



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 1205 OF 2024 (LB-RES)

BETWEEN:

1. MRS. VEELA LAILA CUTINHA
W/O ASHOK MARK CUTINHA
AGED ABOUT 61 YEARS
R/AT: NETHRAVATHI LAYOUT
ST.JOSEPH NAGAR,
JEPPU MANGALURU - 575 001.

...APPELLANT

(BY SRI. CHETHAN S P, ADVOCATE FOR
SRI. NISHANTH A V, ADVOCATE)

AND:

1. THE COMMISSIONER
MANGALORE CITY CORPORATION
MANGALORE - 575 003.

...RESPONDENT

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE
ORDER DATED 02.07.2024 PASSED IN WP NO.53118/2017
[LB-RES] AND ETC.,

THIS APPEAL COMING ON FOR PRELIMINARY HEARING
THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

Digitally
signed by
REKHA R
Location:
High Court
of
Karnataka



CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

1. This writ appeal is filed impugning the judgment and order passed by the learned Single Judge in W.P. No. 53118/2017 dated 02.07.2024.

2. Petitioner had filed a writ petition challenging the order dated 28.08.2017 passed by the III Additional District and Sessions Judge, D.K., Mangaluru, in Misc. Case No. 89/2012 whereby the order dated 31.08.2012 passed by the Mangaluru City Corporation under Section 321(3) of the Karnataka Municipal Corporations Act, 1976 (KMC Act) was confirmed.

3. Petitioner is said to be the owner of property bearing RS No. 30/4 and survey No. 84B measuring 3.2 cents situated at Kankanady village, Mangaluru. Petitioner wanted to put up construction on the said property and therefore, he submitted building plans for approval to construct the first floor, and the building plans got approved. Though the building



plans were approved only to put up construction of first floor, on inspection it was found that petitioner had put up construction of second and third floors without any approved plan.

4. In view of the unauthorized construction put up by the petitioner of second and third floors, proceedings under Section 321 of the KMC Act were initiated against him and provisional order under Section 321(1) of the KMC Act came to be passed.

5. Petitioner was served with provisional order along with the show cause notice as required under Section 321(2) of the KMC Act, and the said order finally came to be confirmed vide order dated 31.08.2012 passed under Section 321(3) of the KMC Act.

6. Petitioner had filed an appeal under Section 443A of the KMC Act against the final order dated 31.08.2012 passed under Section 321(3) of the KMC Act before the III Additional District and Sessions Judge, D.K., Mangaluru in Misc. Case No. 89/2012. The Appellate Authority had dismissed the appeal vide order dated 28.08.2017, and said order was challenged by the petitioner in writ petition.



7. Learned Single Judge having noted the fact that second and third floors were put up by the petitioner without there being sanctioned plans and they were unauthorised construction, had dismissed the writ petition. There is no reason to interfere with the order passed by the learned Single Judge as it is not the case of the petitioner that he had sanctioned building plans for putting up construction of second and third floors. Therefore, we dismiss the appeal. However, there is no order as to costs.

8. All pending applications stand disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**