



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO.6265 OF 2015 (LB-RES)

BETWEEN:

CHIKKAMANDYA VILLAGERS'
WELFARE ASSOCIATION,
BY ITS PRESIDENT
SRI. B. CHIKKABOREGOWDA,
AGE: 59 YEARS,
CHIKKAMANDYA VILLAGE,
MANDYA TALUK-571401.

...PETITIONER

(BY SRI M. SHIVAPRAKASH, ADVOCATE)

AND:

1. THE CHIEF SECRETARY,
STATE OF KARNATAKA,
VIDHANA SOUDHA,
BANGALORE-560001.
2. THE PRINCIPAL SECRETARY,
DEPARTMENT OF HOUSING,
STATE OF KARNATAKA,
VIDHANA SOUDHA,
BANGALORE-560001.
3. THE PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE,
STATE OF KARNATAKA,
VIDHANA SOUDHA,
BANGALORE-560001.

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by RENUKA
Location: HIGH
COURT OF
KARNATAKA



4. THE DEPUTY COMMISSIONER,
MANDYA DISTRICT,
MANDYA -571401.
5. THE TAHASILDAR,
MANDYA TALUK,
MANDYA -571401.
6. RAJIV GANDHI RURAL HOUSING BOARD,
(UNDERTAKING OF GOVERNMENT OF
KARNATAKA)
REGISTERED OFFICE AT NO.1, 2, 3, 4,
IT PARK, 1ST FLOOR, 4TH MAIN,
RAJAJINAGAR, INDUSTRIAL AREA,
RAJAJINAGAR, BANGALORE-560010,
REP. BY ITS CHIEF MANAGER.
7. THE CITY MUNICIPAL COUNCIL,
MANDYA TOWN,
MANDYA -571401,
REP. BY ITS COMMISSIONER.
8. THE GRAMPANCHAYATH,
CHIKKAMANDYA VILLAGE,
MANDYA DISTRICT-571401,
REP. BY PANCHAYATH DEVELOPMENT
OFFICER.
9. KARNATAKA SLUM DEVELOPMENT BOARD,
NO.55, ABHAYA COMPLEX,
RESALDEN ROAD,
SHESHADRIPURAM, BANGALORE-20,
REP. BY ITS COMMISSIONER.

...RESPONDENTS

(SRI. B. G. BHANU PRAKASH, AAG A/W
SRI. K. K. KENCHEGOWDA, AGA FOR R1 TO R5;
SMT. SUMANA BALIGA M., ADVOCATE FOR R6;
SRI. G.M. ANANDA AND SMT. ASHA B. L., ADVOCATES FOR R7;



SRI. B.J. SOMAYAJI, ADVOCATE FOR R8;
SRI. M.P. SRIKANTH, ADVOCATE FOR R9)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) CALL FOR THE ENTIRE RECORDS IN RESPECT OF LAND BEARING SY.NO.507 OF CHIKKAMANDYA VILLAGE, B) ISSUE WRIT OF CERTIORARI AND QUASH THE OFFICIAL MEMORANDUM BEARING NO.MUN(3) W.P.NO.43561/2013 (PIL) DATED 14.07.2014 AT ANNEXURE-M FROM THE OFFICE OF THE RESPONDENT NO.4, C) ISSUE WRIT OF MANDAMUS DIRECTING THE RESPONDENT NO.7 NOT TO ALLOT SITES TO ANYONE OTHER THAN THE BENEFICIARIES ALREADY IDENTIFIED AND RECOMMENDED BY THE ERSTWHILE CHIKKAMANDYA GRAMPANCHAYATH AS PRESCRIBED UNDER THE PROVISIONS IN THE MATTER OF IDENTIFICATION AND ALLOTMENT OF THE HOUSELESS AND SITELESS ECONOMICALLY POOR AGRICULTURE COOLIES IN THE VILLAGE OF CHIKKAMANDYA.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 07.11.2025 COMING ON FOR 'PRONOUNCEMENT OF ORDERS' THIS DAY, THE COURT MADE THE FOLLOWING;

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM



CAV ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

The order impugned in the present petition arises out of an endorsement wherein the subject matter property bearing Sy.No.507 was handed over to the City Municipal Council, Mandya. The petitioner has assailed the said endorsement and, in consequence, has sought issuance of a writ of mandamus to restrain respondent No.7 – the Commissioner of City Municipal Council, Mandya, from allotting any sites to beneficiaries other than those already identified and recommended by the erstwhile Chikkamandya Grama Panchayat.

2. Heard the learned counsel appearing for the respective parties. Perused the statement of objections filed by the State and the affidavit of status report placed on record.

3. Before adverting to the reliefs sought in the present writ petition, it becomes necessary for this Court



to examine the earlier proceedings arising out of the very same subject matter, particularly the orders passed by the Writ Court and the subsequent directions issued by the Contempt Court, which have a direct bearing on the present dispute.

4. The first mandamus in this regard was issued by the Writ Court, as evidenced at Annexure-C to the petition. The said proceedings were instituted by Chikkamandya Village Citizens' Welfare Association, and not by the present petitioner association. As the order is brief yet significant, the same is extracted herein for ready reference:

"ORDER

1. Chikkamandya Village Citizens' Welfare Association, which is stated to be a registered Association Chikkamandya Village, Mandya District, has filed this Writ Petition in public interest seeking a direction to respondent Nos.1 to 6 with regard to allotment of sites in Sy.No.507, admeasuring 30 acres at



Chikkamandya to the houseless, site less, and low income group persons who had applied for sites under various housing schemes of State Government such as Ashraya scheme.

2. *We have heard learned counsel for the petitioners. Learned Additional Government Advocate appearing on advance notice for respondent Nos.1 to 4 states on instruction from the legal advisor to the Deputy Commissioner, Mandya District, and in the presence of the Project Director of Ashraya scheme that although the applications for allotment of sites have been pending for considerable length of time and steps would be taken for expeditious allotment of sites to the eligible persons by identifying them on conducting an enquiry, within a period of three months.*

3. *Statements of learned Additional Government Advocate made on instructions are placed on record.*

4. *In the circumstances, the Writ Petition would not call for any further consideration except to direct the respondents concerned to complete the allotment of sites to eligible persons in an expeditious manner and within a period of three months from today.*



Writ Petition is disposed in the aforesaid terms."

5. It appears that despite the direction issued by the Writ Court, the authorities did not implement the order, compelling the Chikkamandya Village Citizens' Welfare Association to initiate contempt proceedings in CCC No.998/2014. During the contempt proceedings, the State took a fresh stand, contending that the land in question had since been handed over to the City Municipal Council (CMC), Mandya, and that the responsibility to identify and allot sites to site-less persons now vested with the CMC. The order in the contempt proceedings dated 29.10.2014 would be relevant and the same is extracted as under:

"ORDER ON IA NO.1/2014

This court in CCC NO.998/2014, on 28.07.2014, on a memo filed along with the annexures contending that Survey No.507 of Chickamandya Village, measuring about 30 acres has been identified to distribute sites for various



beneficiaries and orders are passed for formation of sites and distribution of the same, closed the contempt petition as becoming infructuous.

Now the application, IA No.1/2014 is filed for recalling the order on the ground that instead of the accused respondents in this contempt petition, it is the CMC Commissioner of Mandya, is calling for applications for distribution of sites and therefore, the accused-respondents herein are not obeying the orders of this court.

On behalf of the Government, it is submitted that the layout formed now falls within the limits of CMC of Mandya and therefore, CMC Mandya is the competent authority to receive applications, consider the same and make allotment of sites. These facts are not brought to the notice of the court when the earlier order was passed.

Notwithstanding the same, the sole object is to see that the villagers of Chickamandya Village should be allotted a site if they are otherwise entitled to in accordance with law.

It is submitted on behalf of the CMC Mandya, by the learned Government advocate that applications are available.



It is open to the villagers of Chickamandya Village who are the complainants in this contempt petition to apply for allotment of sites. If such an application is filed, the same would be considered in accordance with law and if they are eligible, site will also be allotted to them.

In that view of the matter, we do not see any need to recall the order 28.07.2014.

Ordered accordingly."

6. In view of the above directions issued in the contempt proceedings, respondent No.7 – CMC, Mandya undertook scrutiny of 120 applications to ascertain the eligibility of the applicants for allotment of sites.

7. The Commissioner of CMC, while complying with the directions issued in CCC No.998/2014, verified the applications and found that 57 applicants were eligible, out of which 44 sites were allotted. The records produced by the State indicate that hakku patras were issued to 44 of the 57 eligible applicants in the year 2018.



8. As regards the remaining 13 eligible candidates, the State has submitted that upon spot inspection, these applicants were found to have permanently shifted from the village and could not be traced, hence their applications could not be processed further.

9. Having noted the above factual background, this Court must now examine the locus and standing of the present petitioner-association. It is not in dispute that the present association was not a party to the earlier writ proceedings. Though the name of the association in this petition resembles that of the association in W.P. No.43561/2013, the present petition appears to be an indirect attempt to re-agitate the issue of site allotment in favour of 120 members, notwithstanding the fact that eligibility had already been determined by the authorities.

10. It is further seen that as on 17.07.2018, the State had categorically clarified that only 57 persons were



found eligible, and that 29 of them were to be issued hakku patras after identification. The relevant order dated 17.07.2018 reads as under:

"BVJ:
17.7.2018

W.P.No.6265/2015

ORDER

Sri A.G. Shivanna, learned Additional Advocate General pointed out that in terms of the direction issued by this Court in CCC No.998/2014, the petitioner has to file application before the concerned authority. He submits that as per the order 6.9.2017 passed by this Court in the present Petition, steps have already been initiated to allot sites to 120 persons who were identified and who were assured to allot sites during the contempt proceedings. Out of 120 persons, 57 persons found to be eligible and for 29 persons, it is ordered for issuing Hakku Patras after identification of the applicants.

The said submission is placed on record.

At this stage, Sri M. Shivaprakash, learned counsel for the petitioner seeks time to produce the applications filed by the members of the



Petitioner Association as on the date of filing the previous writ petition i.e, W.P. No.43561/2013.

Post this matter next week."

11. Upon a careful perusal of the pleadings, this Court finds that the present writ petition lacks clarity and specificity. There is considerable ambiguity as to whether the association seeks allotment on behalf of those whose applications were already examined and rejected as ineligible. This Court, therefore, deems it necessary to advert to the order dated 23.10.2018, passed in the very same petition, which reads as follows:

"HON'BLE Dr.JUSTICE VINEET KOTHARI

Date:23.10.2018 W.P.No.6265/2015

Chikkamandya Villagers' Welfare Association

Vs

The Chief Secretary and Others.

ORDER

Sri.M.Shivaprakash, Adv. for Petitioner

Sri.A.S.Ponnanna, Addl. Advocate General, with

Smt. B.P.Radha, AGA for R1 to R5



Smt. Sumana Baliga, Adv. for R6

Sri. G.M.Ananda, Adv. for R7

Learned counsel for the petitioner despite repeated queries was unable to point out a single document from the side of the State Government, identifying the Members of petitioner Association who were found eligible for allotment of the sites in Chikkamandya Village, Mandya Taluk which were according to the petitioner/Association were reserved for allotment to the site-less and homeless persons and to secure such allotment, the Association has filed this and earlier writ petitions.

*It appears that through the contempt jurisdiction invoked, the respondent-State and its authorities were unnecessarily pressurized by the petitioners to identify, later on, such persons and undertake the allotment process and learned Additional Advocate General **Mr.A.S.Ponnanna** informed the Court that 57 beneficiaries were so identified and recommended by the Chief Executive Officer, Taluk Panchayath, 29 beneficiaries were already recommended by the Grama Sabha and allotment process of such 29 persons has already been done on 16.07.2018 and the remaining persons have been asked to*



submit there respective documents and evidence to establish their eligibility in the matter.

This Court is at loss to understand the manner in which without any foundation or exercise of first identifying the eligible persons under the relevant Scheme, for allotment of sites to siteless persons, the State Government has been asked to undertake the allotment process and through the contempt proceedings, the State Government has been made to identify 59 persons and make allotment of such beneficiaries without examining their cases viz-a-viz others, at the initial stage itself.

The present writ petition, prima facie, appears to be without any foundation whatsoever.

At the request of the learned counsel for the petitioner, four weeks time is allowed to produce the documents to support the case of the petitioner or its members to claim such allotment as a matter of their individual right.

The counsel may also file translated copies of all the documents in vernacular language within four weeks.



*In the above circumstances, the interim order granted by the Co-ordinate Bench in the present case on **23.03.2016** is stands vacated."*

12. A plain reading of the above order makes it abundantly clear that the Court had specifically called upon the petitioner to substantiate its claim by producing relevant documents demonstrating that its members had indeed applied for allotment of sites. However, despite ample opportunity, the petitioner failed to produce any such material. Consequently, this Court finds that the present petitioner has not established any enforceable right to seek the reliefs prayed for.

13. In view of the developments following the disposal of the contempt proceedings, and considering the admitted fact that the lands have already been transferred to the City Municipal Council, Mandya, and that the said authority has duly scrutinized all applications and found only 57 applicants eligible (out of which 44 have been



granted hakku patras), this Court finds no infirmity in the endorsement issued by the Deputy Commissioner.

14. At the outset, this Court is constrained to note that the present writ petition is instituted by an association different from the one that invoked the writ and contempt jurisdiction earlier. A mere similarity in nomenclature does not confer continuity of proceedings or locus to assail administrative action flowing from those proceedings. Crucially, despite specific judicial prompts particularly the order dated 23.10.2018, the petitioner has not furnished even the rudimentary particulars of the persons on whose behalf relief is sought: no list of applicants, no acknowledgments of applications, no dates of filing, no proof of eligibility under the relevant housing schemes, and no linkage to the cohorts earlier scrutinized. In the face of (i) the writ Court's limited mandamus (Annexure-C) directing expeditious allotment to eligible persons after enquiry, (ii) the contempt proceedings in



which the State disclosed that the land stood with the CMC, Mandya and that screening would be done by that body, and (iii) the subsequent record that 57 applicants were found eligible and 44 were issued hakku patras in 2018, the present association a stranger to the earlier cause and silent on the identity and eligibility of its members cannot mount a collateral attack on the endorsement which merely reflects the transfer to CMC and the downstream compliance exercise mandated by the Court. The petition, founded on vague, omnibus assertions and unaccompanied by the most basic material particulars, is thus incapable of dislodging the endorsement impugned.

15. Mandamus issues only where a clear legal right in the petitioner is matched by a corresponding public duty in the respondent. The extracted orders never recognized any individual right to allotment; they directed enquiry-based identification and expeditious allotment to the eligible. The petitioner has shown neither eligibility nor applicant-specific claims.



16. Pursuant to the contempt-stage framework, the competent authority (CMC/DC) scrutinized claims; 57 were found eligible and 44 hakku patras issued; 13 were untraceable. The endorsement records this administrative continuum. Mandamus cannot be used to rewrite or reopen a concluded compliance exercise without pleading and proving arbitrariness or illegality.

17. The order dated 23.10.2018 expressly recorded the absence of foundational material and vacated the interim order. The present petitioner, not party to the earlier PIL, still withholds the very documents that order demanded. A stranger association cannot, without particulars, question an endorsement implementing prior judicial directions.

18. The prayer to restrain respondent No.7 from any allotment "other than to those already identified" is an abstract, negative mandamus untethered to named



claimants or demonstrated illegality. Courts decline such open-ended supervisory commands in the absence of concrete, applicant-specific rights.

19. There is no cogent plea let alone proof of breach of the governing scheme, mala fides, or violation of Article 14 in the screening/allotment undertaken by CMC/DC. In judicial review, absent these, policy-compliant administrative decisions are not interdictable.

20. Once it is established that the endorsement of the Deputy Commissioner and the subsequent actions of respondent No.7 are in strict compliance with earlier judicial directions, the consequential prayer for mandamus to restrain respondent No.7 from making further allotments cannot be entertained. It is not the case of the respondents that any fresh allotments are being contemplated. On the contrary, both the State and respondent No.7 have unequivocally stated that only 57



persons were found eligible and that 44 of them have already been granted hakku patras.

21. Accordingly, the prayer seeking issuance of a writ of mandamus against respondent No.7 is devoid of factual foundation and legal justification. No material is placed on record to warrant such a direction.

22. For the reasons stated above, this Court finds no merit in the writ petition. The same stands dismissed as being devoid of substance.

All pending interlocutory applications, if any, stand disposed of.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

RSP
List No.: 19 SI No.: 1
CT:SI