
(2010) 03 KAR CK 0174

Karnataka High Court

Case No: Writ Petition No. 9734 of 2010

Sri K.G. Gopala Gowda

APPELLANT

Vs

The Spl. Deputy
Commissioner
(Revenue) and Others

RESPONDENT

Date of Decision: March 29, 2010

Hon'ble Judges: Huluvadi G. Ramesh, J

Bench: Single Bench

Advocate: Subramanya R., for AH Law Firm, for the Appellant; R. Kumar, HCGP, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

Huluvadi G. Ramesh, J.

Learned Government Pleader is directed to take notice for the respondents/State.

2. Heard.

3. The petitioner has sought for to issue a writ of mandamus directing respondent Nos. 1 to 7/authorities to consider the representation dated 30th of December 2009 and to stop shifting of the existing road mentioned in the village map adjacent to the in property belonging to the petitioner in Sy. No. 208 of Tarabanahalli Village, Jala Hobli, Bangalore North Taluk, and to declare the action of the respondents/authorities in changing the alignment of the road by encroaching upon the schedule property, as illegal and bad, and to issue any other writ.

4. The main grievance of the petitioner is that as per the Village map, in between Sy. Nos. 156 and 159 and between 157 and 158 and Sy. No. 208, there is an existing road. In the guise of widening the road, the respondents/authorities intend to shift the existing road by encroaching upon the property belonging to the petitioner without notice and also the petitioner is questioning the shifting of the road from the one already in existence as per

the Village map and to form a new road from the land of the petitioner viz., Sy. No. 208, as noted above. According to the petitioner, it is illegal, arbitrary and without notice to the petitioner.

5. In view of the submission made and having regard to the factual position that the respondents/authorities have proceeded to form the road upon the property belonging to the petitioner, it is for the respondents/authorities to look into the possibilities of avoiding formation of road and do the needful with the existing road or in the alternative, the formation of the road upon the petitioner's land i.e., Sy. No. 208 could accordingly be done with due notice and in accordance with law, and to consider the representation of the petitioner in this regard and pass appropriate orders, in accordance with law.

6. With the above observations, the Petition is disposed of.

Government Pleader is permitted to file memo of appearance within four weeks.