



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.34294 OF 2024 (LB-RES)

BETWEEN:

1. SMT. UMA K.
W/O. SRI. GANGADAR M.
AGED ABOUT 54 YEARS
R/AT RAGHAVENDRA PROVISION STORE
OPP. GANAPATHI PENDAL
YT ROAD, TIPTUR ROAD
TURUVEKERE, TUMAKURU - 572 227.

...PETITIONER

(BY SRI. SUBRAMANYA R., ADVOCATE FOR
SRI. NIKHIL HEGDE, ADVOCATE)

AND:

1. PATTANA PANCHAYAT
TURUVEKERE
TUMKRU - 572 227
REP. BY ITS CHIEF OFFICER.

...RESPONDENT

(BY SRI. MANJUNATH PRASAD V., ADVOCATE)

THIS PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE RESPONDENT TO CONSIDER THE APPLICATION ALONG WITH THE REPRESENTATION DATED 22.11.2024 MADE BY THE PETITIONER AND GRANT POST-FACTO BUILDING LICENCE AND SANCTION PLAN (ANNEXURES-A AND A1); 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. The petitioner has put up construction without obtaining the necessary sanctioned plan from the respondent/authority. On the allegation that the construction is put up not only without obtaining the necessary sanctioned plan, but it has been put up in violation of the building bye-laws and also by encroaching a portion of the property of her neighbour, one Sri Vijay Ashok Kumar preferred W.P.No.15597/2022. In the said writ petition, the petitioner herein took up a contention that even if the building is not constructed in accordance with law, the demolition can take place only in accordance with law and not otherwise. After hearing the parties, this Court in W.P.No.15597/2022 has passed the following order:

"ORDER

- i. The writ petition is partly allowed.



- ii. Respondent No.1 is directed to issue necessary notice in terms of Subsection (3) of Section 64 of the Panchayat Raj Act within a period of 15 days from the date of receipt of copy of this order specifying the excess construction and or violations which are required to be rectified by respondent No.2, if any. Respondent No.2 shall reply to the same within 15 days from the date of receipt of such notice.
- iii. Respondent No.1 shall pass orders thereon within a period of 15 days thereafter.
- iv. Respondent No.2 shall not carry out any construction until orders are passed by respondent No.1."

2. Thereafter, it is submitted by the respondent that the notices have been issued as directed by this Court in W.P.No.15597/2022 and a provisional order also has been passed under the provisions of Section 187 of the Karnataka Municipalities Act, 1964. Aggrieved by the same, the present writ petition is filed.

3. The case of the petitioner is that by inadvertence, she has put up a construction without obtaining the necessary sanctioned plan. However, she submits that the building is not



in violation of the building bye-laws and that she is open for inspection of the building by the respondent. She further undertakes that in the inspection, if it is found that the petitioner has put up construction in violation of the building bye-laws, then in that event, she is willing to remove that portion of the construction, which is in violation of the building bye-laws. She further submits that with regard to the construction put up in accordance with law, a direction may be issued to the respondent to grant necessary sanctioned plan.

4. The neighbour at whose instance the proceedings have been initiated against the petitioner has filed an impleading application to be impleaded as respondent no.2. He submits that he would be satisfied, if the encroachment on his land is removed and if the petitioner puts up a construction in accordance with the building bye-laws. He submits that he does not intend to punish the petitioner for her past deeds.

5. No person has a right to put up construction in violation of the building bye-laws and the sanctioned plan. However, taking into consideration the peculiar facts and circumstances of the case, wherein ordering demolition of the entire building



would only amount to destruction of resources of the country and interest of justice would be met, if an order is passed by directing the respondent/authority to conduct the necessary inspection of the property of the petitioner and grant necessary plan sanction to the extent permitted in law and further by directing the petitioner to remove any construction in violation of the same. With regard to the encroachment of the property of the impleading applicant, it is for the parties to work out their remedies before the Civil Court.

6. Hence, the following:

ORDER

- (i) Respondent shall inspect the property of the petitioner on such date as may be determined by the respondent;
- (ii) The petitioner shall extend full co-operation at the time of such inspection. Subsequently, the respondent shall hear the petitioner and such other interested persons and thereafter take a decision regarding granting of sanctioned plan or otherwise. Thereafter, the petitioner shall remove the excess construction as indicated by the respondent, failing which the respondent shall have the liberty to remove the same in the manner known to law;



(iii) Till a decision is taken by the respondent, no precipitative action shall be initiated against the construction already put up by the petitioner and the petitioner is also directed not to put up any additional construction on the property till such decision;

(iv) The writ petition stands disposed of accordingly. Pending I.A.No.1/2025 stands dismissed.

Sd/-
(M.I.ARUN)
JUDGE

hkh.

List No.: 1 SI No.: 30