HC-KAR
CNR: KAHC010337692026

NC: 2026:KHC:55558-DB
WP No.15211 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

WRIT PETITION NO.15211 OF 2026 (GM-RES-PIL)

BETWEEN:

1. SRI. SUDHAKAR M.N.
   S/O NARASIMHA M.R.
   AGED ABOUT 58 YEARS,
   R/AT BALGERI VILLAGE,
   M. GUDDEKOPPA PANCHAYATH,
   HOSANAGARA TALUK,
   SHIVAMOGGA DISTRICT - 577418.
   MOB. NO.9448921750,
   PAN NO.AIGPN3928G,
   AADHAR CARD NO.8099 8987 6349,
   E-MAIL: MN.YES71@GMAIL.COM

2. SRI. UMESH H.L.
   S/O LOKAPPA GOWDA H.T.
   51 YEARS,
   KALURU VILLAGE,
   HOSANAGARA TALUK,
   SHIVAMOGGA DISTRICT - 577418.
   PAN NO.ABGPU1778E,
   MOB. NO.9449288611,
   AADHAR CARD NO.4395 0690 1297,
   E-MAIL: KSSCP16@GMAIL.COM

...PETITIONERS

(BY SRI. RUDRAPPA P., ADVOCATE)

Digitally signed by RAKSHA
Location: high court of karnataka

AND:

1. THE STATE OF KARNATAKA
   REPRESENTED BY ITS SECRETARY,
   DEPARTMENT OF URBAN DEVELOPMENT,
   VIKASASOUDHA,
   DR. AMBEDKAR VEEDHI, BENGALURU-560001.

2. THE DEPUTY COMMISSIONER
   DISTRICT ADMINISTRATIVE OFFICE,
   SHIVAMOGGA - 577201.

3. THE DIRECTOR
   DISTRICT SPORTS AND YOUTH EMPOWERMENT,
   SHIVAMOGGA, NEHRU STADIUM,
   SHIVAMOGGA - 577201.

4. THE TAHASILDAR
   TALUK OFFICE,
   HOSANAGARA TALUK,
   SHIVAMOGGA DISTRICT - 577418.

5. THE CHIEF OFFICER
   PATTANA PANCHAYATH, HOSANAGHARA,
   HOSANAGARA TALUK,
   SHIVAMOGGA DISTRICT - 577418.

6. THE PROJECT ENGINEER
   NIRMITHI KENDRA,
   MACHENAHALLLI, SHIVAMOGGA-577229.

7. THE EXECUTIVE ENGINEER
   THE OFFICE OF EXECUTIVE ENGINEER,
   NATIONAL HIGHWAY WING, P.W.D. OFFICE,
   BALRAJ ROAD, SHIVAMOGGA-577201.

…RESPONDENTS

(BY SMT. PRAMODHINI KISHEN, AGA FOR R1 TO R4,
SRI. J.N. NAVEEN, ADVOCATE FOR R5,
SMT. SRUTHI CHAGANTI, ADVOCATE FOR R7,
R6 - SERVED)

CNR: KAHC010337692026

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF MANDAMUS OR ANY OTHER WRIT OR ORDER OR DIRECTIONS AGAINST THE RESPONDENTS TO DEMOLISH/REMOVE THE FOOD COURT WHICH IS CONSTRUCTING IN THE NEHRU STADIUM AND FOOTPATH OF NATIONAL HIGHWAY 766C PERMANENTLY AND ETC.,

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

1. This writ petition is filed seeking the following reliefs;

"a) Issue a Writ of Mandamus or any other Writ or order or directions against the Respondents to demolish/remove the food court which is constructing in the Nehru Stadium and footpath of National Highway 766C permanently;

b) Issue a Writ of Mandamus or any other Writ or order or directions against the Respondents to consider the representations made by the petitioner No.1 to the respondent authorities dated 17-04-2026 to R2, dated 18-04-2026 to R3, dated 05-05-2026 to R5 dated 07-05-2026 to R4, 6 and 7;

c) Issue a Writ of Mandamus or any other Writ or order or directions against the Respondents to repair the fencing to the Nehru Stadium as it was earlier on the side of the footpath of National Highway 766C.

d) Grant such other reliefs as this Hon'ble Court deems just and necessary in the facts and circumstances of this case, in the interest of justice and equity".

2. Learned counsel for the petitioners submits that respondent No.6 are constructing a Food Court in the Stadium owned by the Panchayath and also on the footpath of the National Highways 766C and has started construction work without obtaining No Objection Certificate (N.O.C) from the concerned Authorities. It is submitted that the representation submitted by the petitioners in this regard before respondent Nos.4, 6 and 7 have not evoked any response. It is on these grounds that the writ petition is being filed.

3. We have heard learned counsel for the petitioners, learned Government Advocate who appears for respondent

Nos.1 to 4 and learned counsel appearing for respondent No.5, as well as learned counsel appearing for respondent No.7.

4. The statement of objections has also been placed on record on behalf of respondent No.5, wherein it is stated that petitioner No.1 is an Ex-member of the Panchayath and the representations were addressed by himself at Annexure-H onwards which indicates that he is the Ex-President of the Pattana Panchayath and an allottee of the shop in the Pattana Panchayath.

5. It is further contended that, the contention that respondent No.6 is constructing the Food Court in the Stadium is incorrect and that the petitioners have submitted a representation on 05.05.2026 and has filed this writ petition as on 11.05.2026 without waiting for the result of the said representation. It is further submitted that the respondent owns a property in Assessment No.1173/625 measuring 400 ft x 600 ft which is identified

as a play ground. It is further submitted that various food street vendors were carrying on business on the footpath and a proposal was mooted by respondent No.5 for construction of a Food Court to house the said street vendors without offending any of the provisions of the enactments or the guidelines.

6. It is submitted that the property measuring 122 mts x 183 mts has been earmarked for the construction of the Food Court and the Deputy Commissioner has allotted the land to respondent No.6 for construction of the Food Court. It is stated that the respondent had given an N.O.C on 28.04.2026 for construction of the Food Court and the same is produced as Ex.R8. It is also contended that the Food Court is being constructed without offending any of the provisions of the guidelines fixed by the law and is not violating any such guidelines. It is submitted that the interim order may therefore be vacated and the respondents may be

permitted to carry on the work as provided in the guidelines.

7. Having considered the contentions advanced and in view of the materials placed on record by the respondents, we notice that there is a specific contention raised by respondent No.5 that the National Highways Authority was proposing to form a bypass to Hosanagara Town and the National Highway is passing through Hosanagara Town has been shifted and a bypass is noted and the physical work of the bypass is almost complete.

8. In view of the above submissions and the clear contention raised by respondent No.5 that the Food Court is being constructed without offending any of the provisions of the guidelines or the statutory provisions, we are of the opinion that the stay granted by this Court cannot continue.

9. The writ petition is ***disposed of*** with a direction that in case objections before the competent respondents, if

any, are raised to the construction of the Food Court on any sustainable grounds, such objections shall be considered in accordance with law.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(K.S.BHARATH KUMAR)
JUDGE

GH
List No.: 1 Sl No.: 16