



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 23RD DAY OF AUGUST, 2025
BEFORE
THE HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV
WRIT PETITION NO. 147759 OF 2020 (GM-RES)

BETWEEN:

SREE K.V. SUDARSHAN
S/O. LATE K.N. VENKATESH GUPTA,
AGE: 54 YEARS, OCC: ADVOCATE,
R/O: #307, OPPOSITE TO VIVEKANANDA HIGH SCHOOL,
ARAVIND NAGAR, HUBBALLI, DIST: DHARWAD-580024.
...PETITIONER
(BY SMT. RESHMA MADIWALAR, ADVOCATE)

AND:

1. THE PRINCIPAL SECRETARY,
DEPARTMENT OF PWD AND
M.S. BUILDING, AMBEDKAR VEEDI, BENGALURU-560 001.
2. DEPUTY COMMISSIONER,
OFFICE OF THE DEPUTY COMMISSIONER
BALLARI, DIST: BALLARI-583101.
3. ASSISTANT COMMISSIONER
AND LAND ACQUISITION OFFICER
OFFICE OF THE ASSISTANT COMMISSIONER
HOSAPETE, DIST: BALLARI-583201.
4. ASSISTANT EXECUTIVE ENGINEER,
DEPARTMENT PWD, HARBOR AND INTERNAL TRANSPORT
HAGARIBOMMANAHALLI, DIST: BALLARI-583212.
...RESPONDENTS
(BY SRI. V.S. KALASURMATH, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS
DIRECTING THE RESPONDENTS TO ISSUE NOTICE TO PETITIONERS
AND ACQUIRE THE PROPERTIES OF THE PETITIONER I.E.
RESIDENTIAL HOUSE BEARING PLOT NO.22 AND 23 OF NEW WARD



NO.7 OF HAGARIBOMMANAHALLI TOWN MEASURING 20 FEET X 45 FEET VIDE ANNEXURE-B. UNDER DUE PROCESS OF LAW AND TO AWARD ADEQUATE COMPENSATION & ETC.

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

CORAM: THE HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV

ORAL ORDER

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

The present petition has been filed seeking for issuance of writ in the nature of mandamus to direct the respondents to issue notice to the petitioner and acquire the properties of the petitioner bearing Plot Nos. 22 and 23 of New Ward No.7 of Hagaribommanahalli Town, measuring 20 feet x 45 feet vide Annexure-B and take action after following the due process of law after awarding compensation.

2. It is the case of the petitioner that he is the owner of Plot Nos. 22 and 23 of New Ward No.7 of Hagaribommanahalli Town, measuring 20 feet x 45 feet. It



is the assertion of the petitioner that respondent No.4 is seeking to interfere with the rights of the petitioner without following the due process of law. It is submitted that respondent – Authorities are seeking to widen the road and have made markings on the building and intend to demolish the extent of building without following any process of acquisition.

3. Sri. V. S. Kalasurmata, learned Additional Government Advocate appearing for the State submits that State would take action strictly in accordance with law and will not interfere with the rights of the petitioner otherwise. It is further submitted that in the event of the petitioner having encroached public property, needless to state the State would make necessary enquiry regarding alleged encroachment after affording sufficient opportunity to the petitioner.

4. Heard both sides.



5. It must be noticed that the right of the property of the petitioner under Article 300-A of the Constitution of India cannot be interfered with except in accordance with law. In the event the respondent – Authority intends to widen the road, necessary action may be taken to acquire the property of the petitioner in terms of the law relating to acquisition as may be applicable. In the event of assertion by the respondents – Authorities that the petitioner has encroached upon right of way of public property, the respondent – Authority to conduct an enquiry as is statutorily permissible and afford sufficient opportunity to the petitioner to demonstrate his property rights and only thereafter take action in accordance with the scheme of the statute as is applicable.

6. Accordingly, in light of the observations made above, petition is ***disposed off***.

Needless to state, there cannot be any interference by the respondents in the rights of the property of the



**NC: 2025:KHC-D:10819
WP No. 147759 of 2020**

petitioner except in accordance with the procedure as per law.

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

VP, CT:VP