



CNR: KAHC010526812026

NC: 2026:KHC:48264-DB
WA No. 1849 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT APPEAL NO. 1849 OF 2026 (GM-RES)

BETWEEN:

1. KYATHAMARANAHALLI SRI HULLIYAMMA
TEMPLE DEVELOPMENT TRUST (R),
NO.1627, TEMPLE PREMISES,
KYTHAMARANAHALLI KN PURA,
MYSURU-570 019,
REPRESENTED BY IT'S SECRETARY,
SRI. SHIVAKUMAR,
AGED ABOUT 58 YEARS,
S/O. SRI. MAHADEV.
2. SMT. CHANDRAMMA,
W/O. LATE SRI. MADAPPA,
NO.126, 6TH CROSS,
KYTHAMARANAHALLI KN PURA,
MYSURU-570 019.

...APPELLANTS

(BY SMT. LAKSHMI IYENGAR, SENIOR COUNSEL FOR
SRI. NISHANTH S.K., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY IT'S HOME SECRETARY,
VIDHANA SOUDHA,
BENGALURU-560 001.
2. DEPUTY COMMISSIONER,
MYSURU DISTRICT,



**NC: 2026:KHC:48264-DB
WA No. 1849 of 2026**

CNR: KAHC010526812026

KRISHNARAJA BOULVARD ROAD,
CHAMARAJAPURAM, MYSURU-570 005.

3. THE COMMISSIONER,
MYSURU CITY CORPORATION,
NEXT TO BANMAIAH COLLEGE,
SAYYAJI ROAD, AGRAHARA,
CHAMARAJAPURAM,
MYSURU-570 024.
 4. SRI. MUNARWAR PASHA,
S/O. SRI. ABDUL WAHEB,
AUTHORISED PERSON OF
HALEEMA SADIYA EDUCATION INSTITUTION AND
MASJID-E-SIDDIQUE-AKBAR TRUST,
O/AT NO.1/2A, 6TH CROSS,
GAYATHRIPURAM, 2ND STAGE,
KYATHAMARANAHALLI, UDAYAGIRI,
MYSURU-570 019.
 5. THE COMMISSIONER OF POLICE,
O/AT LOKARAJAN MAHAL ROAD,
DOORA MYSURU-571 010.
 6. THE STATION HOUSE OFFICER,
MAHADEVAPURA MAIN ROAD,
OPPOSITE SHANTHISAGAR,
UDAYAGIRI, MYSURU-570 019.
- ...RESPONDENTS

(BY SRI. K.S. HARISH, GOVERNMENT ADVOCATE FOR
R1 TO R3 AND R5 AND R6;
SRI. MOHAMMAD TAIR, ADVOCATE FOR C/R4)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT, 1961 PRAYING TO ALLOW THIS WRIT APPEAL
BY SETTING ASIDE THE FINAL ORDER DATED 09.03.2026 PASSED
BY THE LEARNED SINGLE JUDGE IN THE WRIT PETITION
NO.12834/2025 AND CONSEQUENTLY ALLOW THE SAID WRIT
PETITION NO.12834/2025 AND ETC.

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



CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. For the reasons stated in the application, I.A.No.1/2026, the same is allowed. The delay of 14 days in filing the appeal is condoned.
2. The appellants have filed the present appeal, impugning the order dated 09.06.2026 [**the impugned order**] passed by the learned Single Judge in W.P.No.12834/2025 [GM-RES], whereby the writ petition came to be dismissed. The appellants had filed the said writ petition, *inter alia*, impugning the order dated 02.04.2025, passed by the District Magistrate, Mysuru District, Mysuru. In terms of the said order, the City Police Commissioner, Mysuru City, was directed to provide the necessary police security arrangements for the smooth conduct of education at the Nursery Arabic School, situated at property Nos.1/2A and 1/3, 6th cross, Kyathamaranahalli main road, Gayathripuram 2nd stage, Mysuru City [**the subject property**]. The appellants also sought a direction to the concerned



**NC: 2026:KHC:48264-DB
WA No. 1849 of 2026**

police authorities [respondent Nos.5 and 6] to keep the premises locked and sealed. The subject property belongs to Aleema Sadiya Education Institution and Masjid-E-Siddique-E-Akbar Trust [the Trust].

3. The Trust had filed a writ petition [W.P.No.49775/2019], *inter alia*, seeking a direction to the police authorities not to interfere with its possession and use of the subject property and to provide sufficient security for the safety of the minority community. The said writ petition was disposed of by granting liberty to the petitioner therein to submit a detailed representation to the District Magistrate of the Mysuru City Corporation and directing the concerned authority to examine the same and pass appropriate orders within a period of twelve weeks, if not earlier.

4. Apparently, the aforesaid order was not complied with, which led the Trust to file a contempt petition [CCC No.523/2023]. The said contempt petition came to be dropped by a Co-ordinate Bench of this Court by order dated 03.04.2025. In the said proceedings, the learned Additional Government Advocate filed a memo along with a list of documents, including the order dated 02.04.2025



**NC: 2026:KHC:48264-DB
WA No. 1849 of 2026**

CNR: KAHC010526812026

passed by the District Magistrate, indicating that the order passed by the learned Single Judge had been complied with. The contempt proceedings were accordingly dropped.

5. The appellants filed the petition W.P.No.12834/2025, impugning the said order dated 02.04.2025.

6. The learned Senior Counsel appearing for the appellants submits that the learned Single Judge did not examine the challenge on its merits, but dismissed the writ petition on the ground that the issue was the subject matter of consideration by the Division Bench in CCC No.523/2023. The learned Single Judge also noted the daily order dated 18.03.2025 passed in CCC No.523/2023. In the said proceedings, a Co-ordinate Bench of this Court had observed that if any persons were causing obstruction and nuisance, it was the duty of the concerned authorities to remove such obstruction and nuisance, maintain law-and-order, and resolve the issues between the two factions in the local area of the Mysuru District. Taking cue from the said observations, the learned Single Judge declined to interfere with the order dated 02.04.2025 passed by the District Magistrate.



**NC: 2026:KHC:48264-DB
WA No. 1849 of 2026**

CNR: KAHC010526812026

7. The material facts which are not in dispute are that the Trust is in possession of the subject property. According to the Trust, it had obtained all necessary permissions from the statutory authorities for the construction of a Masjid and for operating a Madrasa therein from 22.11.2008. It is alleged that, in June 2009, some miscreants threw a pig's carcass into the subject property, which led to riots between the members of the two communities. The police authorities took immediate action and shut down the Madrasa in the year 2009. The subject property remained closed until 2013.

8. It is stated that a conciliation meeting took place between prominent persons of the two communities with a view to resolving the dispute and reopening the premises. It is further stated that, on 13.03.2016, the son of appellant No.2 was murdered within the limits of the Udayagiri Police station, which also has jurisdiction over the area in which the subject property is situated. It is reported that certain miscreants had pelted stones at the subject property, which once again resulted in the police authorities taking action to lock the premises. The premises have remained locked thereafter. It is in the aforesaid context, the Trust filed a petition



CNR: KAHC010526812026

[W.P.No.49775/2019], which came to be disposed of after four years by the order dated 09.01.2023.

9. The appellants essentially seek that status quo be maintained and the subject property belonging to the Trust continue to remain locked. The learned Senior Counsel submitted that unlocking the premises would result in a law-and-order situation. Having regard to the past history, it is likely to result in further loss of life. It is, therefore, contended that reopening of the subject property ought not to be permitted. The appellants further allege that the Trust is attempting to establish a place of worship in residential premises, which, according to them, is impermissible.

10. Plainly, the subject premises cannot be permitted to remain locked indefinitely. The Trust cannot be deprived of the use and enjoyment of its property in such a manner. Insofar as the apprehension relating to law-and-order is concerned, it is for the concerned authorities to assess the situation and take adequate steps as considered necessary to maintain law-and-order. This Court does not consider it apposite to issue any directions to the concerned authorities in this regard. The police and administrative



**NC: 2026:KHC:48264-DB
WA No. 1849 of 2026**

CNR: KAHC010526812026

authorities should take an informed decision in accordance with law.

11. Insofar as the allegation that the premises are being used illegally is concerned, it is open to the appellants to submit a representation to the concerned authorities. Needless to state, if the authorities find that the premises are being misused or are being used in a manner which is impermissible in law, they shall be at liberty to take necessary action in accordance with law.

12. In view of the above, the writ appeal is dismissed.

13. Pending interlocutory application stands disposed of.

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

**Sd/-
(K.S. HEMALEKHA)
JUDGE**

AT, List No.: 2 SI No.: 5