



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO. 4078 OF 2026 (LB-RES)

BETWEEN:

1. A.L.ZAKIR HUSSAIN
S/O. LATE H. ABDUL LATHIF
AGED 60 YEARS
2. MUBINA KOUZAR
W/O. A.L. ZAKIR HUSSAIN
AGED 51 YEARS

BOTH ARE RESIDING AT 2ND CROSS,
BELAGUMBA ROAD, NEAR BOREWELL PIPE,
BEHIND SANMATHI PAINTS,
TUMAKURU.

...PETITIONERS

(BY SRI. KARUMBAIAH T.A., ADVOCATE)

AND:

1. THE TUMAKURU MAHANAGARA PALIKE
TOWN HALL CIRCLE, GANDHINAGAR,
B.H.ROAD, TUMKURU- 572101
REP. BY THE COMMISSIONER
2. THE ASSISTANT EXECUTIVE ENGINEER
TUMKURU MAHANAGARA PALIKE



TOWN HALL CIRCLE, GANDHINAGAR,
B.H.ROAD, TUMKURU-572101

3. S. SYED ZAKIR HUSSAIN
PID NO.80743 43392, 2ND CROSS,
BELAGUMBA ROAD NEAR BOREWELL PIPE
BEHIND SANMATHI PAINTS
TUMKURU- 572101

...RESPONDENTS

(BY SMT. SAKSHI M KRISHNA, ADVOCATE FOR R1 AND R2;
VIDYA SELVAMONY, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-
DIRECTING RESPONDENTS 1 AND 2 TO REMOVE THE
ENCROACHMENT OF CONSERVANCY IN 2ND CROSS, R.V.
COLONY, BELAGUMBA ROAD, WARD NO.19 OF TUMKUR CITY
MADE BY THE 3RD RESPONDENT WITHIN A SPECIFIED PERIOD.,
AND ETC.

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

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



ORAL ORDER

The writ petition is filed by the petitioners complaining that respondent No.3 has encroached upon a public road/property and has put up illegal construction. It is further contended that in spite of several complaints made to respondent Nos.1 and 2, they have failed to initiate any action against respondent No.3.

2. On 10.02.2026, the following order was passed:

"1.Smt. Sakshi M. Krishna, learned counsel is directed to accept notice for respondent No.1 and 2.

2. Issue notice to respondent No.3 returnable by 04.03.2026.

3. Respondent No.2 - jurisdictional Assistant Executive Engineer, along with the jurisdictional Assistant Director of Town Planning, are directed to conduct a joint inspection of the conservancy area situated in front of property bearing No.2nd Cross, Belagumba Road, Ward No.19, Tumkur City.

4. For the purpose of ascertaining:



- a. *If there is any encroachment of the public conservancy and/or the road situated therein and if there is any such encroachment, to submit a report in relation thereto.*
 - b. *Whether any construction or development activity is carried out or is being carried out on the said properties;*
 - c. *Whether such construction or development is supported by a valid building plan sanction issued by the competent authority under the applicable municipal and planning laws;*
 - d. *Whether the construction, if sanctioned, is carried out or being carried out strictly in accordance with the sanctioned plan, zoning regulations, and development control norms; and*
 - e. *Where no sanctioned plan exists, whether the construction conforms to the applicable building bye-laws, zoning regulations, and land-use prescriptions under the Master Plan.*
5. *The inspection shall include physical measurement, verification of setbacks, floor area ratio, coverage, height, land-use conformity, and compliance with zoning regulations.*
6. *Respondent No.2 - The Assistant Executive Engineer shall prepare a speaking inspection report,*



identifying each violation separately, with specific reference to the provisions of the KTCP Act, the municipal law in force, the sanctioned plan (if any), and the applicable building bye-laws.

7. In the event any the construction being found to be:

f. without a valid plan sanction; or

g. contrary to the sanctioned plan; or

h. in violation of zoning regulations or building bye-laws,

8. Respondent No.2 - The Assistant Executive Engineer shall, forthwith, ensure stoppage of all further construction activity on the said property, including by issuance of appropriate stop-work notices and initiation of statutory proceedings in accordance with law.

*9. The inspection shall be conducted commencing from **10:30 a.m. on 16.02.2026**, after issuance of prior notice to Respondent Nos.3, and such notice shall be duly acknowledged prior to the date of inspection.*

10. The inspection report, along with supporting measurements, sketches, photographs, and copies of relevant records, shall be filed before this Court on or before 23.02.2026.

11. In the event of any apprehension of breach of peace or obstruction during the inspection, survey,



or measurement, upon a requisition made by the Assistant Executive, the jurisdictional police authorities shall extend necessary police protection, to ensure due implementation of these directions.

12. *Process fee and copies to be furnished by end of the 11.02.2026.*

13. *Re-list on **04.03.2026.**"*

3. Pursuant to the said order, respondent Nos.1 and 2 have filed a memo enclosing a copy of the inspection report, which states that there has been an encroachment of public conservancy to an extent of 408 square feet by respondent No.3.

4. The learned counsel appearing for respondent Nos.1 and 2 submits that necessary action will be taken against respondent No.3 to clear the said encroachment in accordance with law.

5. Under the said circumstances, the Writ Petition stands **disposed of** with a direction to respondent Nos.1 and 2 to initiate necessary action against the illegal



construction put up by respondent No.3 by encroaching the public conservancy in the manner known to law.

6. The said exercise shall be completed within a period of three (03) months from today.

Sd/-
(M.I.ARUN)
JUDGE

CH
List No.: 1 Sl No.: 45