



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S. KINAGI

WRIT PETITION NO.102221 OF 2026 (GM-PP)

BETWEEN:

SRI. K. MUSHTAQ AHMED
S/O. K. MOHAMMED JAFFAR SAB,
AGE. 55 YEARS, OCC. BUSINESS,
R/O. DOOR NO.20/A, KMK BLDG.,
BALLARI ROAD CIRCLE HOSPET,
VIJAYANAGARA DISTRICT. PIN CODE-583201.

...PETITIONER

(BY SRI. S.S. BAWAKHAN, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS SECRETARY,
URBAN DEVELOPMENT DEPARTMENT,
M.S. BUILDING, BENGALURU-560001.
2. THE COMMISSIONER,
CITY MUNICIPAL COUNCIL,
HOSPET-583201, VIJAYANAGARA DISTRICT.

...RESPONDENTS

(BY SRI. T. HANAMAREDDY, ADDL. GOVT. ADVOCATE FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR ORDER QUASHING THE IMPUGNED EVICTION ORDERS DATED 04.02.2026, PASSED BY COMMISSIONER CITY MUNICIPAL COUNCIL HOSAPETE, BEARING NO.NA SA HO:SHA/MALIGE/CR-2025-26, VIDE ANNEXURE-A AND B AND ETC.,.

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



ORAL ORDER

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

1. The petitioner has filed this writ petition under Articles 226 and 227 of the Constitution of India, seeking issuance of a writ of certiorari or any other appropriate writ or order, quashing the impugned eviction orders dated 04.02.2026 passed by the Commissioner, City Municipal Council, Hospet, bearing No. NA SA HO:SHA/MALIGE/CR-2025-26 vide Annexures A & B.
2. It is observed that the impugned order are appealable under Section 10 of the Karnataka Public Premises [Eviction of Unauthorized Occupants] Act, 1974 (for short the 'Act'). The petitioner, without exhausting the equal efficacious statutory remedy, has filed this writ petition.
3. In view of the settled proposition of law laid down by the Hon'ble Apex Court in ***Rikhab Chand Jain V/s Union of India and others***, reported in ***2025 INSC 1337***, the writ petition is not maintainable. Accordingly, the writ petition is **dismissed**.



4. A Liberty is reserved to the petitioner to file an appeal under Section 10 of the Act, of 1974 within three months from today. Meanwhile, the respondents are directed not to take any coercive action.
5. Pending applications if any, shall stand disposed of.

Sd/-
(ASHOK S. KINAGI)
JUDGE

VB
CT: UMD
List No.: 1 SI No.: 45