IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN

WRIT PETITION NO.28571 OF 2023 (LB-BMP)

BETWEEN:

1. SMT D. DAKSHAYANI
   W/O SURESH R,
   AGE 36 YEARS,
   R/O NO.6, 10TH MAIN ROAD,
   60 FT ROAD, J C NAGAR,
   KURUBARAHALLI,
   BENGALURU - 560 086.

...PETITIONER

(BY SRI. AMRUTHESH N.P., ADVOCATE)

AND:

Digitally signed by GEETHA P G
Location: HIGH COURT OF KARNATAKA

1. COMMISSIONER
   BRUHAT BENGALURU MAHANAGARA PALIKE,
   (BBMP), N R SQUARE,
   BENGALURU-560002.

2. EXECUTIVE ENGINEER
   B B M P WARD NO.73,
   BBMP OFFICE,
   CHOWDESHWARINAGAR,
   BENGALURU - 560 058.

3. ASSISTANT EXECUTIVE ENGINEER
   BBMP WARD NO. 73,
   BBMP OFFICE, CHOWDESHWARINAGAR,
   BENGALURU - 560 058.

4. SRI.DURGAPARAMESHWARI SEVA SAMITHI (R)
50 FT MAIN ROAD,
CHOWDESHWARINAGARA,
LAGGERE, BENGALURU - 560058.
REP BY ITS SECRETARY.
A REGISTERED TEMPLE TRUST.

5. RAJAGOPAL NAGAR POLICE STATION
RAJAGOPAL NAGAR, LAGGERE
BANGALORE-86
BY ITS INSPECTOR.

6. ASSISTANT COMMISSIONER OF POLICE (ACP)
APMC YARD, YESHWANTHPUR IND SUBURB,
YESHWANTHPUR, BANGALORE-22.

(IMPLEADED THE R5 AND R6 VIDE COURT ORDER DATED 26.02.2024)

…RESPONDENTS

(BY SRI. KARTHIKEYAN B.S., ADVOCATE FOR R1 TO R3

SRI. H.C. SHIVARAMU, ADVOCATE FOR R4

SRI. BOPANNA BELLIAPPA, AGA FOR R5 AND R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTION TO THE RESPONDENT NOS. 1 TO 3 TO CONSIDER THE COMPLAINT/ REPRESENTATIONS DATED 07.11.2023 AND 09.11.2023 VIDE ANNEXURE-J, J1 IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR ORDERS THROUGH VIDEO CONFERENCING / PHYSICAL HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.I.ARUN

ORAL ORDER

On the allegation that respondent Nos.4 and 5 have constructed a temple in violation of the building by-laws by encroaching upon footpath and the road, the petitioner has made representations to respondent Nos.1 to 3 and 6 to have the same removed. Since the said representations have not been considered by the authorities concerned, the petitioner has filed the present writ petition seeking the following reliefs:

> *"(i) Issue a Writ of Mandamus or any other appropriate writ, order, or direction to the Respondent Nos. 1 to 3 to consider the Complaint / Representations dated 7.11.2023 & 9.11.2023 vide Annexure - J, J1, in the interest of justice and equity.*
>
> *(ii) Issue a Writ of mandamus or any other appropriate writ, order, or direction to the Respondent Nos. 1 to 3 to demolish the illegal structure constructed by the 4th Respondent, next to the Petitioner's Schedule property towards the East side, on the footpath / pavement of the 50ft. Road, Laggere Main Road, Chowdeshwari Nagar,*

Laggere, Bengaluru - 560058, in the interest of justice and equity.

(iii) Grant any other relief that this Hon'ble Court deems fit under the facts and circumstances of the case, in the interest of equity and justice"

2. Sri.Karthikeyan.B.S., the learned counsel appearing for respondent Nos.1 to 3, submits that subsequent to filing of the writ petition, the area has been surveyed and it has been found that respondent Nos.4 and 5 have not encroached upon any footpath or road, much less the property of the petitioner herein.

3. For the said reason, they pray that the writ petition be dismissed.

4. Learned counsel for the petitioner disputes the said submission made by the learned counsel appearing for respondent Nos.1 to 3.

5. This Court, in exercise of its powers under Article 226 of the Constitution of India, cannot examine disputed questions of fact.

6. As per law, any illegal construction or any construction put up encroaching upon public property is liable to be removed.

7. The averment made by the petitioner is that respondent Nos.5 and 6 have constructed a temple by encroaching upon footpath and public road. However, it is the categorical submission of learned counsel for the respondents - Bruhat Bengaluru Mahanagara Palike (for short, 'the BBMP') that no such encroachment exists.

8. For the aforementioned reasons, the Writ Petition is hereby ***dismissed***, reserving liberty to the petitioner to approach the appropriate Civil Court in accordance with law.

Sd/-
(M.I.ARUN)
JUDGE

CH
List No.: 1 Sl No.: 27