



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE N S SANJAY GOWDA
WRIT PETITION NO. 30477 OF 2024 (LB-RES)

BETWEEN:

1. SRI HARISH H R
AGED ABOUT 42 YEARS, S/O BADRA SHETTY
KOTE KANADAL ROAD, NEAR THE LAYOUT AT
RAILWAY STATION BRIDGE
CHIKMAGALURU PIN 577 101
...PETITIONER
(BY SRI. H MALATESH., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY
DEPT/MUNICIPAL ADMINISTRATION
VIKASA SOUDHA, AMBEDKAR BEEDI
BENGALURU 01
2. THE COMMISSIONER
CITY MUNICIPAL COUNCIL
CHIKMAGALURU PIN 577 101
3. RESIDENT COMMISSIONER
(PAURA AYUKTHA) CITY MUNICIPALITY
CHIKMAGALURU PIN 577 101
4. THE COMMISSIONER, CUDA
CHIKMAGALURU URBAN
DEVELOPMENT AUTHORITY,
CHIKMAGALURU PIN CODE -577101.

...RESPONDENTS

(BY SRI. RAHUL CARIAPPA., AGA FOR R-1;
SRI. A. NAGARAJAPPA., ADVOCATE FOR R-2 & R-3;





SRI. A. RAVISHANKAR., ADVOCATE FOR R-4)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE RESPONDENTS AND TO CONSIDER THE PETITIONERS REPRESENTATION DATED 13.02.2024 PRODUCED AS ANNEXURE-A SUBMITTED TO THE R-2 AND PASS APPROPRIATE ORDER, BY PROVIDING ROAD TO THE RESIDENCE OF THE PETITIONERS, ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE N S SANJAY GOWDA

ORAL ORDER

1. The prayer in this writ petition is to issue a direction to the respondents to consider the petitioner's representation dated 13.02.2024, by which, he is seeking for having access to his property.

2. The Chickmagaluru Urban Development Authority has filed its objections and also enclosed a sketch, in which, it has indicated that the petitioner's property is abutting in area which is earmarked as a park.



3. It is the case of the petitioner that, he has a right to go through the park to access the existing 9 meter road. However, this prayer cannot be accepted, since the petitioner cannot demand that a road be provided to him in the midst of a park and thereby virtually bisect the park into two.
4. It is also to be noticed here that the person in whose favor the layout plan has been approved, has not been made a party to this writ petition and, it is also stated that the park has been relinquished in favor of the Municipality.
5. It is therefore clear that the petitioner cannot claim, as a matter of right, a road to be formed for him through a park formed in someone else's land.
6. This writ petition is therefore **dismissed**.
7. Liberty is however reserved to the petitioner to approach the Civil Court, if he believes that he has any easementary right over the property.



8. In view of the disposal of the petition, all pending interlocutory applications, if any, stand disposed of.

**Sd/-
(N S SANJAY GOWDA)
JUDGE**

GSR
List No.: 1 Sl No.: 1