



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 201920 OF 2025 (LB-RES)

BETWEEN:

1. SANGAPPA S/O BASAVALINGAPPA,
AGE: 65 YEARS, OCC: BUSINESS,
R/O BUDDINNI LAYOUT, HUTTI,
TQ LINGASUGUR, DIST RAICHUR-584115.
2. PRASHANTH BUDDINNI S/O SANGAPPA BUDDINNI,
AGE: 39 YEARS, OCC: BUSINESS,
R/O BUDDINNI LAYOUT, HUTTI,
TQ LINGASUGUR, DIST RAICHUR-584115.
3. SMT. AMARA VANI W/O SANGAPPA,
AGE: 60 YEARS, OCC: HOUSEHOLD,
R/O BUDDINNI LAYOUT, HUTTI,
TQ LINGASUGUR, DIST RAICHUR-584115.
4. MOHAN SINGH S/O TUKKU SINGH,
AGE: 66 YEARS, OCC: AGRICULTURE,
R/O HUTTI CAMP, TQ LINGASUGUR,
DIST RAICHUR-584115.
5. BASALINGAYYA S/O SHANTAVEERAYYA,
AGE: 50 YEARS, OCC: AGRICULTURE,
R/O BOMMANAHALLI,
TQ AND DIST YADAGIRI-585223.
6. MAHANTESH HIEMATH
S/O SIDRAMAYYA HIEMATH,
AGE: 41 YEARS, OCC: AGRICULTURE,

Digitally signed by
NIJAMUDDIN
JAMKHANDI
Location: HIGH
COURT OF
KARNATAKA



R/O MAHANT NAGAR, HUTTI,
TQ LINGASUGUR, DIST RAICHUR-584115.

7. MANJUNATH S/O LINGAYYA SHETTY,
AGE: 41 YEARS, OCC: AGRICULTURE,
R/O WARD NO.5, HUTTI,
TQ LINGASUGUR, DIST RAICHUR-584115.
8. VISHWANATH S/O LINGAYYA SHETTY,
AGE: 42 YEARS, OCC: AGRICULTURE,
R/O WARD NO.5, HUTTI,
TQ LINGASUGUR, DIST RAICHUR-584115.
9. NAGARAJ S/O MALLAYYA,
AGE: 44 YEARS, OCC: AGRICULTURE,
R/O B. GANEKAL, TQ DEVADURGA,
DIST RAICHUR-584123.

...PETITIONERS

(BY SRI. MAHANTESH PATIL, ADVOCATE)

AND:

1. UNDER SECRETARY TO GOVERNEMENT,
DEPARTMENT OF URBAN DEVELOPMENT,
M.S. BUILDING, BENGALURU-560001.
2. UNDER SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE DEPARTMENT,
M.S. BUILDING, BENGALURU-560001.
3. THE DIRECTOR,
MUNICIPAL ADMINISTRATION, V. V. TOWER,
BENGALURU- 560001.
4. THE DEPUTY COMMISSIONER,
RAICHUR, DIST. RAICHUR-584101.
5. THE PROJECT DIRECTOR,
DISTRICT URBAN DEVELOPMENT CELL,
D.C. OFFICE,



RAICHUR-584101.

6. THE CHIEF OFFICER,
TOWN MUNICIPAL COUNCIL, HUTTI,
TALUK LINGASUGUR, DIST. RAICHUR- 584115.
7. THE ASSISTANT DIRECTOR,
TOWN AND RURAL PLANNING AUTHORITY,
RAICHUR-584101.
8. THE ASSISTANT DIRECTOR,
SOCIAL WELFARE DEPARTMENT,
LINGASUGUR, DIST. RAICHUR- 584115.

...RESPONDENTS

(BY SRI SHESHADRI JAISHANKAR M., AGA FOR R1 TO R5,
R7 & R8;
SRI ARUNKUMAR AMARGUNDAPPA, ADVOCATE FOR R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO, A) ISSUE A WRIT IN THE NATURE OF CERTIORARI, QUASHING THE IMPUGNED ORDER BEARING NO. DCRAI-PDOADMI/118/2020-PD(UD)-RAICHUR/233-233/1 DATED 01-07-2025 PASSED BY THE 3RD RESPONDEDNT VIDE ANNEXURE-N. B) ISSUE A WRIT IN THE NATURE OF MANDAMUS, DIRECTING THE RESPONDENT NO.3 TO CONSIDER THE PROPOSAL OF CONSTRUCTION OF COMMUNITY HEALTH CENTRE AS PER THE RESOLUTION DATED 28-01-2021 VIDE ANNEXURE-G AND REMINDER LETTER DATED 10-02-2025 VIDE ANNEXURE-L AND REQUEST FOR ALLOTMENT BY THE RESPONDENT NO.6 TO THE RESPONDENT NO.3 DATED 13-03-2025 VIDE ANNEXURE-M..C) ISSUE SUCH OTHER WRIT OR ORDER OR DIRECTION AS THIS HONOURABLE COURT DEEMS JUST AND PROPER IN CIRCUMSTANCES OF THE CASE AND ALLOW THIS WRIT PETITION.

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



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

ORAL ORDER

1. This writ petition under Articles 226 & 227 of the Constitution of India, is filed seeking for the following reliefs:

(i) Issue a writ in the nature of certiorari, quashing the impugned order bearing No.DCRA-PDOADMI/118/2020-PD(UD)-RAICHUR/233-233/1 dated 01.07.2025 passed by the 3rd respondent vide Annexure-N, in the interest of justice and equity;

(ii) Issue a writ in the nature of mandamus, directing the respondent No.3 to consider the proposal of construction of community health centre as per the resolution dated 28.01.2021 vide Annexure-G and reminder letter dated 10.02.2025 vide Annexure-L and request for allotment by the respondent No.6 to the respondent No.3 dated 13.03.2025 vide Annexure-M, in the interest of justice and equity.

(iii) Issue such other writ or order or direction as this Hon'ble Court deems just and proper in the circumstances of the case and allow this writ petition, in the interest of justice and equity.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.



3. Petitioners claim to be the residents of Basalingappa Buddini Layout formed in revenue Sy.No.361/*/hissa-10 measuring 35 guntas, 361/*/hissa-8, measuring 37 guntas & Sy.No.361/*/hissa-9 measuring 35 guntas. An extent of land measuring 556 sq. mtrs. in the aforesaid survey numbers was reserved for the purpose of civic amenity site and it appears that, based on the request made by respondent No.6, the respondent No.4 has passed the impugned order at Annexure-N dated 01.07.2025, according permission to allot the aforesaid civic amenity site for the purpose of construction of Dr. B.R.Ambedkar Bhavan by the Department of Social Welfare. Assailing the said order, the petitioners are before this Court.

4. A reading of the order impugned at Annexure-D and at Annexure-N would go to show that, the respondent No.4 has directed the concerned authority to secure the prevailing market value of the site in question from the competent authority under the Karnataka Planning Authority (Allotment of Civic Amenity Sites), Rules, 2016 (for short 'Rules of 2016) and after collecting the same, directed



allotment of the site in question for the purpose of constructing Dr. B.R.Ambedkar Bhavan by the Department of Social Welfare.

5. Rules of 2016 provides for allotment of the Civic Amenity site and Rule 3 provides that, the authority shall have the power to allot on lease the Civic Amenity Site to the Central and State Government, Local Authorities, Statutory bodies and institutions as defined in these Rules, which are approved under Section 17 of the Karnataka Town and Country Planning Act, 1961 (for short 'Act of 1961'). Rule 2(b) provides for the definition of the word 'Authority'. The planning authority defined under Section 2 (7) of the Act of 1961, is the authority in the case of local planning area consisting any urban area is the planning authority constituted under the said Act and in case, the planning authority is not constituted under the said Act, the Town Improvement Board constituted under any law for the time being in force having jurisdiction over such local planning area, and where there is no such Town Improvement Board,



the local authority having jurisdiction over such local planning area, shall be considered as planning authority.

6. From the aforesaid it is apparent that, the Deputy Commissioners is not an authority who can pass any orders under Rules of 2016. Therefore, on the short ground that the 4th Respondent – Deputy Commissioner had no jurisdiction to pass the impugned order at Annexure-N dated 01.07.2025, the same is liable to be quashed.

7. Accordingly, the following:

ORDER

(i) The writ petition is partly allowed;

(ii) The impugned order dated 01.07.2025 bearing No.DCRAI-PDOADMI/118/2020-PD(UD)_RAICHUR/233-233/1 passed by the 4th Respondent – Deputy Commissioner is quashed. However this order will not come in the way of competent authority, passing an appropriate order for



NC: 2026:KHC-K:2633
WP No. 201920 of 2025

allotment of civic amenity site in question as
provided under the Rules of 2016.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

Svh/-
List No.: 1 Sl No.: 35
CT:PK