HC-KAR

NC: 2026:KHC:60178
WP No. 24010 of 2026
C/W WP No. 22013 of 2023

CNR: KAHC010536572026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 24010 OF 2026 (LB-RES)

C/W

WRIT PETITION NO. 22013 OF 2023 (LB-RES)

IN WP No. 24010/2026

BETWEEN:

1. MR RANGADHAMAIAH (R)
   AGED ABOUT 58 YEARS,
   ASST TEACHER,
   SON OF MR MUDDARANGAPPA,
   HOUSE NO. 4, KHB TALUK
   PANCHAYAT QUARTERS,
   LINGENAHALLI VILLAGE,
   MADHUGIRI 572 132
   DIST TUMAKURU

2. SMT RADHAMMA,
   AGED ABOUT 28 YEARS,
   WIFE OF MR OBALESHA,
   SECURITY GUARD,
   HOUSE NO. 10, KHB TALUK
   PANCHAYAT QUARTERS,
   LINGENAHALLI VILLAGE,
   MADHUGIRI 572 132.

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Location: HIGH COURT OF KARNATAKA

3. MR HANUMANTHARAYAPPA,
AGED ABOUT 63 YEARS,
GR D EMPLOYEE,
SON OF MR CHIKKANARASAPPA,
HOUSE NO. 11, KHB TALUK
PANCHAYAT QUARTERS,
LINGENAHALLI VILLAGE,
MADHUGIRI 572 132

4. MR BASAVARAJU,
AGED ABOUT 58 YEARS,
ASST TEACHER,
SON OF MR NARASAPPA,
HOUSE NO. 13, KHB TALUK
PANCHAYAT QUARTERS,
LINGENAHALLI VILLAGE,
MADHUGIRI 572 132

5. MS SAVITA CN,
AGED ABOUT 32 YEARS,
HEALTH ASST.,
WIFE OF MR S VISHWANATHA,
HOUSE NO. 16, KHB TALUK
PANCHAYAT QUARTERS,
LINGENAHALLI VILLAGE,
MADHUGIRI 572 132

6. MS SOUMYA,
AGED ABOUT 34 YEARS,
SDC, T P.,
WIFE OF MR G R RAMESH,
HOUSE NO. 18, KHB TALUK
PANCHAYAT QUARTERS,
LINGENAHALLI VILLAGE,
MADHUGIRI 572 132

7. MR CHENNAREDDY,
GED ABOUT 39 YEARS,
ASST TEACHER,
ON OF MR GOVINDAPPA,
HOUSE NO. 5, KHB TALUK
PANCHAYAT QUARTERS,
INGENAHALLI VILLAGE,
MADHUGIRI 572 132

8. NARASIMHARAJU S
AGED ABOUT 55 YEARS
S/O NARASIMHALAH,
R/AT HOUSE NO. 8,
KHB COLONY,
LINGENHALLI VILLAGE,
MADHUGIRI TALUK

9. MR. HARISH GR
AGED ABOUT 47 YEARS
S/O RANGAPPA
C/O SHANKRAPPA
R/AT HOUSE NO. 14,
KHB COLONY,
LINGENHALLI VILLAGE,
MADHUGIRI 572 132

...PETITIONERS

(BY SRI. VARDHAMAN V GUNJAL., ADVOCATE)

AND:

1. THE SECRETARY
KARNATAKA RURAL DEVELOPMENT AND
PANCHAYAT RAJ (RDPR)
DEPARTMENT

3RD FLOOR, M S BUILDING,
NEAR VIDHANA SOUDHA
POLICE STATION,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU-560001.

2. THE CHIEF EXECUTIVE OFFICER,
TALUK PANCHAYAT,
MADHUGIRI 572 132
DIST TUMAKURU

3. ZILLA PANCHAYAT
TUMKUR
REP BY ITS CHIEF EXECUTIVE OFFICER.
OFFICE OF THE ZILLA PANCHAYATH
TUMKUR -572101

4. KARNATAKA HOUSING BOARD
KAUVERY BHAVAN,
KEMPEGOWDA ROAD,
BANGALORE-560009
BY ITS COMMISSIONER

...RESPONDENTS

(BY SMT. CHANDINI S., HCGP FOR R1;
SRI. A NAGARAJAPPA., ADVOCATE FOR R2 AND R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO THE PETITIONERS THEREFORE PRAY THAT THIS HON'BLE COURT BE PLEASED TO QUASH ANY COMMUNICATION/ORDER VIDE ANNEXURE F SERIES AS UNDER J. ANNEXURE F-1 NO.133 TALUK PACHAYAT MADHUGIRI / RESIDENTIAL HOUSE NO.S/

RENT/01/2025-2026 DATED 27.05.2025 ISSUED TO PETITIONER NO.1. K. ANNEXURE F-2 NO. NIL TALUK PACHAYAT MADHUGIRI /RESIDENTIAL HOUSE NO.S/ RENT/01/2025-2026 DATED 27.05.2025 ISSUED TO PETITIONER NO.2. L. ANNEXURE F-3 NO.132 TALUK PACHAYAT MADHUGIRI /RESIDENTIAL HOUSE NO.S/ RENT/01/2025-2026 DATED 27.05.2025 ISSUED TO PETITIONER NO.3. M. ANNEXURE F-4 NO. TALUK PACHAYAT MADHUGIRI /RESIDENTIAL HOUSE NO.S/RENT/01/2025-2026 NO. NIL DATED 27.05.2025 ISSUED TO PETITIONER NO.4. N. ANNEXURE F-5 NO.123 TALUK PACHAYAT MADHUGIRI /RESIDENTIAL HOUSE NO.S/ RENT/01/2025-2026 DATED 27.05.2025 ISSUED TO PETITIONER NO.5. O. ANNEXURE F-6 NO.121 TALUK PACHAYAT MADHUGIRI /RESIDENTIAL HOUSE NO.S/ RENT/01/2025-2026 DATED 27.05.2025 ISSUED TO PETITIONER NO.6. P. ANNEXURE F-7 NO. NIL TALUK PANCHAYAT MADHUGIRI /RESIDENTIAL HOUSE NO.S/ RENT/01/2025-2026 DATED 27.05.2025 ISSUED TO PETITIONER NO.7. Q. ANNEXURE F-8 NO.133 TALUK PACHAYAT MADHUGIRI /RESIDENTIAL HOUSE NO.S/ RENT/01/2025-2026 DATED 27.05.2025 ISSUED TO PETITIONER NO.8. R. ANNEXURE F-9 NO. 128 TALUK PANCHAYAT MADHUGIRI /RESIDENTIAL HOUSE NO.S/ RENT/01/2025-2026 NO. 133 DATED 27.05.2025 ISSUED TO PETITIONER NO.9 AND ANNEXURE-G SERIES AS UNDER.ANNEXURE G-1 NO.TMP/KNA/LSHA/TP VASATI GRUHA/2026-2027/334

DATED 15.06.2026 ISSUED TO PETITIONER NO.1 (RANGADAMAIAH)ANNEXURE G-2 NO.TMP/KNA/LSHA/TP VASATI GRUHA/2026-2027/338 DATED 15.06.2026 ISSUED TO PETITIONER NO.2 (RADHAMMA). ANNEXURE G-3 NO.TMP/KNA/LSHA/TP VASATI GRUHA/2026-2027/339 DATED 15.06.2026 ISSUED NO.3(HAMANTHRAIAPPA). ANNEXURE G-4 NO.TMP/KNA/LSHA/TP VASATI GRUHA/2026-2027/341 DATED 15.06.2026 ISSUED NO.4(BASAVARAJU). ANNEXURE G-5 NO.TMP/KNA/LSHA/TP VASATI GRUHA/2026-2027/344 DATED 15.06.2026 ISSUED NO.5(SAVITHA). ANNEXURE G-6 NO.TMP/KNA/LSHA/TP VASATI GRUHA/2026-2027/346 DATED 15.06.2026 ISSUED TO PETITIONER NO.6 (SOUMAYA RAMESH). ANNEXURE G-7 NO.TMP/KNA/LSHA/TP VASATI GRUHA/2026-2027/ DATED 15.06.2026 ISSUED TO PETITIONER NO.7(CHANNA REDDY). ANNEXURE G-8 NO.TMP/KNA/LSHA/TP VASATI GRUHA/2026-2027/ DATED 15.06.2026 ISSUED TO PETITIONER NO.8 (NARASIMHARAJU). ANNEXURE G-9 NO.TMP/KNA/LSHA/TP VASATI GRUHA/2026-2027/ DATED 15.06.2026 ISSUED TO PETITIONER NO.9 (HARISHA GR). AS ILLEGAL, ARBITRARY AND WHOLLY WITHOUT JURISDICTION SINCE RESPONDENTS CANNOT TAKE ADVANTAGE OF THEIR OWN WRONG; 2. HOLD THAT THE SECOND RESPONDENT HAS NO AUTHORITY TO DISPOSSESS THE PETITIONERS EXCEPT BY DUE PROCESS OF LAW AFTER

ESTABLISHING ITS LAWFUL TITLE OVER THE PROPERTIES; 3. ISSUE A DIRECTION RESTRAINING THE RESPONDENTS, THEIR OFFICERS, SERVANTS OR ANYBODY CLAIMING UNDER THEM FROM INTERFERING WITH THE PEACEFUL POSSESSION AND ENJOYMENT OF THE PETITIONERS OVER THE RESPECTIVE RESIDENTIAL QUARTERS;

IN WP NO. 22013/2023

BETWEEN:

1. MR BHEEMANNA
   AGED ABOUT 65 YEARS
   SEC, G.P.
   SON OF MR MADLIHANUMAPPA
   HOUSE NO. 2, KHB TALUK
   PANCHAYAT QUARTERS,
   LINGENAHALLI VILLAGE
   MADHUGIRI- 572132
   DISTRICT- TUMAKURU

2. MR RANGADHAMAIAH
   AGED ABOUT 58 YEARS
   ASST TEACHER,
   SON OF MR MUDDARANGAPPA
   HOUSE NO. 4, KHB TALUK
   PANCHAYAT QUARTERS,
   LINGENAHALLI VILLAGE
   MADHUGIRI - 572132
   DISTRICT - TUMAKURU

3. MR CHENNAREDDY
   AGED ABOUT 39 YEARS
   ASST TEACHER,

SON OF MR GOVINDAPPA
HOUSE NO. 5, KHB TALUK
PANCHAYAT QUARTERS,
LINGENAHALLI VILLAGE
MADHUGIRI- 572132
DISTRICT- TUMAKURU

4. MR RAMESH C
AGED ABOUT 40 YEARS
ASST TEACHER,
SON OF MR CINAGAIAH
HOUSE NO. 4, KHB TALUK
PANCHAYAT QUARTERS,
LINGENAHALLI VILLAGE
MADHUGIRI - 572132
DISTRICT - TUMAKURU

5. MR RANGANATH V
AGED ABOUT 41 YEARS
POLICE PERSONNEL
SON OF MR VANAMALLAPPA
HOUSE NO. 7, KHB TALUK
PANCHAYAT QUARTERS,
LINGENAHALLI VILLAGE
MADHUGIRI- 572132
DISTRICT- TUMAKURU

6. MR K V NARASIMHARAJU
AGED ABOUT 50 YEARS
COOK,
SON OF MR VEERANAGAIAH
HOUSE NO. 8, KHB TALUK
PANCHAYAT QUARTERS,
LINGENAHALLI VILLAGE
MADHUGIRI- 572132

DISTRICT- TUMAKURU

7. MS B H SHILPA
AGED ABOUT 35 YEARS
ASST TEACHER,
WIFE OF MR SRINIVASA D V
HOUSE NO. 9, KHB TALUK
PANCHAYAT QUARTERS,
LINGENAHALLI VILLAGE
MADHUGIRI- 572132
DISTRICT- TUMAKURU

8. MS RADHAMMA
AGED ABOUT 28 YEARS
SECURITY GUARD
WIFE OF OBALESHA
HOUSE NO. NO 10, KHB TALUK
PANCHAYAT QUARTERS,
LINGENAHALLI VILLAGE
MADHUGIRI- 572132
DISTRICT- TUMAKURU

9. MR HANUMANTHARAYAPPA
AGED ABOUT 63 YEARS
GR D EMPLOYEE ,
SON OF MR CHIKKANARASAPPA
HOUSE NO. 11, KHB TALUK
PANCHAYAT QUARTERS,
LINGENAHALLI VILLAGE
MADHUGIRI- 572132
DISTRICT- TUMAKURU

10. MS. LAKSHMI
AGED ABOUT 48 YEARS
GR D EMPLOYEE,
WIFE OF MR NAGARAJAPPA

HOUSE NO. 12, KHB TALUK
PANCHAYAT QUARTERS,
LINGENAHALLI VILLAGE
MADHUGIRI- 572132
DISTRICT- TUMAKURU

11. MR BASAVARAJU
AGED ABOUT 58 YEARS
ASST TEACHER,
SON OF MR NARASAPPA
HOUSE NO. 13, KHB TALUK
PANCHAYAT QUARTERS,
LINGENAHALLI VILLAGE
MADHUGIRI- 572132
DISTRICT- TUMAKURU

12. MR SHANKARAPPA R
AGED ABOUT 38 YEARS
GR D EMPLOYEE,
SON OF MR RAMAPPA
HOUSE NO.14, KHB TALUK
PANCHAYAT QUARTERS,
LINGENAHALLI VILLAGE
MADHUGIRI- 572132
DISTRICT- TUMAKURU

13. MS SHANTAMMA H S
AGED ABOUT 52 YEARS
HEAD MISTRESS,
WIFE OF MR LAKSHMIKANTHAIAH
HOUSE NO.15, KHB TALUK
PANCHAYAT QUARTERS,
LINGENAHALLI VILLAGE
MADHUGIRI- 572132
DISTRICT- TUMAKURU

14. MS SAVITA C N
AGED ABOUT 32 YEARS
JR HEALTH ASST
WIFE OF MR S VISHWANATHA
HOUSE NO.16, KHB TALUK
PANCHAYAT QUARTERS,
LINGENAHALLI VILLAGE
MADHUGIRI- 572132
DISTRICT- TUMAKURU

15. MS PUTTATAYE R
AGED ABOUT 50 YEARS
ASST TEACHER,
WIFE OF MR RANGANNA
HOUSE NO.17, KHB TALUK
PANCHAYAT QUARTERS,
LINGENAHALLI VILLAGE
MADHUGIRI- 572132
DISTRICT - TUMAKURU

16. MS SOUMYA
AGED ABOUT 34 YEARS
SDC T.P WIFE OF G R RAMESH
HOUSE NO. 18, KHB TALUK
PANCHAYAT QUARTERS,
LINGENAHALLI VILLAGE
MADHUGIRI- 572132
DISTRICT- TUMAKURU

...PETITIONERS

(BY SRI. VARDHAMAN V GUNJAL., ADVOCATE)

AND:

1. THE HOUSING COMMISSIONER
KARNATAKA HOUSING BOARD,

CAUVERY BHAVAN,
MYSORE BANK CIRCLE,
BENGALURU - 560009.

2. THE CHIEF EXECUTIVE OFFICER
TALUK PANCHAYAT,
MADHUGIRI - 572132
DIST TUMAKURU.

...RESPONDENTS

(BY SMT. PUSHPAKANTHA., ADVOCATE FOR R1;
SRI. A NAGARAJAPPA, ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-DIRECT R-1 BOARD TO CONSIDER THE REPRESENTATION OF THE PETITIONERS DTD 28/07/2023 AS PER ANNEXURE-J, AND TO TRANSFER/ALLOT TO THE PETITIONERS, THE HOUSE NO.S IN THEIR RESPECTIVE OCCUPATION I.E. IN SO FAR AS PETITIONER ARE CONCERNED. SL. NO. 1 - NAME OF THE PETITIONER - MR. BHEEMANNA, HOUSE NO. 02. SL. NO. 2 - NAME OF THE PETITIONER - MR. RANGADHAMAIAH, HOUSE NO. 04. SL. NO. 3 - NAME OF THE PETITIONER - MR. CHANNAREDDY J, HOUSE NO. 05. SL. NO. 4 - NAME OF THE PETITIONER - MR. RAMESH C, HOUSE NO. 06. SL. NO. 5 - NAME OF THE PETITIONER - MR. RANGANATH V, HOUSE NO. 07. SL. NO. 6 - NAME OF THE PETITIONER - MR. K V NARASIMHARAJU , HOUSE NO. 08. SL. NO. 7 - NAME OF THE PETITIONER - SMT. B H SHILPA, HOUSE NO. 09. SL. NO. 8 - NAME OF THE PETITIONER - SMT. RADHAMMA D N, HOUSE NO. 10. SL. NO. 9 - NAME OF THE PETITIONER - MR. HANUMANTHARAYAPPA, HOUSE NO. 11. SL. NO. 10 - NAME OF THE PETITIONER - MS. N LAKSHMI, HOUSE NO. 12. SL. NO. 11 - NAME OF THE PETITIONER -

MR.BASAVARAJU , HOUSE NO. 13. SL. NO. 12 - NAME OF THE PETITIONER - MR. SHANKARAPPA, HOUSE NO.14. SL. NO. 13- NAME OF THE PETITIONER - MS. SHANTAMMA H S, HOUSE NO. 15. SL. NO. 14 - NAME OF THE PETITIONER - MS. C N SAVITA, HOUSE NO. 16SL. NO. 15 - NAME OF THE PETITIONER - MS.PUTTATAYE R, HOUSE NO. 17. SL. NO. 16 - NAME OF THE PETITIONER - MS. SOUMYA, HOUSE NO. 18. FIX AND COLLECT FAIR MARKET VALUE AND EXECUTE SALE DEEDS IN FAVOUR OF THE PETITIONERS, INDIVIDUALLY;

THESE PETITIONS, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

These petitions are by those who have been allotted residential accommodation because they were in service with the different State Government Departments and local authorities/local bodies. They have filed the petition in W.P.No.22013/2023 for directions to the Karnataka Housing Board [*the Housing Board*] to allot/transfer in their favour the respective houses [*Quarters*] in their occupation and some of these very petitioners have filed the next

petition in W.P.No.24010/2026 calling in question the notices [*Annexure – F & G]* issued by the Madhugiri Taluka Panchayat [*the Taluka Panchayat*] calling upon them to vacate and hand over the possession of the Quarters after ensuring the electricity charges are paid up-to-date.

2. This Court, on 06.07.2026, upon hearing Mr. Vardhaman V. Gunjal, the learned counsel for the petitioners, Mr. A. Nagarajappa, a learned standing counsel for the Taluka Panchayat, and Ms.Pushpakanta, a learned standing counsel for the Housing Board, and recording that the petitioners have been in Government service but they are no longer in such service, has framed the following two questions for consideration.

[a] C*ould the petitioners seek allotment of the houses only because they were permitted to occupy these houses as part of their service conditions?*

[b] W*hether this Court can, if the petitioners are not entitled to such allotment, permit their continuance in the respective properties.*

3. Mr. Vardhaman V. Gunjal, the learned counsel for the petitioners, is categorical in stating that not all the petitioners have retired from service, and that it is only a couple of petitioners. However, the learned counsel is unable to categorically state which of these petitioners are in service and which of them are not. Mr. A. Nagarajappa submits that most of the petitioners have retired from service and even those who are in service are no longer in occupation of the Quarters and that they have sub-let in favour of others.

4. If this is one area of difference between the petitioners and the Taluka Panchayat, the other area of difference is with the petitioners asserting that they have, at their own cost, developed facilities for the Quarters with the Taluka Panchayat contending

that most of the Quarters are in a dilapidated condition. The petitioners and the Taluka Panchayat rely upon the photographs produced by them.

5. The outcome in the petitions must turn on the submissions canvassed on behalf of the petitioners and the rebuttal that is offered by the Taluka Panchayat and the Housing Board. On behalf of the petitioners, it is contended that the Taluka Panchayat cannot assert any title or interest in the Quarters even if the Taluka Panchayat has allotted the Quarters to them because the Housing Board has *resumed* these for non-payment of the consideration; that if the Taluka Panchayat has not paid consideration, they cannot seek possession from the petitioners.

6. Mr. Vardhaman V. Gunjal, reiterating these, relies upon a Division Bench's judgment in Writ Appeal No.30813-30833/2013 [*GM-RES*], which

are decided on 08.10.2013. The Division Bench in this judgment recording the difference in the stand taken by the Department of Public Works and the Housing Board, while examining whether there is any error in the direction in the writ petition to the Housing Board to consider the representations for allotment, has opined that no error can be found in such direction because the Housing Board will have to consider the representations filed for allotment after extending an opportunity to the Department of Public Works.

7. Mr. A. Nagarajappa submits that there is correspondence between the Housing Board and the Taluka Panchayat [*as per Annexures - R2(5) and R2(6)* during 2003-04 on the price payable by the Taluk Panchayat to the Housing Board and only after the possession is handed over the allotment letters have been issued to each of the petitioners or their predecessors-in-interest. The learned counsel

emphasizes that the Housing Board is not refuting the Taluka Panchayat's interest in the Quarters. Ms.Pushpakanta is categorical on two counts *viz.* ***[a]*** the Housing Board has not denied the Taluka Panchayat's right to the Quarters and ***[b]*** the Housing Board, bound as it is by certain directions of this Court, cannot allot or transfer any property contrary two the Rules.

8. This Court, to answer the first question, must examine whether the petitioners can assert any proprietary interest in insisting upon an allotment or transfer of the Quarters in their favour. The Housing Board's stand that it does not dispute the Taluka Panchayat's right or interest in the subject Quarters must be a clincher, and this Court is also of the view that the petitioners/their predecessors-in-interest who have been allotted the Quarters because they are/ were in service, cannot assert any proprietary interest in the Quarters. The petitioners, if they could

assert such a right, should have brought to this Court's notice the Service Conditions which enable such a claim and they have not. Therefore, the petitioners cannot be admitted to the prayer for directions to the Housing Board to allot or transfer the subject Quarters in their favour. The first question must be answered accordingly.

9. The Taluka Panchayat has issued each of the petitioners in W.P.No.24010/2026 with notices for eviction and these are only for six [6]. The notices do not speak about the provisions of law under which the petitioners are being called upon to vacate and hand over the possession though there is reference to the petitioners staying in these Quarters beyond the permitted tenure. The other contention before this Court to justify the issuance of notice is the Quarters being in a dilapidated condition. If the petitioners/their nominees/successors have

outstayed the tenure or if the Taluk Panchayat wants to take possession because the Quarters are in a dilapidated condition, the Taluka Panchayat will have to have recourse under the appropriate law and mere issuance of notice would not enable the Taluka Panchayat to take possession.

10. The impugned notices could only be a precursor to the actual proceedings that must be in accordance with the law. When queried, Mr. A. Nagarajappa submits that depending on the circumstances, the Taluka Panchayat will examine whether the proceedings must be under the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 or otherwise. This Court opines that this stand ensures that the petitioners/their nominees will be protected against action which cannot be supported in law. The second question is answered holding that the petitioners/ their nominees must be dispossessed in accordance with

the procedure permissible in law. In the light of the afore, the following:

ORDER

[a] The petition in W.P.No.22013/2023 is rejected.

[b] The petition in W.P.No.24010/2026 stands disposed of observing that if the corresponding petitioners are to be evicted, the Taluka Panchayat will have recourse to the appropriate procedure under the required law.

Sd/-
(B M SHYAM PRASAD)
JUDGE

SA
Ct:sr