



CNR: KAHC010428892024

NC: 2026:KHC:43776-DB
WP No. 20910 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE R DEVDAS

AND

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

WRIT PETITION NO. 20910 OF 2024 (S-KSAT)

BETWEEN:

VISHWAS I.K.
S/O KRISHNE GOWDA I.H.
AGED ABOUT 38 YEARS
PRESENTLY WORKING AS
ASSISTANT ENGINEER
OFFICE OF EXECUTIVE ENGINEER
DR. SHIVARAMA KARANTHA LAYOUT
SUB-DIVISION-2
BANGALORE DEVELOPMENT AUTHORITY
BANGALORE, RESIDING AT FLAT NO 408
KUMAR PARADISE APARTMENT
B P WADIA ROAD, BASAVANAGUDI
BANGALORE - 560 004.

...PETITIONER

(BY SRI MADHU C.S., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY TO
THE GOVERNMENT DEPARTMENT OF
URBAN DEVELOPMENT, (BBMP)
GOVERNMENT OF KARNATAKA
VIDHANASOUDHA
BANGALORE - 560 001.

Digitally signed
by G
SHREERAKSHA
Location: HIGH
COURT OF
KARNATAKA



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2. THE COMMISSIONER
BBMP, BENGALURU
KARNATAKA - 560 001.
3. THE HON'BLE UPALOKAYUKTHA
KARNATAKA LOKAYUKTHA
BENGALURU - 560 001
REPRESENTED BY ITS REGISTRAR.

...RESPONDENTS

(BY SRI K.R. RAJENDRA, AGA FOR R1;
SRI B.L. SANJEEV, ADVOCATE FOR R2;
SRI. V. ENKATESH ARABATTI, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE
A WRIT OR ORDER OR DIRECTION PARTICULARLY IN THE
NATURE OF CERTIORARI, QUASHING THE IMPUGNED ORDER
OF THE TRIBUNAL IN APPLICATION NO.3227/2023 DATED
31/05/2024 VIDE ANNEXURE-E AND ALLOW THE APPLICATION.

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



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CORAM: HON'BLE MR. JUSTICE R DEVDAS
and
HON'BLE DR. JUSTICE K.MANMADHA RAO

ORAL ORDER

(PER: HON'BLE MR. JUSTICE R DEVDAS)

This writ petition is filed by the original applicant before the Karnataka State Administrative Tribunal in Application No.3227/2023 assailing the order passed by the Tribunal on 31.05.2024, dismissing the application.

2. Briefly, the facts leading to the petitioner filing the application before the Tribunal is that an order of entrustment of enquiry was passed by the disciplinary authority and the Upa-Lokayuktha appointed an Assistant Registrar to conduct the enquiry against the petitioner on the charges that as the jurisdictional Assistant Engineer, the petitioner did not take steps to prevent unauthorised construction of shops and toilets on the footpath and rents were collected from the public in respect of the said shops and toilets. However, it was contended by the petitioner



before the Tribunal that he was not the Assistant Engineer on 08.03.2012 when the work order was issued and he joined the duty as Assistant Engineer, Yeshwanthpura on 17.07.2012 and he continued to work as the Assistant Engineer, Yeshwanthpura till 27.12.2014. It was also contended by the petitioner that the construction of toilets were not unauthorised, since there was a work order issued by Executive Engineer, Rajarajeshwari Nagar division on 08.03.2012, as found at Annexure - A5 and the estimated cost was Rs.12,00,000/-. However, the Tribunal declined to accept the contentions of the petitioner on the ground that the petitioner did not subject himself for cross-examination before the disciplinary authority and, therefore, the documents got marked on behalf of the petitioner could not be taken into consideration having regard to the provisions of the Evidence Act.



3. In the considered opinion of this Court, if that was the finding of fact at the hands of the Tribunal, then it was a fit case to have remanded the matter back for fresh consideration from the stage of enabling the petitioner to be cross-examined by the respondents - authorities. This view of the Court stems from the fact that when official documents are tendered before the enquiry officer, it was the duty of the enquiry officer to have ascertained from the presenting officer as to whether the documents are official records. Without undertaking this exercise, the enquiry officer could not have declined to look into the statements made by the petitioner or to look into the documents produced by petitioner during the enquiry. On further enquiry, if it is found that the work order was initially issued, then the contention of the respondents that the construction of the toilets or shops were unauthorised may have to be disregarded.



4. For the reasons stated hereinabove, we proceed to **allow** the writ petition while setting aside the impugned order passed by the Karnataka State Administrative Tribunal in Application No.3227/2023 dated 31.05.2024.

5. The third respondent - Upa-Lokayuktha shall ensure that the enquiry is recommenced enabling the cross-examination of the petitioner. Needless to observe that if the petitioner or the second respondent - BBMP seek to place on record any other material in the form of evidence, the same shall be received in the enquiry. After reconsideration of the matter, the enquiry officer shall pass a fresh order in accordance with law. The petitioner is directed to appear before the enquiry officer on 15.09.2026 and the enquiry shall recommence on the said date. The enquiry shall be concluded as expeditiously as possible and, at any rate, within a period of 2 months from 15.09.2026. If the petitioner seeks to cross-examine the official witness, then the same shall also be permitted by



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the enquiry officer. Needless to observe that the petitioner shall co-operate with the enquiry and shall not take unnecessary adjournments.

Ordered accordingly.

**Sd/-
(R DEVDAS)
JUDGE**

**Sd/-
(DR.K.MANMADHA RAO)
JUDGE**

GSR
List No.: 1 Sl No.: 13