



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

**BEFORE
THE HON'BLE MRS JUSTICE K.S.HEMALEKHA**

WRIT PETITION NO.108389 OF 2025 (LB-RES)

BETWEEN:

SRI. SHANKARLING GOGI
AGED MAJOR, OCC. SERVICE,
R/O. WARD NO.15, CHAPPARADALLI,
TQ. HOSPET, DIST. VIJAYANAGAR-583201.

...PETITIONER

(BY SRI. SUNIL KHOT, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPT. OF MUNICIPAL CORPORATION,
REPRESENTED BY ITS SECRETARY,
M.S BUILDING, BANGALURU-01.
2. HUBLI-DHARWAD MUNICIPAL CORPORATION
REP. BY COMMISSIONER, HUBLI-580009.
3. KARNATAKA SLUM DEVELOPMENT BOARD,
DHARWAD, REP. BY ASSISTANT EXECUTIVE
ENGINEER, DHARWAD-580001.

...RESPONDENTS

(BY SRI. PRAVEEN K.UPPAR, AGA FOR R1;
SRI. I.K.KABBUR, ADVOCATE FOR R2;
NOTICE TO R3 IS SERVED)

THIS WRIT PETITION IS FILED THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT OR ORDER IN THE LIKE NATURE QUASHING ENTIRE PROCEEDINGS PURSUANT TO NOC CERTIFICATE NO.HDMC/95/01/ 2020-21 DATED 1-2-2021 ISSUED BY THE 2ND RESPONDENT HEREIN PRODUCED AT ANNEXURE-E AS THE SAME BEING ARBITRARY, PER SE ILLEGAL NOT SUSTAINABLE IN LAW IN THE INTEREST OF JUSTICE AND EQUITY; AND ETC.





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

CORAM: THE HON'BLE MRS JUSTICE K.S.HEMALEKHA

ORAL ORDER

1. The petitioner has approached this Court seeking to pass the NOC Certificate dated 01.02.2021 issued by respondent No.2-Hubli-Dharwad Municipal Corporation, whereby possession of Survey No.93 and 93/A (including Plot No.6) belonging to the petitioner was handed over to the respondent No.3 - Karnataka Slum Development Board for construction of houses under the (PMAY-AHP) Ashraya scheme.

2. Brief facts:

The subject property is Plot No.6 in Survey No.93 measuring 223.04 square feet situated at Krishnapur, Mayur Nagar. Originally the property was auctioned by respondent No.2- Hubli-Dharwad Municipal Corporation and purchased by Sri Rajendra Shankarasa Mehawade under registered sale deed dated 02.01.1966



(Annexure-A). Thereafter, Rajendra Shankarasa Mehawade sold the property to Hasansab Mehabubsab Majidandi on 23.11.2005 (Annexure-B). The petitioner purchased the property under a registered sale deed dated 29.03.2007 and has been in possession since then (Annexure-C). The petitioner states that he has been paying property tax and has been issued e-Swattu by respondent No.2- Hubli-Dharwad Municipal Corporation (Annexures-G and G1). The grievance arises from the communication in November-2020 and the impugned NOC certificate dated 01.02.2021 (Annexure-D and E) respectively, by which, respondent No.2- Hubli-Dharwad Municipal Corporation handed over possession of Survey Nos.93 and 93/A to respondent No.3-Karnataka Slum Development Board, Dharwad for construction under the Ashraya scheme, allegedly including the petitioner's plot No.6. The petitioner submitted representation dated 29.12.2021 requesting deletion of his plot from the list of



properties handed over (Annexure-F). But no action has been taken.

3. Learned counsel for the petitioner submits that the petitioner is the absolute owner in possession of plot No.6 in Survey No.93/A measuring 223.04 square feet, having purchased the same under the registered sale deed dated 29.03.2007 which traces title back to the auction purchase of the year 1966. It is submitted that ever since from the date of purchase, the petitioner has been in a peaceful possession and enjoyment of the property and has been paying property tax. The respondent No.2- Hubli-Dharwad Municipal Corporation itself has issued e-Swattu in respect of the said property. The grievance of the petitioner is that without issuing any notice, without conducting survey or demarcation and without initiating acquisition proceedings, the respondent No.2- Hubli-Dharwad Municipal Corporation has issued impugned NOC



certificate dated 01.02.2021 handing over survey Nos.93 and 93/A to the respondent No.3-Karnataka Slum Development Board, Dharwad for construction under (PMAY-AHP) Ashraya scheme, which includes the petitioner's plot. It is contended that such action is arbitrary, without jurisdiction and in violation of the principles of natural justice.

4. *Per contra*, learned counsel appearing for the respondent No.2-Hubli-Dharwad Municipal Corporation submits that the NOC certificate was issued for implementation of a Government Housing Scheme for public purpose. It is contended that Survey Nos.93 and 93/A are required for slum rehabilitation and public housing development and would contend that the NOC is an administrative communication and does not by itself diverse ownership. It is argued that if the petitioner claims private ownership, he must establish the same before the appropriate authority.



5. This Court has carefully considered the rival submission and perused the material on record. The point that arises for consideration is;

"Whether the respondent No.2- Hubli-Dharwad Municipal Corporation was justified in issuing the impugned NOC dated 01.02.2021 insofar as it relates to the petitioner's property ?"

6. The material on record discloses that the petitioner claimed his title under the registered sale deed traced from the year 1966 and subsequent transferred culminating in his purchase in the year 2007. The property tax receipts and the issuance of e-Swattu by respondent No.2- Hubli-Dharwad Municipal Corporation himself itself *prima facie* establishes recognition of the petitioner's possession. The respondent-authority has not placed any material to demonstrate; (i) Initiation of acquisition proceedings; (ii) Vesting notification (iii) Resumption proceedings or any statutory exercise divesting the petitioner of title.



7. The impugned NOC dated 01.02.2021 (Annexure-E) is merely an administrative communication handing over the land for implementation of a scheme. The administrative NOC cannot override a registered title or divest a person of property. Under Article 300A of the Constitution of India, 'no person shall be deprived of property save by authority of law', which necessarily means through a valid statutory procedure. Admittedly, no notice was issued to the petitioner prior to issuance of NOC. When civil rights and proprietary interests are affected, compliance with the principles of natural justice is mandatory. Even assuming the scheme is for public purpose, the respondent-authority must act strictly in accordance with law. Public purpose does not justify bypassing due process. Therefore, insofar as the petitioner's plot is concerned, the impugned NOC is arbitrarily, unsustainable and liable to be interfered with. Accordingly, the point framed for



consideration is answered and this Court pass the following:

ORDER

- i. The writ petition is ***allowed***.
- ii. The impugned NOC certificate dated 01.02.2021 issued by respondent No.2- Hubli Dharwad Municipal Corporation (Annexure-E) insofar as it relates to the petitioner's property bearing Plot No.6 in Survey No.93/A measuring 223.04 square feet in municipal Ward No.36A, is hereby ***quashed***.
- iii. Liberty is reserved to the respondents-authority to initiate appropriate proceedings strictly in accordance with law, if so advised.

Sd/-
JUSTICE K.S.HEMALEKHA

AM/-
CT:VH
List No.: 1 Sl No.: 10