HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 869 OF 2026 (LB-RES)

BETWEEN:

SRI H.K. SRIPADA SHANKAR
S/O KRISHNAMURTHY
AGED ABOUT 56 YEARS
R/A NO.790, NEAR MARUTHI TENT
THONCHI KOPPAL,
JANATHANAGAR
MYSURU - 570 018

REPT. BY HIS G.P.A HOLDER
SRI K. SANTHOSH
AGED ABOUT 41 YEARS
S/O SATHYANARAYANA SHETTY
R/O NO.152,
3RD CROSS,
INDIRANAGAR
MYSURU - 570 001.

...APPELLANT

Digitally signed by VASANTHA KUMARY B K
Location: HIGH COURT OF KARNATAKA

(BY SRI D.R. RAVISHANKAR, SR. ADV., FOR
SRI SIRI RAJASHEKAR, ADV.)

AND:

1. THE COMMISSIONER
MYSURU URBAN DEVELOPMENT AUTHORITY
J.L.B. ROAD,
MYSURU - 570 005.

2. THE SPECIAL TAHSILDAR
ZONAL OFFICE-04, MYSURU
URBAN DEVELOPMENT AUTHORITY

MYSURU - 570 005.

3. THE ASSISTANT EXECUTIVE ENGINEER
ZONAL OFFICE-04, MYSURU
URBAN DEVELOPMENT AUTHORITY
MYSURU - 570 005.

…RESPONDENTS

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO BE SET ASIDE ONLY FOR WRIT PETITION ORDER TO SEEK ANY FURTHER RELIEF SEPARATE IA TO BE FILED AND ENGLISH TRANSLATION OF KANNADA PORTION IN WRIT PETITION ORDER, C, D TO BE FURNISHED.

THIS APPEAL, COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The appellant was the petitioner in W.P.No.28322/2018 which was filed challenging the order dated 18.06.2018 passed by the Commissioner, Mysuru Urban Development Authority, whereby the lease agreement on the basis of which he has been occupying the shop allotted to him, has been cancelled.

2. The learned Single Judge has passed the following directions while allowing the writ petition:-

> *"(ii) The Commissioner, Mysuru Urban Development Authority is directed to take out proceedings in accordance with the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 and Section 74 of the Karnataka Urban Development Authorities Act, 1987.*
>
> *(iii) The Commissioner, Mysuru Urban Development Authority shall endeavour to conclude the proceedings within a period of three months from the date of receipt of certified copy of this order."*

3. It is to be noted that the learned Single Judge has directed the authority to take action as per Section 74 of the Karnataka Urban Development Authorities Act, 1987. However, the provisions of the Karnataka Public Premises (Eviction of Unauthorized Occupants) Act, 1974 (hereinafter referred to as 'the Act of 1974) are applicable in the facts of the present case inasmuch as the appellant had been in occupation of the shop in view of the lease deed executed in his favour. Once the lease deed has expired and has not been extended, the appellant is to be treated as an unauthorized occupant and for his eviction, the respondent-authority should take action as per the requirements of the Act of 1974.

4. We, therefore, delete the direction issued by the learned Single Judge for taking action against the

appellant/petitioner under Section 74 of the Karnataka Urban Development Authorities Act, 1987.

5. With the aforesaid modification in the impugned judgment and order, the appeal stands ***disposed of***.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(T.M.NADAF)
JUDGE

RKA
List No.: 1 Sl No.: 1