



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 31823 OF 2025 (GM-RES)

BETWEEN:

P. SRIDHAR KAMATH
S/O RATHNAKAR KAMATH
AGED ABOUT 58 YEARS
R/AT SUDHA RATHNA
OPPOSITE REGAL NXT
ADI UDUPI, UDUPI - 576 103

...PETITIONER

(BY SRI. BALAKRISHNA SHASTRY G., ADVOCATE)

AND:

1. CHIEF ENGINEER
NATIONAL HIGHWAY ZONE
KR CIRCLE, NRUPATHUNGA ROAD
BENGALURU-560 001.
2. EXECUTIVE ENGINEER
NATIONAL HIGHWAY DIVISION
SHIMOGGA-577 202.
3. ASSISTANT EXECUTIVE ENGINEER
NATIONAL HIGH DIVISION
SHRINGERI - 577 139.
4. ASSISTANT EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT
UDUPI-576 101.
5. ASSISTANT EXECUTIVE ENGINEER
ZILLA PANCHAYATH, RAJATADRI
MANIPAL-576 104.



6. THE COMMISSIONER
UDUPI TOWN DEVELOPMENT AUTHORITY
ADI UDUPI, UDUPI-576 101.
7. THE COMMISSIONER
UDUPI CITY MUNICIPALITY
K.M.MARG, UDUPI - 576 101.
8. STATE OF KARNATAKA
REP. BY SECRETARY TO THE
PUBLIC WORKS DEPARTMENT
VIKAS SOUDA DR. AMBEDKAR ROAD
BENGALURU - 560 001.
9. KRISHNA KOTIAN
S/O THIMMAPPA POOJARY
AGED ABOUT 57 YEARS
R/AT THIMMAPPA HOTEL
ADI UDUPI, UDUPI - 576 103.
10. PRASHANT SUVARNA
S/O KESHAV SUVARNA
AGED ABOUT 58 YEARS
R/AT OPPOSITE REGAL NXT
ADI UDUPI, UDUPI - 576 103

...RESPONDENTS

(BY SRI. MOHAMMED JAFAR SHAJ, AGA FOR R1 TO R4 AND R8:
V/O DATED:24.11.2025

SRI. ASHOK N NAYAK.,ADVOCATE FOR R5:

SRI K PRASAD HEGDE, ADVOCATE FOR R6:

SRI T.I. ABDULLA, ADVOCATE FOR R7:

SRI. NAGARAJ KRAPAKAR, HEGDE, ADVOCATE FOR R9 &R10)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
RESTRAINING RESPONDENT NO. 9 AND 10 FROM PUTTING UP
ANY CONSTRUCTION IN LAND AT SURVEY NO. 9/5 OF
MOODANIDAMBURU VILLAGE, TALUK AND DISTRICT UDUPI,
ABUTTING N.H. 169-A WITHIN THE PROHIBITORY DISTANCE
OF 40 METERS FROM THE CENTER OF N.H. 169-A AND ETC.



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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs:

(a) *Issue a writ of mandamus or any other writ restraining Respondent No. 9 and 10 from putting up any in land at survey No. 9/5 of construction Moodanidamburu Village, Taluk and District Udupi, abutting N.H. 169-A within the prohibitory distance of 40 meters from the center of N.H. 169-A.*

(b) *Issue a writ of mandamus or any other writ directing the Respondent No.1 to 8 to consider the representation dated 25-08-2025, dated 17-09-2025 produced at Annexure J and K and the legal notice dated 24-09-2025 produced consequently restrain Respondent no. 9 and 10 from putting up construction in land at survey No. 9/5 of Moodanidamburu Village, Taluk and District Udupi at Annexure M.*

(c) *Issue any other writ or directions to meet the ends of justice.*

2. The grievance of the petitioner is that respondent No.7 may sanction a plan or consider an application filed by respondent Nos.9 and 10 without considering the representations of the petitioner dated 25.08.2025 and



17.09.2025 at Annexures J and K, respectively, as also the legal notice dated 24.09.2025 at Annexure M.

3. The reason for the same is that, according to the petitioner, no construction can be carried out within the building line of the National Highway, and it is in that background that objections have been submitted by the petitioner.
4. At present the claim of the petitioner is hypothetical inasmuch as the application, if any filed by respondent Nos.9 and 10 is yet to be considered by respondent No.7. Hence, by directing respondent No.7 to consider the aforesaid representations of the petitioner while considering any application if filed by respondent Nos.9 and 10, the petition stands ***disposed***.
5. Until grant of such permission by respondent No.7, respondent Nos.9 and 10 are restrained from putting up any construction or carrying out any construction in subject property.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

KTY
List No.: 1 Sl No.: 57