



CNR: KAHC010701842024

NC: 2026:KHC:50037-DB
WP No. 33235 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

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

WRIT PETITION NO. 33235 OF 2024 (GM-POL)

BETWEEN:

1. MR. AMIT KUMAR PISHE
SON OF LATE JAGANATH RAO PISHE
AGED ABOUT 42 YEARS
RESIDING AT NO. 366, 7TH MAIN ROAD
NGEF LAYOUT, SADANANDA NAGAR
BENNIGANAHALLI
BANGALORE - 560 038

...PETITIONER

(BY SRI GURU PRASANNA S., ADVOCATE)

AND:

1. BRUHATH BENGALURU MAHANAGARA PALIKE
CORPORATION BUILDING
N.R. SQUARE
BENGALURU - 560 002
REPRESENTED BY ITS
COMMISSIONER
2. KARNATAKA STATE POLLUTION CONTROL BOARD
PARISARA BAVANA
BENGALURU - 560 020
REPRESENTED BY ITS
COMMISSIONER

Digitally
signed by
SRI DEV S
Location:
High Court
of Karnataka



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3. M/S. BHARANI MIXTURES
REPRESENTED BY ITS PROPRIETOR
MR. RAJENDRAN
454, 7TH MAIN ROAD
NGEF LAYOUT
SADANANDA NAGAR
BENNIGANAHALLI
BANGALORE - 560 038

...RESPONDENTS

(BY SRI KARTHIKEYAN B.S., ADVOCATE FOR R-1,
SRI A. MAHESH CHOWDAHRY, ADVOCATE FOR R-2 &
SRI SATYA NARAYANA REDDY, ADVOCATE FOR R-3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION TO RESPONDENT NOS.1 AND 2 TO ENSURE THAT THE RESPONDENT NO.3 DOES NOT OPERATE THE MANUFACTURING UNIT OR CARRY OR ANY ACTIVITY THAT IS VIOLATIVE OF THE ZONING REGULATIONS AT 457, 7TH MAIN ROAD NGFT LAYOUT, SADANANDA NAGAR, BANGALORE-560 038 & ETC.

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

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

ORAL ORDER

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

1. The petitioner has filed the present petition, *inter alia*, praying as under:

A. "Issue a writ of Mandamus or any other appropriate writ, order of direction to Respondents No. 1 and 2 to ensure that the



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Respondent No.3 does not operate the manufacturing unit or carry on any activity that is violative of the zoning regulations at 457, 7th main road NGFT Layout, Sadananda Nagar, Bengalore-560038.

- B. To grant such other or further relief to the petitioner as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case, including the cost of this proceedings, in the interest of justice and equity.

OR IN THE ALTERNATIVE

- C. Issue a Writ of Mandamus or any other appropriate Writ, Order or direction directing the Respondent No. 1 and 2 to consider the representations of the Petitioner along-with the documents produced by the Petitioner and take appropriate legal action regarding the same within the stipulated time frame to be fixed by this Hon'ble Court."

2. The petitioner states that he resides at the property bearing address No.366, 7th Main Road, NGEF Layout, Sadananda Nagar, Bengaluru - 560 038. He states that his wife and his aged mother who is about 80 years old, also reside with him. The petitioner is essentially aggrieved by the activities carried out by respondent No.3, M/s. Bharani Mixtures, from a building adjacent to his residential premises. The petitioner claims that, initially, respondent No.3 operated a retail shop and sold snacks, *namkeens*, and other



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savoury items to his customers. Respondent No. 3 did not undertake any manufacturing activity at the said premises. However, over the past few years, respondent No.3 expanded his business and is now actively involved in export of snacks and other savory items. The petitioner alleges that respondent No.3 also carries on manufacturing, packaging and distribution of snacks in the said premises. Essentially, respondent No.3 is operating a small-scale industry from the said premises, which is in a residential area.

3. The petitioner submits that there is considerable traffic of goods vehicles to and from the said premises to supply the raw material and to collect the manufactured products. The petitioner also alleges that these activities have been polluting the environment, causing both noise and air pollution. He also alleges that a diesel generator is used, which produces significant noise and black diesel smoke. The averments in the petition set out the kinds of machinery installed in the premises. The list of machinery and some of the relevant averments are reproduced below:

- A. "Old three-phase diesel generator industrial scale which produces a lot of noise and its black diesel smoke causing immense headache from the



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Noise, the smoke and suffocating the neighboring residents especially when used during long power cuts;

- B. Flour mill machinery which is being run in the basement of the building causing tremendous amount of noise when it is operated from 8 AM in the morning for the grinding of raw materials-various kinds of gram flour required for the mixture products. The machines make constant loud grinding noise and the Respondent has opened the ventilators without soundproofing the basement;
- C. Grinding machinery-machinery used for coconut grating, potato scraping which is done by large machines causing rattling noise that is produced constantly;
- D. Hot oil burners-including electric oil burners producing a lot of heat and making sudden bursts of noise;
- E. Charred utensil cleaning-the use utensil cleaning in the back yard and scrapping with metal brushes screeching noise which is irritating and intruding;
- F. Machinery maintenance: continuous hammering and chiseling of the sheet metal plates and machinery cleaning during weekends is allowed and results in high-frequency noise;
- G. loading and unloading of processed products and FMCG goods into 80 feet high containers-including throwing of cartons for a continuous period of 8+ hours numbering up to 3000 cartons in a day."



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4. The petitioner also alleges that none of the listed activities is permitted in a residential area and that they violate the zoning plans.

5. The present petition was disposed of on 29.04.2025 on the basis of a memo dated 16.04.2025, submitted by the learned counsel for the Karnataka State Pollution Control Board [**KSPCB**]. It was reported that, following the petitioner's complaint, an inspection was conducted, and a communication dated 12.07.2024 was issued directing respondent No.3 to cease its operations, as the unit was operating in violation of the law.

6. However, it is evident that respondent No.3 did not discontinue the said activities and continued to carry them out. Thus, the petitioner's grievance remains unaddressed. In this context, the petitioner filed IA No.1/2025 to revive the present petition. This Court allowed the said application by an order dated 12.12.2025 and listed the petition on 21.01.2026.

7. On the said date, the learned counsel appearing for KSPCB submitted that steps were being taken and requested that the



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hearing of the petition be deferred. Accordingly, the hearing was adjourned to 16.03.2026. On 16.03.2026, the learned counsel appearing for BBMP submitted that BBMP would take all necessary action in accordance with law. The learned counsel appearing for KSPCB also stated that KSPCB would take all necessary action in accordance with law to ensure that no pollution-causing unit is permitted to continue. However, he also reported that respondent No.3 is not carrying on any operations other than the retail outlet and the other activities have been shifted to another premises. The petitioner's counsel disputes this submission.

8. In view of the above, this Court directed KSPCB to file a status report before the next day of hearing and listed the matter on 08.06.2026. The matter was subsequently adjourned on 07.09.2026. On that day, it was reported that the petition had become infructuous, as respondent No.3 had shifted its unit to another location. The learned counsel for the petitioner once again disputed this statement. On the request of the learned counsel for the KSPCB, the matter was further adjourned to 09.09.2026. On that date, it was reported that a KSPCB official conducted an inspection on 08.09.2026 and found that the unit was not



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functioning. The learned counsel for the petitioner stoutly disputed this statement.

9. In view of the above, this Court directed that the report of the inspection conducted on 08.09.2026, along with the affidavit, be placed on record.

10. The KSPCB has filed a memo enclosing an affidavit in compliance with the said order. The report enclosed with the said affidavit indicates that an inspection was conducted on 20.12.2025. A plain reading of the report indicates that, during the inspection, the Proprietor and Manager of the unit were present and informed the KSPCB official that the unit was manufacturing about 1,000 kg of mixture and snacks per day and that about 20 employees were working there. It was also found that there were several machines including a grinder, mixing machine, oil dryer, cover sealing machine and a flour mill had also been installed. There were also wood pallet frying pans for different condiments. The report clearly indicates that the unit was generating pollution, including noise pollution, which was 11.6 dB above the standard set for residential areas.



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11. The report indicates that another inspection was conducted on 08.09.2006 between 06.12 p.m. and 06.39 p.m. It found that only 20% of the unit was in operation, with 80% having been shifted to another location. The report stated that only chilli powder manufacturing and other commercial activities were being carried out. It also reported that about 10 employees were working at the said unit. The petitioner was present during the inspection and informed that there was pollution due to the operation, and that the chilli powder manufacturing activity was causing eye irritation. No noise monitoring was carried out, as the DG Set and kitchen exhaust had been shifted.

12. The photographs annexed to the said report indicates that some machines continue to be installed in the unit. One photograph shows six large cylinders, which the learned counsel submits are used for packaging purposes. The photographs also show various types of packed snacks.

13. It is thus clear from the said report that the earlier submission that the unit has been completely shifted is incorrect. As noted earlier, the present petition was disposed of, in view of the



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submission that a closure order had been issued. However, it is apparent that the said order has not been implemented.

14. The learned counsel appearing for BBMP submits that no permission was granted to carry on any manufacturing activity, and the only permission granted was for maintaining a godown.

15. In view of the above, we direct respondent No.1 and BBMP to take immediate steps in accordance with law to ensure that no impermissible activities are carried out from the said premises.

16. BBMP shall file an affidavit of compliance, confirming that it has taken the necessary action to ensure that no impermissible activity is carried on in the said unit within a period of four weeks

17. The petition is disposed of in the aforesaid terms.

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

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

SD
List No.: 2 Sl No.: 15