



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 25TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MS. JUSTICE JYOTI M
WRIT PETITION NO. 101652 OF 2022 (LB-RES)

BETWEEN:

MR. PREETAM J. MASURKAR,
AGED ABOUT 57 YEARS,
S/O JAYARAM MASURKAR,
OCC. CIVIL ENGINEER,
R/O. #401, RAYKAR MANOR,
KAIKINI ROAD, KARWAR-581 301,
U.K. DISTRICT.

... PETITIONER

(BY MS. RENUKA YALAMELI, ADVOCATE FOR
SRI. VEERESH.R.BUDIHAL, ADVOCATE)

AND:

1. THE COMMISSIONER,
KARWAR DEVELOPMENT AUTHORITY,
KAJUBAG, KARWAR-581 301,
U.K. DISTRICT.
2. THE PANCHAYAT DEVELOPMENT OFFICER,
CHENDIA GRAM PANCHAYAT,
CHENDIA VILLAGE-581 308,
KARWAR TALUK, DIST. U.K.
3. SRI. MOHAN RAMA BHAT,
AGE. MAJOR (EXACT AGE NOT KNOWN
TO THE PETITIONER), OCC. BUSINESS,
R/O. CHENDIA VILLAGE-581 308,
KARWAR TALUK, DIST. U.K.

... RESPONDENTS

(BY SRI. S.V. YAJI, ADVOCATE FOR R1;
SRI. SURESH.S.BHAT, ADVOCATE FOR R2;
SRI. SHIVA SHIRUR, ADVOCATE FOR R3)



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

Ms.Renuka Yalameli., counsel on behalf of Sri.Veeresh Bhudihal., for the petitioner, Sri.S.V.Yaji., counsel for respondent No.1, Sri.Suresh S.Bhat., for respondent No.2 and Sri.Shiva Shiruru., counsel for respondent No.3 have appeared in person.

2. The Writ petition is filed seeking the following reliefs:

"a. Issue a Writ in the nature of Mandamus commanding the Respondents No.1 and 2 to initiate appropriate action under law against the Respondent No.3 for encroachment of the public road and further to clear the said encroachment forthwith.

b. Issue a Writ in the nature of Mandamus commanding the Respondents No.1 and 2 to demolish the illegal and unauthorized construction that has been put up by the Respondent No.3.

c. Award restitutive compensatory costs against the Respondents in favour of the Petitioner herein for having constrained the Petitioner to approach this Hon'ble Court because of their inaction/illegality.



d. Grant such other reliefs as this Hon'ble court deems fit under the circumstances of the present case."

3. Counsel appearing for the respective parties urged several contentions before this Court.

4. Sri S.V. Yaji, counsel appearing for Respondent No. 1, while advancing his arguments, invited the attention of this Court to Section 72 of the Karnataka Gram Swaraj and Panchayat Raj Act, 1993 (hereinafter referred to as "the Act, 1993"). He contended that the Gram Panchayat is vested with the power to remove any obstruction or encroachment, including any unauthorised obstruction or encroachment. It is further submitted that in the present case, the petitioner has a grievance regarding the alleged encroachment made by Respondent No. 3. Therefore, the counsel submits that the petitioner has an efficacious alternative remedy and may approach the appropriate authority, i.e., Respondent No. 2, in accordance with law.

5. This Court has carefully perused the provisions of Section 72 of the Act, 1993. The said provision clearly empowers the competent authority to address grievances relating to



obstruction or encroachment. Hence, if the petitioner has any grievance concerning the alleged encroachment by Respondent No. 3, it is open to the petitioner to agitate the same before Respondent No. 2 in accordance with Section 72 of the Act, 1993.

6. In view of the above, this writ petition stands ***disposed of***, reserving liberty to the petitioner to avail the remedy available under Section 72 of the Act, 1993.

Sd/-
(JYOTI M)
JUDGE

AM
LIST NO.: 1 SL NO.: 28