

Divakar vs the State of Karnataka

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Court : Karnataka Orders

Decided On : Dec-18-2025

Judge : Anant Ramanath Hegde

Appeal No. : WP/109814/2025

Appellant : Divakar

Respondent : The State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 18TH DAY OF DECEMBER, 2025 BEFORE THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE WRIT PETITION NO. 109814 OF 2025 (LB-RES) BETWEEN: DIVAKAR S/O CHIDAMBAR KULKARNI, AGE. 42 YEARS, OCC. SERVICE, R/O. 3009, SECTOR 35, NEAR KEB BUS STOP, RAMATHEERTH NAGAR, BELAGAVI, DIST. BELAGAVI-590 016. PETITIONER (BY SRI. VIJAYENDRA BHIMAKKANAVAR, ADVOCATE) AND:

1. THE STATE OF KARNATAKA, DEPARTMENT OF MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT, R/BY ITS PRINCIPAL SECRETARY, M.S. BUILDING, BENGALURU-560 001.
Digitally signed by CHANDRASHEKAR LAXMAN

2. THE DIRECTOR OF MUNICIPAL ADMINISTRATION, KATTIMANI
Location: HIGH 9TH FLOOR AND 10TH FLOOR, COURT OF KARNATAKA DHARWAD BENCH VISHVESHWARAIHA TOWER, DR. B.R. AMBEDKAR VEEDHI, BENGALURU-560 001.

3. THE BELAGAVI CITY CORPORATION, BY ITS COMMISSIONER, SUBASH NAGAR, BELAGAVI, DIST. BELAGAVI-590 016.

4. THE BELAGAVI URBAN DEVELOPMENT AUTHORITY, BY ITS COMMISSIONER, ASHOK NAGAR, BELAGAVI, DIST. BELAGAVI-590 010. RESPONDENTS (BY SRI. ASHOK T. KATTIMANI, AGA FOR R1 AND R2) -2- THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT IN THE NATURE OF CERTIORARI, QUASHING THE IMPUGNED

ONLINE ENDORSEMENT/ORDER OF REJECTION DATED 24.06.2025 VIDE ANNEXURE-D BEARING NO.BGM-LBPASREJECTING THE ONLINE APPLICATION FOR CONSTRUCTION DATED 11.06.2025 VIDE ANNEXURE-C BEARING NO.BGMLBPAS-28630/25-26/BP IN RESPECT OF R.S. NO.105/A/1, CTS NO.3751/11 (NOW CORRECTED CTS NO.3792), PLOT NO.3, PID NO.94126, H.NO.105/1/3, 9TH CROSS BHAGYA NAGAR, ANGOL, BELAGAVI, IN THE INTEREST OF JUSTICE AND EQUITY; ISSUE WRIT IN THE NATURE OF CERTIORARI, QUASHING THE IMPUGNED ONLINE ENDORSEMENT VIDE ANNEXURE-F DATED 16-10-2025 BEARING NO.BGM-LBPAS-29681/25-26/BP PASSED BY THE RESPONDENT NO.3 IN REJECTING THE ONLINE APPLICATION FOR CONSTRUCTION DATED 28-09-2025 VIDE ANNEXURE-E BEARING NO. BGM-LBPAS-29681/25-26/BP IN RESPECT OF R.S NO.105/A/1, CTS NO.3751/11

(NOW CORRECTED CTS NO.3792), PLOT NO.3, PID NO.94126, H.NO.105/1/3, 9TH CROSS, BHAGYA NAGAR, ANGOL, BELAGAVI, IN THE INTEREST OF JUSTICE AND EQUITY; ISSUE WRIT IN THE NATURE OF CERTIORARI, QUASHING THE IMPUGNED ONLINE ENDORSEMENT VIDE ANNEXURE-M DATED 24.11.2025 BEARING NO.BGM-LBPAS-30121/25-26/BP PASSED BY THE RESPONDENT

NO.3 IN REJECTING THE ONLINE APPLICATION FOR CONSTRUCTION DATED 18.11.2025 VIDE ANNEXURE-L BEARING NO. BGM-LBPAS-30121/25-26/BP IN RESPECT OF PLOT NO.3, WITH PROPERTY ID NO.94126, CTS NO.3792, BHAGYA NAGAR, ANGOL, BELAGAVI; ISSUE WRIT IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENTS NO.3 TO RE-CONSIDER ONLINE APPLICATION FOR CONSTRUCTION DATED 18-11-2025 VIDE ANNEXURE-L BEARING NO.BGM-LBPAS-30121/25-26/BP IN RESPECT OF PLOT NO.3, WITH PROPERTY ID NO.94126, CTS NO.3792, BHAGYA NAGAR, ANGOL, BELAGAVI AND THEREBY KINDLY FURTHER DIRECT THE RESPONDENT NO.3 TO ISSUE BUILDING CONSTRUCTION PERMISSION IN RESPECT OF PLOT NO.3, WITH PROPERTY ID NO.94126, CTS NO.3792, BHAGYA NAGAR, ANGOL, BELAGAVI, IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

-3- THIS PETITION COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE)

1. Learned Additional Government Advocate accepts notice on behalf of respondents No.1 and 2.
2. This petition is filed assailing the order dated 24.06.2025 passed by the 3rd respondent- Corporation rejecting the petitioner's application for construction of

building.

3. This order is appealable under the provisions of Karnataka Municipal Corporation Act, 1976.

4. Learned counsel for the petitioner submits that the conversion is not required in respect of the property, which is falling under the Municipal limits as held by the Co-ordinate Bench of this Court.

5. Under these circumstances, in case the appeal is

filed, the Appellate Authority/standing committee -4- has to consider the ratio laid down in the judgments to be cited by the petitioner and pass appropriate orders within two months from the date of filing of appeal.

6. With these observations, the petition is disposed of. Sd/- (ANANT RAMANATH HEGDE) JUDGE AM/- CT:BCK LIST NO.: 1 SL NO.: 49

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