



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 14540 OF 2022 (LB-UC)

BETWEEN:

B.K. PRAVEEN KUMAR
S/O B M KRISHNAPPA
AGED ABOUT 39 YEARS,
R/AT NO.407/9,
B M KRISHNAPPA VATARA
HOMMADEVANAHALLI VILLAGE
BEGUR HOBLI BANNERUGHATTA ROAD
BENGALURU SOUTH TALUK
BENGALURU -560083
MOBILE NO.8105039999
PRACTICING ADVOCATE
AADHAR NO.962706901872

...PETITIONER

(BY SRI. ABHINAY Y T, ADVOCATE A/W
SRI. BYRE GOWDA N, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY
GOVERNMENT DEPARTMENT
OF PRIMARY AND SECONDARY
EDUCATION DEPARTMENT
6TH FLOOR M S BUILDING K R CIRCLE
DR B.R. AMBEDKAR VEEDHI
BENGALURU -560001

Digitally
signed by
NIRMALA
DEVI

Location:
HIGH
COURT OF
KARNATAKA



2. DODDATHOGURU VILLAGE PANCHAYAT
ELECTRONIC CITY POST
DODDATHOGURU
BENGALURU 560100
REP BY ITS SECRETARY
3. THE PANCHAYATH DEVELOPMENT OFFICER
DODDATHOGURU VILLAGE PANCHAYATH
BENGALURU SOUTH TALUK
BENGALURU 560100
4. M VENKATASWAMY
S/O MUNISWAMY
AGED ABOUT 58 YEARS,
R/AT CHAITRASREE MEADOWS
NEAR H P PETROL BUNK
MYLASAMDARA
BENGALURU -560058
5. JNANABINDU SCHOOL
HOMMADEVANAHALLI
BANNERGHATTA ROAD
BEGUR HOBLI
BENGALURU -560083
REP BY ITS HEAD MASTER
SMT KAVITHA M VENKATASWAMY
6. THE BLOCK EDUCATION OFFICER
55/55, 9TH MAIN ROAD, KEB COLONY
NEW GURAPPANA PALYA, BTM LAYOUT
BENGALURU 560029.
7. THE COMMISSIONER
DEPARTMENT OF PUBLIC INSTRUCTIONS
GOVERNMENT OF KARNATAKA
NRUPATHUNGA ROAD
BENGALURU -560001
8. THE DEPUTY DIRECTOR
DEPARTMENT OF PUBLIC INSTRUCTION



URBAN SOUTHERN DISTRICT
KALASIPALYA BENGALURU -560002

...RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA FOR R1, R6 TO R8
SRI. JAYAKUMAR S PATIL, ADVOCATE A/W
SRI. VARUJ J PATIL, ADVOCATE FOR R4 & R5)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS AND DIRECT THE RESPONDENT NOS.1 TO 3 TO TAKE NECESSARY ACTION AGAINST 4TH AND 5TH RESPONDENTS - M. VENKATASWAMY FOR HAVING CONSTRUCTED AN ILLEGAL BUILDING AND CONSIDER THE REPRESENTATION DATED 19/03/2022 (ANNEXURE-H) AND ETC.

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

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

(PER: HON'BLE MR. JUSTICE C.M. POONACHA)

1. The present Public Interest Litigation is filed seeking for the following reliefs:

a) Issue a writ of mandamus and direct the respondent's No. 1 to 3 to take necessary action against 4th and 5th respondents-M. Venkataswamy for having constructed an illegal building; and consider the representation dated 19th March 2022 (ANNEXURE-J)

b) Issue a writ of mandamus and direct the respondents No.6 to 8 to take necessary steps to remove recognition/affiliation granted to the 4th and 5th respondents



school until their school building is made in compliance orders passed in Writ Petition (Civil) No.483 of 2004 by the Hon'ble Supreme Court; (ANNEXURE-G) and

c) Issue any other writ, Order or Directions, as this Hon'ble Court deems fit to grant in the circumstances of the case, including the costs of this Writ Petition, in the interest of justice and equity.

2. It is the case of the petitioner that he is a public-spirited person and that respondent Nos.4 and 5 have put up construction allegedly, illegally and unauthorisedly in property bearing Khata No.91/2/2 measuring East to West 90 feet and North to South 40 feet, totally measuring 3600 square feet in Hommadevanahalli Village, Bengaluru South Taluk [**subject property**].

3. It is further alleged that the ground floor and six upper floors have been constructed in the subject property, as well as the seventh floor, which is made of an iron roof sheet. It is further averred that the petitioner had filed W.P. No.47582/2017 (LB-RES), which was disposed of by order dated 27.09.2019 by the learned Single Judge. The said order was the subject matter of Writ Appeal No.4029/2019 [LB-RES], which was disposed of by a Co-ordinate Bench of the Court by Order dated 02.03.2022. It is alleged that, despite a representation dated 19.03.2022 given by the petitioner to the respondent No. 3, Panchayat Development Officer, the



school continues to operate in an unlawfully constructed building, which harms the interests of the students studying at the said school.

4. Respondent Nos. 4 and 5 have entered appearance and filed a statement of objection, wherein it is *inter alia* alleged that the present petition is politically motivated. It is averred that respondent No. 5 - Institution has been functioning since 2004-05, and almost 650 students are pursuing their education at the said institution. It is further averred that initially the sanction plan was applied to construct ground and three upper floors, which was granted by the respondent No.3- Panchayat. Subsequently, permission was sought to construct the fourth and fifth floors to the existing three-storied building, which was also sanctioned by the respondent No.3- Panchayath. That respondent No.7 - Commissioner, Department of Public Institutions has granted permission vide letter dated 13.04.2011 to start 8th to 10th standard. Permission is also given to start English Medium classes for 1st to 5th standard vide letter dated 03.12.2015 and respondent No.5 was also permitted by respondent No.8-Deputy Director, Department of Public Instruction to commence English Medium Classes without aid for 6th to 8th



standard vide Order dated 25.06.2016. That respondent No.8 - Deputy Director, Department of Public Instruction, had issued a notice dated 13.04.2023 calling upon the respondent No.5 - Institution to produce documents with regard to the permission obtained for the construction of the building. Accordingly, the institution vide its reply dated 13.06.2023 responded to the said notice along with all the documents including sanction plan, payment of taxes etc.

5. It is stated that the Public Works Department [PWD] has also certified that the building is structurally stable and built in accordance with the National Building Code of India. The Chief Fire Officer issued a fire safety compliance report in 2021. It is averred that all the requisite statutory permissions for the construction carried out in the subject property, as well as the running of the educational institution, have been obtained and the same have been renewed periodically. Hence, the said respondents seeks for dismissal of the present petition.

6. It is forthcoming that the writ petitioner had preferred W.P. No.47582/2017. A learned Single Judge of this Court by the order dated 27.09.2019, allowed the Writ Petition and directed the



Panchayath to consider the representation of the Writ petitioner and take necessary action under Section 64 of The Karnataka Gram Swaraj And Panchayat Raj Act, 1993 [**Act**] after giving notice to the private respondents. The same was the subject matter of challenge in W.A. No.4029/ 2019. A Coordinate Bench of this Court vide order dated 02.03.2022 set aside the order passed by the learned Single Judge, *inter alia*, on the ground that disputed questions of fact arise for adjudication and since the writ petitioner has a remedy under the Act, liberty was reserved to the panchayath to take recourse to such remedy as may be available in law.

7. Subsequent to the disposal of the appeal, the petitioner gave a representation dated 19.03.2022 to the Panchayath. Thereafter, the Panchayath by a letter dated 13.04.2023 has called upon the Institution to furnish documents relating to construction of the school building, approved blueprint of the school building and other documents of ownership/rent/lease of the building, tax paid receipt etc. Accordingly, the respondent No.5-institutionfurnished its reply together with all relevant documents.



8. As noted above, various permissions from statutory authorities have been furnished to enable the respondent No. 5 - institution to function in the building constructed on the subject property. Hence, no orders are required to be passed in the present writ petition. Accordingly, the present petition is dismissed.

9. Needless to state, this order shall not preclude the statutory authorities from taking such action in accordance with law, in the event that there are any infractions of statutory stipulations.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**

BS
List No.: 1 SI No.: 13