



CNR: KAHC010468562024

NC: 2026:KHC:45797-DB
WA No. 1220 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 1220 OF 2024 (LB-RES)

BETWEEN:

1. MR. CHANDRASHEKAR POOJARY
S/O CHINNAYYA POOJARY
AGED ABOUT 50 YEARS
RA/T VRINDAVANA
THRIUVALLI VILLAGE
MANGALORE TALUK 575028

...APPELLANT

(BY SRI. DHANANJAY KUMAR., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY
DEPARTMENT OF PANCHAYATH RAJ
AND RURAL DEPARTMENT
VIDHANA SOUDHA
BANGALORE 560001
2. THE PANCHAYATH DEVELOPMENT OFFICER
KANDAVARA VILLAGE PACHAYATH
KINNIKAMBLA POST
KOLAMBE VILLAGE
MANGALORE TALUK 574151
3. MR RATHNAKAR BHANDARY
S/O SUNDER BHANDARY
AGED ABOUT 53 YEARS

Digitally
signed by
VASANTHA
KUMARY B K
Location:
HIGH
COURT OF
KARNATAKA



CNR: KAHC010468562024

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WA No. 1220 of 2024

RA/T VEDA SUDNARA
NO 2/525/2
NEAR POLICE STATION BAJPE
MANGALORE 574151

...RESPONDENTS

(BY SRI. B.RAVINDRANATH, AGA FOR R1;
SRI. K.CHANDRANATH ARIGA, ADVOCATE FOR R2;
SRI. ASHWIN JOYSTON KTINHA, ADVOCATE FOR R3)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED
28.07.2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS
HONBLE COURT IN WP No-10138/2020 AND ALLOW THE WRIT
APPEAL WITH COST AS PRAYED FOR UNDER THE FACTS AND
CIRCUMSTANCES OF THE CASE.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present intra Court appeal has been filed impugning
the judgment and order dated 28.07.2022 passed by the writ
Court in W.P.No.10138/2020 instituted by respondent No.3
herein.

2. In the writ petition, the following prayers were sought
for:-



CNR: KAHC010468562024

*"(i) Issue writ of mandamus directing the 2nd respondent to implement the order dated **27.9.2017** and to consider the representation dated **13.2.2020** vide **ANNEXURES-A & B***

ii) Issue any other writ or order or direction which this Hon'ble Court deems fit and proper under the facts and circumstances of the case in the Interest of justice and equity."

3. The writ Court allowed the writ petition and directed the Panchayat Development Officer of Kandavara Village Panchayat to implement the order dated 27.09.2017 calling upon the appellant to remove the deviation, failing which, action will be taken for demolition of the extra construction without further notice.

4. The learned counsel for the appellant submits that the extra construction put up by him is within the limits, which can be compounded and in this regard the appellant has already moved an application for compounding the extra construction.

5. Sri. Chandranath Ariga learned counsel appearing for respondent No.2- the Panchayath Development Officer has filed a memo enclosing therewith an inspection report submitted by



CNR: KAHC010468562024

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WA No. 1220 of 2024

the Panchayat Development Officer of Kandavaram Grama Panchayat dated 21.08.2026. In pursuant to the order dated 08.04.2026 passed in the present appeal, notices were issued to the affected parties. The report dated 21.08.2026 would read as under:-

"ಸಂಖ್ಯೆ:ಗ್ರಾ.ಪಂ.ಕಂ:582/2026-2027

ದಿನಾಂಕ:21/08/2026

**Inspection Report submitted by the Panchayath
Development Officer of Kandavara Grama
Panchayat**

Inspection Report submitted by the Panchayath Development Officer of Kandavara Grama Panchayat after inspection of the upstairs building constructed in S.No. 6-2F/P110 of Kolambe Village in the property standing in the name of Sri Chandrashekara poojary, Respondent No. 3 as per the order in W.P.No. 1220/2024 (LB-RES) of the Hon'ble High Court of Karnataka, Bangalore dated 08-04-2026.

The undersigned Panchayath Developmemnt Officer along with the Grama Panchayath staff member and a private civil engineer visited the above property on 14-8-2026

after giving notice dated 12/08/2026 to the contesting parties. The property was measured and the



CNR: KAHC010468562024

**NC: 2026:KHC:45797-DB
WA No. 1220 of 2024**

construction was verified with reference to the building sanction plan No. 66/2018-19 dated 15-12-2018.

The property is enclosed by a compound wall. The set back on all four sides of the building are given with reference to the boundary walls on all four sides. On measurement, it was found as follows:

Public road is running on the northern side. On the western side set back from western boundary wall to the building is 4ft 3 in.

Set back on the Northern side from the boundary wall to the building at the north western side is 3ft 5" and at North eastern side is 6 ft 2 in.

Set back on the Eastern side from the eastern boundary wall to the building is 4 ft 5 inc on the northern side and 7 ft on the South eastern side.

Set back on the Southern side is from eastern boundary wall to the building is 4 ft 10 inch on the eastern side and 5.8" on the western side

All these measurements have been shown in the sketch attached to this report."

6. Thus the Panchayath Development Officer is of the view that the extra construction put up by the appellant is within the permissible limit of compounding.



**NC: 2026:KHC:45797-DB
WA No. 1220 of 2024**

CNR: KAHC010468562024

7. In view thereof, we **allow** this appeal and set aside the impugned judgment and order dated 28.07.2022 passed by the writ Court and direct respondent No.2 - the Panchayath Development Officer, Kandavara Village Panchayath, to consider the application dated 24.03.2023 and take a decision on the application within a period of one month from today to compound the extra construction put up by him in accordance with law, levy and recover the compounding fees.

8. Pending interlocutory applications, if any, stand disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**

NG
CT:SN
List No.: 1 SI No.: 10