

IN THE HIGH COURT OF KARNATAKA  
DHARWAD BENCH

DATED THIS THE 28<sup>TH</sup> DAY OF FEBRUARY, 2022

BEFORE

THE HON'BLE MR.JUSTICE SURAJ GOVINDARAJ

WRIT PETITION No.100537/2022 (GM-CPC)

BETWEEN

SMT. PADMAVATI KOM DAMODAR MOGER  
AGE: 50 YEARS, OCC. HOUSEMAKING  
R/O. TENGINAGUNDI ROAD, HEBALE, TQ. BHATKAL  
DIST. KARWAR, PIN: 581320.

...PETITIONER

(BY SRI. S. V. YAJI, ADVOCATE)

AND

1. THE DEPUTY COMMISSIONER  
UTTARA KANNADA KARWAR  
DIST. KARWAR, PIN. 581301.
2. CHIEF EXECUTIVE OFFICER  
ZILLA PANCHAYAT  
UTTARA KANNADA KARWAR  
DIST. KARWAR, PIN. 581301.
3. EXECUTIVE OFFICER  
TALUKA PANCHAYAT, BHATKAL  
DIST. KARWAR-581320.
4. PANCHAYAT DEVELOPMENT OFFICER  
GRAM PANCHAYAT, HEBALE, HEBALE VILLAGE,  
BHATKAL. DIST. KARWAR-581320.

SANKAPPA SANTAMMA NAIK  
AGE: 37 YEARS, R/O. HEBALE, BHATKAL  
DIST: KARWAR-581320.

SINCE DECEASED RESPONDENT NO.5 TO 7 ARE LRS

5. NARAYANA S/O SANTAMMA NAIK  
AGE: 35 YEARS, OCC: BOAT WORK  
R/O. UKKINAKATTE MANE,  
TENGANAGUNDI, HEBALE VILLAGE,  
BHATKAL, DIST. KARWAR-581320.
6. GANESH S/O SANTAMMA NAIK  
AGE: 27 YEARS, OCC: COOLIE,  
R/O. UKKINAKATTE MANE,  
TENGANAGUNDI, HEBALE VILLAGE,  
BHATKAL, DIST. KARWAR-581320.
7. SMT. SEETA KOM PANDU NAIK  
AGE: 32 YEARS, OCC. COOLIE  
R/O. UKKINAKATTE MANE,  
TENGANAGUNDI, HEBALE VILLAGE,  
BHATKAL, DIST. KARWAR-581320.

...RESPONDENTS

(BY SRI. SHIVAPRABHU HIREMATH, AGA FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI AND QUASH THE IMPUGNED ORDER ON IA NO.I DATED 04/01/2021 PASSED BY THE CIVIL JUDGE AND JMFC COURT BHATKAL UTTARA KANNADA IN O.S.NO.91/2020 VIDE ANNEXURE-G TO THE WRIT PETITION. CONSEQUENTLY, THE APPLICATION FILED BY THE PETITIONER AT IA NO.I VIDE ANNEXURE-F MAY KINDLY BE ALLOWED.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. The learned Additional Government Advocate  
accepts notice for respondent No.1.

2. The petitioner is before this Court, seeking for the following reliefs :

- (i) *Issue a writ in the nature of Certiorari and quash the impugned order on I.A.No.I dated 04.01.2021 passed by the Civil Judge and JMFC Court, Bhatkal, Uttara Kannada in O.S.No.91/2020 vide Annexure-G, to the writ petition. Consequently, the application filed by the petitioner at I.A.No.I vide Annexure-F may kindly be allowed.*
- (ii) *Issue a writ of mandamus, directing to the court below to pass appropriate orders on the application filed by the petitioner under the facts and circumstances of the case to meet the ends of justice and equity.*

3. After arguing for some time, the learned counsel for the petitioner seeks permission of this Court to withdraw the above petition with liberty to file an application under Order 26 Rule 9 of CPC, after completion of the evidence. Reserving such liberty, the petition is dismissed.

Sd/-  
JUDGE

\*Svh/-