



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 226443 OF 2020 (GM-RES)

BETWEEN:

1. MOHAN S/O KRISHNAJI KULKARNI,
AGE ABOUT 68 YEARS, OCC: ADVOCATE,
2. MURALIDHAR S/O KRISHNAJI KULKARNI,
AGE ABOUT 60 YEARS, OCC: AGRICULTURE,
BOTH ARE R/O NO. 23 RAGHAVENDRA COLONY,
BAGALKOT ROAD, BIJAPUR.

...PETITIONERS

(BY SRI. PRAVEEN KUMAR RAIKOTE, ADVOCATE
THROUGH (VC))

AND:

1. THE ASSISTANT COMMISSIONER,
VIJAYAPUR SUB DIVISION,
VIJAYAPUR-586101.
2. GURURAJ S/O KRISHNAJI KULKARNI,
REITED GOVERNMENT SERVANT,
STATISTICAL DEPARTMENT,
R/O NO. 1500-3 CHOUGLEWADI, DWARKANAGAR,
1ST CROSS, BELGAVI-590006.

...RESPONDENTS

(BY SRI MALLIKARJUN SAHUKAR, AGA FOR R1;
NOTICE TO R2 IS SERVED)

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by SACHIN
Location: HIGH
COURT OF
KARNATAKA



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A)WRIT OF CERTIORARI AND QUASH THE IMPUGNED NOTICES AT ANNEXURE G AND G1 ISSUED BY THE RESPONDENT NO 1 DATED 30-7-2020 VIDE NO HI NA KAKO/ CR/62/2019-2020/1871 AND HI NA KAKO/CR/62/2019-2020/1676 RESPECTIVELY AND PROCEEDINGS THERETO. (B)ANY OTHER WRIT ORDER OR DIRECTION, THAT THIS HON'BLE COURT DEEMS JUST IN THE CIRCUMSTANCES OF THE MATTER.

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. The petitioners are before this Court in this writ petition filed under Articles 226 & 227 of the Constitution of India, with a prayer to quash the impugned notices at Annexures-G and G1 dated 30.07.2020 issued by respondent No.1-Assistant Commissioner.

2. Heard the learned counsel for the parties.



3. The petitioners and respondent No.2 are direct brothers. It appears that, the respondent No.2 has filed an application before the respondent No.1 under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (for short, the 'Act, 2007') and considering the said application, impugned notices are issued by the respondent No.1 to the petitioners to appear before him in the enquiry proceedings. Aggrieved by the same, the petitioners are before this Court.

4. Perusal of the material on record would go to show that respondent no.2 herein had filed O.S.No.763/2010 before the jurisdictional civil Court at Vijayapur seeking partition and separate possession of the joint family property and in the said suit parties had amicably settled their dispute and the settlement was reported before the Lok Adalath held at Vijapur and based on the compromise petition filed by the parties, O.S.No.763/2010 was decreed on 07.03.2011.

5. Perusal of the compromise decree passed in O.S.No.763 of 2010 would go to show that, respondent no.2 herein has been allotted certain properties to his share in terms



of the compromise petition filed by the parties to the suit. The grievance of respondent no.2 appears to be that he was not allotted equal share under the compromise decree passed in O.S.No.763 of 2010. It is under these circumstances, he had approached the Assistant Commissioner and in turn Assistant Commissioner has issued the impugned enquiry notices to the petitioners.

6. If the respondent no.2 has a grievance about the compromise decree passed in O.S.No.763 of 2010 it is for him to question the same in accordance with law and it is not open for him to approach the Assistant Commissioner invoking provisions of the Act of 2007, on the ground that he has not been allotted equal share under the compromise decree passed in O.S.No.763 of 2010. Under the circumstances, I am of the opinion that, the petitioners have made out a case for granting the relief sought for in this writ petition.

7. Accordingly, the following:-

ORDER

(i) Writ petition is allowed.



(ii) The impugned notices at Annexure-G and
G1 dated 30.07.2020 issued by respondent No.1
stands quashed.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

Svh/-NMS
List No.: 1 Sl No.: 33