



HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN

WRIT PETITION NO.2198 OF 2026 (LB-RES)

BETWEEN:

1. HIDYATHULLAH ISLAM MADARASA SAMITI (R)
GOLIKATTE,
HAVANJE GRAMA,
BRAHMAVARA TALUK,
UDUPI DISTRICT-576 124
REPRESENTED BY ITS SECRETARY
MR. HABIB
(REGISTERED UNDER THE REGISTRATION
SOCIETIES ACT, 1960
BEARING NO.UDP-530-2015-16).

...PETITIONER

(BY SRI. MOHAMMED TAHIR, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY ITS SECRETARY,
DEPARTMENT OF RDPR.
VIDHANA SOUDHA,
BENGALURU-560 001.
2. THE EXECUTIVE OFFICER
TALUK PANCHAYAT,
BRAHMAVARA,
UDUPI DISTRICT-576 124.





3. PANCHAYAT DEVELOPMENT OFFICER (PDO)
HAVANJE GRAM PANCHAYAT,
BRAHMAVARA TALUK,
UDUPI DISTRICT-576 124.
4. HAVANJE GRAM PANCHAYAT
REP. BY ITS PRESIDENT,
BRAHMAVARA TALUK,
UDUPI DISTRICT-576 124.

...RESPONDENTS

(BY SRI. BOPANNA BELLIAPPA, AGA FOR R.1;
SRI. ASHOK N. NAYAK, ADVOCATE FOR R.2;
SRI. K. PRASAD HEGDE, ADVOCATE FOR R.3;
SRI. SUYOG HERELE, ADVOCATE FOR R.4.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED RESOLUTION DATED 26.09.2025 AT ANNEXURE-A AND CONSEQUENTLY ORDER PASSED OF CANCELLATION OF CONSTRUCTION LICENCE LETTER VIDE NO.64/2025-26 DATED 26.09.2025 BY THE RESPONDENT NO.4 AT ANNEXURE-B, ETC.

THIS PETITION, COMING ON FOR ORDERS, THROUGH PHYSICAL HEARING/VIDEO CONFERENCING THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.I.ARUN



ORAL ORDER

1. Petitioner intending to establish a Masjid/Madarasa on the property, which is the subject matter of the writ petition, sought permission from the authorities concerned. Initially, it was granted permission to establish the same. However, by virtue of the resolution dated 26.09.2025 issued by respondent No.4 and the communication dated 26.09.2025 issued by the Panchayat at Annexures-A and B to the writ petition respectively, the same has been withdrawn. Aggrieved by the same, the present petition is filed with the following prayers:

"(a) Issue a Writ of certiorari or any other appropriate writ to quash the Impugned Resolution dated 26.09.2025 at Annexure-A and consequently order passed of cancellation of construction licence letter vide no.64/2025-26 dated 26/09/2025 by the Respondent No. 4 at Annexure-B.

(b) Issue writ of Mandamus to Respondent no 1 and 2 to take sufficient action against the respondent no 4 for their illegal act of cancellation of licence and infringing the constitutional right of petitioner and minority community due to their inherent communal bias.

(c) Grant any other relief considering fact and circumstance of this case in the interest of justice and equity."



2. The authorities concerned have no objection for granting permission to the petitioner. However, they contend that Annexures-A and B have been issued, as the neighbours objected to it. One such neighbour has sought to implead himself to the proceedings and contends that allowing a Masjid/Madarasa to come up in the said place may create communal disharmony and frictions in the society and the same should not be permitted and prays for dismissal of the writ petition.

3. However, the learned AGA for respondent No.1 categorically submits that the State has no objection for establishing a Masjid/Madarasa on the said property.

4. Now, the question that arises for consideration in this petition is as to whether, in law, a Masjid/Madarasa can be established on the said place or not?

5. It is the categorical submission of the learned AGA that in law, it is permissible to establish a Masjid/Madarasa on the property concerned and that there is no prohibition for the same.



6. What is not prohibited is permitted. There is a duty cast upon every citizen of this Country to live harmoniously with others. Under the said circumstances, it is inappropriate on behalf of the neighbours belonging to other communities to oppose establishment of a Masjid/Madarasa on the said property when law permits the same. Similarly, a duty is cast upon the devotees who use the Masjid/Madarasa to use the same in a manner that does not cause problems for other community members in the locality and they cannot object to other religious activities in the vicinity.

7. For the aforementioned reasons, the impugned resolution dated 26.09.2025 issued by respondent No.4 and the impugned communication dated 26.09.2025 issued by the Panchayat stand quashed. The respondents are directed to consider the request of the petitioner in accordance with law and permit it to do the necessary construction in accordance with law.

The writ petition stands disposed of accordingly. Pending I.As., if any, stand disposed of.

**SD/-
(M.I.ARUN)
JUDGE**

hkh.

List No.: 1 Sl No.: 67