HC-KAR

NC: 2026:KHC:62468-DB
WP No. 32393 of 2025

CNR: KAHC010694052025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH 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. 32393 OF 2025 (LB-BMP-PIL)

BETWEEN:

DR JOHN BASCO PHILIPS
S/O A PHILIPS,
AGED ABOUT 53 YEARS,
RESIDING AT NO. 51, B CROSS,
1 MAIN ROAD,
NG HALLI, MYSORE ROAD,
BENGALURU-560026,

...PETITIONER

(BY SRI. NATARAJU N.,ADVOCATE)

Digitally signed by PAVITHRA N
Location: High Court of Karnataka

AND:

1. MOST. REV. DR. PETER MACHADO
   METROPOLITAN ARCH BISHOP OF BANGALORE,
   BENGALURU ARCHDIOCESE,
   ARCH BISHOP'S HOUSE,
   NO.75, MILLERS ROAD,
   BENGALURU-560046.

2. REV FR PRASANTH PREM KUMAR,
   PARISH PRIEST AND SECRETARY,

MYSORE ROAD CEMETERY,
MYSORE ROAD,
ST. JOSEPH'S CHURCH,
BRIAND SQUARE,
BENGALURU-560002.

3. CHIEF COMMISSIONER,
GREATER BENGALURU AUTHORITY,
HUDSON CIRCLE,
BENGALURU-560002.

…RESPONDENTS

(BY SRI. K.S.MALLIKARJUN REDDY, ADV. FOR R3;
SRI. JOSEPH ANIL KUMAR, ADV. FOR R1 & R2)

THIS WP IS FILED UNDER ARTICLE 226 OF CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT MANDAMUS DIRECTING THE RESPONDENT NOS.1 AND 2 TO STOP COLLECTING ANY CHARGES ILLEGALLY FROM THE MEMBERS OF THE CHURCHES AND PUBLIC WHO COME FOR BURIAL OR ANY OTHER PURPOSE TO THE MYSORE ROAD CEMETERY, ANNEXURE-A.

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)

This writ petition is filed seeking the following prayers:

> "*a) Issue a writ mandamus directing the respondents No.1 and 2 to stop collecting any charges illegally from the members of the churches and public who comes for burial or any other purpose to the Mysore Road Cemetery, (Annexure-A)*
>
> *b) Direct the Respondents No.1 and 2 to produce the Audit Report, Account/record maintained by them for collected money from the members of churches and public for the past several years till date.*
>
> *c) Direct the third respondent to appoint any revenue officer/authorized person to maintain the Mysore Road Cemetery on free of cost to the members of churches and public."*

2. The learned counsel for the writ petitioner submits that the Mysore Road Cemetery belongs to the BBMP and that respondents No.1 and 2 are collecting money from the public in the name of Annual Maintenance, Burial Permission, Mud-Plaster Renovation, etc. It is submitted that they have no authority to collect money from the public.

3. The learned counsel appearing for the BBMP clearly submits that the Cemetery in question does not belong to the BBMP and that there is no merit in the contention that the Cemetery in question is a public Cemetery maintained by the BBMP.

4. The learned counsel appearing for the writ petitioner then contends that respondents No.1 and 2 have absolutely no authority to maintain the Cemetery or to collect the charges. The learned counsel for the writ petitioner does not bring to our notice any provision with regard to the permissions required for burial. However, we notice that Sections 391 to 400 of the Karnataka Municipal Corporations Act, 1976, deals with such permissions.

5. In view of the fact that there is no allegation whatsoever with regard to the lack of permission under the provisions of law, as possessed by respondents No.1 and 2, we are of the opinion that the prayers as sought for in the writ petition cannot be granted. The writ petition is accordingly ***closed***. However, in case, the writ petitioner has any sustainable case that there is lack of registration or permission

as required, it is for the writ petitioner to raise the same before the appropriate authorities in accordance with law.

Sd/-
(ANU SIVARAMAN)
JUDGE

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

RAK
List No.: 1 Sl No.: 14