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Sri Devananda P vs State of Karnataka

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Court : Karnataka Orders

Decided On : Feb-01-2025

Judge : N S Sanjay Gowda

Appeal No. : WP/1986/2022

Appellant : Sri Devananda P

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF FEBRUARY, 2025 BEFORE THE HON'BLE MR JUSTICE N S SANJAY GOWDA WRIT PETITION NO. 1986 OF 2022 (LB-RES) BETWEEN:

1. SRI DEVANANDA P S/O.MONAPPANATH, AGED ABOUT 48 YEARS, RESIDING AT SUNFLOWER HOUSE, KARKALA TALUK, UDUPI DISTRICT.-574110. PETITIONER (BY SRI. K RAVISHANKAR., ADVOCATE) AND:

1. STATE OF KARNATAKA

BY THE DEPARTMENT OF REVENUE VIKASA SOUDHA, Digitally signed by DR.AMBEDKAR VEEDHI, BANGALORE-560001 KIRAN KUMAR R BY ITS SECRETARY. Location: HIGH COURT OF 2. THE TAHASILDAR KARNATAKA TALUK OFFICE KARKALA, KARKALA TALUK, UDUPI DISTRICT 574104.

3. PANCHAYATH DEVELOPMENT OFFICER NITTE VILLAGE PANCHAYAT, UDUPI DISTRICT 574110.

4. THE ASSISTANT EXECUTIVE ENGINEER PUBLIC WORKS DEPARTMENT, -2- 1ST SUB DIVISION, UDUPI DISTRICT-574104.

5. SRI CHANDRASHEKAR POOJARY S/O.LATE KRISHNA POOJARY, AGED ABOUT 63 YEARS, LEMINA CROSS, NITTE VILLAGE AND POST, KARKALA TALUK, UDUPI DISTRICT 574110.

RESPONDENTS (BY SMT. SPOORTHI.V., AGA ., FOR R-1 & R-2 & R-4; SRI.K.CHANDRANATH ARIGA., ADVOCATE FOR R-3; SRI. PRASANNA.V.R., ADVOCATE FOR R-5) THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA., PRAYING TO CONSIDER THE REPRESENTATIONS MADE BY THE PETITIONER AND NEIGHBORING RESIDENTS DTD 10.12.2021 GIVEN TO R-4 VIDE ANNX-J, ETC. THIS PETITION, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE N S SANJAY GOWDA

ORAL ORDER

1. The prayer in this petition is for issuance of a

mandamus to direct the Panchayat to consider the representations made by the petitioner and the neighboring residents regarding the alleged illegal -3- possession of the 5th respondent over land bearing Sy.No.56/1P1 on the premise that it is a Government land.

2. Learned counsel for the 5th respondent submits that

the 5th respondent had in fact filed a suit against the petitioner in O.S.No.184/2012 and at the same time, the petitioner had also instituted a suit for mandatory injunction in O.S.No.196/2012 and both the suits were dismissed as against which both the petitioner as well as the 5th respondent have preferred regular appeals and the same are pending consideration.

3. In my view, since, the parties are already before the

Civil Court alleging that they have right over the lands in question, it would not be appropriate to direct the Panchayat to intervene the matter at this stage and consider the representations of the petitioner.

4. This petition is therefore dismissed. -4-

5. However, liberty is reserved to the petitioner to approach the Authorities after the dispute is resolved by the Civil Court. Sd/- (N S SANJAY GOWDA) JUDGE GSR List No.: 1 Sl No.: 21

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