IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF JANUARY, 2024

PRESENT

THE HON'BLE MR JUSTICE K.SOMASHEKAR

AND

THE HON'BLE MR JUSTICE UMESH M ADIGA

WRIT PETITION NO. 17908 OF 2023 (S-KSAT)

BETWEEN:

1. SRI.BALAKRISHNA H.,
S/O DODDA HANUMANTHAIAH,
AGED ABOUT 58 YEARS,
TAHSILDAR/ OFFICE ASSISTANT,
OFFICE OF DEPUTY COMMISSIONER,
BENGALURU RURAL DISTRICT,
NOW UNDER ORDER OF POSTING AS
TAHSILDAR GRADE I,
DEVANAHALLI TALUK OFFICE,
DEVANAHALLI,
BENGALURU RURAL DISTRICT - 562 110.

…PETITIONER

(BY SRI. SHIVU L.V., ADVOCATE FOR
SRI. MOHAMMED AKHIL, ADVOCATE)

Digitally signed by D HEMA
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE,
M.S.BUILDING,
BENGALURU - 560 001.

2. SRI. SHIVARAJU
S/O LATE BASAVEGOWDA,
AGED ABOUT 59 YEARS,
WORKING AS TAHSILDAR GRADE I,
ADALITHA SOUDHA (TALUK OFFICE),

DEVANAHALLI TALUK,
DEVANAHALLI,
BENGALURU RURAL DISTRICT - 562 110.

R/AT NO 16, 17, ASHIRVAD,
6TH CROSS, MHR LAYOUT,
SIDESHALLI,
BENGALURU - 560 073.

…RESPONDENTS

(BY SRI. V. SHIVAREDDY, AGA FOR R1
SRI. SIDDARAMESHWAR PATIL, ADVOCATE FOR
SRI. PRITHVEESH M.K., ADVOCATE FOR CR/R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI TO QUASH THE ENTIRE PROCEEDINGS PENDING BEFORE THE HONBLE KSAT IN A.No-3375/2023 ii) DIRECT THE RESPONDENT AUTHORITY TO REINSTATE PETITIONER FOR THE POST AS ON HIS APPOINTMENT ORDER AS PER THE TRANSFER NOTIFICATION BEARING No-E-KamE 72 ATS 2023 DATED 28.07.2023.

THIS PETITION, COMING ON FOR FINAL HEARING, THIS DAY, ***K.SOMASHEKAR J.,*** MADE THE FOLLOWING:

ORDER

Sri. Mohammed Akhil, learned counsel for the petitioner is represented by Sri. M. Shivu L.V, learned counsel.

2. Learned AGA for respondent No.1 is present before the Court physically.

3. Sri.Siddarameshwar Patil, learned counsel is representing Sri. Prithveesh M.K, learned caveator/respondent No.2.

4. Learned counsel for the petitioner has filed a memo dated 25.01.2024 seeking leave of this Court to withdraw the petition as having become infructuous.

5. In the meanwhile of recording the submission, learned counsel Sri. Siddarameshwar Patil appearing for respondent No.2 submits that one more writ petition is pending before this Court relating to Karnataka State Administrative Tribunal and may be tagged along with this writ petition. However, keeping in view the Article 226 of Constitution of India, a person is having a liberty which shall be protected from all angles. Consequently, even though any other writ petition is tagged along with writ petition, it cannot come into the way for considering this memo.

6. Accordingly, the writ petition is ***dismissed*** as withdrawn.

Sd/-
JUDGE

Sd/-
JUDGE

AG
List No.: 1 Sl No.: 26