

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23<sup>RD</sup> DAY OF AUGUST, 2022

BEFORE

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

**WRIT PETITION NO.16625 OF 2022 (GM-PES)**

**BETWEEN:**

- 1 . SRI. S.C. MAHESH,  
S/O LATE CHANNAKESHAIAH,  
AGED ABOUT 40 YEARS,
- 2 . SRI.S.C.RAJANNA  
S/O LATE CHENNAIAH  
AGED ABOUT 44 YEARS,
- 3 . SRI.SHIVASHANKARA  
S/O LATE SHIVANNA  
AGED ABOUT 42 YEARS,

ALL ARE RESIDING AT  
SOMALAPURA VILLAGE,  
NITTUR HOBLI,  
GUBBI TALUK,  
TUMKUR DISTRICT - 572 222.

...PETITIONERS

(BY SRI. H.C.SHIVARAMU, ADVOCATE FOR  
SRI. NAGARAJAIAH.K, ADVOCATE)

**AND:**

- 1 . THE STATE OF KARNATAKA  
REPRESENTED BY ITS  
PRINCIPAL SECRETARY,  
REVENUE DEPARTMENT,  
MS. BUILDING,  
BANGALORE - 560 001.
- 2 . THE DEPUTY COMMISSIONER  
TUMKURU DISTRICT,  
TUMKURU - 572 101.

- 3 . THE ASSISTANT COMMISSIONER  
TUMAKURU SUB DIVISION,  
TUMKURU - 572 101.
- 4 . THE THAHASILDAR  
GUBBI TALUK,  
GUBBI - 572 116.
- 5 . THE CHIEF EXECUTIVE OFFICER  
RURAL DEVELOPMENT AND PANCHAYAT RAJ  
TUMKURU DIST,  
TUMKURU - 572 101.
- 6 . THE PANCHAYATH DEVELOPMENT OFFICER  
GRAMA PANCHAYATHI,  
M.N.KOTE, GUBBI TALUK,  
TUMKUR DISTRICT - 572 222.
- 7 . THE STATION HOUSE OFFICER  
CHELLUR POLICE STATION,  
CHELLUR, GUBBI TALUK  
TUMKUR DISTRICT - 572 117.

...RESPONDENTS

(BY SRI. B.V.KPISHNA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R-2, 5 AND 6 TO CONSIDER THE REPRESENTATION FILED BY THE PETITIONER VIDE ANNEX-K, K1 AND K2 RESPECTIVELY. AND ETC.

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

### **ORDER**

The short grievance of the petitioners regardless of pleadings is as to non-consideration of their representations by the Jurisdictional Authorities. Learned counsel for the petitioners argues that in the said representations some

action at the hands of the authorities is sought for to ensure the free flow of devotees to the temple in question, petitioners being some of them.

2. Learned AGA on request having accepted notice for the official respondents, opposes the petition contending that the dispute is civil in nature and that it can be better worked before the Civil Court. There may not be much dispute with regard to this submission. However, our Constitution vide Article 350 mandates that where a citizen raises a grievance before jurisdictional authorities, it cannot be kept unconsidered indefinitely. In similar matters, this Court has directed consideration of the grievance of the kind and therefore, petitioners cannot be discriminated against.

In the above circumstances, this writ petition is disposed off directing 2<sup>nd</sup> respondent to consider or cause to be considered the subject representations of the petitioners in accordance with law and inform result of such consideration within a period of four weeks failing which, at

the next level of legal battle heavy cost may be imposed on erring officials. All contentions are kept open.

Costs made easy.

**Sd/-  
JUDGE**

DS