

Kasthuri, vs Union of India

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Court : Karnataka Orders

Decided On : Jul-30-2025

Judge : B M Shyam Prasad

Appeal No. : WP/22584/2025

Appellant : Kasthuri,

Respondent : Union of India

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2025 BEFORE THE HON'BLE MR. JUSTICE B M SHYAM PRASAD WRIT PETITION NO. 22584 OF 2025 (GM-PP) BETWEEN:

1. KASTHURI, W/O LATE FRANCIS, AGED ABOUT 73 YEARS, NO 243, A BLOCK, 7TH CROSS, BENGALURU 300033
2. LAKSHIMI W/O LATE YELUMALAI, AGED ABOUT 55 YEARS, NO. 243, A BLOCK, 1 CROSS, Digitally BENGALURU-560033 signed by

4. RAHAMATH BEE, W/O 8.M.THAIYUB, AGED ABOUT 72 YEARS,
NO.280 A BLOCK, 8TH CROSS, -2- BENGALURU-560033

5. SAMPOORNA, W/O LATE MANIKYAM, AGED ABOUT 60 YEARS,
NO.254, 7TH CROSS, BENGALURU-560033

6. JAMES WILLIAM S/O R.E. FRANK AGED ABOUT 45 YEARS,
NO.255, A BLOCK, 1 CROSS ROAD, BENGALURU-560033.

7. SAROJAMMA, W/O RAMACHANDRA, AGED ABOUT 56 YEARS,
NO.212, A BLOCK, 1 CROSS ROAD, BENGALURU-560033,

8. MUTHU URUMAN, S/O LATE URUMAN, AGED ABOUT 69 YEARS,
NO.258, A BLOCK, 1ST CROSS ROAD, BENGALURU-560033,

9. SELVA. T. S/O THIMMARAYAPPA, AGED ABOUT 43 YEARS,
NO.259, A BLOCK, 1ST CROSS ROAD, -3- BENGALURU-560033.
PETITIONERS (BY SRI. BRIJESH RAJPUT., ADVOCATE) AND:

1. UNION OF INDIA MINISTRY OF RAILWAYS, REPRESENTED BY
IT'S GENERAL MANAGER, RAIL SOUDHA, SOUTH WESTERN
RAILWAYS, GADAGA ROAD, HUBLI KARNATAKA-580020.

2. THE ESTATE OFFICER, SOUTH WESTERN RAILWAY,
BANGALORE DIVISION, BANGALORE-560023,

3. BANGALORE DEVELOPMENT AUTHORITY, REPRESENTED BY
IT'S COMMISSIONER, 5TH MAIN, KUMARAKRUPA WEST,
GUTTAHAHALLI, BANGALORE-560020. RESPONDENTS THIS WP IS
FILED UNDER ARTICLES 226 AND 227

OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
ANNEXURE -M NOTICES ISSUED BY THE R2 UNDER SECTION 4 OF
THE PUBLIC PREMISES (EVICTION OF UNAUTHORIZED
OCCUPATION) ACT, 1971 IN CASE NO. ERI 08/2025, DATED

29.05.2025 WHICH ARE CYCLOSTYLED, IN RESPECT OF THE LAND BEARING SURVEY NO. 54/1 MEASURING 1 ACRE 01 GUNTAS OUT OF WHICH THE PORTION IN THE OCCUPATION OF THE PETITIONERS. -4- THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

The petitioners are aggrieved by notices issued under Section 4 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 [for short, 'the Act'] and the impugned notices are issued by the Estate Officer, South Western Railway, Bengaluru [the second respondent]. Mr. Brijesh Rajput, the learned counsel for the petitioners, submits that in very similar circumstances, this Court in W.P. No.16175/2025 vide order dated 06.06.2025 has intervened restoring the proceedings to the second respondent. The learned counsel is heard in the light of the terms of this Court's order in the aforesaid petition. It would suffice for this Court to observe that the petitioners have called in question Show Cause -5- Notice under Section 4 of the Act, but in the other petition in W.P. No.16175/2025, an order under Section 5 of the Act is called in question with the Court interfering on the limited ground that such proceedings are completed without extending an opportunity. A distinction indeed must be made. The petitioners must be at liberty to show cause and if there are adverse orders, they must avail remedy as is permissible under Section 9 of the Act. The petition stands disposed of accordingly. Sd/- (B M SHYAM PRASAD) JUDGE RB

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