



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO.7179 OF 2023 (LB-RES)

BETWEEN:

1. SRI. UMESH H.B.
S/O. SRI. H.S. BILLIYAPPA,
AGED ABOUT 34 YEARS,
R/AT HALURU (CHAKKRAMANI),
JOGANNAKERE POST,
MUDIGERE TALUK,
CHIKKAMAGALURU DISTRICT-577 132.

...PETITIONER

(BY SRI. MANJUNATH PRASAD H.N., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY
TO REVENUE DEPARTMENT,
M.S. BUILDING,
BENGALURU-560 001.
2. THE DEPUTY COMMISSIONER
CHIKKAMAGALURU DISTRICT,
CHIKKAMAGALURU-577 101.
3. TOWN PANCHAYAT
MUDIGERE TALUK,

Digitally
signed by
GEETHA P G
Location:
HIGH
COURT OF
KARNATAKA



REPRESENTED BY ITS CHIEF OFFICER,
MUDIGERE TOWN PANCHAYAT,
MUDIGERE,
CHIKKAMAGALURU-577 132.

...RESPONDENTS

(BY SMT. CHANDINI S., HCGP., FOR R.1 & R.2;
SRI. A. NAGARAJAPPA, ADVOCATE FOR R.3.)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE RESPONDENT NO.3 TO TAKE NECESSARY STEPS IMMEDIATELY TO HAND OVER THE POSSESSION OF SHOP NO.3 WHICH IS RESERVED FOR SC COMMUNITY OF WHICH THE PETITIONER IS THE SUCCESSFUL BIDDER HAVING PARTICIPATED IN PUBLIC AUCTION HELD ON 21.11.2019 AND 22.11.2019 IN THE ENDS OF JUSTICE AND EQUITY, 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 is said to be the successful bidder in an auction conducted in respect of commercial shop No.3 at Mudigere Town. The auction is said to have been conducted in the year 2019. In spite of the petitioner being the successful bidder and having made the necessary payments way back in the year 2019, till today due to dereliction of duty on the part of respondent nos.2 and 3, petitioner has not been allotted the shop.

2. The learned HCGP appearing for respondent Nos.1 and 2 and Sri.A.Nagarajappa, learned counsel appearing for respondent No.3, does not dispute the fact that the petitioner was the successful bidder and that he has been allotted the said shop. However, the learned HCGP appearing for respondent no.2 is blaming respondent no.3 - Chief Officer, Mudigere Town for not allotting the shop in favour of the petitioner and not handing over possession of the same to him. While, learned counsel appearing for respondent no.3 puts the blame on respondent No.2 - the Deputy Commissioner for not giving the necessary approval for allotting the shop in favour of



the petitioner herein. Either way it is the Officers of the State who are responsible for the petitioner being made to suffer.

3. Taking into consideration the dereliction of duty on the part of respondent nos.2 and 3, and the blame that both have been making against each other, which has ultimately resulted in loss to the petitioner, this Court, on 04.02.2026, has passed the following order:-

"1. The petitioner is stated to be the successful bidder in auction for commercial shop No.3, which is yet to be handed over. Respondents No.3 claims that respondent No.3 has sent letter to respondent No.2 seeking for permission to handover, whereas respondent No.2 has made allegations against respondent No.3 that no communication has been issued by respondent No.3 and or no action has been taken.

2. In that view of the matter, respondent No.1 is directed to look into the matter and file an affidavit as regard the status thereof and take such action as is required to be taken against the concerned delinquent officers. Affidavit to be filed on or before 23.02.2026.

3. Relist on 23.02.2026."



HC-KAR

**NC: 2026:KHC:16263
WP No. 7179 of 2023**

4. In spite of the aforementioned order, unfortunately, even respondent No.1- Principal Secretary, Revenue Department has not initiated any action against respondent Nos.2 and 3. This gives the impression that all the respondents are interested in protecting each other at the cost of an ordinary citizen of the Country.

5. As there is no dispute that the petitioner is the successful bidder and in spite of him making the necessary payments as required under law, he has not been allotted the shop, the writ petition requires to be allowed. Further, the interest of justice would be met only if appropriate action is initiated against respondent Nos.2 and 3 for making the petitioner suffer and the guilty person is directed to pay cost to the petitioner.

6. For the aforementioned reasons, respondents are required to do the needful and allot the shop to the petitioner. It is unfortunate, that even at this stage, the learned HCGP appearing for respondent Nos.1 and 2 as well as the learned counsel appearing for respondent no.3 are not in a position to assist the Court and state as to which respondent is liable to allot the shop in favour of the petitioner. Hence, the following:-



ORDER

- i. The writ petition is hereby ***allowed***.
- ii. The respondents are directed to take all necessary steps to immediately hand over possession of Shop No.3, which the petitioner has succeeded in the auction and get the necessary documents executed from him.
- iii. The said exercise shall be done within a period of one month from the date of receipt of a certified copy of the order.
- iv. Respondents are directed to pay a cost of Rs.1,00,000/- to the petitioner.
- v. Respondent No.1 or such concerned Officer of the State, is directed to conduct necessary departmental enquiry against the Officers serving in the capacity of Deputy Commissioner, Chikkamagaluru District and Chief Officer, Mudigere Town Panchayat, who did not act, which made the



petitioner suffer and constrained him to file this writ
petition and after due enquiry, recover from such
person, the cost to be paid to the petitioner.

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

VMB
List No.: 1 SI No.: 25