



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 7351 OF 2025 (LB-RES)

BETWEEN:

1. SMT. H.R. SHANTHAMMA
W/O. SRI. K.N.DAYANANDA MURTHY,
AGED ABOUT 57 YEARS,
2. SRI. D. RUPENDRA KUMAR
S/O K.N. DAYANANDA MURTHY,
AGED ABOUT 39 YEARS,

BOTH ARE RESIDING AT,
SRI VYBHAVALAKSHMI NARASIMHA NILAYA,
NO.6/2, 7TH MAIN, CHENNIGAPPA LAYOUT,
VRUSHABHAVATHINAGARA,
KAMAKSHIPALYA,
BENGALURU-560079

...PETITIONERS

(BY SRI. KSHITIJ M.P., ADVOCATE FOR
SRI. NAGAI AH, ADVOCATE)

AND:

1. THE CHIEF OFFICER,
TOWN MUNICIPALITY, MAGADI,
RAMANAGARA DISTRICT,
RAMANAGARA-562120.
2. THE BLOCK EDUCATIONAL OFFICER,
MAGADI TALUK,
RAMANAGARA DISTRICT,
RAMANAGARA-562120.
3. THE HEAD MASTER
HIGHER PRIMARY SCHOOL,
KALYA GATE, MAGADI TOWN,

Digitally
signed by
SUMA
Location:
HIGH
COURT OF
KARNATAKA



RAMANAGARA DISTRICT,
RAMANAGARA-562120

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE NOTICE BEARING NO.TMC/KA.SHA/CR/71/2024/25 DATED 08.01.2025 VIDE ANNEXURE-J ISSUED BY RESPONDENT NO.1.

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 petitioners have challenged a notice bearing No.ಪು ಕಾಮಾ/ಕಂ.ಶಾ/ಸಿಆರ್/71/2024-25 dated 08.01.2025 issued by the respondent No.1.

2. The petitioners claimed that they are the owners in possession and enjoyment of the property bearing khata No.389/1849/1/1734/1 PID No.16-502-6A situate at ward No.14, Magadi Town Municipality, Kalya Gate, B.K. Road, Magadi, having purchased it in terms of a sale deed dated 28.03.2019. The sale deed was later rectified on 12.10.2023. The respondent No.1 had registered the names of the petitioners in the property register on 31.05.2024 and that the



petitioners have paid the property tax as on 17.05.2024. They thereafter sought permission from the respondent No.1 for construction of a compound which was granted on 25.07.2019. Subsequently, the respondent No.1 issued the impugned notice cancelling the permission granted to the petitioners for construction of compound wall. The petitioners challenged the same in writ petition No.43470/2019. This Court in terms of an order dated 25.11.2022, disposed of the petition reserving liberty to the petitioners to make fresh application after obtaining necessary correction / rectification in the deed of sale and in the khata entries as required and as pointed out in the said order and on such application being filed by the petitioners, the respondent – Authority was directed to consider and grant permission to put up compound wall as sought for by them. In the meanwhile, the Special Land Acquisition Officer, Ramanagara District, Ramanagara, had issued a notice to the petitioners stating that 600 Sq. ft. of the petitioners' property is notified for expansion of the State Highway. The respondent No.1 had issued a property confirmation certificate dated 18.07.2019 and 17.10.2011 confirming that the petitioners are the present owners of the property.



3. When things stood thus, the respondent No.1 issued a notice dated 08.01.2025 to the petitioners stating that the property in question belonged to the Education Department and that a Member of Legislative Assembly (M.L.A), who is the President of the Karnataka Road Development Corporation Limited, had directed the respondent No.1 to cancel the khata made out in the names of the petitioners. The petitioners were therefore called upon to reply along with the relevant documents within the time stipulated therein. The petitioners have submitted their reply. The petitioners contend that their father belongs to a political party and that he was ill-disposed towards the present M.L.A and therefore, in order to wreak vengeance, the M.L.A had directed the respondent No.1 to cancel the *khata*. He, therefore, prays that the impugned notice be set at nought.

4. I have considered the submissions of the learned counsel for the petitioners.

5. The petitioners have challenged a notice issued by the respondent No.1 in terms of which, the petitioners were called upon to furnish their reply as to why the khata that stood



in their names should not be cancelled. The petitioners have responded to the said notice. However, before respondent No.1 could pass an order, the petitioners have rushed to this Court challenging the notice. Once the petitioners have responded to the notice, they have accepted the authority of the respondent No.1 and therefore, unless respondent No.1 passed an order, the petitioners were not justified in approaching this Court.

Hence, the Petition is ***disposed off*** directing the respondent No.1 to consider the reply submitted by the petitioners and pass appropriate orders in accordance with law within a period of two months from the date of receipt of a certified copy of this order. The petitioners may thereafter take appropriate steps in accordance with law.

Sd/-
(R. NATARAJ)
JUDGE