



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 4TH DAY OF APRIL, 2025

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO.202309 OF 2024 (LB-RES)

BETWEEN:

SRI. GANGADHAR
S/O SADANANDRAO HANCHATE,
AGED ABOUT 72 YEARS,
OCC: NILL, R/O #8033/190,
SARVODAYA COLONY, TRIPURANTH,
BASAVAKALYAN, DIST: BIDAR,
REPRESENTED THROUGH
HIS SPECIAL POWER OF ATTORNEY HOLDER,
BY NAME NAWAZ AHMED,
S/O KHADIR AHMED QURESHI,
AGED ABOUT 25 YEARS,
OCC: BUSINESS, R/O NO.23/280,
QURESHI COLONY, BASAVAKALYAN,
DIST: BIDAR – 585 327.

...PETITIONER

(BY SRI. RAVI B. PATIL, ADVOCATE)

AND:

1. THE COMMISSIONER, CITY MUNICIPAL COUNCIL,
BASAVAKALYAN, DIST: BIDAR – 585 327.
2. THE POLICE SUB INSPECTOR,
TOWN PS, BASAVAKALYAN,
DIST: BIDAR – 585 401.

...RESPONDENTS

(BY SRI. GOURISH S. KHASHAMPUR, ADVOCATE FOR R1;
SRI. SHESHADRI JAISHANKAR, AGA FOR R2)

Digitally signed
by LUCYGRACE

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 OF MANDAMUS DIRECTING THE RESPONDENT AUTHORITY NOT TO DEMOLISH THE TEMPORARY SHED AND THE PILLARS ERECTED OVER THE SCHEDULE PROPERTY WITHOUT DUE PROCESS KNOWN TO LAW AND ETC.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

(PER: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA)

Heard Sri Ravi B. Patil, learned counsel for the writ petitioner, Sri Gourish S. Khashampur, learned counsel for respondent No.1 and learned Additional Government Advocate, who is representing respondent No.2.

2. Seeking a writ of mandamus directing the respondents not to demolish the temporary shed and pillars that were erected by the petitioner in the land bearing CMC No.30-661/55, 56, 57, 58, 59 and 60 in Sy. No.115/2 of Tripurant, Basavakalyan, admeasuring 1140 Sq.Mtrs., the petitioner is before this Court.



3. Learned counsel for the writ petitioner Sri Ravi B. Patil submits that the petitioner is the absolute owner of the land admeasuring 3 Acres 3 Guntas in Sy. No.115/2 of Tripurant, Basavakalyan, Bidar District. The petitioner secured an order of conversion of the said agricultural land to non-agriculture. Abutting the said land, the petitioner also secured 1 Acre 5 Guntas in Sy. No.112/2 and 115/4 and got converted the same from agriculture to residential purpose. He also secured approval for layout of sites in Sy. No.115/2. The area surrounding the land of the petitioner is an industrial area known as Auto Nagar. The petitioner applied for permission for construction of commercial shops and permission was accordingly granted. The petitioner stored construction material for construction, but the 1st respondent approached the site of the petitioner and tried to take away the construction material stored illegally. The petitioner was also threatened that the pillars erected will be demolished. Therefore, the petitioner filed the present writ petition, seeking appropriate relief.



4. Seriously objecting the stand taken by the petitioner and the submission that is made by the learned counsel for the writ petitioner before this Court on this day, Sri Gourish S. Khashampur, learned counsel for respondent No.1 submits that the land in question is a park area and does not belong to the petitioner at all. The petitioner fabricated the documents and projected before this Court that the subject property belongs to him. Learned counsel states that an interim order was obtained by the petitioner basing on the fabricated documents filed by him before this Court, on 03.09.2024. Learned counsel also states that on obtaining the said interim order, the petitioner indeed started work, proceeded with the construction and when the same was brought to the notice of this Court, this Court through order dated 18.09.2024, directed respondent No.2 - the Sub-Inspector of Police, Basavakalyan Town Police Station to ensure that no further construction will be put up and all the workers at the work site are promptly vacated from the work site. Learned counsel states that even then, the petitioner



proceeded with the construction and the construction is completed up to lintel level. Learned counsel also states that perceiving the facts that were projected before this Court by respondent No.1 through statement of objections, on 30.09.2024, this Court directed the High Court Government Pleader to instruct the jurisdictional Station House Officer to register a crime on the basis of statement of objections filed by respondent No.1 and the rejoinder to those objections.

5. Learned Additional Government Advocate brought to the notice of this Court the undertaking affidavit that was given by the petitioner to the Sub-Inspector of Police, Town Police Station, Basavakalyan stating that he is no way concerned with the construction work over the property situated in the land in Sy.No.115/2 of Tripuranth, Basavakalyan and that he has not entrusted any person for any construction work over the said land and that it came to his knowledge about the construction work after registration of FIR against him.



6. Here is a case, where the petitioner filed writ petition stating that he got required permissions to proceed with construction of a shopping complex. The undertaking affidavit that is produced by learned Additional Government Advocate shows that the petitioner himself stated that he has not entrusted the work of construction to any person and he did not construct anything in the subject property and he came to know about the construction work only after registration of case against him.

7. When the petitioner filed the writ petition claiming ownership over the subject property, respondent No.1 denies such ownership and respondent No.1 claims that it is public property and indeed it is a park area. Neither the genuineness of the documents basing on which title is claimed by the petitioner can be decided by this Court while entertaining a writ petition, nor an observation with regard to the title of respondent No.1 can be confirmed. The rival parties are claiming ownership over



the subject property. The proper forum to decide the title is only a Civil Court. Having considered the fact that the petitioner failed to establish in clear terms that he is entitled for a writ of mandamus giving certain directions to respondent No.1 regarding the constructions he had made in the subject property, this Court is of the view that the writ petition is liable to be dismissed.

8. Therefore, the writ petition stands dismissed.

Sd/-
(Dr.CHILLAKUR SUMALATHA)
JUDGE

LG
List No.: 1 Sl No.: 9