

**IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT GULBARGA**

DATED THIS THE 29TH DAY OF JUNE 2012

BEFORE

THE HON'BLE MR.JUSTICE A.N.VENUGOPALA GOWDA

W.P.No.84119/2011(KLR-RR)

BETWEEN:

BASVARAJ DESHMUKH
S/O TRIMBAK RAO DESHMUKH
AGE: 57 YEARS
OCC: AGRICULTURE & BUSINESS
R/O DESHMUKH GALLI
AURAD (B) TQ: AURAD
DIST: BIDAR

.... PETITIONER

(BY SRI SHIVAKUMAR KALLOOR, ADVOCATE)

AND:

1. DEPUTY COMMISSIONER
BIDAR
2. TAHSILDAR
AURAD (B), DIST: BIDAR
3. PATTAN PANCHAYAT
BY ITS CHIEF EXECUTIVE OFFICER
AURAD (B), TQ: AURAD
DIST: BIDAR
4. PATTANPANCHAYAT AURAD (B)
BY ITS JUNIOR ENGINEER
AURAD, DIST: BIDAR

... RESPONDENTS

(BY SRI MANVENDRA REDDY, GA FOR R1 AND R2,

SRI GOURISH S.KHASHAMPUR, ADVOCATE FOR R3 & R4-SERVED)

THIS WRIT PETITION FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS, DIRECTING RESPONDENT TO CONSIDER THE REPRESENTATION OF PETITIONER ANNEXURES – D1 TO D3 AND NOT TO TAKE ANY COERCIVE STEPS FOR WIDENING OF ROAD WITHOUT FOLLOWING DUE PROCESS OF LAW AND ETC.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, THE COURT MADE THE FOLLOWING:

O R D E R

Since the petitioner has filed O.S.No.49/2009 on the file of Civil Judge, Junior Division, Aurad-B, against respondent Nos.1 and 3 in respect of the very same property, it is not permissible for the petitioner to maintain this writ petition, to direct the respondents to consider the representations at Annexures-D1 to D3. Respondent Nos.1 and 3 being the defendants in the suit, cannot be directed to consider the petitioner's representations and take decision in the matter.

Writ petition in the circumstances, is not maintainable and hence, is dismissed reserving liberty to the petitioner to seek appropriate order in the pending suit.

Sd/-
JUDGE

NB*