HC-KAR

CNR: KAHC010178772018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

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

WRIT PETITION NO. 13361 OF 2018 (LB-RES-PIL)

BETWEEN:

1. MAHADEV
   S/O. ARJUN MUNJI
   AGED ABOUT 39 YEARS,
   OCC: PRESIDESNT, ADAMYA CHETANA
   VIKALANGARA
   KSHMABHIRUDDHI SANGA, TAMBA,
   TQ: INDI, DIST: VIJAYAPUR-586215

2. SRI. PEERAPPA BASANNA HONNALLI
   AGED ABOUT 44 YEARS,
   OCC: BUSINESS, R/O. TAMBA VILLAGE,
   TQ: INDI, DIST: VIJAYAPUR-586215.

3. SRI. SHIVASHANKAR
   S/O. GURAPPA SOMALING,
   AGED ABOUT 42 YEARS,
   OCC: AGRICULTURE, R/O. TAMBA VILLAGE,
   TQ: INDI, DIST VIJAYAPUR-586215.

4. SRI. CHANNAYYA
   S/O. GURUSHANTAYYA MATH,
   AGED ABOUT 44 YEARS,
   OCC: PRIEST, R/O. TAMBA VILLAGE,

Digitally signed by PAVITHRA N
Location: High Court of Karnataka

TQ: INDI, DIST: VIJAYAPUR-586215.

…PETITIONERS

(BY MS. SUMANGALA GACHHINAMATH, ADV. FOR
SRI. I G GACHHINAMATH, ADV.)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY TO EDUCATION
DEPARTMENT,
VIDHANA VEEDHI,
BENGALURU-1.

2. THE DIRECTOR OF MUNICIPAL ADMINISTRATION
VIDHANA VEEDHI,
BEGALURU-1.

3. THE DEPUTY COMMISSIONER
VIJAYAPUR DISTRICT,
VIJAYAPUR.

4. THE ASSISTANT COMMISSIONER
INDI, TQ: INDI,
DIST: VIJAYAPUR.

5. THE TAHASILDAR
INDI TALUKA, INDI,
DIST: VIJAYAPUR.

6. THE CHIEF EXECUTIVE OFFICER
TALUKA PANCHAYATS,
TQ: INDI,
DIST: VIJAYAPUR.

7. THE PANCHAYAT DEVELOPMENT

OFFICER, GRAM PANCHAYAT,
THAMBA, TQ: INDI,
DIST: VIJAYAPUR.

8. THE SECRETARY
GRAM PANCHAYAT,
THAMBA, TQ: INDI,
DIST: VIJAYAPUR.

9. THE DEPUTY DIRECTOR OF PUBLIC INSTRUCTIONS
VIJAYAPUR,
DIST: VIJAYAPUR.

10. THE BLOCK EDUCATION OFFICER
INDI TALUKA, INDI,
DIST: VIJAYAPUR.

11. MALLAPPA
S/O SHIVALINGAPPA HANCHINAL,
AGED ABOUT 32 YEARS,
OCC: COOLIE.

12. KUTUB
S/O ABDUL SATTAR ARAB,
AGED ABOUT 45 YEARS,
OCC: COOLIE.

13. SMT. NEELAMMA
W/O SANGAPPA SAKRI,
AGED ABOUT 60 YEARS,
OCC: COOLIE.

14. HUSMAN GANI
S/O KHAJESAB GOUNDI,
AGED ABOUT 80 YEARS,

OCC: COOLIE.

15. SAIFANSAB
S/O ISMAIL MANGALGI,
AGED ABOUT 62 YEARS,
OCC: COOLIE.

16. SURESH
S/O SHIVALINGAPPA HANCHINAL,
AGED ABOUT 36 YEARS,
OCC: COOLIE.

17. HANAMANTH
S/O SANJEEVAPPA BANKALAGI,
AGED ABOUT 67 YEARS
OCC: COOLIE.

18. RAJU HARIJAN
S/O SHETTEWWA
AGED ABOUT 35 YEARS,
OCC: COOLIE.

19. MOHD. GUDESAB WALIKAR
SINCE DECEASED BY HIS L.R.

19(A) SIKANDAR MOHD. WALIKAR
AGED ABOUT 36 YEARS
OCC: COOLIE.

20. AMEENSAB
S/O KHAJASAB GOUNDI,
AGED ABOUT 58 YEARS,
OCC: COOLIE.

21. MALLAMMA

S/O KANTHAPPA KENGANAL,
AGED ABOUT 40 YEARS,
OCC: COOLIE.

22. BABU KAMBAR
SINCE DECEASED BY HIS L.R.

22(A) IRANNA BABA KAMBAR
AGED ABOUT 38 YEARS,
OCC: COOLIE.

23. SHARANAMMA
W/O NAGAYYA MATHAPATHI,
AGED ABOUT 50 YEARS,
OCC: COOLIE.

24. SMT. SUFIABI
W/O MATABSAB BADAGER,
AGED ABOUT 40 YEARS,
OCC: COOLIE.

25. SMT. YAMANABAI
D/O SIDRAM HARIJAN,
AGED ABOUT 50 YEARS,
OCC: COOLIE.

26. ALLABAX
S/O HUSSAINSAB GOUNDI,
AGED ABOUT 52 YEARS,
OCC: COOLIE.

27. SMT. HUSAINBANU
W/O MOHIBOOBSA GOUNDI,
AGED ABOUT 48 YEARS,
OCC: COOLIE.

28. SAKEENA
W/O KHAJA BAI SOLAPUR,
AGED ABOUT 65 YEARS,
OCC: COOLIE.

29. SMT. HABEEBA
W/O ISMAILSAB GOUNDI,
AGED ABOUT 60 YEARS,
OCC: COOLIE.

30. LAXMIBAI
W/O SHANKAR GONDALI,
AGED ABOUT 55 YEARS,
OCC: COOLIE.

31. SAVITRI
W/O ARJUN PADAGAN
AGED ABOUT 65 YEARS,
OCC: COOLIE.

32. MAIBU
S/O ISMAIL MADDIMANUR,
AGED ABOUT 50 YEARS,
OCC: COOLIE.

33. MAINODDIN
S/O ISMAIL MADDIMANUR,
AGED ABOUT 50 YEARS,
OCC: COOLIE.

34. RAMESH
S/O SHIVALINGAPPA HANCHINAL,
AGED ABOUT 35 YEARS
OCC: COOLIE.

35. BABU
S/O TIMMANNA GOLLAR
AGED ABOUT 40 YEARS,
OCC: COOLIE.

36. GURAPPA
S/O TIMMANNA GOLLAR
AGED ABOUT 60 YEARS,
OCC: COOLIE.

37. GURUNATHA
S/O YALLAPPA GOLLAR
AGED ABOUT 50 YEARS,
OCC: COOLIE.

38. TIMMANNA
S/O YALLAPPA GOLLAR,
AGED ABOUT 63 YEARS
OCC: COOLIE.

39. BHIMANNA
S/O ZANGAPPA GOLLAR,
AGED ABOUT 55 YEARS
OCC: COOLIE.

40. GOVINDA
S/O YALLAPPA GOLLAR,
AGED ABOUT 55 YEARS,
OCC: COOLIE.

41. RAMAPPA
S/O YALLAPPA GOLLAR,
AGED ABOUT 60 YEARS,
OCC: COOLIE.

THE RESPONDENTS NO. 11 TO 41
ARE RESIDENTS OF TAMBA VILLAGE
TQ: INDI,
DIST: VIJAYAPURA - 586215

…RESPONDENTS

(BY SMT. PRAMODHINI KISHAN, AGA FOR R1-5 & 9;
SRI. I. R. BIRADAR, ADV. FOR R11 - 34;
SRI. S.B.HALLI, ADV. FOR R35-41;
SRI. RATNA N. SHIVAYOGIMATH, ADV. FOR R6-R8;
R10-SERVED;
SRI. GOUTHAM A.R. FOR IMPLEADING ON IA 2/2020)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENTS TO IMPLEMENT THE ORDER DATED 10.07.2017 BEARING NO.R.B.N.C.R.-02/2016-17 VIJAYAPUR PRODUCED AS VIDE ANNEX-S ISSUED BY R-3 AND CLEAR THE ENCROACHMENTS IN SY. NO. 20/X-2 MEASURING 1 ACRE 30 GUNTAS, SY. NO. 20/X-6 MEASURING 10 GUNTAS, SY. NO. 1031 MEASURING 1 ACRE 6 GUNTAS, SY. NO. 20/X-7 MEASURING 1 ACRE TOTALLY MEASURING 4 ACRES 6 GUNTAS SITUATED AT THAMBA VILLAGE AND TO UTILIZE THE SAME FOR EDUCATION PURPOSE BY PROPERLY FENCING THE SAME.

THIS PETITION, COMING ON FOR HEARING - INTERLOCUTORY APPLICATION, 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)

This writ petition is filed seeking the following reliefs:-

> "*a) Issue a writ of mandamus directing the respondents to implement the order dated 10.07.2017 bearing No.R.B.N.C.R.-02/2016-17 Vijayapur produced as Annexure-S issued by respondent No.3 and clear the encroachments in Sy No.20/X-2 measuring 1 Acre 30 Guntas, Sy. No.20/X-6 measuring 10 Guntas, Sy No.1031 measuring 1 Acre 6 Guntas, Sy. No.20/X-7 measuring 1 Acre totally measuring 4 Acres 6 Guntas situated at Thamba Village and to utilize the same for Education purpose by properly fencing the same.*
>
> *b) Issue a writ of mandamus directing the Respondents-authorities to prevent the Sewage being flown/accumulated in the said land and to form the proper roads and provide other basic amenities in the interest of school children."*

2. The learned counsel appearing for the writ petitioners submits that this is a writ petition filed in the year 2018 and that the factual aspects need to be verified. However,

we notice that an affidavit has been filed on 19.02.2020 by the Principal Secretary, Revenue Department, Government of Karnataka, stating that action has been initiated against the Assistant Commissioner and the Head Master of the Government High School based on the outcome of the enquiry conducted against them.

3. It is further stated that proceedings for removal of encroachment on Government land was initiated on 06.02.2020 and after due issuance of notice and hearing, orders have been passed, removing the encroachments from the land in question. It is stated that on removal of the encroachment, the same was reported to the Assistant Commissioner, Vijaypura Sub-Division, Vijaypura and the Assistant Commissioner, in turn, reported the said fact to the Deputy Commissioner by correspondence dated 06.02.2020. It is further submitted in the affidavit that the encroachments have been fully removed and that action has been taken against the erring officers.

4. In the above view of the matter, we are of the opinion that no further orders are required to be passed. Accordingly, the writ petition is ***closed***. However, in case, there

is any further encroachment in the Government land, it would be open to the writ petitioners to raise it appropriately before the Assistant Commissioner, and for the Assistant Commissioner to consider such complaint and take appropriate action, in accordance with law.

Sd/-
(ANU SIVARAMAN)
JUDGE

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

RAK
LIST NO.: 1 SL NO.: 23