



HC-KAR

- 1 -

NC: 2026:KHC-D:4410
WP No. 148816 of 2020

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 148816 OF 2020 (LB-RES)

BETWEEN:

1. T.M. CHANDRASHEKHARIAH,
AGE. 41 YEARS, THE SECRETARY,
NATARAJ KALABHAVAN,
NATARAJ BADAVANE,
HARAPANAHALLI,
BALLARI DISTRICT-583 131.

2. LAKSHMI MARBEL SALES,
BY ITS OWNER,
T.M. CHANDRASHEKHARIAH,
NATARAJ KALABHAVAN,
NATARAJ BADAVANE,
HARAPANAHALLI,
BALLARI DISTRICT-583 131.

... PETITIONERS

(BY SRI. SANTOSH.B.MANE, ADVOCATE)

AND:

1. THE ASSISTANT EXECUTIVE ENGINEER,
PANCHAYATH RAJ ENGINEERING SUB-DIVISION,
HARAPANAHALLI, BALLARI DISTRICT,
PIN-583 131.

2. THE CHIEF OFFICER,
HARAPANAHALLI TOWN MUNICIPAL COUNCIL,
HARAPANAHALLI, BALLARI DISTRICT,
PIN-583 131.

3. THE TAHSILDAR,
HARAPANAHALLI,



BALLARI DISTRICT,
PIN-583 131.

... RESPONDENTS

(BY SRI. SHARANABASAVARAJ C., ADVOCATE FOR
SRI. GANGADHAR J.M., ADVOCATE FOR R2;
SRI. P.N. HATTI, HCGP FOR R3;
NOTICE TO R1 IS SERVED AND UNREPRESENTED)

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.Santosh B.Mane., counsel for the petitioners,
Sri.Sharanabasavaraj C., counsel on behalf of
Sri.Gangadhar.J.M., for respondent No.2 and Sri.P.N.Hatti.,
HCGP for respondent No.3 have appeared in person.

2. The petition is filed seeking following reliefs:

"a) Call for records.

*b) Issue a Writ of Certiorari quashing the Notice issued
by the first respondent Assistant Executive Engineer,
Panchayath Raj Engineering Sub-Division, Harapanahalli
dated: 19.12.2020 in No.SAKANIAA/ PRE/ SUBDVN/
H.HALLI/ EVICTION ENCROACHMENT/ 2020-21/515 and
No.SAKANIAA/ PRE/ SUBDVN /H.HALLI/ EVICTION*



ENCROACHMENT/ 2020-21/ 535 Annexures-U and V respectively.

c) And for any order or direction as this Hon'ble Court deems fit to pass in the interest of justice."

3. Counsel for the respective parties presented several contentions. Heard the arguments and perused the papers with care.

4. The impugned notices dated 19.12.2020 regarding the alleged encroachment was issued in blatant violation of principles of natural justice, as the petitioners were denied a reasonable opportunity to submit their contentions. Hence, this Court deems fit and proper to direct the petitioners to submit a suitable reply to the notices within four weeks from the receipt of certified copy of this order. Upon the submission of reply, the respondents-authority is directed to consider the reply to be submitted by the petitioners and pass suitable orders within a period of four weeks thereafter. As there is an interim order of stay by this Court on 30.12.2020, the same shall continue to operate till the consideration of the reply and passing the suitable order by the respondents-authority.



HC-KAR

**NC: 2026:KHC-D:4410
WP No. 148816 of 2020**

5. With the above observation, the Writ Petition is
disposed of.

**Sd/-
(JYOTI M)
JUDGE**

AM
LIST NO.: 1 SL NO.: 50