



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 5TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

WRIT PETITION NO.203116 OF 2025 (LB-RES)

BETWEEN:

MANOJKUMAR MAHALINGAYYA MUPPAINMATH,
S/O. MAHALINGAYYA MUPPAINMATH,
AGED ABOUT 54 YEARS, OCC: BUSINESS,
H. NO. 133, LAL BHADUR SHASTRI NAGAR,
NEAR SAINIK SCHOOL, VIJAYAPURA – 586102.

...PETITIONER

(BY SRI. ABDUL MUQHTADIR, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY
URBAN DEVELOPMENT DEPARTMENT
4TH FLOOR, VIKASA SOUDHA,
DR. B. R AMBEDKAR VEEDHI,
BANGALORE-560001.
2. VIJAYAPUR URBAN DEVELOPMENT AUTHORITY
REPRESENTED BY ITS COMMISSIONER
BASAVAN BAGEWADI ROAD,
VIJAYAPUR-586109.
3. VIJAYAPURA CITY CORPORATION
REPRESENTED BY ITS COMMISSIONER
BAGALKOT ROAD, JALA NAGAR,
VIJAYAPURA-586109.
4. THE EXECUTIVE ENGINEER

Digitally signed
by RENUKA
Location: HIGH
COURT OF
KARNATAKA



NATIONAL HIGHWAY DIVISION PWD
VIJAYAPURA-586 104.

...RESPONDENTS

(BY SRI. VIRANAGOUDA M. BIRADAR, AGA FOR R1 & R4;
SRI. S. S. HALALLI, ADVOCATE FOR R2;
SRI. SACHIN M. MAHAJAN, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE AN APPROPRIATE WRIT DIRECTION/S OR ORDER/S A) ISSUE AN APPROPRIATE ORDER/ DIRECTION/ WRIT IN NATURE OF MANDAMUS DIRECTING THE RESPONDENT NO.2 AND 4 TO CONSIDER THE REPRESENTATIONS DATED 13-08-2025 VIDE ANNEXURE-G AND H RESPECTIVELY. B) ISSUE AN APPROPRIATE ORDER/ DIRECTION/ WRIT IN NATURE OF MANDAMUS DIRECTING THE RESPONDENT NO.2 TO CONDUCT A FRESH SURVEY AS PER MASTER PLAN AND IDENTIFY PROPER LAND FOR ACQUISITION FOR THE PURPOSE OF LAYING 18 M ROAD. C) ISSUE AN APPROPRIATE ORDER/ DIRECTION/ WRIT IN NATURE OF MANDAMUS DIRECTING THE RESPONDENT NO.2 TO INITIATE LAND ACQUISITION PROCESS UNDER SECTION 69 OF THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION REHABILITATION AND RESETTLEMENT ACT, 2013. D) ISSUE AN APPROPRIATE ORDER/ DIRECTION/ WRIT IN NATURE OF MANDAMUS DIRECTING THE RESPONDENTS TO PAY THE COMPENSATION OF RS. 1,00,000/- FOR DEMOLISHING THE COMPOUND WALL OF THE PETITIONER WITHOUT FOLLOWING THE PROCEDURES ESTABLISHED BY THE LAW.



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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL ORDER

Learned Additional Government Advocate is directed to take notice for respondent Nos.1 and 4. Learned counsel Sri SS Halalli is directed to take notice for respondent No.2 and learned counsel Sri Sachin M Mahajan is directed to take notice for respondent No.3.

2. This petition is filed by the petitioner seeking the following reliefs:

"a) Issue an appropriate order/ direction/ writ in nature of mandamus directing the respondent no.2 and 4 to consider the representations dated 13-08-2025 vide Annexure-G and H respectively.

b) Issue an appropriate order/ direction/ writ in nature of mandamus directing the respondent no.2 to conduct a fresh survey as per master plan and identify proper land for acquisition for the purpose of laying 18m road.

c) Issue an appropriate order/ direction/ writ in nature of mandamus directing the respondent no.2 to initiate land acquisition process under section 69 of the right to fair compensation and transparency in land acquisition rehabilitation and resettlement act, 2013.



d) Issue an appropriate order/ direction/ writ in nature of mandamus directing the respondents to pay the compensation of Rs.1,00,000/- for demolishing the compound wall of the petitioner without following the procedures established by the law.

e) Grant costs.

f) Such other relief/s as this Hon'ble Court may deem fit to grant in the circumstances of the case and in the interest of justice and equity"

3. It is the case of the petitioner that the petitioner is the absolute owner and in possession and enjoyment of the land bearing Survey No.81/*/9 measuring 5 guntas of Mahalabagayat Village of Vijayapura Hobli, Vijayapura Taluk by way of registered sale Deed. Respondent No.2 prepared a master plan for the city of Vijayapura as per Section 12 of the Karnataka Town and Country Planning Act, 1961 and decided to carry out construction work of 30 metres adjacent to ring road from South to North 18 metres under the master plan scheme. It is the grievance of petitioner that he has not received any notice from the respondent No.4. However, later came to know that some machineries were utilized and installed and kept in the land by the respondent



officials and have already demolished the compound wall of the petitioner illegally to an extent of 30 feet on 28.07.2025. Again it is contended that on 12.08.2025 respondents came back and took measurements for laying the drain. This being the state of affairs petitioner gave representation on 13.08.2025 to respondent Nos.2 and 4, but the representation has not been considered by the respondents with regard to the illegal demolition and alleged laying of the drain. Hence, left with no other alternative petitioner is before this Court.

4. It is the contention of learned counsel for the petitioner that since petitioner is the absolute owner of the property, he has the constitutional right to enjoy the property under Article 300A of the Constitution of India. If at all the respondents were to acquire or utilise the property of petitioner, they are bound to follow the procedure contemplated in law and the principles of natural justice. The least the respondents can do is issue notice, receive objections or explanations, and thereafter



proceed further in accordance with law, which has not been done, as no notice under Section 321 of the Karnataka Municipal Corporation Act, 1976 is issued and no procedure is followed as per the judgment of Co-ordinate Bench of this Court in the case of ***M. Chandrakumar and Ors. v. The Commissioner, The Bruhath Bangalore Mahanagara Palike and Ors.*** reported in ***MANU/KA/0073/2024*** and other judgments of this Court. Therefore, it is a clear violation of Article 14, 19 and 21 including Article 300A of the Constitution of India. Therefore, the petitioner is before this court seeking consideration of the representations by the respondents.

5. *Per contra*, learned Additional Government Advocate representing the State submits that the submission of the petitioner is not accepted and therefore, the respondents have initiated process in accordance with law and submits that if at all the process and procedure is not followed, they will do so and if any damage is caused,



the representations filed with regard to damages would be considered upon proper verification and enquiry.

6. In view of the said submission, this Court deems it appropriate to dispose of this petition with the following directions:

ORDER

- i. Petition is ***disposed of***.
- ii. The respondent Nos.2 to 4 are directed to consider the representations of the petitioner dated 13.08.2025 and pass suitable orders within an outer limit of 2 months.
- iii. If enquiry is to be conducted with regard to the damages as alleged by the petitioner, the petitioner shall be notified, enquiry shall be conducted and by following procedure suitable orders shall be passed.

**Sd/-
(PRADEEP SINGH YERUR)
JUDGE**

NJ
LIST NO.: 2 SL NO.: 1
CT:SI