



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 201398 OF 2026 (GM-RES)

BETWEEN:

THE MANAGING COMMITTEE
DARGAH HAZRAT MALIKUL MASHAK YAIK MAKDUM
LADLE ANSARI, ALAND TOWN, ALAND TALUK,
KALABURAGI - 585302
REPRESENTED BY ITS SECRETARY

...PETITIONER

(BY SRI MOHD UMER JUNAIDI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
HOME DEPARTMENT, VIDHANA SOUDHA,
BENGALURU
2. THE SUPERINTENDENT OF POLICE,
KALABURAGI DISTRICT
OFFICE OF THE SUPERINTENDENT OF POLICE,
POLICE BHAVAN KALABURAGI- 585105.
3. THE POLICE SUB-INSPECTOR
ALAND POLICE STATION
NO. 8, HUBLI ROAD, NEAR JUNIOR COLLEGE,



ALAND TOWN ALAND TALUK
DIST KALABURAGI- 585302

4. THE DEPUTY COMMISSIONER,
KALABURAGI DISTRICT
VIKAS BHAVAN, MINI VIDHAN SOUDHA,
STATION ROAD, KALABURAGI-585102
5. THE KARNATAKA STATE BOARD OF AUQAF
DARUL AUQAF, NO. 6, CUNNINGHAM ROAD,
VASANTH NAGAR, BENGALURU-560052
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER

...RESPONDENTS

(BY SRI SHESHADRI JAISHANKAR M., AGA FOR R1 TO R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO, A) ISSUE A WRIT OF MANDAMUS DIRECTING RESPONDENTS TO FORTHWITH STOP CONSTRUCTION OF COMPOUND WALL OVER THE WAKF PROPERTY; B) DECLARE THE ACTION OF RESPONDENTS AS ILLEGAL, ARBITRARY, AND WITHOUT AUTHORITY OF LAW; C) DIRECT RESPONDENTS TO REMOVE ANY CONSTRUCTION ALREADY MADE AND RESTORE THE PROPERTY; D) GRANT SUCH OTHER RELIEFS AS DEEMED FIT.

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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY



ORAL ORDER

This Writ Petition under Articles 226 and 227 of the Constitution of India is filed seeking for the following reliefs:

"a) Issue a writ of mandamus directing respondents to forthwith stop construction of compound wall over the Wakf property;

b) Declare the action of respondents as illegal, arbitrary, and without authority of law;

c) Direct respondents to remove any construction already made and restore the property;

d) Grant such other reliefs as deemed fit."

2. Heard the learned counsel for the parties.

3. Petitioner claims that the property bearing Sy.No.407 measuring 47 acres 4 guntas situated at Aland village, Aland taluk, Kalaburagi district is notified property of respondent No.5 – Wakf Board and respondent Nos.1 to 4 herein are constructing a compound wall for a Police Station over the said property. It is under these circumstances, the petitioner has submitted a representation on 25.03.2026 to the Superintendent of Police alleging illegal encroachment over the property in



question and on the very same day he also has filed this Writ Petition.

4. Learned Additional Government Advocate appearing on behalf of respondent Nos.1 to 4 has raised preliminary objection that having filed representation on 25.03.2026, on the same day the petitioner has approached this Court and therefore, this Writ Petition is premature. He further submits that the prayer made in this Writ Petition cannot be granted and if the petitioner has got any grievance it is required to approach the competent Civil Court. Accordingly, he prays to dismiss the petition.

5. The relief sought for in the Writ Petition is in the nature of injunction. The dispute relates to certain property which allegedly belongs to respondent No.5. The petitioner appears to have filed this Writ Petition to expose the cause of respondent No.5, who according to the petitioner is the owner of the property in question. All the



aforesaid aspects of the matter are disputed questions of fact which cannot be adjudicated in this Writ Petition.

6. Under the circumstances, this Writ Petition cannot be entertained. Accordingly, the Writ Petition is ***dismissed.***

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

SWK
List No.: 1 Sl No.: 24