

**IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH**

Dated this the 30th day of September 2013

Before

THE HON'BLE MR.JUSTICE H.N.NAGAMOHAN DAS

Writ Petition No.63297/2011 (LB-Res)

Between:

Sri Nijalingappa Sanganabasappa
Halakatti, S/O S. Annadanappa
Halakatti, Aged 55 Years,
Residing at Basavana Beedhi,
Main Road, Hirekerur-581111,
Haveri District.

...Petitioner

(By Sri. G.K.Hiregoudar, Advocate)

A n d :

1. The President,
Hirekerur Town Panchayath,
R/o Town Panchayath,
Main Road, Chowdi Circle,
Hirekerur, Haveri District.

2. The Chief Officer,
Hirekerur Town Panchayath,
R/o Town Panchayath,
Main Road, Chavadi Circle,
Hirekerur, Haveri District.

...Respondents

(By Sri. Lokesh Malavalli, Advocate for R1 & R2)

This petition is filed under Articles 226 & 227 of the Constitution of India with a prayer to direct the respondents not to demolish any portion of the schedule property belonging to the petitioner without taking possession of the same in accordance with law/under due process of law.

This petition coming on for Preliminary Hearing in 'B' Group this day, the Court made the following:

ORDER

In this writ petition, the petitioner has prayed for a writ of mandamus directing the respondents not to demolish any portion of writ schedule property belonging to the petitioner.

2. On 03.06.2011, this Court granted an interim order restraining the respondents from demolishing any portion of the building belonging to the petitioner as described in the schedule. Now, it is brought to my notice that the respondents have demolished a portion of the building belonging to the petitioner. In the

circumstances, the prayer sought for in the writ petition do not survive for consideration.

Accordingly, the writ petition is hereby dismissed. However, it is open for the petitioner to workout his remedy against the respondents for damages, in accordance with law.

**SD/-
JUDGE**

Kms