



CNR: KAHC010593882026

NC: 2026:KHC:47283
WP No. 27076 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 27076 OF 2026 (GM-RES)

BETWEEN:

SMT M RENUKAMMA @ RENUKA
W/O LATE RAMESH @ M.V. RAMESH,
AGED ABOUT 52 YEARS,
R/AT NO.17, V.P. KATHA NO.643/17,
DESHIHALLI VILLAGE, KASABA HOBLI,
BANGARPET TALUK,
KOLAR DISTRICT - 563 162.

...PETITIONER

(BY SRI. SURESHA M., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
REVENUE DEVELOPMENT, M.S. BUILDINGS,
BENGALURU - 560 001.
2. THE STATE OF KARNATAKA,
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF RURAL DEVELOPMENT AND
PANCHAYATH RAJ, M.S. BUILDINGS,
BENGALURU - 560 001.
3. THE DEPUTY COMMISSIONER
KOLAR DISTRICT,
KOLAR - 563 101
4. THE ASSISTANT COMMISSIONER,
KOLAR SUB-DIVISION,
KOLAR - 563 101.

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:47283
WP No. 27076 of 2026

CNR: KAHC010593882026

5. THE TAHSILDAR
BANGARPET TALUK,
BANGARPET - 563 114,
KOLAR DISTRICT.
6. THE TALUKA SURVEYOR,
BANGARPET TALUK,
KOLAR DISTRICT - 563 114.
7. THE PANCHAYATH DEVELOPMENT OFFICER,
KESARANAHALI GRAMA PANCHAYATH,
KESARANAHALI, BANGARAPET TALUK,
KOLAR DISTRICT - 563 129.

...RESPONDENTS

(BY SRI. SHAMANT NAIK, AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED NOTICE DATED 18-08-2026 BEARING NO.NCR/CR/120/2025-26, ISSUED BY THE 5TH RESPONDENT-TAHSILDAR, BANGARPET TALUK, PRODUCED AT ANNEXURE-L, AS BEING ILLEGAL, ARBITRARY AND VIOLATIVE OF ARTICLES 14 AND 300-A OF THE CONSTITUTION OF INDIA

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Learned Additional Government Advocate accepts notice for respondent nos.1 to 6. Sri. M.S.Devaraju, learned counsel is directed to accept notice for respondent no.7.
2. The petitioner is before this Court seeking for the following reliefs:



CNR: KAHC010593882026

NC: 2026:KHC:47283
WP No. 27076 of 2026

- a. *ISSUE a Writ of Certiorari or any other appropriate Writ, Order or Direction, quashing the impugned Notice dated 18-08-2026 bearing No.NCR/CR/120/2025-26, issued by the 5th Respondent-Tahsildar, Bangarpet Taluk, produced at Annexure-L, as being illegal, arbitrary and violative of Articles 14 and 300-A of the Constitution of India;*
 - b. *Issue a Writ of Mandamus directing the Respondents not to demolish any portion of the Petitioner's residential building or dispossess the Petitioner from the Schedule Property without following due process of law;*
 - c. *In the alternative, direct the Respondents to conduct a fresh joint survey of the Schedule Property after issuing due notice to the Petitioner and in her presence, with reference to the original Ashraya Scheme layout, Hakku Pathra, village map, Tippani, Akarband and other relevant survey and revenue records, and thereafter furnish the survey report/sketch to the Petitioner, consider her objections and pass a reasoned order in accordance with law before taking any coercive action;*
 - d. *Grant such other relief or reliefs as this Hon'ble Court deems fit in the facts and circumstances of the case, in the interest of justice and equity.*
3. Respondent no.5/Tahsildar on 18.08.2026, alleging that the petitioner had encroached upon a 40 feet for public road had issued a notice calling upon the petitioner to remove the encroachment within three days, failing which, the encroachment would be removed.



CNR: KAHC010593882026

4. The submission of the learned counsel for the petitioner is that before issuing the said letter/order, no show cause notice had been issued, no opportunity had been provided to the petitioner to make his stand clear, nor has any joint survey been conducted to ascertain the location of the property as per the documents that the petitioner holds, and on that ground, he submitted that the said notice/order is not sustainable.
5. A perusal of the said notice dated 18.08.2026 indicates that though it is titled as a notice, it is an order which has been passed calling upon the petitioner to vacate and remove the alleged enforcement within three days.
6. As rightly contented by the learned counsel for the petitioner before issuance of the said notice/order, no opportunity had been provided to the petitioner, and no survey has been carried out. In that view of the matter, this court passes the following:

ORDER

- i. Writ petition ***partly-allowed.***
- ii. The notice/order dated 18.08.2026 is read down as a show cause notice. The petitioner is entitled to reply to the said read-down show cause notice within ten (10) days from today,



NC: 2026:KHC:47283
WP No. 27076 of 2026

CNR: KAHC010593882026

i.e., on or before 10.09.2026. On consideration of the reply, the respondents are directed to carry out a necessary joint survey of the property in the presence of the petitioner, commencing from 10.30 a.m. on 15.09.2026.

- iii. Since the order is passed in the presence of the counsel for the petitioner, there would be no requirement of a separate notice to be issued to the petitioner.
- iv. After considering the reply of the petitioner and the joint survey conducted, the Tahsildar would be free to pass such order as is permissible under law.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

GJM
List No.: 1 SI No.: 15