



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 30<sup>TH</sup> DAY OF OCTOBER, 2024**

**BEFORE**

**THE HON'BLE MS. JUSTICE JYOTI MULIMANI**

**WRIT PETITION NO. 19809 OF 2021 (GM-KEB)**

**BETWEEN:**

H.G.SANTOSH  
AGED ABOUT 41 YEARS,  
S/O LATE H.N.GURUSWAMY,  
R/O HULLAHALLI VILLAGE,  
NANJANGUD TALUK,  
MYSURU DISTRICT-571 301.

...PETITIONER

(BY SRI. CHIDAMBARA.G.S., ADVOCATE)

**AND:**

1. THE CHAMUNDESHWARY ELECTRICITY  
SUPPLY CORPORATION LIMITED,  
ASSISTANT EXECUTIVE ENGINEER,  
OFFICE, CESC, NANJANGUD ENGINEER OFFICE,  
CESC, NANJANGUD SUB DIVISION-2,  
RP ROAD, NANJANGUD-571 301.  
MYSURU DISTRICT.  
REPRESENTED BY ITS MANAGING DIRECTOR.
2. THE EXECUTIVE ENGINEER,  
CHAMUNDESHWARY ELECTRICITY  
SUPPLY CORPORATION LIMITED,  
CESC, NANJANGUD SUB DIVISION-2,  
RP ROAD, NANJANGUD-571 301.  
MYSURU DISTRICT.
3. THE ASSISTANT EXECUTIVE ENGINEER (V),  
CHAMUNDESHWARY ELECTRICITY  
SUPPLY CORPORATION LIMITED,  
CESC NANJANGUD SUB DIVISION-2,



RP ROAD, NANJANGUD-571 301.  
MYSURU DISTRICT.

...RESPONDENTS

(BY SRI. G.C.SHANMUKHA., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS UNDER:

**ORAL ORDER**

Sri.Chidambara.G.S., counsel for the petitioner and Sri.G.S.Shanmukha., counsel for the respondents have appeared in person.

2. The captioned Writ Petition is filed seeking following reliefs:

- (a) Issue a Writ or order or direction to quash the notice/ communication dated 24.09.2021 issued by the third respondent in ಸಂಖ್ಯೆ: ಸಕಾನಿಇಂ(ವಿ)/ಸ.ಇಂ(ತಾ)/ನಂ.ಗೂಡು/2021-22/1245-47 vide Annexure-F and the Dis Memo dated 05.10.2021 issued by the third respondent in ಸಂಖ್ಯೆ:ಸಕಾನಿಇಂ(ವಿ)/ಸ.ಇಂ(ತಾ)/ನಂ.ಗೂಡು/2021-22/1296 vide Annexure-H.
- (b) Issue an appropriate writ or order or direction, directing the respondents not to disconnect the



power supply connections to the building of the petitioner.

3. Counsel for the respective parties urged several contentions. Heard the arguments and perused the Writ papers with utmost care.

4. The petitioner contends that he is the absolute owner in possession and enjoyment of shopping complex constructed on the portion of converted Sy.Nos.360/1B and 360/1A3 totally measuring 02 Acres 02 Guntas situated at Hullahalli Village, Nanjangud Taluk, Mysuru District. He has constructed the building on the said site after obtaining necessary building license and plan approval from the Hullahalli Gram Panchayat and also paid required tax/ fee to the said Panchayat. The Hullahalli Gram Panchayat issued 'No Objection Certificate' for supply of power to the petitioner's building. Accordingly, the building was provided with power supply by the respondents by installing electricity meters. It is said that presently there are twelve meters bearing Nos.NS2HC-5584 TO NS2HC-5593, NS2HC-13129 AND NS2HC-13130 standing in the name of petitioner. It is said that the petitioner has let out some shops in the said building to the tenants. He is paying the



electricity consumption charges regularly and without any default.

As the matter stood thus, the Hullahalli Gram Panchayat without hearing the petitioner passed an order on 02.03.2016 to cancel the katha stood in the name of the petitioner in respect of sites formed in the said converted Sy.Nos.360/1B and 360/1A3 on the ground that plan for formation of the layout has not been obtained by the petitioner. Aggrieved by the said order, the petitioner preferred filed an appeal in the form of a representation before the Executive Officer, Taluk Panchayat, Nanjangud with a prayer to withdraw the order dated 02.03.2016 and sought for stay of the said order. However, the Executive Officer issued an endorsement on 28.03.2016 stating that the impugned action has been taken as per the directions of Zilla Panchayat and hence, the withdrawal of cancellation order or grant of stay was not permissible.

Thereafter, the petitioner approached this Court in W.P.No.21415/2016 and sought for quashing the resolution of the Gram Panchayat canceling the katha and the endorsement issued by the Executive Officer. This Court vide order dated



15.06.2022 disposed of the petition directing the Taluk Panchayath Nanjangud to dispose of the appeal. Pursuant to the order passed by this Court, the Executive Officer has disposed of the appeal on 10.10.2022 and has set-aside the order dated 02.03.2016 and has directed the Panchayat to restore the katha of the petitioner.

The order dated 10.10.2022 passed by the Executive Officer is furnished by counsel for the petitioner by filing a memo. A perusal of the same reveals that the Executive Officer has set-aside the order dated 02.03.2016 and directed the Panchayath to restore the katha of the petitioner. If that be so, the impugned action on the part of the CESCO authorities is untenable.

Taking note of the subsequent developments and in view of disposal of the appeal, this Court deems it proper to quash the communication vide Annexure-F and the Dis Memo vide Annexure-H.

5. The Writ of Certiorari is ordered. The notice/ communication dated 24.09.2021 issued by the third respondent in ಸಂಖ್ಯೆ: ಸಕಾನಿಇಂ(ವಿ)/ಸ.ಇಂ(ತಾ)/ನಂ.ಗೂಡು/2021-22/1245-



47 vide Annexure-F and the Dis Memo dated 05.10.2021 issued by the third respondent in ಸಂಖ್ಯೆ:ಸಕಾನಿಇಂ(ವಿ)/ಸ.ಇಂ(ತಾ)/ನಂ.ಗೂಡು/2021-22/1296 vide Annexure-H are quashed.

6. Resultantly, the Writ Petition is ***allowed***.

Needless to observe that the petitioner shall submit necessary documents to the CESCO Authorities.

**Sd/-  
(JYOTI MULIMANI)  
JUDGE**

TKN  
List No.: 2 Sl No.: 66