HC-KAR
CNR: KAHC010762782026

NC: 2026:KHC:61752
WP No. 34472 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 34472 OF 2026 (LB-RES)

BETWEEN:

SRI SUDHEENDRA MALYA P L
S/O LAXMINARAYANA MALYA,
AGED ABOUT 48 YEARS,
RESIDING AT AGUMBE VILLAGE AND POST
THIRTHAHALLI TALUK,
SHIVAMOGGA DISTRICT-577411.

...PETITIONER

(BY SRI. GANAPATHI NAIK KANGOD., ADVOCATE)

Digitally signed by VANAMALA N
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY,
RURAL DEVELOPMENT AND
PANCHAYATH RAJ DEPARTMENT,
M.S.BUILDING,
BENGALURU-560001.

2. THE CHIEF EXECUTIVE OFFICER,
SHIVAMOGGA ZILLA PANCHAYATH,
SHIVAMOGGA-577201

3. THE EXECUTIVE OFFICER,
THIRTHAHALLI TALUK PANCHAYATH,
THIRTHAHALLI,
SHIVAMOGGA DISTRICT-577410.

4. PANCHAYATH DEVELOPMENT OFFICER
AGUMBE GRAMA PANCHAYATH,
AGUMBE, THIRTHAHALLI TALUK,
SHIVAMOGGA DISTRICT-577411.

...RESPONDENTS

(BY SRI.RAJAYOGA K., HCGP FOR R1;
SRI. M.G. RAGHAVENDRA., ADVOCATE FOR
C/R3 &R4)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER BEARING NO. TA.PUM. THEE/VATTUAVARI TERAVU/2026-27/616 DATED 13.10.2026 UNDER ANNEXURE-L PASSED BY THE RESPONDENT NO.3.

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

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

ORAL ORDER

The petitioner's grievance is with the third respondent's Order dated 13.10.2026 *[Annexure-L]* under the Karnataka Panchayat Raj [Removal of Obstructions and Encroachments] Rules, 2011. The petitioner has availed his appellate remedy with the second respondent under Rule 5 thereof against the third respondent's Order dated 13.10.2026.

2. The cause set up by the petitioner to invoke this Court's jurisdiction under Article 226 of the Constitution of India, as canvassed by Sri. Ganapathi Naik Kangod, the learned counsel for the petitioner, is as follows:

[a] The petitioner's appeal, filed along with the application, has not been listed before the second respondent in all these days because of an untoward incident during Dasara celebrations and a pending enquiry in this regard.

In the meantime, action has been initiated for demolition acting under the Order dated 13.10.2026.

[b] If the petitioner's property is demolished during the pendency of the appeal and when the application for stay is yet to be taken up, the petitioner's appeal will be rendered nugatory.

These submissions are considered for the disposal of the petition, and this Court is of the view that there is force in the submissions. If for administrative reasons, the petitioner's application for stay is not taken up for consideration, and action is taken for demolition in the meantime, the petitioner's appellate remedy would indeed be rendered nugatory. Hence, the following order in interests of justice.

ORDER

[A] The petition is allowed in-part.

[B] The further proceedings under the third respondent's Order dated 13.10.2026 is stayed for a period of eight [8] weeks from today with liberty to the petitioner to file a certified copy of this Order with all the concerned, including the third respondent, who shall ensure that all coercive measures are deferred for a period of eight [8] weeks.

[C] It is needless to observe that it shall be open to the petitioner to seek orders on the pending application in the appeal during this time.

Sd/-
(B M SHYAM PRASAD)
JUDGE

AN/-