



CNR: KAHC010586512026

NC: 2026:KHC:46205
WP NO.26397 OF 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S. INDIRESH

WRIT PETITION NO.26397 OF 2026 (KLR-RES)

BETWEEN:

SRI. A. GOPAL SHETTY
S/O LATE NARAYANA SHETTY,
AGED ABOUT 68 YEARS,
R/AT ALSADI, KAVALADIMANE,
KALTHODU VILLAGE AND POST,
KUNDAPURA TALUK - 576 219.

...PETITIONER

(BY SRI. S. RAJASHEKAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF REVENUE,
M.S. BUILDING,
DR. B.R AMBEDKAR VEEDHI,
BENGALURU - 560 001.
REP. BY ITS PRINCIPAL SECRETARY.
2. THE DEPUTY COMMISSIONER
RAJATADRI, MANIPAL,
UDUPI DISTRICT - 576 104.
3. THE ASSISTANT COMMISSIONER
KUNDAPUR SUB-DIVISION,
MINI VIDHANA SOUDHA,
KUNDAPUR,
UDUPI DISTRICT - 576 201.
4. THE TAHSILDAR,
BYNDOOR TALUK,

Digitally signed
by CHAYA S A
Location: HIGH
COURT OF
KARNATAKA



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TALUK OFFICE, BYNDOOR,
UDUPI DISTRICT - 576 214.

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE N., HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE RESPONDENT NO.4 TO TAKE SUITABLE ACTION TO CLEAR THE ENCROACHMENT AS PER THE NOTICE DATED 09TH JULY, 2026 ISSUED BY RESPONDENT NO.4 VIDE ANNEXURE-A AND RESTORE THE PATHWAY TO THE PETITIONER TO COMMUTE TO AND FROM ITEM NOS.1 AND 2 SCHEDULE PROPERTY; AND ETC.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

Sri. Spoorthy Hegde N., learned High Court Government Pleader accepts notice for respondents.

2. In this petition, the petitioner is seeking direction to the respondent No.4-Tahsildar to take suitable action to clear the encroachment as per the Notice dated 09th July, 2026 (Annexure-A).

3. Heard Sri. S. Rajashekar, learned counsel appearing for the petitioner and Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for respondents.



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4. Sri. S. Rajashekar, learned counsel appearing for the petitioner invited the attention of the Court to the order dated 12th August, 2026 (Annexure-AB) passed in Writ Petition No.22771 of 2026 and contended that the this Court in unequivocal words had directed the respondent-Authorities to remove the encroachment having been made by the petitioner or any other parties in furtherance of the Notice dated 09th July, 2026 (Annexure-A). Accordingly, learned counsel sought for interference of this Court to implement the order passed by this Court dated 12th August, 2026 (Annexure-AB) in Writ Petition No.22771 of 2026.

5. Per contra, Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for respondents submits that the respondent-Authorities will take appropriate action and conclude the proceedings in respect of removing the obstruction having been made in the road in question.

6. In the light of submission made by learned counsel appearing for the parties, on careful perusal of the averments made in the writ petition, it is forthcoming that the petitioner has approached this Court for second time in respect of



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removing the obstruction caused to the road. In this regard, on perusal of the writ papers particularly to Annexure-W, this Court, in Writ Petition No.16510/2026, by order dated 08th June, 2026, directed the respondent-Authorities to consider the representation of the petitioner to take appropriate action to remove the obstruction caused to the petitioner to commute to and from the items 1 and 2 of the schedule property. On perusal of the order dated 12th August, 2026 (Annexure-AB) passed in Writ Petition No.22771/2026, it is forthcoming that, this Court had observed that the respondent-Authorities can conduct spot inspection and, if any encroachment upon the public road is found, they are at liberty to take action in accordance with Section 67 of the KLR Act. In that view of the matter, I am of the view that the Notice dated 09th July, 2026 (Annexure-A) has to be considered. Accordingly, without expressing any opinion as to the Notice dated 09th July, 2026 (Annexure-A), the respondent No.4-Tahsildar is directed to remove the obstruction in the public road and take decision in the matter in accordance with law, within an outer limit of two weeks from the date of receipt of this order.



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7. The compliance of this order be filed before this Court, since the respondent No.4 has not considered the orders passed by this Court in the earlier two writ petitions. It is made clear that, this Court deprecates the action of the respondent No.4 in the event, if no action has been taken to remove the obstruction caused to the public road and same will be viewed seriously. With this observation, writ petition stands ***disposed of.***

**SD/-
(E.S. INDIRESH)
JUDGE**

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List No.: 1 Sl No.: 9