HC-KAR

CNR: KAHC010426102022

NC: 2026:KHC:61481-DB
WP No. 18441 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH 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. 18441 OF 2022 (LB-UC-PIL)

BETWEEN:

1. SRI. R. R. HIREMATH
   S/O SRI. RUDRAYYA HIREMATH
   AGED ABOUT 48 YEARS,
   HIGH COURT ADVOCATE
   NO.1523, 11TH C CROSS,
   5TH MAIN, NAGAPUR,
   WEST OF CHORD ROAD,
   MAHALAAXMIPURAM,
   BANGALORE-560086.

...PETITIONER

(BY SRI. H.V. BHANUPRAKASH, ADVOCATE)

Digitally signed by RAKSHA
Location: high court of karnataka

AND:

1. THE CHIEF SECRETARY
   GOVERNMENT OF KARNATAKA,
   VIDHANA SOUDHA,
   BANGALORE-560001.

2. THE ASSISTANT CHIEF SECRETARY
   BANGALORE URBAN DEVELOPMENT DEPARTMENT
   VIKASA SOUDHA,
   BANGALORE-560001.

3. THE CHIEF COMMISSIONER
BRUHAT BENGALURU MAHANAGARA PALIKE,
HUDSON CIRCLE,
BANGALORE-560001.

4. THE EXECUTIVE ENGINEER
BRUHAT BENGALURU MAHANAGARA PALIKE,
RAJARAJESHWARI NAGAR ZONE,
BANGALORE-560098.

…RESPONDENTS

(BY SRI. SPOORTHY HEGDE, HCGP FOR R1 & R2,
SRI. K.B. MONESH KUMAR, ADVOCATE FOR R3 & R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO (i) ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT OR ORDER OR DIRECTION, DIRECTING THE RESPONDENTS TO TAKE IMMEDIATE STEPS TO REMOVE/DEMOLISH THE UNAUTHORISED CONSTRUCTION/ENCROACHMENT COME UP ON THE ROAD DIVIDER OF 5 FT. PASSAGE ON 80 FT. ROAD - MOHAN KUMAR ROAD STARTING FROM MATHIKERE MAIN ROAD TO HMT MAIN ROAD AND PASSES THROUGH CHOWDESHWARI TEMPLE BMTC BUS STOP ROAD (J P PARK ROAD) AND ETC.,

THIS PETITION, 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)

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

"(i) Issue a writ of Mandamus or any other appropriate writ or order or direction, directing the Respondents to take immediate steps to remove/demolish the unauthorised construction / encroachment come up on the road divider of 5 ft. passage on 80 Ft. Road - Mohan Kumar Road starting from Mathikere Main Road to HMT Main Road and passes through Chowdeshwari Temple BMTC Bus Stop Road (J P Park Road);

(ii) Issue a writ of Mandamus or any other appropriate writ or order directing the Respondent No.3 and 4 to take action against the erring officials of BBMP who has allowed the construction of the commercial shops on the road divider space of 5 ft. passage on 80 Ft. Road - Mohan Kumar Road starting from Mathikere Main Road to HMT Main Road and passes through Chowdeshwari Temple BMTC Bus Stop Road (JP Park Road) and failing to preserve the rights of the pedestrians, general

public, road users and the residents of the area;

(iii) Issue a writ or order or direction to prevent any future encroachment/ obstruction/misuse of the public property i.e., pavement/ footpath/ median/ road divider on the 80 Ft. Road - Mohan Kumar Road starting from Mathikere Main Road to HMT Main Road and passes through Chowdeshwari Temple BMTC Bus Stop Road (JP Park Road);

(iv) Grant such other reliefs as deemed fit in the facts and circumstances of the case and in the interest of justice."

2. We have heard learned counsel appearing for the petitioner as well as learned Government Advocate and learned counsel appearing for the BBMP.

3. It is submitted by learned counsel for the petitioner that the petitioner has preferred representations complaining of unauthorized construction of commercial shops in the midst of the 80 feet road on the divider near J.P.Park, on the road running from Mathikere towards

H.M.T Main Road / B.E.L Circle. It is submitted that the construction made on the road divider which is the public property is completely unjustified. It is submitted that a copy of Annexure-A - representation has been forwarded to the Chief Secretary as well as the Commissioner of the BBMP.

4. Learned counsel appearing for the respondents seeks a short accommodation to get instructions in the matter.

5. However, we are of the opinion that in view of the fact that the representations have been preferred by the petitioner, it is for respondent Nos.3 and 4 to conduct necessary spot inspection and take appropriate action on the representation submitted by the petitioner.

6. In the result:-

(i) There will a direction to respondents No.3 and 4 to take up Annexure-A -representation submitted by the petitioner and to conduct necessary spot inspection and take appropriate

action on the basis of the facts which are borne out by the spot inspection.

(ii) Necessary orders shall be passed with copy to the petitioner as well.

(iii) Appropriate action shall be taken within two months from the date of receipt of a certified copy of this judgment.

Sd/-
(ANU SIVARAMAN)
JUDGE

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

GH
List No.: 1 Sl No.: 9