



IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH
DATED THIS THE 31ST DAY OF JANUARY, 2024
BEFORE
THE HON'BLE MS. JUSTICE JYOTI MULIMANI
WRIT PETITION NO.207616 OF 2020 (LB-RES)

BETWEEN:

1. CHANDRASHEKHAR METRI
DIED BY HIS LR.
BHIMAVVA METRI,
AGE: 45 YEARS, OCC: HOUSE HOLD,
2. HASINABEGUM W/O CHANDSAB MIRDE,
AGE: 47 YEARS, OCC: HOUSE HOLD,
3. HASHIMSAB ALMEL
DIED BY HIS LR.
AKHIL @ ABDULRAZAK ALMEL,
AGE : 45 YEARS, OCC: PRIVATE WORK,
4. BHAGIRATHI W/O LAXMAN HUGAR,
AGE: 45 YEARS, OCC : HOUSE HOLD,
5. MAHADEVAPPA S/O SANGAPPA SANGANNAVAR,
AGE: 82 YEARS, OCC: NIL.
6. NAATU S/O SHANKAR RATHOD,
AGE: 49 YEARS, OCC: AUTO DRIVER,
7. SHIVANAND S/O SHARNAPPA MANTRA,
AGE: 50 YEARS, OCC: COOLIE,
8. SHANTABAI W/O MALLAPPA KATTIMANI,
AGE: 70YEARS, OCC: HOUSE HOLD,
9. HEERU S/O RAMU JADHAV,
AGE: 65 YEARS, OCC: COOLIE,

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Location: High
Court Of
Karnataka



10. SANGAMMA W/O SHARNAPPA SAJJAN,
AGE: 52 YEARS, OCC: COOLIE,
11. ASIF S/O HAJISAB CHOUDHARI,
AGE: 27 YEARS, OCC: COOLIE,
12. RAJESAB S/O HAJISAB CHOUDHARI,
AGE: 34 YEARS, OCC: AGRICULTURE,
13. DASTAGIRSAB S/O HUSSAINSAB NAYAK,
AGE: 50 YEARS, OCC: AUTO DRIVER,
14. RAZAK S/O JANUSAB NADAF,
AGE: 55 YEARS, OCC: COOLIE,
15. MAIBOOB S/O RAZAK NADAF,
AGE: 32 YEARS, OCC: GARAGE WORK,
16. RIYAZAHAMED S/O KASIMKUNTI,
AGE: 50 YEARS, OCC: COOLIE,
17. BISMILLAHA W/O ABDULRAZAK HUNDEKAR,
AGE: MAJOR, OCC: COOLIE,
18. JAVEED S/O ABDULRAZAK HUNDEKAR,
AGE: MAJOR, OCC: AGRICULTURE,
19. MAIBOOB S/O HASANSAB GIRAGAO,
AGE: 48 YEARS, OCC: WELDING WORK,
20. SHAHJAN S/O HASANSAB GIRAGAO,
AGE: 65 YEARS, OCC: HOUSE HOLD,
21. ABUDL AZIZ HUNDEKAR,
DIED BY HIS LRS,
TAJ AZIZ P HUNDEKAR,
AGE: 35 YEARS, OCC: NIL,
22. WASIM S/O SHAHAJAN GIRAGAO,
AGE: 38 YEARS, OCC: MOBILE SHOP WORK,



23. HUSSAINSAB M NADAF
AGE: 60 YEARS, OCC: AUTO DRIVER,
24. CHANAMMA SAJJAN,
DIED BY HIS LRs,
DUNDAPPA SAJJAN,
AGE: 40 YEARS, OCC: TAILORING,
25. GULABSAB I BHAGAWAN,
AGE: 42 YEARS, OCC: COOLIE,
26. MOHMED RAFEEQ R BAGWAN,
AGE: 45 YEARS, OCC: FLOWER WORK,
27. RUKAMAVVA S GANNUR,
DIED BY HER LRs.
MOHAN RAMANNA LATTI,
AGE: 51YEARS, OCC: AUTO DRIVER,
28. HANIFA M NADAF
AGE: MAJOR, OCC: HOUSE HOLD,
29. INDIRA W/O SHANKARGOUDA PATIL,
AGE: 50 YEARS, OCC: SOCIAL WORK,
30. CHANADABAI RATHOD
AGE: 60 YEARS, OCC: HOUSE HOLD,
31. NOORJAHAN W/O SAHEBLAL SARAWAD,
AGE: 50 YEARS, OCC: HOUSE HOLD,
32. GAIBUSAB S/O SAHEBLAL SARWAD,
AGE: 36 YEARS, OCC: ELECTIRC WORK,
33. TAJUDDIN S/O SAHEBLAL SARWAD,
AGE: 34 YEARS, OCC: COOLIE,
34. LAXMIKANT S/O SHIVAPPA JUMNAL,
AGE: 28 YEARS, OCC: CANTEEN WORK,
35. MANJUNATH S/O SHIVAPPA JUMNAL,
AGE: 30 YEARS, OCC: COOLIE,



36. BHIMAWWA MALADKAR
AGE: MAJOR, OCC: HOUSE HOLD,
37. LAXMIBAI S MUTTAGI
AGE: 55 YEARS, OCC: HOUSE HOLD,
38. JAYSHREE A TILAGULA
AGE: 29 YEARS, OCC: HOUSE HOLD,
39. KASHIMSAB NADAF
(DIED) MAHEBOOB NADAF,
AGE: 48 YEARS, OCC: COOLIE,
40. AYUB S/O KASHIMSAB NADAF,
AGE: 42 YEARS, OCC: COOLIE,
41. MAHADEV S/O BHIMASHI METRI,
AGE: 38 YEARS, OCC: HOUSE HOLD,
42. MOHAMMED ISAQ S/O LATE SAHEBLAL SHARPYADE,
AGE: 55 YEARS, OCC: COOLIE,
43. MOHAMMAD IQBAL S/O LATE HASHIMSAB ALMEL,
AGE: 53 YEARS, OCC: AGRICULTURE,
44. RAFEEQ S/O RAJESAB BENOOR,
AGE: 47 YEARS, OCC: AUTO DRIVER,
45. JANNATABI W/O LALSAB MUJAWAR,
AGE: 48 YEARS, OCC: HOUSE HOLD,
46. JAIBUNABI W/O RAJESAB KARAJAGI,
AGE: 69 YEARS, OCC: HOUSE HOLD,
47. LALASAB S/O LATE DASTAGIRSAF DINDWAR,
AGE: 42 YEARS, OCC: AUTO DRIVER,
48. KHATUNABI L KOLHAR,
AGE: 90 YEARS, OCC: NIL,
49. MAIBUSAB L KOLHAR
AGE: 70 YEARS, OCC: COOLIE,



50. PARVEEN W/O IMAM HUSSAIN MUJAWAR,
AGE: 40 YEARS, OCC: COOLIE,
51. BABU MUJAWAR
AGE: 48 YEARS, OCC: COOLIE,
52. BANDENAWAZ KASKI
AGE: 60 YEARS, OCC: COOLIE,
53. ABBASALI S/O LATE DASTAGIRSAB DINDWAR,
(DIED) BY HIS LRS,
RAJIYABANU DINDWAR,
AGE: 35 YEARS, OCC: COOLIE,
54. SHIVANAND S/O SHARANAPPA BHANTNAL,
AGE: 51 YEARS, OCC: AUTO DRIVER,
55. ANNAPURA W/O GURUSHANTAPPA SHAHAPUR,
AGE: 60 YEARS, OCC: HOUSE HOLD,
56. JEELEKA W/O CHANDSAB NADAF,
AGE: 54 YEARS, OCC: COOLIE,
57. BISMILLA W/O MODINSAB ATHANI,
AGE: 78 YEARS, OCC: NIL,
58. AHAMDSAB S/O IMAMSAB KALADAGI,
AGE: 58 YEARS, OCC: COOLIE,
59. GOUSASAB S/O IMAMSAB KALADAGI,
AGE: 52 YEARS, OCC: COOLIE,
60. NAZEERSAB S/O IMAMSAB KALADAGI,
AGE: 50 YEARS, OCC: COOLIE,
61. NAGARAJ HADIMANI
AGE: 47 YEARS, OCC: CANTEEN WORK,
62. DEELIP S/O TULJARAM PASALKAR @ KALAL,
AGE: 54 YEARS, OCC: COOLIE,



63. NARENDRA S/O PARSHURAM KALA,
AGE: 50 YEARS, OCC: COOLIE,
64. GOUSAMODDIN S/O DASTAGIRSAB MUJAWAR
(DIED) BY HIS LRS,
NOORJAHAN MUJAWAR,
AGE: 40 YEARS, OCC: COOLIE,
65. AMEENSAB S/O ALISAB KOUJALAGI,
AGE: 60 YEARS, OCC: COOLIE,
66. RAJESAB S/O LALSAB MUJAWAR,
AGE: 38 YEARS, OCC: SOCIAL WORK,
67. MASTAN S/O GUDUSAB GANGANALLI,
AGE: 42 YEARS, OCC: COOLIE,
68. JULEKHA W/O AYUB KHADAKE,
AGE: 45 YEARS, OCC: COOLIE,
69. AFREEN W/O JAVEED JANAVEKAR,
AGE: 30 YEARS, OCC: HOUSE HOLD,
70. CHOTIBI W/O NABISAB JANAVEKAR,
AGE: 71 YEARS, OCC: NIL,

ALL PETITIONERS ARE R/OF WARD NO 15,
NEAR RAILWAY STATION AREA,
VIJAYAPURA-586 104.

...PETITIONERS

(BY SRI. D.P.AMBEKAR., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF MUNICIPAL ADMINISTRATION,
VIKAS SOUDHA, BENGALURU-560 001.
2. THE DEPUTY COMMISSIONER,
OPPOSITE CITY CENTRAL BUS STAND,
VIJAYAPUR-586 101.



3. THE COMMISSIONER
CITY MUNICIPAL CORPORATION,
VIJAYAPUR-586 101.

...RESPONDENTS

(BY SRI.VEERANAGOWDA.M.BIRADAR., AGA FOR R1 AND R2;
SRI.AMRESH.S.ROJA., ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

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

ORDER

Sri.D.P.Ambekar., learned counsel for the petitioners, Sri.Veeranagowda.M.Biradar., learned AGA for respondents 1 & 2 and Sri.Amresh.S.Roja., learned counsel for respondent No.3 have appeared in person.

2. It is contention of the petitioners that they are residents of Sy.No.214B of Ward No.15, Railway Station Area, Vijayapur, totally measuring about 3 Acres 25 Guntas. The petitioners and their predecessors-in-interest have been residing in the said areas since last 50 to 60 years by constructing their houses thereon. It is said that the petitioners belong to the economically weaker section of the society. They



have built their houses long back and are openly and without anybody's interference have constructed their houses over the said land. The petitioners have also obtained necessary electrical connections from the erstwhile KEB and water connections provided by respondent No.3 to their said houses.

It is the contention of the petitioners that inspite of having no jurisdiction, the third respondent – Commissioner, City Municipal Corporation, Vijayapur got pasted the notices dated:01.01.2020 asking the petitioners to vacate the premises by 15.01.2020 alleging that the petitioners have put up the constructions on the road. The notices at Annexures-E to E69 are called into question in this Writ Petition on several grounds as set-out in the Memorandum of Writ Petition.

3. Learned counsel for the petitioners and respondents have urged several contentions. Heard, the contentions urged on behalf of the respective parties and perused the Writ papers with utmost care.

4. The notices issued by the third respondent are furnished along with the Writ Petition and the same are marked as Annexures-E to E69. A perusal of the same would depict that



though the same are labeled/ termed as notices, they are in fact an order of eviction of the petitioners and they are passed without complying the principles of natural justice and without even mentioning under what provisions of law, they are purported to be passed. However, the petitioners are directed to file objections by way of reply to the notices within four weeks from the date of receipt of the certified copy of this order. Upon the receipt of the objections, the Commissioner, City Municipal Corporation, Vijayapur is directed to consider the objections and act in accordance with the law.

5. Resultantly, the Writ Petition is ***disposed of.***

Sd/-
JUDGE

MRP
List No.: 1 Sl No.: 38