HC-KAR

CNR: KAHC010100622021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

WRIT PETITION NO. 4571 OF 2021 (LB-BMP-PIL)

BETWEEN:

1. C. HONNAIAH
   S/O LATE CHIKKAIAH
   AGED ABOUT 68 YEARS,
   OCC: PRESIDENT OF SDMC
   NO.86/1, 15TH CROSS ROAD,
   GAJANANA NAGAR, SUNKADAKATTE,
   BENGALURU-560091.

2. S. RUDRAPPA
   S/O LATE SHESHAPPA
   AGED ABOUT 73 YEARS,
   SUNKADAKATTE,
   BENGALURU-91.

3. MANJU
   S/O LATE MANJEGOWDA
   AGED ABOUT 60 YEARS,
   WARD NO.73,
   SRIGANDHAKAVAL
   SUNKADAKATTE,
   BENGALURU-91.

4. SMT. LAKSHMAMMA
   W/O MANJU
   AGED ABOUT 73 YEARS,
   WARD NO.73, KOTTIGEPALYA,
   SUNKADAKATTE,

Digitally signed by RAKSHA
Location: high court of karnataka

BENGALURU-91.

(PETITIONERS ARE NOT CLAIMING SENIOR CITIZEN BENEFITS)

…PETITIONERS

(BY SRI. KUSUM RANGANATH, ADVOCATE FOR P1, P2 & P4)

AND:

1. THE STATE OF KARNATAKA
   REPRESENTED BY ITS CHIEF SECRETARY,
   VIDHANA SOUDHA
   BENGALURU-01.

2. THE COMMISSIONER
   BRUHAT BANGALORE MAHANAGARA PALIKE
   HUDSAN CIRCLE
   BENGALURU-01.

3. THE SALLAPURADAMMA
   TEMPLE TRUST MEMBERS
   HEGGANAHALLI MAIN ROAD,
   SUNKADAKATTE, BENGALURU CITY
   BENGALURU-91.

…RESPONDENTS

(BY SMT. PRAMODHINI KISHAN, AGA FOR R1;
SMT. M.R. SINCHANA, ADVOCATE FOR R2;
SRI. TARUN K.M., ADVOCATE FOR
SRI. S. SARAVANA, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE DIRECTION TO THE 2ND RESPONDENT TO CONSIDER THE REPRESENTATIONS OF THE PETITIONERS DATED 01.10.2018 AND 04.10.2018 VIDE ANNEXURES-G AND H, AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

1. This writ petition is filed seeking the following reliefs;

> *"a) Issue direction to the 2nd respondent to consider the representations of the petitioners dated 1/10/2018 and 4/10/2018 vide ANNEXURE-G & H, and also,*
>
> *b) Issue further direction to the 2nd respondent to take serious action against the 3rd respondent for carryout the illegal encroachment of public road and blocking the public road situated at BBMP WARD No.71, at SRI SALLAPURADAMMA temple Hegganahalli main Road Sunkadakatte village, Bengaluru city, and,*
>
> *C) Pass any other relief/s deems fit on the facts and circumstances case, in the interest of justice and equity."*

2. Heard learned counsel appearing for the petitioners and learned counsel appearing for respondent No.2 - BBMP as well as learned counsel appearing for respondent No. 3 - Trust.

3. It is submitted by learned counsel for the petitioners that the spot inspections conducted, both by the BPMP as well as by the ADLR are inconclusive and that the question as to whether there is encroachment to the public road has not been correctly answered.

4. However, we notice that the BBMP has placed a memo on record along with the report of the spot inspection which clearly indicates that there is a road all around the Sallapuradamma temple building and that there is no encroachment on the public road appurtenant to the temple land.

5. The ADLR has also placed on record a report specifically indicating as follows;

> *"That on 06-01-2025 Notice issued once again, when appeared at the spot, the Petitioner Mr. Honnalah was present at the spot and the 2nd respondent was not present. In the presence of Petitioner and the members of the temple trust and the villagers is again measured as the place of Salapuradamma temple and surrounding road. According to the*

survey records of the village map, there is a bandi dari in survey no.85 near Sunkadakatte village gramatana of Srigandhakaval village, and the said road is entered in the village map only up to the village gramathana. The title deeds and measurements for the properties inside the Gramanthara are maintained by BBMP, the local authority, and the road entering the Gramanthara cannot be accurately identified as there is no documents in Survey Office records. The road is meandering without the same measure as the place, and prepared a map according to the Information found at the site during the spot inspection. As per the document submitted to this office by BBMP dated: 06-02-2024, the property of the temple is 60X90=5400 65X160=10400 total 15800 sqft., the area of the temple building and garudagamba and rathabeedi."

6. Having considered the contentions advanced and in view of nature of litigation, we are of the opinion that no further orders can be passed in this writ petition.

7. The writ petition is accordingly ***closed*** recording the memo and the spot inspection report.

8. The right of the petitioners to contest the matter in the appropriate proceedings is left open.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(K.S.BHARATH KUMAR)
JUDGE

GH
List No.: 1 Sl No.: 39