



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 17750 OF 2026 (LB-RES)

BETWEEN:

T N TYAGRAJ
AGED ABOUT 70
R/O. 63/1, 8TH MAIN,
6TH PHASE, 1ST STAGE,
MAHAGANAPATI NAGAR,
RAJAJI NAGAR,
BENGALURU NORTH - 560 010.

...PETITIONER

(BY SRI. S.S. YADRAMI., SENIOR ADVOCATE FOR
SMT. POORNIMA.,ADVOCATE)



AND:

1. THE STATE OF KARNATAKA
REP. BY CHIEF SECRETARY
THE DEPARTMENT OF URBAN DEVELOPMENT,
VIKAS SOUDHA, AMBEDKAR VEEDHI
BENGALURU 560 001.
2. THE DEPUTY COMMISSIONER,
URBAN DEVELOPMENT CELL,
TUMAKURU-572101.



3. TUMAKURU MUNICIPAL CORPORATION
BY IT'S COMMISSIONER
TUMAKURU-572101.
4. THE EXECUTIVE ENGINEER,
T.C.C. TUMAKURU-572101.
5. THE ASSISTANT EXECUTIVE ENGINEER
T.C.C. TUMAKURU-572101.
6. T.N. DHIRESH KUMAR
S/O. T.N. NAGARAJU
AGE MAJOR,
R/O. SHIRA GATE,
TUMAKURU.
7. B.M.RAJENDRA
AGE MAJOR,
OCC, R/O. SHIRA GATE,
TUMAKURU-572101.

...RESPONDENTS

(BY SRI.BOPPANNA BELLIAPPA., AGA FOR R1;
SRI R. SUBRAMANYA., ADVOCATE FOR R3 TO R5)

THIS W.P. IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE IMPUGNED ORDER PASSED BY THE R-3
BEARING NO. TUMAPA/HBL/CR-10/2025-26 DATED
10.06.2026 VIDE ANNEX-F TO THE WRIT PETITION.

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



CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

The petitioner is served with the order under 321(3) of the Karnataka Municipal Corporations Act, 1976 [for short, '*the Act*']. This order is dated 10.06.2026 [*Annexure-F*], and it reads that the provisional order is confirmed and the deviations would be removed by the petitioner at 4 'O' Clock today [12.06.2026]. The question for consideration is whether the time allowed between the date of the order [10.06.2026] and the time fixed for demolition [at 4 'O' Clock on 12.06.2026] is reasonable. This question must be answered in the light of the fact that there is an appellate remedy under 443-A of the Act, and a notice must be under Section 462 of the Act for demolition when there is failure to remove the offending construction.



This Court must find that the time granted to the petitioner when there is an alternative remedy is definitely unreasonable, and this Court's interference is justified in the light of this finding but without entering into the merits of any contention as those aspects must be considered by the appellate forum. At the stage, Sri Subramanya R., the learned counsel for the third to fifth respondents, points out that the petitioners are putting up, even according to their own showing., an additional floor despite the proceedings under Section 321 of the Act. In response, Sri S.S.Yadrami, the learned Senior Counsel for the petitioners, states that the petitioner is not putting up any further construction and the statement in this regard could be taken on record for just orders. In the light of the afore, the following:

ORDER

[A] The petition stands disposed of directing the third to fifth respondents to defer demolition



scheduled to be held today [12.06.2026] calling upon them to issue notice of demolition after seven [7] days from today observing that it would be open to the petitioner to avail remedy under Section 443- A of the Act.

[B] This Court also observes that if the petitioner avails alternative remedy, the appellate authority must consider the request for an interim order, if any, independent of the arrangement now made as this Court's intervention is on the limited ground of opportunity to the petitioner to avail the appellate remedy.

[C] It is reiterated that this Court has not examined merits of any of the rival contentions.

[D] The statement on behalf of the petitioner that there will be no further construction is taken on record observing that it would be open to the authorities to take action to prevent



NC: 2026:KHC:28656
WP No. 17750 of 2026

construction contrary to the statement made
before.

SD/-
(B M SHYAM PRASAD)
JUDGE

SA
List No.: 11 Sl No.: 2