HC-KAR

NC: 2026:KHC:65090
WP No. 26359 of 2026

CNR: KAHC010572862026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 26359 OF 2026 (GM-CPC)

BETWEEN:

1. BALADARE GRAMA PANCHAYATH
BALADARE VILLAGE,
DANDIGANAHALLI HOBLI,
CHANNARAYAPATNA TALUK
HASSAN DISTRICT - 573 116
REPRESENTED BY ITS
PANCHAYATH DEVELOPMENT OFFICER.

2. THE EXECUTIVE OFFICER
TALUK PANCHAYATH,
CHANNARAYAPATNA TALUK,
HASSAN DISTRICT- 573 116.

...PETITIONERS

Digitally signed by VIJAYA P
Location: High Court of Karnataka

(BY SRI. NAVEEN J.N, ADVOCATE)

AND:

SMT. SUSHEELAMMA
W/O LATE G.L. JAYAPAL
AGED ABOUT 67 YEARS,
HOUSE NO. 99, SRI JAYAPAL NIVAS,
BALADARE GATE,
DANDIGANAHALLI HOBLI,
CHANNARAYAPATNA TALUK,
HASSAN DISTRICT - 573 116.

...RESPONDENT

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION, QUASHING THE ORDER DATED 03.11.2023 PASSED BY THE III ADDITIONAL CIVIL JUDGE AND JMFC, CHANNARAYAPATNA, IN O.S.NO.270/2023 ON I.A. NO.1 FILED UNDER ORDER XXXIX RULES 1 AND 2 READ WITH SECTION 151 CPC MARKED AT ANNEXURE-E AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

The present writ petition is filed challenging the order dated 03.11.2023 passed on I.A. No.1 in O.S. No.270/2023 passed by the III Additional Civil Judge and JMFC, Channarayapatna and the order dated 22.04.2024 passed in M.A. No.23/2023, by the Additional Senior Civil Judge and JMFC, Channarayapatna.

2. Learned counsel appearing for the petitioners submits that the plaintiff instituted the suit seeking an

order of injunction restraining the defendants from interfering with the suit schedule property. The Trial Court granted an order of temporary injunction, which came to be confirmed by the First Appellate Court in M.A. No.23/2023.

2.1 It is contended that the plaintiff had failed to establish a prima facie case warranting the grant of an order of temporary injunction. The Trial Court granted the interim order merely on the ground that construction was being carried out pursuant to a licence, without examining whether such construction was in conformity with the statutory requirements.

2.2 It is further contended that the grant of a licence for construction does not dispense with the requirement of compliance with the applicable statutory provisions. A construction licence can only authorise construction in accordance with law, and the mere issuance of such a

licence cannot be construed as permission to contravene statutory requirements.

3. I have considered the submissions made by the learned counsel appearing for the petitioners and perused the material available on record.

4. At the outset, this Court notices that the order passed by the Trial Court is dated 03.11.2023 and the order passed by the First Appellate Court is dated 22.04.2024. However, there is considerable delay in approaching this Court, and no satisfactory explanation is forthcoming for the same.

5. Though no specific period of limitation is prescribed for filing a writ petition, the same is required to be instituted within a reasonable period. An attempt has been made in paragraph 29 of the writ petition to explain the delay by contending that the time consumed in obtaining administrative approval for filing the writ petition resulted in the delay.

6. The Hon'ble Supreme Court has consistently held that the Government and its instrumentalities do not stand on a different footing from ordinary litigants insofar as the requirement of explaining delay is concerned. The standard for establishing sufficient cause remains the same. Mere movement of files from one table to another in the administrative hierarchy cannot constitute sufficient cause for explaining the delay.

7. In that view of the matter, this Court is not inclined to entertain the writ petition on the ground of delay and laches.

8. However, it is necessary to observe that the petitioners are local authorities entrusted with administrative, regulatory and supervisory functions in respect of construction activities within their respective jurisdictions. The dismissal of the present writ petition or the interim order granted by the Trial Court shall not come in the way of the competent authorities initiating

appropriate statutory action, if warranted, in respect of any violation of the applicable laws, rules or regulations. Needless to observe, any such action shall be taken strictly in accordance with law and by following the procedure prescribed thereunder.

9. Accordingly, the writ petition stands ***dismissed*** on the ground of delay and laches. All contentions on merits are kept open.

Sd/-
(K. V. ARAVIND)
JUDGE

VN
List No.: 2 Sl No.: 1