



IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 9TH DAY OF APRIL 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S. KINAGI

WRIT PETITION NO. 101168 OF 2026 (GM-POLICE)

BETWEEN:

M/S. BANGARI FILLING STATION
SY. NO.52 B/1B4, PLOT NO.3 4 5 6 7
BELAGAVI ROAD, DODDAYANAKOPPA
OPP. TO NEW BUS STAND, DHARWAD
REPRESENTED BY ITS PROPRIETOR,
SHRI BHARAMAPPA S/O. SHIVANAPPA BHANGARI,
AGE. 47 YEARS, OCC. BUSINESS,
R/O. TADASINAKOPPA, YERIKOPPA-580114,
TQ. AND DIST. DHARWAD.

...PETITIONER

(BY SRI. HARISH S.MAIGUR, ADVOCATE)

AND:

1. THE DIRECTOR GENERAL OF POLICE,
BENGALURU POLICE HEADQUARTERS,
AMBEDKAR VEEDI, BENGALURU-560001.
2. THE DEPUTY COMMISSIONER,
DHARWAD-580001, TQ/DIST. DHARWAD.
3. THE COMMISSIONER,
HUBLI-DHARWAD MUNICIPAL CORPORATION
DHARWAD, TQ/DIST. DHARWAD-580020.
4. THE DEPUTY COMMISSIONER OF POLICE,
(LAW AND ORDER), HUBLI-DHARWAD CITY





DHARWAD, TQ / DIST. DHARWAD-580025.

5. THE ASSISTANT COMMISSIONER OF POLICE,
DHARWAD SUB-DIVISION, HUBBALLI-580025,
TQ. HUBBALLI, DIST. DHARWAD.
6. THE SUPERINTENDENT OF POLICE,
DHARWAD-580001, TQ/DIST. DHARWAD.
7. THE POLICE SUB-INSPECTOR,
DHARWAD SUB-URBAN POLICE STATION,
DHARWAD, TQ/DIST. DHARWAD-580008.
8. THE CHIEF DIVISIONAL RETAILS SALES MANAGER,
INDIAN OIL CORPORATION LTD.,
KHANAPUR ROAD, TILAKWADI,
BELAGAVI-590006.

...RESPONDENTS

(BY SRI. T. HANAMAREDDY, ADDL. GOVT. ADV. FOR R1, R2 AND R4 TO R7;
SRI. G.I. GACHCHINAMATH, ADVOCATE FOR R3;
SRI. C.V. ANGADI, ADVOCATE FOR R8)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO WRIT OF CERTIORARI OR ANY OTHER ORDER OR DIRECTION, QUASHING THE IMPUGNED NOTICE BEARING NO.ಸಂಖ್ಯೆ:ಡಿ.ಸಿ.ಪಿ(ಕಾಮತ್ತುಸು)/ಹು-ಧಾ/28/2026 DATED 04.02.2026 ISSUED BY THE RESPONDENT NO.4 AS PER ANNEXURE-G AND ETC.,.

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE ASHOK S. KINAGI)

1. The petitioner filed this writ petition seeking the following reliefs:

- i. *Writ of Certiorari or any other order or direction, quashing the impugned notice bearing No. ಸಂಖ್ಯೆ:ಡಿ.ಸಿ.ಪಿ(ಕಾಮತ್ತುಸು)/ಹು-ಢಾ/28/2026 dated 04.02.2026 issued by the respondent No.4 as per Annexure-G.*
- ii. *Issue any other appropriate writ or order or direction which deems fit to grant by this Hon'ble Court in the facts and circumstances of the case.*

2. Brief facts leading rise to the filing of this petition are as follows:

3. The proprietor of the petitioner purchased the land in question under the registered sale deeds dated 09.06.2011 and 09.09.2011. Respondent No.2 issued NOC for establishing filling station. The proprietor of the petitioner and respondent No.8 entered into Retail Outlet Dealership Agreement for establishment of filling station. The proprietor of the petitioner offered the aforesaid land for establishment of filling station and entered into lease deed with respondent No.8 on 10.11.2011 for a period of 30 years. Respondent No.4 issued a notice dated



04.02.2026 calling upon the petitioner to appear before the Joint Inquiry on 11.02.2026 at about 11:00 am along with documents and information of the land on which the petitioner filling station is established. The petitioner, aggrieved by the impugned notice issued by respondent No.4, filed this writ petition.

4. The respondents-State filed statement of objections contending one among several grounds that the petition is not maintainable in the eye of law or facts. Hence, prays to dismiss the petition.

5. Respondent No.8 also filed statement of objections raising several grounds.

6. The petitioner filed rejoinder to the statement of objections and prayed to allow the writ petition.

7. Heard the arguments of the learned counsel for the petitioner and the learned Additional Government Advocate for the respondents.

8. Learned counsel for the petitioner submits that respondent No.4 is not the competent authority to initiate a joint inquiry into the alleged encroachment of land belonging to the



police department, Hubli-Dharwad, by the petitioner filling station while its establishment and consequential issuance of impugned notice calling upon the petitioner to appear before Joint Inquiry is arbitrary, erroneous and without jurisdiction. Hence, on these grounds, he prays to allow the writ petition.

9. *Per contra*, learned AGA submits that the impugned notice is only an appearance of notice. The petitioner can produce the records to establish the ownership over the property in question. The petitioner instead of approaching respondent No.4 has filed this writ petition. He submits that respondent No.4 has not passed any adverse orders against the petitioner. Therefore, the writ petition filed by the petitioner is not maintainable. Hence, on these grounds, he prays to dismiss the writ petition.

10. Perused the records and considered the submissions of the learned counsel for the parties.

11. The proprietor of the petitioner claims to have purchased the property in question under the registered sale deeds and established the filling station. Respondent No.4 issued a notice calling upon the petitioner to appear before the



Joint Inquiry on 11.02.2026 at about 11:00 am with all the documents and information of the land on which the petitioner filling station is established.

12. From the perusal of the impugned notice, the said notice is only a notice calling upon the petitioner to appear before respondent No.4 along with the documents, as respondent No.4 wants to verify the documents of the land in question. Mere calling upon the petitioner to appear before the Joint Inquiry is not a ground to entertain the writ petition. The petitioner, without appearing before respondent No.4, has approached this Court. The writ petition filed by the petitioner is premature. In view of the proposition of law laid down by the Hon'ble Apex Court in the case of **Commissioner Central Excise, Haldia v. M/s Krishna Wax (P) Ltd¹**, the writ petition is not maintainable against a show cause notice.

13. Considering the mandate laid down by the Hon'ble Apex Court in the case of **M/s Krishna Wax (P) Ltd** referred (supra), the writ petition is not maintainable.

¹ (2020) 12 Supreme Court Cases 572



14. In view of the above discussion, I proceed to pass the following:

ORDER

- (i) The writ petition is disposed off.
- (ii) A liberty is reserved to the petitioner to appear before respondent No.4 and submit the documents/records within a period of three days from today. Thereafter, respondent No.4 is directed to consider the documents to be produced by the petitioner and pass appropriate orders in accordance with law within a period of one week from the date of receipt of documents to be submitted by the petitioner. In the meanwhile, respondent No.4 is directed not to take any coercive action against the petitioner till passing of the order.

All the contentions of the parties are kept open.

Pending I.As. stand disposed off.

**Sd/-
(ASHOK S. KINAGI)
JUDGE**

kmv
CT: UMD