HC-KAR

NC: 2026:KHC:64523
WP No. 17909 of 2024

CNR: KAHC010369342024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

WRIT PETITION NO. 17909 OF 2024 (GM-PP)

BETWEEN:

1. SRI. SYED AMANULLA,
S/O LATE SYED HASSAIN SHAH,
AGED ABOUT 60 YEARS,
RESIDING AT NO.319,
DARGHA MOHALLA,
VIJINAPURA, OLD MADRAS ROAD,
D.V.NAGAR POST,
BENGALURU - 560 016.

2. SRI. H.S.FAYAZ,
S/O LATE SYED HASSAIN SHAH,
AGED ABOUT 44 YEARS,

3. SRI. SYED RIYAZ,
S/O LATE SYED HASSAIN SHAH,
AGED ABOUT 44 YEARS,

4. SRI. SYED DASTHGIRI AZAM,
S/O LATE SYED HASSAIN SHAH,
AGED ABOUT 52 YEARS,

5. SRI. SYED ASLAM,
S/O LATE SYED HASSAIN SHAH,
AGED ABOUT 53 YEARS,
PETITIONERS 2 TO 5 ARE
RESIDING AT NO.386, 2ND MAIN,

Digitally signed by PAVITHRA B
Location: HIGH COURT OF KARNATAKA

4TH CROSS, DARGHA MOHALLA,
DOORAVANI NAGAR,
BENGALURU - 560 016.

…PETITIONERS

(BY SRI. NAIK N.R., ADVOCATE)

AND:

1. THE UNION OF INDIA,
BY ITS SECRETARY,
DEPARTMENT OF RAILWAY,
NO.256-A, RAIL BHAWAN,
RAISINA ROAD, RAJPATH AREA,
NEW DELHI - 110 001.

2. THE DIVISIONAL RAILWAY MANAGER,
SOUTH WESTERN RAILWAY,
HUBLI - 580 016.

3. THE DIVISIONAL OFFICER,
BENGALURU DIVISION,
BENGALURU CITY RAILWAY STATION,
BENGALURU - 560 002.

4. THE ESTATE OFFICER,
SOUTH WESTERN RAILWAY,
BENGALURU - 560 023.

…RESPONDENTS

(BY SRI.S.R.DODAWAD, ADVOCATE FOR R1 TO R4)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) DIRECTING THE RESPONDENT AUTHORITIES NOT TO DISPOSSESS OF THE RESPECTIVE POSSESSION OF THE PETITIONERS; B) TO STOP

ALL FURTHER PROCEEDING PERTAINING TO THE EVICTION NOTICES ISSUED BY THE 4TH RESPONDENT IN THE NAMES OF PETITIONERS AND DEAD PERSON DATED 31.05.2024 (8 IN NUMBERS) WHICH ARE PRODUCED AT ANNEXURE-G, G1 TO G7 AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE T.P.VIVEKANANDA

ORAL ORDER

The petitioners are before this Court challenging the impugned notices issued by the fourth respondent - the Estate Officer, South Western Railway, Bangalore at Annexures-G, G1 to G7, invoking the provisions of Section 4(2)(ii)(b)(i) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (hereinafter referred to as 'the Act', for short).

2. The impugned notices have been issued by the fourth respondent on the premise that the properties described in the schedule of each of the notices belong to the respondents-Railways and the petitioners are in unauthorised

occupation of the said premises. It is in that context, notices at Annexures-G, G1 to G7 have been issued to all the petitioners, calling upon them to appear before the Estate Officer and submit their responses on the date fixed, failing which the action would be taken to decide the matter *ex-parte*.

3. Without responding to the impugned notices or appearing before the Estate Officer on the dates fixed, the petitioners have rushed to this Court invoking the writ jurisdiction under Article 226 of the Constitution of India, seeking interference with the impugned notices.

4. Learned counsel appearing for the petitioners submits that, apprehending that pursuant to the impugned notices, the respondents would dispossess the petitioners from the properties described in the schedule to the impugned notices, the petitioners have approached this Court for immediate protection.

5. On a perusal of the impugned notices, it is clear that the same are not orders of eviction, but rather notices issued under the provisions of Section 4 of the Act, calling upon

the petitioners to show-cause as to why they shall not be evicted from the premises in question. Once the petitioners submit their responses to the show-cause notices before the Estate Officer, it is the duty of the Estate Officer to consider the objections or claims of the petitioners under Section 5 of the Act and pass appropriate orders, either accepting the plea of the petitioners or rejecting the same. It is only thereafter, the further course of action for eviction of the unauthorised occupants would be undertaken.

6. Therefore, the apprehension expressed by the learned counsel appearing for the petitioners that, pursuant to the impugned notices, the respondents may disturb the possession of the petitioners, is unacceptable. Therefore, this Court is of the view that the petitioners are to be relegated to submit their respective objections or replies to the impugned notices and appear before the Estate Officer for holding an enquiry under section 5 of the Act and take a decision in terms of Section 5(1) of the Act.

7. In the result:

ORDER

i. The writ petition stands ***disposed of.***

ii. The petitioners are granted four (4) weeks' time to submit their objections/replies to the impugned notices before the fourth respondent-Estate Officer. The fourth respondent shall consider the objections/replies that may be submitted by the petitioners in accordance with law, and pass the final orders.

iii. Till such time, the fourth respondent - Estate Officer passes the final order under Section 5 of the Act, the possession of the petitioners in respect of the properties mentioned in each of the impugned notices shall not be disturbed.

Sd/-
(T.P.VIVEKANANDA)
JUDGE

SJK
List No.: 1 Sl No.: 26