



HC-KAR

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NC: 2025:KHC-D:12931-DB  
CCC No. 100022 of 2025

**IN THE HIGH COURT OF KARNATAKA,  
AT DHARWAD**

**DATED THIS THE 23<sup>RD</sup> DAY OF SEPTEMBER, 2025**

**PRESENT**

**THE HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV  
AND  
THE HON'BLE MR. JUSTICE VIJAYKUMAR A.PATIL**

**CIVIL CONTEMPT PETITION NO.100022/2025 (CIVIL)**

**BETWEEN:**

1. SMT. SUNANDA  
W/O. ISHWAR KOTUR,  
AGE: ABT. 75 YRS, OCC: NIL,  
R/O. NEAR MODERN SCHOOL,  
SARASWATPUR, DHARWAD-580002.
2. SHRI. KIRAN  
S/O. ISHWARAPPA KOTUR,  
AGE: 54 YEARS, OCC: BUSINESS,  
R/O. NEAR MODERN SCHOOL  
SARASWATPUR, DHARWAD-580002.
3. ARUN  
S/O. ISHWARAPPA KOTUR,  
AGE: 51 YEARS, OCC: BUSINESS,  
R/O. GANDHINAGAR, 4TH MAIN,  
4TH CROSS, DHARWAD-580004.
4. SMT. SANGEETA  
D/O. ISHWAR KOTUR,  
AGE: ABT. 50 YRS, OCC: HOUSEHOLD,





R/O. NEAR MODERN SCHOOL,  
SARASWATPUR, DHARWAD-580002.

...COMPLAINANTS

(BY SRI. B. V. SOMAPUR, ADVOCATE)

**AND:**

1. RUDRESH GALI,  
THE COMMISSIONER,  
HUBLI-DHARWAD MUNICIPAL CORPORATION,  
DHARWAD-580001.
2. ARVIND JAMKHANDI,  
ASSISTANT COMMISSIONER,  
DIVISION ZONAL OFFICE NO.2,  
HUBLI-DHARWAD MUNICIPAL CORPORATION,  
DHARWAD-580001.

...ACCUSED

(BY SRI. G. I. GACHCHINAMATH, ADVOCATE)

THIS CCC IS FILED UNDER SECTION 11 AND 12 OF THE CONTEMPT OF COURTS ACT, 1971, R/W. ARTICLE 215 OF CONSTITUTION OF INDIA, 1950, PRAYING TO TAKE ACTION AGAINST THE ACCUSED/RESPONDENTS FOR THEIR WILLFUL DISOBEDIENCE SHOWN TO THE ANNEXURE-A ORDER PASSED BY THIS HON'BLE COURT IN W.P.NO.107140/2023 DATED 08/02/2024 AND PUNISHED THEM IN ACCORDANCE WITH LAW IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR FRAMING OF CHARGES, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV  
AND  
THE HON'BLE MR. JUSTICE VIJAYKUMAR A.PATIL



**ORAL ORDER**

(PER: THE HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV)

The present contempt petition has been filed alleging disobedience of the direction in W.P.No.107140/2023. In the order passed in the said writ petition, the learned Single Judge had directed as follows:

- "i) The Writ Petition is allowed.*
- ii) Respondents are directed to issue necessary notification under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in respect of the land of the petitioner which has been encroached and make payment of the compensation amount in terms of the said act, calculating the compensation as on the date of issuance of the notification, within six months from today, more so since the land having been already taken possession by the respondents, the petitioners have no objection to the acquisition so long as compensation is paid in terms of the aforesaid Act.*
- iii) Respondent No.1 is directed to initiate an inquiry as regards the officers who have illegally and unauthorizedly encroached upon the land of the petitioners while forming the road without due acquisition and take necessary action against them, including collection of the differential in the compensation*



*liable to be paid at the time of formation of the road and now liable to be paid.*

*iv) Report to that effect to be filed within a period of 90 days from the date of receipt of the above order before this Court."*

2. In the present proceeding, affidavit has been filed by the Commissioner, Hubballi-Dharwad Municipal Corporation. The relevant paragraphs No.5 to 9 reads as follows:

*"5. I submit that the Corporation, in compliance with the directions of this Hon'ble Court and in order to ascertain the precise factual position, caused a detailed survey of the subject property. Upon such survey, it has been found that the alleged portion of 207 square feet has not in fact been utilized for road formation. On the contrary, the said portion continues to be under the occupation of the complainants and their tenants, where paver blocks have been laid by them, thereby demonstrating that there is no formation of road in the disputed portion. Consequently, the Corporation never claims any right, title, or interest in respect of the said 207 square feet.*

*6. I submit that the finding of the learned Single Judge in W.P. No.1017140/2023 was primarily based on the survey report furnished by the office of the City Survey, Dharwad, which was produced by the*



*complainant herself. In view of the subsequent survey, it is evident that the Corporation has not encroached upon the complainant's land, nor has any part of the alleged 207 square feet been utilized for road formation. I further submit that unless the State or its instrumentalities have actually taken possession of private property, the liability to pay compensation does not arise.*

*7. I submit that the Hubballi-Dharwad Municipal Corporation (HDMC) has, in unequivocal terms, made it clear that the Corporation has no requirement or claim whatsoever over the alleged extent of 207 sq. feet in question. It is an admitted position that the said portion has neither been acquired nor utilized by the Corporation for the purpose of road formation. On the contrary, the said area is in the occupation and use of the complainants and their tenants, who have laid paver blocks therein and are in peaceful enjoyment of the same. In these circumstances, the Corporation reiterates that it does not propose to*

*8. I respectfully submit that it was the complainants themselves who had caused a survey to be conducted through the competent City Survey Authorities and had placed reliance upon the said survey report before the learned Single Judge in the writ petition proceedings, producing the same as Annexure-K. The said report categorically records that the City Survey Authorities had undertaken the measurements and prepared a map clearly demarcating the portion of*



*land admeasuring 207 square feet, which was alleged to have been affected during the process of road formation.*

*9. I submit that the Hubballi-Dharwad Municipal Corporation has no claim right, or interest over the said extent of 207 square feet as delineated in the map prepared by the City Survey Authorities. A true copy of the said map is now produced herewith for the kind perusal of this Hon'ble Court and is marked as **Annexure-R1.**"*

3. Learned counsel for the accused submits that the Corporation has unequivocally given up any claim with respect to 207 square feet belonging to the petitioner and submits that they will not interfere with the rights of the petitioners as regards such property. In light of the same, the present proceedings are dropped.

**Sd/-  
(S.SUNIL DUTT YADAV)  
JUDGE**

**Sd/-  
(VIJAYKUMAR A.PATIL)  
JUDGE**

RKM /CT-AN  
List No.: 1 Sl No.: 38