



CNR: KAHC010318192021

NC: 2026:KHC:52066-DB
WP No. 16012 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

WRIT PETITION NO. 16012 OF 2021 (LB-RES-PIL)

BETWEEN:

SRI. S. VASUDEVA
S/O K.B. SIDDESHWARA
AGED ABOUT 36 YEARS
RESIDING AT NEAR KANAKA CIRCLE
HOLALKERE ROAD
CHITRADURGA-577 501

...PETITIONER

(BY SMT. AKKAMAHADEVI HIEMATH, ADVOCATE)

AND:

Digitally signed
by PAVITHRA B
Location: HIGH
COURT OF
KARNATAKA

1. SRI. O. RAJANNA
S/O OBAIAH
AGED ABOUT 53 YEARS
R/AT RAMDAS COMPOUND
GOPALAPURA ROAD
CHITRADURGA TALUK AND
DISTRICT
CHITRADURGA-577 502
2. THE STATE OF KARNATAKA
REPRESENTED BY ITS
UNDER SECRETARY TO GOVERNMENT
TOWN PLANNING AND
DEVELOPMENT DEPARTMENT
VIKAS SOUDHA



**NC: 2026:KHC:52066-DB
WP No. 16012 of 2021**

CNR: KAHC010318192021

DR AMBEDKAR BEEDHI
BENGALURU-560 001

3. THE COMMISSIONER
CHITRADURGA TOWN MUNICIPALITY
CHITRADURGA DISTRICT-577 501

4. SRI. D. YASHODHARA
S/O DODDA THIMMAIAH
AGED ABOUT 55 YEARS
RESIDENT DISTRICT JANATADAL (SECULAR)
SANTHEPETE
CHITRADURGA-577 501

...RESPONDENTS

(BY SRI. S.R. KHAMROZ KHAN, AGA FOR R2;
SMT. SINCHANA M.R, ADVOCATE FOR R3 - [VC])

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO REVIEW THE FINAL ORDER DATED 05.01.2021 PASSED BY THIS HON'BLE COURT IN WP NO.4837/2020 (LB-RES-PIL) VIDE ANNEXURE-A AND CONSEQUENTLY ALLOW WP NO.4837/2020 (LB-RES-PIL) AS PRAYED FOR.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE T.P.VIVEKANANDA



CNR: KAHC010318192021

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

Heard the learned counsel for the petitioner as well as the learned counsel for respondent No.3/Municipality.

2. Though notice has been issued to respondent No.1, there is no appearance on behalf of respondent No.1 before us today.

3. The prayer in this writ petition is to review the final order dated 05.01.2021 passed in W.P.No.4837/2020 vide Annexure-A. We notice that Annexure-A is an order passed in the writ petition filed by respondent No.1 herein, seeking to take appropriate action against respondent No.3 for illegal construction of temporary commercial sheds in the schedule property.

4. Learned counsel appearing for the petitioner submits that the petitioner was not a party to the earlier writ petition and that the finding in paragraph 8 of the judgment in W.P.No.4837/2020 is incorrect and that the suit filed by



CNR: KAHC010318192021

respondent No.3 therein, was not a title suit but was only one for injunction.

5. It is submitted that the said error has vitiated the judgment and since the petitioner was not a party to the earlier petition, there is no scope for review as well.

6. The learned counsel relies on the judgment of the Hon'ble Apex Court in the case of ***Shivdev Singh and Others vs. State of Punjab and Others***, reported in ***AIR 1963 SC 1909***, paragraph 10 of which reads as follows:

"10. The other contention of Mr Gopal Singh pertains to the second order of Khosla, J., which, in effect, re-views his prior order. Learned counsel contends that Article 226 of the Constitution does not confer any power on the High Court to review its own order and, therefore, the second order of Khosla, J., was without jurisdiction. It is sufficient to say that there is nothing in Article 226 of the Constitution to preclude a High Court from exercising the power of review which inheres in every Court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. Here the previous order of Khosla, J., affected the interests of persons who were not made parties to the proceeding before him. It was at their instance and for giving them a hearing that Khosla, J., entertained the second petition. In



CNR: KAHC010318192021

doing so, he merely did what the principles of natural justice required him to do. It is said that the respondents before us had no right to apply for review because they were not parties to the previous proceedings. As we have already pointed out, it is pre-cisely because they were not made parties to the previous proceedings, though their interests were sought to be affected by the decision of the High Court, that the second application was entertained by Khosla, J."

7. Learned counsel appearing for respondent No.3/Municipality submits that the dispute between the two political parties which was the subject matter of O.S.No. 47/2020 is still pending and that action had been taken in terms of Section 187 of the Karnataka Municipalities Act, 1964 has been initiated and is still pending.

8. Having considered the contentions advanced, we notice that the Annexure-A judgment was rendered in a writ petition filed seeking action against respondent No.3 i.e. respondent No.5 herein, for the illegal construction of temporary commercial sheds.

9. After referring to the contentions, it was recorded in paragraph 8 of W.P.No.4837/2020 as follows:



CNR: KAHC010318192021

"8. Having been heard the learned Counsel and the learned Senior Counsel for the respective parties, at the outset, we express our doubt as to whether this could be a public interest litigation at all, as during the course of submissions, it was also brought to our notice that there is a title dispute with regard to the schedule property. We also note that OS No.47 of 2020 is pending between Chitradurga District Congress Committee and Others Vs District Janata Dal (Secular) regarding the title of the schedule property."

10. However, thereafter, it was clearly found that, since action had been initiated by respondent No.2/Municipality under Section 187 of the Karnataka Municipalities Act and since respondent No.3 has a remedy under the provisions of the said Act, the writ petition was disposed of accordingly, reserving liberty to respondent No.3 to take further action in accordance with law.

11. Having considered the contentions advanced as well as the grounds raised in this writ petition, we are of the opinion that the fact that paragraph 8 of the judgment in W.P.No.4837/2020 records that a title suit is pending has made no difference to the final adjudication in the matter.



**NC: 2026:KHC:52066-DB
WP No. 16012 of 2021**

CNR: KAHC010318192021

12. In the circumstances, we are of the opinion that there is absolutely no ground made out for review of the said judgment, even if, such a prayer is maintained.

13. In the above view of the matter, the present writ petition fails and the same is accordingly ***dismissed***.

14. This order shall be without prejudice to the right of the petitioner to raise all contentions in appropriate proceedings, in accordance with law.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(T.P.VIVEKANANDA)
JUDGE**

SMC
List No.: 1 Sl No.: 8