HC-KAR

NC: 2026:KHC:63495
WP No. 33587 of 2026

CNR: KAHC010736032026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO. 33587 OF 2026 (KLR-RES)

BETWEEN:

1. S T MOHAN
   S/O TUKARAM
   AGED ABOUT 51 YEARS
   SUBRAMANYAPURA VILLAGE
   UTTARAHALLI HOBLI
   BENGALURU SOUTH TALUK
   BBMP WARD No.184
   BENGALURU - 5670 061.

   ALSO RESIDING
   HOUSE No.439
   7TH MAIN, 3RD A CROSS
   MARUITHI LAYOUT
   VASANTHAPURA
   SUBRAMANYAPURA POST
   BENGALURU-560 061.

Digitally signed by CHAYA S A
Location: HIGH COURT OF KARNATAKA

...PETITIONER

(BY SRI. MEGALAMANE PRABHU.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   REPRESENTED BY PRINCIPAL SECRETARY
   REVENUE DEPARTMENT
   VIDHANSOUDHA
   BENGALURU - 560 001

2. THE TAHSILDAR
K G ROAD
BENGALURU SOUTH TALUK
BENGALURU - 560 009.

…RESPONDENT

(BY SRI ADITYA DIWAKARA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTIO OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, DIRECTION OR ORDER QUASH AND SET ASIDE THE IMPUGNED NOTICE ISSUED UNDER SECTION 104 OF THE KARNATAKA LAND REVENUE ACT 1964 TO THE PETITIONER IN ORDER DATED 29-09-2026 PASSED BY 2ND RESPONDENT - THE TAHSILDAR, BENGALURU SOUTH TALUK, BENGALURU IN CASE NO N.C.R.(U) C.R/1011547/25-26 AS PER ANNEXURE-A AND ALLOW WRIT PETITION FOR FRESH CONSIDERATION ON MERITS AND ETC.,.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

Learned Additional Government Advocate accepts notice for respondents.

2. In this writ petition, petitioner is assailing the notice dated 29.09.2026 at Annexure-A issued by the respondent No.2.

3. Having taken note of the submission made by the learned counsel appearing for the petitioner, and on careful consideration of the averments made in the impugned notice, wherein the allegation has been made against the petitioner for encroachment. In that view of the matter, as no survey has been conducted by the respondent - Authorities, arriving at a conclusion that, the encroachment has been made in respect of the subject land is incorrect.

4. In that view of the matter, I am of the view that, the respondent No.2 is directed to conduct spot inspection and survey on 17.12.2026 at 11:00 a.m., along with the jurisdictional Additional Director of Land Records in the presence of the petitioner, and thereafter take decision in the matter, in accordance with law. Even if the respondent - Authorities come to a conclusion that, the petitioner has encroached the land in question, and thereafter, appropriate proceedings to be initiated against the petitioner, in accordance with law.

5. Till consideration of the same, the respondent - Authorities are directed not to take any coercive steps against the petitioner.

Accordingly, the writ petition is disposed of.

Consequently, the impugned notice dated 29.09.2026 at Annexure-A in case No.N.C.R.(U) C.R/1011547/25-26 issued by the respondent No.2 is set aside.

Sd/-
(E.S.INDIRESH)
JUDGE

BKM
List No.: 1 Sl No.: 6