



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 147919 OF 2020 (LB-UC)

BETWEEN:

DR. KRISHNAJI S/O. DEVAJI KASHID,
AGE : 45 YEARS, OCC : MEDICAL PRACTITIONER,
R/O : PRAGATI COLONY, VIDYANAGAR,
HUBLI.

... PETITIONER

(BY SRI. ARAVIND.D.KULKARNI, ADVOCATE)

AND:

1. HUBLI-DHARWAD MUNICIPAL CORPORATION,
HUBLI, REPRESENTED BY ITS COMMISSIONER,
H.D.M.C., HUBLI-590 001.

2. ASSISTANT COMMISSIONER,
ZONE NO.11, HDMC, HUBLI-590 001.

... RESPONDENTS

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

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS UNDER:



ORAL ORDER

Sri.Aravind D.Kulkarni, counsel for the petitioner and Sri. G.I.Gachchinamath, counsel for respondents 1 and 2 have appeared in person.

2. The petition is filed seeking the following reliefs:

*"a) Issue writ of certiorari or any other appropriate writ, order, or direction in this regard, quashing the impugned order dated 09/02/2012 produced at **Annexure-E** and also consequently quash the order passed by 5th Addl. District Judge, Dharwad, sitting at Hubli under Misc. appeal No.13/2012 dated 15/11/2017 produced at **Annexure-F**.*

b) Any other appropriate relief or direction be granted in the ends of justice and equity."

3. The petitioner, a B.A.M.S. doctor, is running a clinic in the subject property and is rendering medical services to patients, particularly to the poor rural population. It is the case of the petitioner that a provisional order dated 19.12.2011 was issued under Sections 321(1) and (2) of the Karnataka Municipal Corporation Act, 1976, alleging unauthorized construction made by the petitioner's vendor. Subsequently, a final order dated 09.02.2012 under Section 321(3) of the Act came to be passed.



Aggrieved by the same, the petitioner preferred an appeal before the District Court, which, by order dated 15.11.2017, dismissed the appeal. Hence, the present writ petition.

4. Counsel for the petitioner contends that both the provisional and final orders passed by the respondent authority are cryptic in nature and do not disclose proper reasons, thereby violating principles of natural justice.

5. Counsel for the respondents supports the impugned orders.

6. Heard the counsel for the parties and perused the material on record.

7. On careful examination, this Court finds that the provisional order dated 19.12.2011 and the final order dated 09.02.2012 do not assign adequate reasons. It is well settled that administrative orders affecting civil rights must be supported by reasons.

In view of the above, the impugned final order dated 09.02.2012 passed by respondent No.2 and the order dated



15.11.2017 passed by the V Additional District and Sessions Judge, Dharwad, sitting at Hubballi, in Misc. Appeal No.13/2012 cannot be sustained in law.

8. Accordingly, a writ of certiorari is issued. The order dated 09.02.2012 (Annexure-E) and the order dated 15.11.2017 (Annexure-F) are hereby quashed.

9. It is, however, open to the respondent authorities to initiate appropriate proceedings in accordance with law, if so advised and if circumstances so warrant.

10. Resultantly, the writ petition is ***allowed***.

Sd/-
(JYOTI M)
JUDGE

MRP
LIST NO.: 1 SL NO.: 39