bench of this Court in W.P.No.65163/2016 and the order passed by the Division



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Bench of this Court in W.A.No.2250/2019, submits that the said writ petition and the writ appeal were required to be filed in view of alleged violation of building bye-laws by the petitioner while replacing a leaking roof of the old structure. He submits that the Division Bench of this Court had indeed directed the respondent-Commissioner to exercise the power under Sub-Section (3) of Section 321 of the Karnataka Municipal Corporations Act, 1976 which has not concluded yet. He however submits that the respondent No.2-Assistant Executive Engineer, BWSSB, misreading the facts and circumstances and the orders passed by the Co-ordinate Bench of this Court and the Division Bench of this Court, has prompted himself to issue communication unilaterally and arbitrarily, disconnecting the power without any authority of law. Hence, seeks for allowing of the appeal.

3. Learned counsel appearing for the respondent-BWSSB submits that the impugned communication has been issued in the light of observation made by this Court in the orders referred to therein. He however fairly submits



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that appropriate action, if any, would be taken upon completion of the proceedings as directed by the Division Bench of this Court.

4. Heard and perused the records.
5. There is no dispute of the fact that petitioner is in possession of the residential premises referred to hereinabove, photograph of which is also produced at Annexure-K.
6. The impugned communication dated 16.04.2022 as per Annexure-A refers to an observation made by the Co-ordinate Bench of this Court, which read as under:

" In the circumstances, this Court is of the opinion that till the case is decided by the Karnataka Appellate Tribunal and till the occupancy certificate is obtained by the 2nd respondent, the respondent nos.3 and 4 shall not provide water and electricity to the 2nd respondent. On the production of occupancy certificate by the 2nd respondent, respondent Nos.3 and 4 shall provide electricity and water connection to the premises of the 2nd respondent. With the above observation, the writ petition is disposed of"

7. This by itself would not give any reason, power and authority to the respondent No.2-Assistant Executive



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Engineer, BWSSB to on its own to take a drastic measure of disconnecting water and sewage connection.

8. It is an another question to consider whether the building of this nature requires occupancy certificate in terms of the building bye-laws contemplated under the Act.

9. Without even application of mind to that requirement of law, a bold adventurous step is being taken by the respondent No.2-Assistant Executive Engineer, BWSSB in threatening to disconnect the water and sewerage connection, which is given to an old residential building, disregard of basic human rights.

10. In that view of the matter, petition is ***allowed***.

Impugned communication dated 16.04.2022, produced at Annexure-A, in terms of which, the respondent No.2-Assistant Executive Engineer, BWSSB.

Sd/-
(M.G.S. KAMAL)
JUDGE