



CNR: KAHC010229222026

NC: 2026:KHC:45629
WP No. 10439 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 10439 OF 2026 (GM-PP)

BETWEEN:

SRI. H. T. SATISHCHANDRA
AGED ABOUT 50 YEARS
SLN MANAGEMENT SERVICE
#706, 2ND BLOCK, KRISHNA APARTMENT
AALI ASKAR ROAD
BENGALURU 560052

...PETITIONER

(BY SRI. CHANABASAPPA S N.,ADVOCATE)

AND:

CHIEF TRAFFIC MANAGER
BENGALURU METROPOLITAN
TRANSPORT CORPORATION,
CENTRAL OFFICE, SHANTHINAGAR,
BENGALURU- 560 027

...RESPONDENT

(BY SRI. B L SANJEEV., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 26/02/2026 PASSED IN KPP CASE NO. 01/2020, PENDING BEFORE THE FILE OF THE COMPETENT AUTHORITY AT BENGALURU VIDE ANNEXURE A AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



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ORAL ORDER

1. The petitioner is before this Court, seeking for the following reliefs:

A. Set aside the impugned order dated 26.02.2026 passed in KPP Case No.01/2020, pending before the file of the Competent Authority at Bengaluru vide Annexure-A;

B. Consequently allow the un-numbered applications dated 26.02.2026 filed under Section 151 and order XVIII Rule 17 of CPC vide Annexure-G and H.

C. Direct the Competent Authority at Bengaluru, to provide an opportunity for the petitioner to cross examine the Respondent in KPP Case No.01/2020 pending before it.

D. To pass any other order that this court deems fit to meet the ends of justice and equity.

2. The proceedings have been initiated under the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 (hereinafter referred to as "the Act"). The respondent-complainant has examined his witnesses and marked documents in support of his case. The matter was thereafter posted for cross-examination of the said witnesses.
3. The respondent therein, who is the petitioner before this Court, sought an adjournment. The Competent Authority, taking note of the order sheet and



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observing that the learned counsel appearing for the respondent had not been attending the proceedings regularly, declined the request and proceeded to post the matter for the respondent's evidence.

4. Thereafter, on 26.02.2026, an application was filed by the petitioner seeking reopening of the stage of cross-examination. When the matter was taken up, the Court enquired whether the petitioner was ready to undertake the cross-examination. Even at that stage, time was sought, with a request that the application be allowed and that cross-examination be undertaken on a subsequent date. The said application also came to be rejected.
5. The matter was thereafter posted for the petitioner's evidence. The petitioner did not lead evidence and, on 05.03.2026, sought a further adjournment. It is against the aforesaid orders that the petitioner has approached this Court.
6. There is no doubt that proceedings under the Act are intended to be summary in nature and that the Competent Authority is required to proceed with expedition. The summary character of the proceedings cannot, however, be understood as dispensing with the fundamental requirement of



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affording the affected party a reasonable opportunity to meet the case against him. Where the evidence of the complainant has already been recorded, an opportunity to cross-examine the witnesses, particularly where such cross-examination may have a bearing upon the ultimate determination of the petitioner's status as an unauthorised occupant, is a material procedural safeguard.

7. At the same time, the conduct of the petitioner cannot be ignored. The order sheet apparently indicates that repeated opportunities were sought and that the proceedings have been delayed on account of adjournments. The petitioner cannot be permitted to use the right of cross-examination as a means of protracting proceedings under a statute which expressly contemplates summary adjudication.
8. The issue before this Court, therefore, is required to be considered by balancing the petitioner's right to a fair opportunity to defend the proceedings against the requirement of expeditious disposal under the Act.
9. In the present case, learned counsel for the petitioner has made an express and unequivocal undertaking before this Court that, on the very next



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date on which the matter is posted, the petitioner shall commence the cross-examination of the complainant's witness/witnesses and shall continue with the cross-examination until its completion, without seeking any adjournment.

10. Having regard to the nature of the proceedings, and particularly since the consequence of the proceedings is the eviction of the petitioner from the public premises, this Court is of the considered view that the petitioner ought to be afforded one final opportunity to cross-examine the complainant's witness/witnesses, so that the petitioner's defence is placed on record after affording him a meaningful opportunity to test the evidence adduced against him.
11. Such opportunity, however, cannot be construed as conferring an unrestricted right to seek further adjournments. The indulgence granted by this Court is strictly conditional upon the undertaking given by learned counsel. The petitioner shall appear before the Competent Authority on the next date fixed for the purpose and shall commence and complete the cross-examination of the complainant's witness/witnesses without seeking any adjournment.



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The cross-examination shall continue from day to day, or on such consecutive dates as may be fixed by the Competent Authority, until completion.

12. Upon completion of the cross-examination, the proceedings shall thereafter continue from the stage at which they stand, and the petitioner shall not seek to reopen the matter on the ground that further opportunity is required, except for reasons wholly beyond his control and subject to the orders of the Competent Authority.
13. It is made clear that no opinion is expressed on the merits of the proceedings under the Act, and all contentions of the parties on merits are left open for consideration by the Competent Authority.
14. In view of the above, this Court is of the opinion that, while the Competent Authority was justified in being conscious of the repeated requests for adjournment and the requirement of expeditious disposal, one final opportunity deserves to be granted to the petitioner to complete the cross-examination, so that the proceedings culminate after the petitioner has had a reasonable opportunity to have his defence and challenge to the complainant's evidence placed on record.



15. Hence, this Court passes the following:

ORDER

- i) Writ petition is ***allowed.***
- ii) The impugned order dated 26.02.2026 passed in KPP Case No.01/2020 at Annexure-A is set aside. Though no relief has been sought for in respect of the order dated 05.03.2026 as regards posting the matter for arguments, considering that the stage of the cross examination of the complaint witness is being reopened, it is also necessary to permit the petitioner to lead his evidence in the matter. As such, the order dated 05.03.2026 posting the matter for arguments is also set aside.
- iii) The matter now being posted before the Competent Authority on 02.09.2026, the respondent shall keep the witness present on that date. The petitioner would be entitled to cross-examine the said witness on 02.09.2026.
- iv) In the event of the petitioner seeking for any adjournment before completion of the cross examination on any of the dates that the matter is posted for, the benefit which has been



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extended by this Court in the present order will stand automatically rescinded and the Competent Authority would be entitled to post the matter for the next stage.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

KTY
List No.: 1 Sl No.: 19