HC-KAR

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 8TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.202403 OF 2026 (GM-RES)

BETWEEN:

1. MARUTI S/O DATTATRAYYA JAVALKAR,
AGE: 56 YEARS, OCC: BUSINESS AND
PRESIDENT OF THE JAIHIND SANNA HAGU KIRUKULA
VYAPARASTATRA SANGH
VIJAYAPUR R/O OLD KUMBAR GALLI,
VIJAYAPUR-586101.

2. ATIQUE S/O MOINUDDIN HATTARAKIHAL,
AGE: 44 YEARS, OCC: BUSINESS AND
VICE PRESIDENT OF THE JAIHIND SANNA HAGU
KIRUKULA VYAPARASTAPURA SANGH VIJAYAPUR
R/O OLD KUMBAR GALLI,
VIJAYAPUR-586101.

...PETITIONERS

(BY SRI. LIYAQAT FAREED, ADVOCATE)

Digitally signed by SWETA KULKARNI
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
DEPARTMENT OF MUNICIPAL ADMINISTRATION,
VIKAS SOUDHA,
BANGALORE-560001.

2. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE VIKAS SOUDHA,
BANGALORE-560001.

3. THE DEPUTY COMMISSIONER
OPPOSITE CITY CENTRAL BUS STAND,
VIJAYAPURA-586101.

4. THE ASSISTANT COMMISSIONER
OFFICE OF THE VIJAYAPUR,
AT VIJAYAPUR-586101.

5. THE COMMISSIONER,
CITY MUNICIPAL CORPORATION
GANDHI CHOWK, VIJAYAPURA-586101.

6. THE VICE PRINCIPAL,
GOVERNMENT PU COLLEGE FOR
BOYS GANDHI CHOK VIJAYAPUR-586101.

7. THE CHAIRMAN SDMC
GOVERNMENT HIGH SCHOOL
VIJAYAPURA-586101.

…RESPONDENTS

(BY SRI. VEERANAGOUDA MALIPATIL, AGA FOR R1 TO R4,
R6 & R7;
SRI. SACHIN M. MAHAJAN, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO 1) ISSUE THE WRIT IN NATURE OF MANDAMUS DIRECTING THE RESPONDENT NO.3 TO 7 TO CONSIDER THE REPRESENTATION DATED 06.02.2025 GIVEN BY THE PETITIONERS VIDE ANNEXURE-J AND THEREBY HAND OVER THE POSSESSION OF SHOPS ALLOTTED TO THEM AT GOVERNMENT HIGH SCHOOL COMPOUND VIJAYAPURA AS DIRECTED BY THIS HON'BLE COURT IN ORDER DATED 26.09.2024 IN WP NO.202211/2024 VIDE ANNEXURE-D-1. 2) THE WRIT PETITION MAY BE ALLOWED WITH EXEMPLARY COST AS THE PETITIONERS ARE SUFFERING IN THE AND OF THE RESPONDENTS FROM NO FAULT OF THEM. 3) ISSUE ANY OTHER DIRECTIONS AS THIS

HON'BLE COURT DEEMS FIT UNDER FACTS AND CIRCUMSTANCES OF CASE.

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition petitioner seeks the following reliefs:

> *"1. Issue the writ in nature of Mandamus directing the Respondent No.3 to 7 to consider the Representation dated 06.02.2025 given by the Petitioners vide Anneure-J and thereby hand over the possession of shops allotted to them at government high school compound Vijayapura as directed by this Hon'ble Court in order dated 26.09.2024 in W.P.No.202211/2024 vide Annexure-D-1.*
>
> *2. The writ petition may be allowed with exemplary cost as the petitioners are suffering in the hands of the respondents from no fault of them.*
>
> *3. Issue any other directions as this Hon'ble Court deems fit under facts and circumstances of the case."*

2. Heard learned counsel for the petitioners, learned Additional Government Advocate for respondents

No.1 to 4, 6 and 7 and learned counsel for respondent No.5 and perused the material on record.

3. A perusal of the material on record will indicate that in the earlier round of litigations in WP No.200678-200679/2019 dated 28.06.2019 and W.P.No.202211/2024 dated 26.09.2024 preferred by the petitioners before this Court against the very same respondents herein, this Court passed the following final order.

In WP No.200678-200679/2019

"ORAL ORDER

Sri. Amaresh S.Roja, learned counsel takes notice for respondent.

2. The petitioners have deposited an amount of Rs.50,000/- and Rs.40,000/- respectively for allotment of shops situated on Kacheri Road, Vijayapur and they made representation to the respondent for allotment of shops. As the same has not been done, the petitioners have approached by way of a writ petition before this Court in W.P.no.201007-201008/2017, vide order dated 19.04.2017 a direction was issued to the respondent to consider the representation in accordance with law and thereafter the petitioners have further deposited a sum of Rs.1,50,000/- and Rs.1,60,000/- respectively on 04.09.2018 towards allotment of shops in pursuance of the letters issued by the respondent calling upon them to deposit the amount and to attend the meeting. The petitioners in fact have made representation on 19.09.2018 explaining the above said facts and also sought for allotment of the shops as per Annexure-J. till date no further orders have been passed by the

respondent considering the representation of the petitioners. Under the above said circumstances, it is just and necessary to direct the respondent to consider the said representation. Hence, the following:

ORDER

The writ petitions are allowed. Consequently, the respondent is hereby directed to consider the representation of the petitioners as per Annexure-J dated 19.09.2018 in accordance with law. The said exercise has to be done within eight weeks from the date of receipt of a copy of this order."

In WP No.202211/2024

"ORAL ORDER

1. The petitioners are before this Court seeking for the following reliefs:

   a) Issue the writ in nature of mandamus directing the respondent no.3 and 5 to consider the representation given by the petitioners vide annexure-h, h-1 and thereby allot the shops to the petitioners and office bearers of the Jaihind Sanna Kagu Kirukula vyaparashara sangha vijayapura, who are doing petty business as hawkers/ street vendors at govt. high school compound vijayapur since more than 30 years.

   b) Further directions may be issued to respondent no.3 and 5 not to dispossess the hawkers/ street vendors who are running business at govt. high school compound Vijayapur.

   c) Issue any other directions as this Honourable court deems fit under facts and circumstances of the case.

2. *The petitioners claim to be street vendors, the respondent No.5 had on 01.10.2016 passed an order directing the petitioners to move to Thal Bowdi where they could establish their business. In pursuance of this, an endorsement was issued on*

29.08.2016, and orders were passed on 22.09.2016, as regards the allotment made to each of the petitioners post the said allotment, no action has been taken. The petitioner had submitted representations at Annexation-H series for completing the process of allotment, which has not been done. In that background the petitioners are before this Court.

3. Having considered the documents filed, more particularly along with the memo dated the 21.09.2024, it is seen that allotment letters have been issued to the petitioners. It is therefore required of the respondents to complete the process of allotment within a reasonable period of time which they have not done for the last eight years. In that view of the matter, I pass the following:

ORDER

(i) The writ petition is allowed;

(ii) A mandamus is issued directing respondent Nos.3 to 5, 6 and 7, to complete the process of allotment as undertaken by them within a period of 30 days from date of receipt of copy of this order."

4. It is the grievance of the petitioners that despite the aforesaid orders, the respondents No.3 to 7 have not taken any steps to consider the representation at Annexure-J dated 06.02.2025 submitted by the petitioners and as such the petitioners are before this Court by way of the present petition.

5. Per contra, learned Additional Government Advocate as well as learned counsel for respondent No.5 jointly submit that there is no merit in the petition and the said is liable to be dismissed.

6. A perusal of the material on the record will indicated that the earlier round of litigations, this Court has issued certain directions, which have not been complied with by the respondents and since the representation at Annexure-J dated 06.02.2025 submitted by the petitioners has not been considered by the concerned respondents No.3 to 7 even till today, I deemed it just and appropriate to dispose of this petition directing the concerned respondents No.3 to 7 to address the grievances of the petitioners and consider and take appropriate steps/pass appropriate orders/ take appropriate decision pursuant to the representation at Annexure-J and give effect to and implement the earlier orders stated dated 06.02.2025 referred to supra in

accordance with law within a period of 30 days from the date of receipt of a copy of this order.

7. Subject to the aforesaid directions, petition stands disposed of.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

SMP
LIST NO.: 1 SL NO.: 10
CT:SI