



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 5TH DAY OF FEBRUARY 2026
BEFORE
THE HON'BLE MRS JUSTICE K.S.HEMALEKHA
WRIT PETITION NO. 108980 OF 2025 (S-TR)

BETWEEN:

SHRI. BASAPPA S/O. SHIDLINGAPPA KOLAKAR
AGE: 41 YEARS,
OCC: TOWN MUNICIPAL COUNCILLOR,
WARD NO.8, BAILHONGAL TOWN
MUNICIPAL COUNCIL,
R/O. KOLAKAR GALLI, BAILHONGAL,
TAL: BAILHONGAL, DIST: BELAGAVI-591 102.

...PETITIONER

(BY SRI. SHIVARAJ S.BALLOLI, ADVOCATE FOR
SRI. PRAVEEN GEJJI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
URBAN DEVELOPMENT DEPARTMENT,
VIKAS SOUDHA, AMBEDKAR VEEDHI,
BENGALURU-560 001,
REPRESENTED BY ITS UNDER SECRETARY.
2. DIRECTORATE OF MUNICIPAL ADMINISTRATION
URBAN DEVELOPMENT DEPARTMENT,
3RD FLOOR VISHVESHWARAYA TOWER,
DR. AMBEDKAR VEEDHI,
BENGALURU-560001,
REPRESENTED BY ITS DIRECTOR.
3. THE DEPUTY COMMISSIONER, BELAGAVI
DIST: BELAGAVI-590001.





4. SRI. VEERAPPA HASABI
CURRENTLY FUNCTIONING AS CHIEF OFFICER,
TOWN MUNICIPAL COUNCIL, BAILHONGAL,
DIST: BELAGAVI-591102.
5. THE TOWN MUNICIPAL COUNCIL
BAILHONGAL, TQ: BAILHONGAL,
DIST: BELAGAVI-591 102,
REPRESENTED BY ITS CHIEF OFFICER.

...RESPONDENTS

(BY SMT. NANDINI B.SOMAPUR, AGA FOR R1 TO R3;
SRI. M.V.HIREMATH AND SRI. V.S.KALASURMATH,
ADVOCATES FOR R4;
SRI. HANUMANTHAREDDY SAHUKAR, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF QUO WARRANTO CALLING UPON RESPONDENT NO.4 TO SHOW UNDER WHAT AUTHORITY HE IS HOLDING THE POST OF CHIEF OFFICER, TOWN MUNICIPAL COUNCIL, BAILHONGAL, DESPITE BEING INELIGIBLE FOR THE POST AND DESPITE A SUBSISTING TRANSFER ORDER POSTING HIM ELSEWHERE; DECLARE THAT RESPONDENT NO.4'S CONTINUANCE IN THE POST OF CHIEF OFFICER DESPITE THE TRANSFER ORDER DATED 12/06/2025 PASSED BY RESPONDENT NO.1 VIDE ANNEXURE-D IS ILLEGAL, VOID, AND WITHOUT AUTHORITY OF LAW; ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT OR DIRECTION DIRECTING RESPONDENTS NO.1 TO 3 TO FORTHWITH IMPLEMENT THE TRANSFER ORDER DATED 12/06/2025 PASSED BY RESPONDENT NO.1 VIDE ANNEXURE-D AND RELIEVE RESPONDENT NO.4 FROM THE POST OF CHIEF OFFICER, TOWN MUNICIPAL COUNCIL, BAILHONGAL; ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENT AUTHORITIES TO APPOINT A DULY QUALIFIED KMAS OFFICER TO THE POST OF CHIEF OFFICER, TOWN MUNICIPAL COUNCIL, BAILHONGAL PURSUANT TO THE TRANSFER OF RESPONDENT NO.4 VIDE TRANSFER ORDER DATED 12/06/2025 PASSED BY RESPONDENT NO.1 VIDE ANNEXURE - D 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 the following reliefs:

- a. *Issue a writ of **Quo Warranto** calling upon Respondent No.4 to show under what authority he is holding the post of Chief Officer, Town Municipal Council, Bailhongal, despite being ineligible for the post and despite a subsisting transfer order posting him elsewhere;*
- b. *Declare that Respondent No.4's continuance in the post of Chief Officer despite the transfer order dated 12/06/2025 passed by Respondent No.1 vide **Annexure-D** is illegal, void, and without authority of law;*
- c. *Issue a writ of **Mandamus** or any other appropriate writ or direction directing Respondents No.1 to 3 to forthwith implement the Transfer Order dated 12/06/2025 passed by Respondent No.1 vide **Annexure-D** and relieve Respondent No.4 from the post of Chief Officer, Town Municipal Council, Bailhongal;*
- d. *Issue a writ of **Mandamus** directing the Respondent Authorities to appoint a duly qualified KMAS officer to the post of Chief Officer, Town Municipal Council, Bailhongal pursuant to the transfer of Respondent No.4 vide Transfer Order dated 12/06/2025 passed by Respondent No.1 vide **Annexure - D**;*



e. Pass any other order(s) as this Hon'ble Court may deems fit on the facts and circumstances of the case to meet the ends of justice.

2. Respondent No.4 was transferred from Town Municipal Council, Bailhongal to Town Municipal Council Srinivasapura by order dated 12.06.2025. Despite the said transfer order remaining in force, respondent No.4 continued to function as Chief Officer, Town Municipal Council, Bailhongal. Aggrieved by such continuation, the petitioner approached this Court.

3. This Court, by order dated 02.02.2026, passed the following order:

"This Court on 27.01.2026 passed the following order:

1. *The petitioner is before this Court seeking issuance of writ of Quo Warranto, calling upon respondent No.4 to show under what authority he is holding the post of Chief Officer, Town Municipal Council, Bailhongal, despite being ineligible for the said post and notwithstanding*



a subsisting transfer order posting him elsewhere. The petitioner also seeks a writ of mandamus directing respondent Nos. 1 to 3 to implement the order dated 12.06.2025 passed by respondent No.1 and to relieve respondent No.4 from the post of Chief Officer, Town Municipal Council, Bailhongal.

2. *Learned counsel appearing for respondent No.4 submits that respondent No.4 is willing to comply with the transfer order; however, for want of further orders from the Deputy Commissioner - respondent No.3, respondent No.4 continues to hold the said post despite the transfer order dated 12.06.2025.*
3. *This Court, by order dated 26.11.2025, observed as under:*

"The petitioner is before this Court seeking a writ of quo warranto. The writ is sought on the ground that the fourth respondent, who is now functioning as Chief Officer, Town Municipal Council, Bailhongal, is under orders of transfer dated 12.06.2025 and continues to hold the post even after the said



transfer. The primary contention is that the fourth respondent is not qualified to hold the post as he is not a Karnataka Municipal Administrative Service Officer.

Therefore, the State shall secure instructions as to why respondent No. 4, despite the orders of transfer, is continuing to hold charge of the Town Municipal Council even today.

Issue emergent notice to respondent No. 4, returnable by 12.12.2025. Respondent No. 4 shall be served by way of hand summons.

Learned counsel Sri. Hanumanthreddy Sahukar is directed to accept notice for respondent No. 5.

List on 12.12.2025 in the fresh matters list."

4. *In the said order, the State was specifically directed to explain the continuance of respondent No.4 in the said post.*



5. *Today learned Additional Government Advocate seeks time to obtain instructions.*

6. *Having regard to the fact that a subsisting transfer order dated 12.06.2025 is admittedly in force and respondent No.4 continues to hold the post of Chief Officer, Town Municipal Council, Bailhongal, this Court deems it appropriate to call for a specific explanation by the competent authority.*

7. *Accordingly, the Deputy Commissioner, Belagavi, shall file an affidavit on or before the next date of hearing, explaining:*

i. Whether the transfer order dated 12.06.2025 has been implemented;

ii. If not, the reasons for non-implementation;

iii. Under what authority respondent No.4 continued to hold charge to the post of Chief Officer, Town Municipal Council, Bailhongal."

2. *Pursuant thereto, the Deputy Commissioner, Belagavi has filed an affidavit stating inter-alia at paragraph Nos.4 to 6 as under:*



- "4. I respectfully submit that, Respondent No.4 Veerappa Hasabi was transferred from T.M.C Bailhongal to T.M.C Shrinivaspur as Office Manager, vide transfer order No.Na.A.E 81 TMS/2025 Baga-6 Dated-12-06-2025. I respectfully submit that, on the same day dated-12-06-2025, one Shri Jagadish Iti Grade-I Chief officer was transferred to T.M.C Bailhongal vide Government order Na.A.E.107/TME/2025 (E) dated-12-06-2025.
5. I respectfully submit that, Shri Jagadish Iti who was transferred as Chief officer, Grade-1, T.M.C Baithongal did not report to duty, as Chief officer T.M.C Bailhongal. Therefore in the interest of administration, Respondent No.4 Veerappa Hasabi Continued in the early post as Chief officer T.M.C Bailhongal on his own pay scale.
6. I respectfully submit that, in the mean time the Government vide order No.Na.A.E /107/TMC/2025(E) dated-23-06-2025. Withdrawn the transfer order of Jagadish Iti dated 12-06-2025 and no officer was posted as chief officer of T.M.C Bailhongal, hence Respondent No.4 was asked to continue in the same post in the interest of administration."



3. *The Deputy Commissioner has stated that, respondent No.4 was transferred from TMC, Bailhongal to TMC, Srinivasapura as Office Manager by order dated 12.06.2025, that one Sri Jagadish Iti, Grade-1 Chief Officer, was transferred to TMC Bailhongal on the said date, but Sri Jagadish Iti did not report for duty, and that in the interest of administration respondent No.4 continued to function as Chief Officer. It is further stated that, the Government, by order dated 23.06.2025, withdrew the transfer of Sri Jagadish Iti, and since no officer was posted thereafter, respondent No.4 was asked to continue.*

4. *Learned counsel for the petitioner has vehemently contended that the affidavit sworn to by the Deputy Commissioner, contains false statement. It is submitted that Sri Jagadish Iti, had in-fact, submitted a requisition/report dated 19.06.2025 to the Deputy Commissioner himself seeking to report for duty as Chief Officer, TMC Bailhongal. It is further submitted that due to non-grant of permission, Sri Jagadish Iti, approached the Karnataka State Administrative Tribunal ("KAT" for short), in Application No.10661/2025 and*



thereafter this Court in W.P.No.104368/2025. During pendency of the writ proceedings, the Government issued an order dated 23.06.2025 withdrawing the transfer, which order was stayed, and the matter was remitted to the Tribunal. Consequently, the statement in the affidavit that the transfer of Sri Jagadish Iti was withdrawn and that he did not report for duty is ascertain to be factually incorrect.

5. This Court has prima facie considered the submission made by the learned counsel for the petitioner and has perused the requisition/report dated 19.06.2025 as well as the order passed in W.P.No.104368/2025. On such consideration, this Court notices apparent inconsistency between the statement in paragraph Nos.4 to 6 of the affidavit and the material available on record.

6. In view of the facts narrated above, particularly the non-implementation of the transfer order dated 12.06.2025 in respect of respondent No.4 and the explanation offered in the affidavit filed by the Deputy Commissioner, Belagavi not being satisfactory, the Deputy Commissioner, Belagavi is directed to remain personally present before this Court on the next date of hearing to explain the



circumstances, under which the transfer of respondent No.4 has not been given effect to.

7. However, in the event, the said transfer order is implemented prior to the next date of hearing and compliance affidavit to that effect is placed on record, the personal presence of the Deputy Commissioner shall stand accepted.

8. Compliance with the transfer may dispense with the personal presence, but it does wipe out or cure the issues arising from the affidavit already filed, to which the petitioner has raised serious objections.

9. Having regard to the issues under consideration and to avoid any administrative complications, respondent No.4 is directed not to take policy or administrative decisions as a Chief Officer, TMC, Bailhongal until the next date of hearing.

Call on 05.02.2026."

4. Pursuant to the said direction, the Deputy Commissioner, Belagavi, has filed a further affidavit stating that respondent No.4 was relieved from the post of the Chief Officer, Town Municipal Council



Bailhongal on 03.02.2026 and that another officer has been placed in-charge. Paragraph No.2 of the affidavit reads as under:

2. *I respectfully submit that, as directed by this Hon'ble Court in a proceeding dated 03-02-2026, the Respondent No.4 who is under order of transfer No.ನ.ಇ.81.ಟಿ.ಎಮ್.ಎಸ್/2025 ಭಾಗ-6 Dated -12-06-2025 is relieved from I/C post of chief officer, (Now upgraded post as Municipal Commissioner. C.M.C.) T.M.C Bailhongal on 03-02-2026 vide movement order No. ಕ್ರ.ಸಂ.ಬಿಜಿಎಂ/ ಡಿಯುಡಿಸಿ/1/ಸಿಆರ್/ 272/2022-23. Shri.Ishwar S Sidanal, Municipal Commissioner Grade-II, present Chief officer T.M.C Hukkeri is placed I/C of Municipal Commissioner, C.M.C Bailhongal. The movement order is produced herewith for your honour's kind perusal.*

5. The said affidavit is taken on record.
6. Learned counsel for the petitioner submits that, in view of the transfer order having now been implemented and respondent No.4 having been relieved from the post, the petitioner does not wish to



pursue the matter further and has filed a memo seeking to not press the writ petition.

7. Accordingly, the writ petition stands ***disposed of as not pressed.***

Sd/-
JUSTICE K.S.HEMALEKHA

gab
Ct:VH
List No.: 1 Sl No.: 12