



CNR: KAHC010531062025

NC: 2026:KHC:54902
WP No. 24464 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO. 24464 OF 2025 (GM-POLICE)

BETWEEN:

ALTHAF K
S/O MR. K. ISMAIL
AGED ABOUT 38 YEARS,
RESIDING AT ALTHAF MANZIL,
KOKKADA VILLAGE,
BELTHANGADY TALUK 574198
REPRESENTED BY HIS GPA HOLDER MR. K ISMAIL
S/O ABDUL RAHMAN
AGED ABOUT 66 YEARS
RESIDING AT ALTHAF MANZIL, KOKKADA VILLAGE,
BELTHANGADY TALUK 574198

...PETITIONER

(BY SRI. GNYANESHWAR., ADVOCATE)

AND:

1. SUB INSPECTOR OF POLICE
DHARMASTALA POLICE STATION,
DHARMASTALA,
BELTHANGADY TALUK 574216
2. THE INSPECTOR OF POLICE,
BELTHANGADY CIRCLE,
BELTHANGADY 574214
3. THE SUPERINTENDENT OF POLICE,
BELTHANGADY TALUK,
MANGALORE - 575001

...RESPONDENTS



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(BY SMT. NAVYA SHEKHAR, AGA FOR R1 TO R3)

THIS WP IS FILED UNDER ARTICLE 226 OF CONSTITUTION OF INDIA, PRAYING TO-SET ASIDE THE ACKNOWLEDGEMENTS DTD 18.07.2025 and 20.07.2025 PASSED BY THE R-1 WHICH IS AT ANNEX-A SERIES; DIRECT THE RESPONDENTS TO DEPLOY POLICE OFFICIAL AT THE SCHEDULE PROPERTY AND TO PROTECT THE PETITIONERS RIGHT TO GAIN ACCESS TO THE SCHEDULE PROPERTY AT ALL TIMES, AND ETC.,

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

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

The petitioner is before this Court impugning the endorsements dated 18.07.2025 and 20.07.2025 passed by respondent No.1.

2. The petitioner has also sought a direction to respondent No.1 to provide police protection to the petitioner and the scheduled property and to maintain law and order in respect thereof.

3. The petitioner claims to be the owner of non-agricultural immovable property, which is set out hereunder:

SCHEDULE PROPERTY

(Description of the Property)



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"The immovable property situated in Kokkada Village of Belthanady Taluk, DK.

Item No.	Sy.No.	S.D.No.	KISSAM	EXTENT
1.	257	16	Hosa	0.94 Acre

Boundaries:

East:No.257/12, 257/17, 257/7A4, 257/7A67

West: S.No.257/7A1

North: S.No.257/7A2

South:S.No.258 and 188

Item No.	Sy.No.	S.D.No.	KISSAM	EXTENT
2.	257	7A1	Converted	0.14 Acre

Property No.151100100800120892

Extent: 566.58 sq.mtr

East:No.S.No.257/17

West: S.No.257/16

North: S.No.257/7A2P3

South:S.No.257/16

Item No.	Sy.No.	S.D.No.	KISSAM	EXTENT
3.	257	7A2	Converted	0.05 Acre

Property No.151100100800120999

Extent: 202.35 sq.mtr

East:No.S.No.266

West: S.No.257/16

North: S.No.257/4

South:S.No.257/16

The above properties along with right of way connecting from the Northern side of S.No.257/7A2, water sources, Agme right and other Easementory rights and appurtenances thereon."



4. The petitioner claims to have acquired title to the scheduled property under a registered sale deed. Pursuant to the purchase of the scheduled property, the petitioner got converted the scheduled property to commercial use. Thereafter, upon obtaining the necessary permissions, the petitioner constructed a commercial complex on the scheduled property.

5. It is the case of the petitioner that an auto-rickshaw stand is situated in front of the eastern side of Item No.3 of the scheduled property. The said auto-rickshaw stand is situated on Kokkada-Pattoor Road. It is further stated that Kokkada Grama Panchayat (Grama Panchayat) passed a resolution, permitting the extension of the auto-rickshaw stand in front of the entrance to the scheduled property, which, according to the petitioner, obstructs ingress and egress from the scheduled property.

6. It is stated that in this regard, the petitioner lodged a complaint before the jurisdictional police. As no action was taken by the concerned authorities, the petitioner approached this Court



in W.P. No.24834/2024, seeking a direction to Grama Panchayat not to extend the auto-rickshaw stand by putting up any construction or granting any licence in respect thereof, as proposed extension measuring approximately 15 meters, would obstruct access to the scheduled property. The petitioner also sought a direction restraining Grama Panchayat from completely blocking the front portion of the scheduled property.

7. In the interregnum, the Grama Panchayath passed a resolution dated 21.08.2024 permitting extension of the auto rickshaw stand. Hence, the petitioner withdrew the aforesaid writ petition with liberty to challenge the resolution dated 21.08.2024. Thereafter, the petitioner filed writ petition No.27607/2024 (LB-RES), wherein vide order dated 21.10.2024, the Co-ordinate Bench of this Court stayed the operation of the resolution dated 21.08.2024 until further orders.

8. It is the contention of the learned counsel for the petitioner that, notwithstanding the interim order granted by this Court staying the operation of the resolution passed by the Grama Panchayat concerning the extension of the auto-rickshaw stand,



the auto-rickshaw drivers continue to cause nuisance and obstruct ingress to and egress from the scheduled property by parking their auto-rickshaw in front thereof. It is contended that the movement of auto-rickshaws between Kokkada Main Road and the scheduled property causes considerable inconvenience to the petitioner and that, on several occasions, the auto-rickshaw drivers have obstructed the movement of the petitioner's vehicles.

9. It is the contention of the petitioner that the petitioner approached the jurisdictional police by lodging a complaint seeking removal of the auto-rickshaw parked in front of the scheduled property.

10. It is not in dispute that the resolution passed by the Grama Panchayat permitting the extension of auto-rickshaw has already been stayed by the Co-ordinate Bench of this Court in the aforesaid writ petition. The petitioner's grievance regarding obstruction of ingress to and egress from the scheduled property and the alleged nuisance caused by the auto-rickshaw drivers involves disputed questions of fact. Such questions cannot be adjudicated in proceedings under Article 226 of the Constitution,



nor can the police authorities be directed to determine or enforce the petitioner's alleged civil rights.

11. The petitioner must work out an appropriate remedy before the Competent Civil Court. Nevertheless, the jurisdictional Police have a statutory obligation to maintain law and order and to act in accordance with law if the petitioner's complaint discloses the commission of any cognizable offence. Therefore, if the petitioner is subjected to any continuing nuisance or obstruction affecting ingress to and egress from the scheduled property, it is open to the petitioner to lodge a specific complaint before the jurisdictional police, furnishing the particulars of such incident. If any such complaint is lodged, the jurisdictional police shall consider the same and take appropriate action strictly in accordance with law.

With the aforesaid observations, the writ petition stands ***disposed of.***

Sd/-

JUSTICE K.S. HEMALEKHA

AG
List No.: 1 Sl No.: 14