IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 3497 OF 2025 (LB)

BETWEEN:

1. SRINIVASA C
   SON OF CHINNASWAMY
   AGED ABOUT 37 YEARS
   AND R/AT NO.16,
   ANUVINAKATE, MANDYA 571 426

2. ARUN KUMAR
   S/O LATE K ANNAIAH
   AGED ABOUT 47 YEARS
   AND RESIDING BEHIND GANESH TEMPLE,
   GANGIGARA STEET,
   KRISHNARAJA PETE, MANDYA 571 426

3. TN EREGOWDA
   SON OF NINGEGOWDA
   AGED ABOUT 64 YEARS
   AND RESIDING AT NO.108,
   SUBHASH NAGAR,
   KRISHNARAJA PETE, MANDYA 571426

4. B N KISHOR,
   SON OF NANJUNDASHETTY,
   AGED 45 YEARS
   AND RESIDING AT NO.1
   HOSAHOLALU, MANDYA 547126

5. N C ANUKUMAR
   SON OF NP CHANDRASHEKAR

Digitally signed by MARKONAHALLI RAMU PRIYA
Location: HIGH COURT OF KARNATAKA

AGED 32 YEARS
AND RESIDING AT NADUBOGANAHALLI,
MURUKANAHALLI, MANDYA 571 426

6. SYED FAEEK,
SON OF SYED FARROK,
AGED ABOUT 32 YEARS
AND RESIDING AT
BASAVANAGUDU BEEDHI,
KRISHNARAJA PETE, MANDYA 571 426

…PETITIONERS

(BY SRI. ABHINAY Y.T., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS UNDER SECRETARY
TO THE GOVERNMENT,
DEPARTMENT OF REVENUE,
VIKASA SOUDHDA, BENGALURU 560 001

2. THE DEPUTY COMMISSIONER,
DC OFFICE, MANDYA 571 401

3. THE ASSISTANT COMMISSIONER
PANDAVAPURA SUB-DIVISION,
MANDYA 571 426

4. TOWN MUNICIPAL COUNCIL
K R PET TALUK,
MANDYA DISTRICT 571 426
REP. BY TS CHIEF OFFICER.
[AMENDED AS PER THE ORDER DATED 15.04.2025]

5. PRIMARY CO-OPERATIVE AGRICULTURAL AND
RURAL DEVELOPMENT BANK,
KRISHNARAJA PETE,
BY ITS MANAGER

M.ANANDA, KRISHNARAJA PETE - 571 426

6. PUTTASWAMY GOWDA,
PRESIDENT
PRIMARY CO-OPERATIVE AGRICULTURAL AND
RURAL DEVELOPMENT BANK,
KRISHNARAJA PETE,
KRISHNARAJA PETE - 571 426
[AMENDED AS PER ORDER DATED 17.12.2025]

…RESPONDENTS

(BY SRI.H.K.KENCHEGOWDA, AGA FOR RESPONDENT NOS.1 TO 3;
SRI.G.M.ANANDA, ADVOCATE FOR RESPONDENT NO.4;
SRI.C.G.GOPALASWAMY, SENIOR COUNSEL ALONGWITH
SRI.BHARGAV.G., ADVOCATE FOR PROPOSED RESPONDENT
NOS.5 AND 6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT TO CONSIDER THE REPRESENTATION OF THE PETITIONER DATED 13.11.2024 (ANNEXURE C1 AND C2).

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

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioners have sought for a writ in the nature of mandamus to direct the respondent Nos.2 and 3 to consider the representation dated 13.11.2024 filed by the petitioners.

2. The petitioners claim that the land in survey No.244 of K.R. Pete Village was a tank. The respondent No.1 approved

the breaching of the tank on 27.11.1974 for the formation of a park. Accordingly, in an area measuring 6 acres 32 guntas, a park was developed. The petitioners claim that a plan was sanctioned by the respondent No.4 for construction of a commercial building in the area reserved for park. The petitioners therefore submitted representation to the respondent Nos.2 and 3, requesting them to initiate necessary action. They claim that the said representation is not considered and therefore pray that a direction be issued to the respondent Nos.1 and 2 to consider the representation.

3. The learned counsel for respondent No.4 submits that part of the land in question is already allotted to the K.S.R.T.C. bus stand, which is already functional since the year 1984. He therefore contends that at this point in time, the land cannot be restored for the purpose of a park.

4. The learned Senior Counsel for the impleaded respondents submits that the respondents are in possession of portion of the land, having lawfully purchased it from the erstwhile Mandal Panchayath after obtaining concurrence from the Deputy Commissioner. He therefore submits that no orders

can be issued to the respondent Nos.1 and 2 to consider the representation of the petitioners, as that would amount to undoing what has been done over the years.

5. I have considered the submissions of the learned counsel for the petitioners and the learned counsel for the respondents.

6. The petitioners as citizens have filed representation before the respondent Nos.1 and 2. The land in question is shown as an area reserved for a park in the revenue records. The respondent No.2 is the concerned officer under Section 67 of the Karnataka Land Revenue Act, 1964 and is bound to preserve the same in accordance with law. A duty is cast on all local authorities under the Karnataka Parks, Play Fields and Open Spaces (Preservation and Regulation) Act 1985, to protect and preserve parks and open spaces. If some transaction is brought about in respect of the said land by the erstwhile Mandal Panchayath or the Municipal Council, it is for the respondent No.2 to take appropriate decision in the matter by considering the representation of the petitioners.

7. In that view of the matter, since the respondent No.2 owes a duty to the petitioners to consider their lawful representations, this writ petition stands ***disposed off***, directing the respondent Nos.2 and 3 to consider the representation of the petitioners in accordance with law within a period of three months from the date of receipt of a copy of this order.

8. Any observation made by this Court in the course of this order is only for the limited purpose of considering this petition and shall not come in the way of the respondent Nos.2 and 3 considering the representation of the petitioners.

9. Pending IAs, if any, do not survive for consideration and the same stand disposed off.

Sd/-
(R. NATARAJ)
JUDGE

BKN
List No.: 1 Sl No.: 27