



IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 12TH DAY OF NOVEMBER 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT APPEAL NO. 100305 OF 2025 (LA-RES)

BETWEEN:

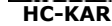
DATTATRAYA @ DATTU S/O. GOPAL SARMALKAR
AGE. 57 YEARS, OCC. SERVICE,
R/O. BADGUND, SUPA TALUK,
DIST. UTTARA KANNADA-581365.

...APPELLANT

(BY SRI V.M. SHEELVANT, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY PRL. SECRETARY,
DEPARTMENT OF REVENUE,
BENGALURU-560001.
2. THE DEPUTY COMMISSIONER,
UTTARA KANNADA,
DIST. UTTARA KANNADA-244713.
3. THE ASSISTANT COMMISSIONER
KARWAR SUB-DIVISION,
KARWAR-581301.
4. THE SPECIAL LAND ACQUISITION OFFICER,
KALI RIVER HYDRO PROJECT,



5. THE KARNATAKA POWER CORPORATION LIMITED,
K.P.C. SHAKTI BHAVAN,
RACE COURSE ROAD,
BENGALURU-560001.
6. THE CHIEF ENGINEER,
KARNATAKA POWER CORPORATION LIMITED,
AMBIKANAGAR,
DANDELI-581363.
7. THE CHIEF ENGINEER,
KARNATAKA POWER CORPORATION LIMITED,
GANESHGUDI, JOIDA,
GANESHGUDI-581365

(BY SRI ANAND ASHTEKAR, ADVOCATE FOR R5 TO R7;
SRI SHARAD V. MAGADUM, AGA FOR R1 TO R4)

THIS APPEAL COMING ON FOR PRELIMINARY HEARING
THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

*CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.*



ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE S G PANDIT)

The appellant, who was the petitioner before the learned Single Judge, is before this Court under Section 4 of the Karnataka High Court Act, 1961 questioning the order dated 10.02.2025 in Writ Petition No.102225/2024 wherein the petitioner's prayer to consider Annexure-D-letter dated 04.12.2023 and for a direction to the respondents to consider Annexure-E-representation dated 12.02.2024, is rejected.

2. Heard Sri. V.M. Sheelavanth, learned counsel appearing for the appellant/petitioner, learned AGA Sri. Sharad V. Magadam for respondent Nos.1 to 4 and the learned counsel Sri. Anand Ashtekar appearing for respondent Nos.5 to 7. Perused the entire writ appeal papers.

3. The petitioner was before this Court with a prayer to consider Annexure-D wherein the authority had forwarded the representation of the petitioner to the Karnataka Power Corporation Limited for examination and to issue an endorsement. Under Annexure-E representation dated



12.02.2024, the petitioner had requested the authorities to restore the land to the petitioner by de-notifying the land acquired.

4. Learned counsel for the petitioner/appellant would submit that the land in question, of the petitioner, was acquired for establishing Kali River Hydro Project in the year 1987 and as contended by the learned AGA, the land is not acquired for the purpose of Supa Dam and it is not submerged, as contended by the respondents.

5. Learned Single Judge on considering the contentions of the parties, at paragraph 3 has observed as follows:

"3. Learned counsel appearing for respondents No.5 to 7 submits that the land of the petitioner forms part of the backwater of the river and acts as a buffer when the water in the dam reaches close to its capacity. The powerhouse having been established, generators have been made operational, if the dam reaches its capacity, then the land of the petitioner would also be submerged, there is no question of return of the land to the petitioner as claimed for. The petitioner having received the compensation long ago, the land being required for the beneficiary, it cannot be handed over."

6. Admittedly, the acquisition of the land of the petitioner is in the year 1987. It is also an admitted fact that the petitioner has received the compensation in respect of the



acquired land immediately on acquisition. The present writ petition is filed before this Court in the year 2024 with a prayer to consider his representation dated 12.02.2024. The representation and the writ petition are nearly after 40 years. The petition suffers from delay and laches. Moreover, as observed by the learned Single Judge, the land of the petitioner would be submerged when the Dam reaches its capacity.

7. In the light of the above, we are not inclined to interfere with the learned Single Judge's order.

8. Accordingly, writ appeal stands rejected. As a consequence, I.As. stand disposed of as they do not survive for consideration.

**Sd/-
(S G PANDIT)
JUDGE**

**Sd/-
(GEETHA K.B.)
JUDGE**

kmv
CT-CMU