HC-KAR
NC: 2026:KHC:65384
WP No. 35916 of 2026
CNR: KAHC010781102026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 35916 OF 2026 (GM-PP)

BETWEEN:

1. N SRINIVASALU
   S/O.LATE NAGADU
   AGED ABOUT 65 YEARS,
   RETIRED ASSISTANT EXECUTIVE
   ENGINEER, NO.1 P.W.D.QUARTERS,
   NEAR FOUNTAIN CIRCLE,
   N.R.MOHALLA, B.N.ROAD,
   MYSORE-570007

…PETITIONER

(BY SRI. VISHNUKUMAR K.,ADVOCATE)

AND:

1. PRINCIPAL SECRETARY
   PUBLIC WORKS DEPARTMENT,
   3RD FLOOR, VIKAS SOUDHA,
   DR.B.R.AMBEDKAR VEEDHI
   BENGALURU-560001

2. THE ASSISTANT EXECUTIVE ENGINEER,
   PUBLIC WORKS DEPARTMENT,
   NO.1, SPECIAL SUB-DIVISION,
   VINOBHA ROAD, MYSORE-570005

3. THE CHIEF ENGINEER
   COMMUNICATIONS AND BUILDINGS,
   PUBLIC WORKS DEPARTMENT
   K.R.CIRCLE, BENGALURU-560001

…RESPONDENTS

(BY SRI. A.S. HARISHA, AGA FOR RESPONDENT/STATE)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED. 11-03-2024 AT ANNEXURE-H PASSED BY RESPONDENT NO.3 ORDER DATED. 23-01-2025 AT ANNEXURE-L PASSED BY RESPONDENT NO.2 AND ORDER DATED. 05-10-2026 AT ANNEXURE-S PASSED BY VIII ADDITIONAL CIVIL JUDGE AND JUDICIAL MAGISTRATE FIRST CLASS AT MYSURU IN O.S.NO.392/2025 AND TO ISSUE A WRIT OR SUITABLE ORDER RESTRAINING THE SECOND RESPONDENT FROM EVICTING THE PETITIONER FROM QUARTERS AND DIRECTING THE 3RD RESPONDENT PAYMENT OF ARREARS AS DIRECTED BY THE ACCOUNTANT GENERAL AT ANNEXURE-C.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

The present petition is filed seeking for the following reliefs:

> *"Under the above circumstances the petitioner humbly prays that, this Hon'ble court may be pleased to quash the order dated: 11-03-2024 at ANNEXURE-H passed by Respondent No.3 order dated: 23-01-2025 at ANNEXURE-L passed by Respondent No.2 and order dated: 05-10-2026 at ANNEXURE-S passed by VIII Additional Civil Judge and Judicial Magistrate First Class at Mysuru in O.S.No.392/2025 and to issue a writ or suitable order restraining the second respondent from evicting the petitioner from quarters and directing the 3rd Respondent payment of arrears as directed by the accountant General at ANNEXURE-C. Further the Respondent No.1 to 3 may please be directed to secure the registration of the present quarters to the name petitioner in the interest of justice and equity."*

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2. The petitioner is stated to be the retired Assistant Executive Engineer of the Public Works Department (PWD). The petitioner has presented the present writ petition assailing the various orders.

3. Firstly, he seeks to assail the order dated 11.03.2024 (Annexure - H to the writ petition). Vide the said communication, arrears of rent are claimed from 08.10.2007 to 31.05.2022. *Ex-facie*, a claim for arrears of rent having been made is not be interdicted by this Court in the present petition.

4. Secondly, the petitioner seeks to assail the order dated 23.01.2025 (Annexure - L to the writ petition). The said order dated 23.01.2025 is passed under the provisions of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act 1974[1]. The said order is passed nearly one year eleven months ago. Appropriate remedies are to be availed by the petitioner under the provisions of the Act with respect to the said order dated 23.01.2025.

[1] Hereinafter referred to as the "Act"

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5. Thirdly, the petitioner seeks to assail the order dated 05.10.2026 passed in OS No.392/2025 by the VIII Additional Civil Judge (Jr.Dn.) and Judicial Magistrate First Class, Mysuru. Vide the said order dated 05.10.2026, the Trial Court has allowed IA No.III filed by defendant No.1 in the said suit. The said application was filed under Order 7 Rule 11 of Code of Civil Procedure for rejection of the plaint. The said suit was filed by the petitioner for permanent injunction to restrain the defendant from evicting him from the premises under his occupation. The Trial Court noticing that the petitioner who is a retired employee is in occupation of the government accommodation and the dispute that is the subject matter of the suit is one covered under the provisions of the Act and the suit is expressly barred under the provisions of the Act, has rejected the suit.

6. It is not open to the petitioner to assail the said order 05.10.2026, in the present petition. Accordingly, the relief sought for by the petitioner with regard to the same is also liable to be rejected.

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7. Although it is the earnest contention on behalf of the petitioner that the interim relief is to be granted in the absence of which the petitioner would be evicted from the property in question, as noticed above vide order 23.01.2025 passed under the provisions of the Act, the petitioner has been directed to vacate the property in his occupation. It is also noticed that the petitioner is in arrears of rent from the year 2007.

8. In view of the aforementioned circumstances, the question of entertaining the present petition does not arise. Accordingly, the writ petition is dismissed as being devoid of merit.

9. Pending IAs., if any, stand disposed of.

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(C.M. POONACHA)
JUDGE

Vmb
List No.: 1 Sl No.: 56