



HC-KAR

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 27TH DAY OF MARCH 2026

PRESENT

THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD

AND

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

WRIT APPEAL NO.100137 OF 2026 (GM-PP)

BETWEEN:

1. P.C.KURIYAN S/O. P.C.CHUMMAR
AGE: 48 YEARS, OCC: BUSINESS,
R/O: H.NO. 233, TORANAGALLU,
NEAR RAILWAY STATION,
TQ: SANDUR, DIST: BALLARI-583123.
2. SREENIVASULU S/O. ANANDAPPA
AGE: 49 YEARS, OCC: BUSINESS,
R/O: NO. 1, WARD NO. 5, NEAR MASJID,
TORANAGALLU, NEAR RAILWAY STATION,
SANDUR TALUK, DIST: BALLARI-583123.
3. C. NAGARAJ S/O. C. V. RAMU
AGE: 52 YEARS, OCC: BUSINESS,
R/O: NO.227, TORANAGALLU,
NEAR RAILWAY STATION,
TQ: SANDUR, DIST: BALLARI-583123.
4. GUDUSAB S/O. ISMAIL SAB
AGE: 53 YEARS, OCC: LABOUR,
R/O: WARD NO.5, BALLARI HOSPET
MAIN ROAD, NEAR BUS STAND,
TORANAGALLU, RAILWAY STATION,
TQ: TORANGALLU, DIST: BALLARI-583123.





5. ANDAND SAB S/O. MISKIN
AGE: 68 YEARS, OCC: BUSINESS,
R/O: WARD NO.5, BASAVESHWARA NAGAR,
NEAR MASJID, TORANAGALLU,
NEAR RAILWAY STATION,
TQ: SANDUR, DIST: BALLARI-583123.

...APPELLANTS

(BY SRI. M.L.VANTI, ADVOCATE)

AND:

1. DEPUTY COMMISSIONER
BELLARY DISTRICT.
2. THE ASSISTANT COMMISSIONER
BELLARY.
3. THE THASILDHAR
SANDUR, TQ. AND DIST: BELLARY.
4. THE ESTATE OFFICER AND
ADDITIONAL DIVISIONAL RAILWAY MANAGER,
S. W. RAILWAY, HUBLI.
5. THE SENIOR DIVISIONAL ENGINEER/EAST,
S. W. RAILWAY, HUBLI.
6. SHIVANNA S/O. SOMANATHASA
AGE: 58 YEARS, OCC: LABOUR,
R/O: WARD NO. 5, TORANAGALLU,
NEAR RAILWAY STATION,
TQ: SANDUR, DIST: BALLARI-583123.
7. K.PRASAD S/O. LATE BASAPPA
AGE: 45 YEARS, OCC: BUSINESS,
R/O: WARD NO. 7, NEAR ANJINEYA SWAMY
TEMPLE TORANAGALLU,
NEAR RAILWAY STATION,
TQ: SANDUR, DIST: BALLARI-583123.



8. SHAMBULINGASA S/O. SHIVAPPA
AGE: 28 YEARS, OCC: BUSINESS,
R/O: WARD NO. 5, TORANAGALLU,
NEAR RAILWAY STATION,
TQ: SANDUR, DIST: BALLARI-583123.
9. M. VEERUPAKSHA S/O. SOMNATHA SHA
AGE: 48 YEARS, OCC: BUSINESS,
R/O: H. NO. 703, WARD NO. 3,
MAIN ROAD NO. 63, TORANAGALLU,
NEAR RAILWAY STATION,
TQ: SANDUR, DIST: BALLARI-583123.
10. AMBASA RANGREJI
S/O. LATE RANJANNASASA,
AGE: 55 YEARS, OCC: BUSINESS,
R/O: H. NO. 230, 20TH WARD,
ANJINAYA TEMPLE, TORANAGALLU,
NEAR RAILWAY STATION,
TQ: SANDUR, DIST: BALLARI-583123.
11. MOHAMAD ALI S/O. ABDUL AZIZ
AGE: 63 YEARS, OCC: BUSINESS,
R/O: WARD NO.4,
NEAR RAILWAY STATION,
OPP. TORANAGALLU,
NEAR RAILWAY STATION,
TQ: SANDUR, DIST: BALLARI-583123.
12. P.S.BABU S/O. PEERA SAB
AGE: 45 YEARS, OCC: BUSINESS,
R/O: WARD NO. 4,
NEAR RAILWAY STATION, OPPOSITE
TO MADINA MASJID, TORANAGALLU,
TQ: SANDUR, DIST: BALLARI-583123.
13. MUDDIKERI VENKATAPPA S/O. THIMMAPPA
AGE: 55 YEARS, OCC: BUSINESS,
R/O: WARD NO. 5, H. NO. 720,
BELLARY MAIN ROAD, TORANAGALLU,
NEAR RAILWAY STATION,
TQ: SANDUR, DIST: BALLARI-583123.



14. C.SATHYANARAYANA S/O. VENKATANARAYANA
AGE: 45 YEARS, OCC: BUSINESS,
R/O: WARD NO.5, HOSPET MAIN ROAD,
NEAR SHIVANANDABHARAI SWAMY MAHA
TORANAGALLU, NEAR RAILWAY STATION,
TQ: SANDUR, DIST: BALLARI-583123.

...RESPONDENTS

(BY SRI. PRAVEEN UPPAR, AGA FOR R1 TO R3;
SRI. M.B.KANAVI, ADVOCATE FOR R4 AND R5)

THIS WRIT APPEAL IS FILED U/S.4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO ALLOW THE APPEAL AND SET ASIDE THE ORDER DATED 5/11/2025 PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO.103535/2022 (GM-PP) AND QUASH THE ORDER DATED 21/7/2022 PASSED BY THE IV ADDL. DISTRICT AND SESSIONS JUDGE (COMMERCIAL COURT) AT: BALLARI IN M.A.2/2020 AND ORDER BEARING AND ADRM DATED NO.H/W.274/U.O/TNGL/EO 30/12/2018 PASSED BY THE 4TH RESPONDENT AND ALSO DIRECT THE RESPONDENTS NOT DISPOSES THE PETITIONER FROM THEIR PROPERTY WITHOUT DUE ADOPTING DUE PROCESS OF LAW, IN THE INTEREST OF JUSTICE AND EQUITY; AND ETC.

THIS WRIT APPEAL COMING ON FOR PRELIMINARY HEARING THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD
AND
THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANAVAR



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR)

This Inter-Court Appeal is directed against the order dated 05.11.2025 passed in W.P.103535 of 2022.

2. Heard Shri M.L. Vanti, learned counsel for appellants, Sri.Praveen Uppar, learned AGA for respondent Nos.1 to 3, and Sri. M.B. Kanavi, learned counsel for respondent Nos.4 and 5.

3. The facts leading to filing of writ petition are that appellants and others claimed that they are in settled position and enjoyment of their respective residential and commercial properties situated in Survey No.321/A/1 of Toranagallu R.S., Sandur Taluk, Ballari District measuring 05 acres since the time immemorial. They have been provided electricity supply and all civic amenities to their respective properties and also properties have been given ward numbers and house numbers. Appellants submitted



that the land in Survey No.321, the railway line is passing from one and National Highway is on the other side. The father of respondent No.7 had filed Civil Suit seeking injunction against one Sri H. T. Nagereddy in O.S.No.5/2013 on the file of Civil Judge and J.M.F.C, Sandur. The said suit came to be decreed by judgment and decree dated 11.03.2014. The said order of injunction has been confirmed by this Court in RSA No.5548/2009. Respondent No.4 has issued notices to appellants and others on 08.12.2016 under Section 4(1) of Karnataka Eviction of Unauthorised Occupants Act, 1974. The appellants have replied for the said notices, explaining their right over the properties and also mentioning that the land in question is not public land and they cannot be evicted from the said land. Respondent No.4 initiated proceedings against the appellants under Section 5(1) of Public Premises (Eviction of Unauthorised Occupants) Act, 1971 and without considering the explanation given by appellants



passed an eviction order on 30.12.2018. Appellants and others aggrieved by the said order of eviction have preferred an appeal before IV Additional District and Sessions Judge, (Commercial Courts), Ballari in M.A.No.2 of 2019. Learned IV Additional District and Sessions Judge, after hearing both parties has passed the order dated 21.07.2022 dismissing the appeal. Appellants aggrieved by the said order along with other petitioners have filed Writ Petition No.103535 of 2022. Learned single judge has considered rival contentions of the parties and passed the impugned order dismissing the Writ Petition. Appellants being aggrieved by the order dated 05.11.2023 passed in W.P.No.103535/2022 have filed this writ appeal.

4. Learned counsel for appellants would contend that respondents have no title over the property and eviction order is passed only based on RTCs. The appellants have not been given any



alternative sites/property and they have not been rehabilitated.

5. Learned counsel for respondents Nos.4 and 5 would contend that alternative properties have been allotted to the appellants and they have let out them.

6. Having heard learned counsels, we have perused the impugned order passed by the Writ Court and also the other materials placed on record.

7. The order passed by the Deputy Commissioner dated 22.08.2016 based on the mahazar prepared in the presence of the residents of Toranagallu Village and also in the presence of Revenue Inspector indicate that the property bearing Survey No.321/A/1 measuring 05 acres is standing in the name of broad gauge line and it belongs to Railway Department. The appellants and other petitioners only claim that they are in possession of the property since time immemorial. The appellants



and other petitioners does not claim title to the property. Appellants and other petitioners contended that they are in possession of the property since a time immemorial and suit for injunction filed by some of them have been decreed and confirmed by the appellate Court. The said decrees passed in the suit for bare injunction does not confer title on the appellants.

8. The writ Court considering that there is an allotment of alternative sites/property to the appellants and other petitioners and disputed by the petitioners of the same, the writ Court has made the following observations:

“10. In the light of the said submission and contra-submission, I deem it appropriate to dispose the petitions with a direction to the respondents to allot alternate accommodation as is allotted to every other person who was residing in the vicinity of the railway station, if not already allotted and, if allotted, and the factum of the petitioners renting out such



allotment, to others is true, the petitioners cannot remain in the places even for a minute. In the event, they are not allotted as observed herein above, the respondent No.1 shall make all effort to rehabilitate these petitioners as is done in the case of others only if not allotted.

11. The Deputy Commissioner, Assistant Commissioner and Tahasildar shall see to that the rehabilitation process of these petitioners, if they are not already rehabilitated, not already allotted undertaken by the State and taken to its logical conclusion.

12. In the light of the aforesaid reasons, these writ petitions stand disposed.

13. In the event the petitioners are not allotted, they shall not be evicted till such allotment as observed hereinabove. Such allotment shall happen within an outer limit of 12 weeks from the date of receipt of the copy of the same.

14. The persons who are already allotted and if are staying in the premises near the railway station, they shall deliver vacant possession of the premises and leave to reside in the newly allotted premises.



15. In the light of the aforesaid circumstance, the Assistant Commissioner of the jurisdiction shall render such assistance for eviction of these persons in terms of the order passed by this Court and also supervise such action so that no untoward incident would ensue.”

9. Considering the above aspects, the appellants cannot squat over the property belonging to railway. The appellants and other petitioners are unauthorized occupants. The contention of the appellants and other petitioners has been taken care of by the writ Court regarding allotment/rehabilitation. Considering the said aspect, there is no merit in the appeal. Considering the fact that the appellants are in possession since long and that they require some reasonable time, we are of the opinion that 06 months is a reasonable time for the appellants to vacate and hand over the vacant possession of the property. With the said observation, the writ appeal is **dismissed**.



Pending applications are disposed of.

The appellants are granted 06 months' time to hand over the vacant possession of the property in their occupation/possession to Respondent Nos.4 and 5.

**Sd/-
(B.M.SHYAM PRASAD)
JUDGE**

**Sd/-
(SHIVASHANKAR AMARANAVAR)
JUDGE**

DSP
CT:VH
List No.: 3 Sl No.: 3