HC-KAR
NC: 2026:KHC:59731-DB
WP No. 12957 of 2022
CNR: KAHC010292402022

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. 12957 OF 2022 (LB-UC)

BETWEEN:

1. MR CHIDANANDA RAI
   S/O LATE SANKAPPA SHETTY
   R/AT NO.1-130, PANIPAAL HOUSE,
   KODIMBADY ROAD PUTTUR,
   KODIMBADY.
   DAKSHINA KANNADA DISTRICT-574325

2. JANARDHANA ACHARYA K
   S/O NARAYANA ACHARYA K
   AGED ABOUT 41 YEARS
   R/AT 'KODIMBADY HOUSE'
   KODIMBADY, PUTTUR TALUK,
   DAKSHINA KANNADA DISTRICT-574325

...PETITIONERS

(BY SRI. GOVINDARAJU K., ADVOCATE)

AND:

1. STATE OF KARNATAKA
   THE REVENUE DEPARTMENT,
   M S BUILDING

Digitally signed by ASHWINI MAYAPPA MAVARAKAR
Location: High Court of Karnataka

BENGALURU-560001
REPRESENTED BY PRINCIPAL SECRETARY

2. DEPUTY COMMISSIONER
DAKSHINA KANNADA DISTRICT
MANGALORE-574142

3. ASSISTANT COMMISSIONER
PUTTURU SUB DIVISION,
PUTTUR TALUK
DAKSHINA KANANDA DISTRICT-574201

4. THE TAHSILDAR
PUTTUR TALUK
DAKSHINA KANNADA DISTRICT-574201

5. ASSISTANT EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT,
PUTTUR TALUK,
DAKSHINA KANANDA DISTRICT-574201

6. THE PRESIDENT
KODIMBADY GRAMA PANCHAYATH,
PUTTUR TALUK
DAKSHINA KANANDA DISTRICT-574201

7. THE PANCHAYATH DEVELOPMENT OFFICER
KODIMBADY GRAMA PANCHAYATH,
PUTTUR TALUK,
DAKSHINA KANANDA DISTRICT-574201

8. JAYANANDA K
S/O PADMAPPA POOJARY
AGED ABOUT 61 YEARS,

R/AT NO.1-207
KODIYADY HOUSE
KODIMBADY ROAD, PUTTUR,
KODIMBADY
DAKSHINA KANNADA DISTRICT-574325

…RESPONDENTS

(BY SMT. PRAMODHINI KISHAN, AGA FOR RI;
SRI. S. RAJASHEKAR, ADVOCATE FOR R6 & R7;
SRI. G. RAVISHANKAR SHASTRY, ADVOCATE FOR R8
R2, R3, R4 AND R5 ARE SERVED AND UNREPRESENTED)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO i)ISSUE AN ORDER IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENTS TO TAKE ACTION AGAINST THE RESPONDENT NO.8 TO STOP THE ILLEGAL CONSTRUCTION OF COMMERCIAL BUILDING WITHOUT LEAVING ROAD MARGIN/SETBACK AND WITHOUT LEAVING DRAINAGE PLACE ON PANIPALU-KOMBAKODI GRAMA PANCHAYAT ROAD IN SURVEY NO.57/RS/IA2 SITUATED AT KODIMBADY VILLAGE, UPPINANGADI HOBLI, PUTTURU TALUK ii) ISSUE AN ORDER IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENTS TO TAKE ACTION AND REMOVE THE UNAUTHORIZED CONSTRUCTION MADE BY THE RESPONDENT NO.8 WITHOUT LEAVING MARGIN/SETBACK AND ENCROACHING THE ROAD MARGIN OF PANIPAALU-KOMBAKODY GRAMA PANCHAYATH ROAD iii) GRANT SUCH OTHER RELIEF OR RELIEFS INCLUDING COST OF THIS WRIT PETITION.

THIS PETITION IS COMING ON FOR PRELIMINARY HEARING, 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 directions to the respondents to take action against the respondent to stop illegal construction of commercial building abutting a Gram Panchayat road without leaving road margin/setback and provision for drainage.

2. Notice was issued in the writ petition on 16.08.2022. Thereafter the matter has not come up for consideration.

3. Today, when the matter is taken up, the learned counsel appearing for respondents No.6 and 7 submits that the construction of the building is complete and the building has been duly numbered by the Grama Panchayat. It is

further submitted that the road in question is only a Kachha road and is not even a Panchayat road. The same submissions are supported by the learned counsel appearing for respondents No.1 to 5. It is further submitted that Annexure - A, the order of conversion would show that the property in question is 50 metres away from the Panchayath road.

4. The learned counsel for the respondent Nos.6 and 7 has filed a memo producing documents.

5. The learned counsel appearing for respondent No.8 would submit that there is no merit in the contentions raised in the writ petition and that there is absolutely no violation in the construction of the building by respondent No.8. It is submitted that it is only on account of personal animosity that the writ petition has been filed.

6. Having considered the contentions advanced and in view of the uncontroverted submissions made by the learned Government Advocate as well as the learned counsel appearing for the local authority concerned, no orders are

liable to be passed in the writ petition. The writ petition accordingly fails and is ***dismissed***.

Sd/-
(ANU SIVARAMAN)
JUDGE

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

AG
List No.: 1 Sl No.: 6