IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 6TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE R.NATARAJ

WRIT PETITION NO.200193 OF 2025 (LB-RES)

BETWEEN:

SYED MOHAMMED SHAHED ALI
S/O SYED MOHAMMED SALAMAT ALI,
AGE ABOUT 51 YEARS, OCC: PRIVATE SERVICE,
R/O H. NO. T-5-993/37/292,
OPP. SABA FUNCTION HALL,
GULSHAN ARAFAT COLONY, KALABURAGI.

…PETITIONER

(BY SRI. DEEPAK V. BARAD, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   URBAN DEVELOPMENT DEPARTMENT
   M.S. BUILDING, BANGALORE-560001.
   REPRESENTED BY ITS SECRETARY.

2. THE COMMISSIONER,
   KALABURAGI MAHANAGAR PALIKE,
   KALABURAGI-585105.

3. THE ZONAL COMMISSIONER,
   ZONE NO. 3, KALABURAGI MAHANAGAR PALIKE,
   KALABURAGI-585102.

…RESPONDENTS

(V/O DATED 23.01.2025, SERVICE OF NOTICE TO R1 IS DISPENSED WITH;
SRI D. P. AMBEKAR, ADVOCATE FOR R2 AND R3)

Digitally signed by SACHIN
Location: High Court Of Karnataka

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI WHEREBY, QUASHING THE ENDORSEMENT DATED 17-01-2025 BEARING NO. ಸಂಖ್ಯೆ:ಕಮಪಾ/ವಕ-3/2024-25/417 ISSUED BY THE 3RD RESPONDENT AS AT ANNEXURE-H TO THE WRIT PETITION AND ETC.,

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

CORAM: HON'BLE MR JUSTICE R.NATARAJ

ORAL ORDER

The petitioner has sought for quashing the endorsement bearing No.ಕಮಪಾ/ವಕ-3/2024-25/417 dated 17.01.2025 issued by the respondent No.3. He has also sought for a writ in the nature of mandamus to direct the respondent No.3 to consider his application for issuance of e-aasthi khatha and construction permission in respect of site No.43 in Sy.No.17/1 of Azadpur village, Kalaburagi Taluk and District.

2. The petitioner contends that he is the owner of the aforesaid property and that all the municipal records stand in his name. He contends that the property lies within a layout approved by the Kalaburagi Urban

Development Authority and that appropriate permissions were granted by the Urban Development Authority for selling the sites after the layout was complete in all respects. He contends that the owner of the layout had filed an application for effecting mutation in the records of the respondent No.3 and accordingly, an order was passed on 21.08.2023 in respect of 74 sites. The respondent No.3 had issued e-aasthi khatha of 74 sites in the name of Smt. Farzana Begum and one of the aforesaid 74 sites was site No.43, which was purchased by petitioner. After such purchase, he made an application to enter his name in the records of the respondent Nos.2 and 3. However, the respondent No.3 issued an endorsement dated 17.01.2025 that an enquiry is pending against the respondent No.3 and its officials and therefore, the application for mutation and construction permission cannot be granted.

3. Being aggrieved by the same, the petitioner is before this Court.

4. When this writ petition was listed before this Court on 30.01.2025, this Court directed the learned counsel for respondent Nos.2 and 3 to secure information as to when the e-khata shall be furnished to the petitioner since there is no dispute in so far as the petitioner is concerned and there is no dispute that e-swattu-khatha stood in the name of his vendor.

5. The learned counsel for respondent Nos.2 and 3 fairly submits that e-khata is handed over to the petitioner and therefore, the reliefs sought for in this writ petition have been granted. He however, submits that liberty may be reserved to the respondent Nos.2 and 3 to take such steps, if it is found that the e-swattu-khatha made out in the name of the petitioner deserves to be withdrawn.

6. Since the e-swattu khatha is already granted to the petitioner, there is no need for this Court to pass any orders quashing the endorsement issued by the respondent No.3. Nonetheless, the respondent No.3 is directed to grant construction permission sought for by the

petitioner within a period of four weeks from the date of receipt of a certified copy of this Order.

7. It is needless to mention that the construction permission that may be granted shall be in accordance with law. Liberty is reserved to the respondent Nos.2 and 3 to take any lawful steps against the e-swattu khatha issued to the petitioner and the construction permission that may be granted to the petitioner. However, such steps shall be taken only after notifying and after hearing the petitioner.

Writ Petition stands ***disposed off*** on the above terms.

Sd/-
(R.NATARAJ)
JUDGE

PMR
List No.: 1 Sl No.: 22