



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF MARCH, 2025

PRESENT

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

AND

THE HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

WRIT PETITION NO. 17864 OF 2021 (S-KSAT)

C/W

WRIT PETITION NO. 17866 OF 2021 (S-KSAT)

IN WP No. 17864/2021

BETWEEN:

SRI. C. RAMESH
S/O LATE CHINNASWAMY
AGED ABOUT 51 YEARS
PRESENTLY WORKING AS
REVENUE INSPECTOR
MALUR HOBLI, CHANNAPATNA TALUK
RESIDING AT NO.861, MEDARA BEDDI
NEAR LAKSHMI TALKIES
CHANNAPATNA-562 160

...PETITIONER

(BY SRI. R. ANIL KUMAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY ITS SECRETARY
DEPARTMENT OF REVENUE
M.S.BUILDINGS
DR.AMBEDKAR VEEDHI
BENGALURU-560 001

Digitally
signed by
SHAKAMBARI
Location:
HIGH COURT
OF
KARNATAKA



2. THE DEPUTY COMMISSIONER
RAMANAGARA DISTRICT
RAMANAGARA-571 112
3. THE TAHSILDAR
KANAKAPURA TALUK
KANAKAPURA
RAMANAGARA DISTRICT-571 112

...RESPONDENTS

(BY SRI. B.J. ESHWARAPPA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR ORDER OR DIRECTION QUASHING THE IMPUGNED ORDER DATED 13.01.2021 PASSED IN APPLICATION No-5555-5556/2020 BY THE HON'BLE KARNATAKA STATE ADMINISTRATIVE TRIBUNAL, BENGALURU AND GRANT THE PETITIONER ALL THE RELIEFS SOUGHT BY HIM IN THE APPLICATION BEFORE THE HON'BLE KSAT PRODUCED AT ANNEXURE-'B' GRANT THE PETITIONER THE COSTS OF THIS PROCEEDINGS.

IN WP NO. 17866/2021

BETWEEN:

SRI. PUTTARAJU C
S/O LATE CHANNAPPA
AGED ABOUT 56 YEARS
WORKING AS REVENUE INSPECTOR
KAILAANCHA HOBLI
RAMANAGARA TALUK
RAMANAGARA DISTRICT
RESIDING AT NO.252A



NC: 2025:KHC:11869-DB
WP No. 17864 of 2021
C/W WP No. 17866 of 2021

MANJUNATH NAGAR, 5TH CROSS
JALAMANGALA MAIN ROAD
RAMANAGARA TOWN-571 112

...PETITIONER

(BY SRI. H.S. SHANKAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY ITS SECRETARY
DEPARTMENT OF REVENUE
M.S.BUILDING
DR.AMBEDKAR VEEDHI
BENGALURU-560 001
2. THE DEPUTY COMMISSIONER
RAMANAGARA DISTRICT
RAMANAGARA-571 112
3. THE TAHSILDAR
KANAKAPURA TALUK
KANAKAPURA
RAMANAGARA DISTRICT-571 112

...RESPONDENTS

(BY SRI. B.J. ESHWARAPPA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT QUASHING THE IMPUGNED ORDER DATED 13/01/2021 PASSED IN APPLICATION NO.3833 AND 4173/2020 BY THE HON'BLE KSAT, BENGALURU AND GRANT THE PETITIONER ALL THE RELIEFS SOUGHT BY HIM IN THE APPLICATION BEFORE THE HON'BLE KSAT, PRODUCED AT ANNEXURE-B AND ETC.

THESE PETITIONS, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR JUSTICE KRISHNA S DIXIT
and
HON'BLE MR JUSTICE RAMACHANDRA D. HUDDAR

ORAL ORDER

(PER: HON'BLE MR JUSTICE KRISHNA S DIXIT)

Petitioners - Civil servants working as Village Assistants, were before the State Administrative Tribunal vide application Nos.3833 & 4173 of 2020 connected with application No.5555 & 5556 of 2020, essentially laying a challenge to the initiation and conduct of disciplinary enquiry against them on the ground that during their tenure they had permitted Eagleton Resort near Bidadi to undertake some development activities in the subject land and also that they had not taken appropriate action against the said Resort, which allegedly had encroached the Government land when the *status quo* order of the Apex Court was in operation.

2. The Tribunal, not being impressed by their cases, dismissed the same by common order dated 13.01.2021, observing that it could not undertake a



deeper examination of disputed facts, which otherwise can be settled in an appropriately constituted enquiry. The petitioners should face the subject disciplinary proceeding.

3. Learned Advocates appearing for the petitioners vehemently submit that the very substratum on which said enquiry is constituted does not exist, in the sense that the violation of Court order by the Eagle ton Resort is not only is not demonstrated but a Ten Member Committee headed by the jurisdictional Deputy Commissioner by its unanimous report dated 19.01.2012, has specifically recorded a finding that there is no violation of *status quo* order nor there is any work undertaken by the said Resort. That being the position the Tribunal, they submit, ought to have quashed the proceedings as being abuse of power.

4. Learned AGA appearing for the respondents made submission in justification of the impugned order and the reasons on which it has been constructed. He contends that there are disputed questions of facts and



therefore, the truth would come out if the disciplinary proceedings are accomplished with the participation of the delinquent employees.

5. Having heard the learned counsel for the petitioners and having perused the petition papers, we are inclined to grant indulgence in the matter for the following reasons:

5.1 A Civil servant enjoys status and certain rights such as right not to be subjected to unnecessary/unjustifiable disciplinary proceedings. Merely because one has power to hold disciplinary enquiry, that power cannot be exercised unless the jurisdictional facts are *prima facie* demonstrated. Minimum evidentiary material should be available to frame charges against the delinquent officials. In our considered view, absolutely there is no such material. Far from that, there is a wealth of material to *prima facie* show that the Eagleton Resort has not violated the *status quo* order dated 24.09.2002,



handed in SLP.Civil.No.18257/2002, then pending before the Apex Court. Learned counsel appearing for the petitioners are right in telling us that there is a Joint spot inspection report dated 19.01.2012 by a Ten Member Committee which concludes as under:

"ಇನ್ನುಳಿದಂತೆ, ಶ್ಯಾನುಮಂಗಲ ಗ್ರಾಮದ ಸ.ನಂ.83ರಲ್ಲಿ ಪೂರ್ತಿಯಾಗಿ ಗಾಲ್ಫ್ ಆಟದ ಮೈದಾನ ನಿರ್ಮಾಣ ಮಾಡಿದ್ದು, ಈ ಪ್ರದೇಶವನ್ನು ಗಾಲ್ಫ್ ಆಟಲು ಉಪಯೋಗಿಸುತ್ತಿರುತ್ತಾರೆ. ಈ ಪ್ರದೇಶದಲ್ಲಿ ಎರಡು ಆಟದ ತೆಂಗುದಾಣ/ಶೆಡ್‌ಗಳನ್ನು ನಿರ್ಮಿಸಿರುತ್ತಾರೆ ಎಂಬುದನ್ನು ಗಮನಿಸಲಾಗಿದೆ. ಮೇಲ್ಕಂಡ ಕಂಡಿಕೆಗಳಲ್ಲಿ 896 ನಿವೇಶನಗಳ ಕ್ರಯವನ್ನು ಹಾಗೂ ಇತರೆ ಕಂಡಿಕೆಗಳಲ್ಲಿ ನಮೂದಿಸಿರುವ ವಿಚಾರಗಳನ್ನು ಹೊರತುಪಡಿಸಿ ಅಂದರೆ ಮೇಲ್ಕಂಡ ವಹಿವಾಟುಗಳು ವಿವಾದಿತ ಪ್ರದೇಶಗಳಲ್ಲಿಯೂ ನಡೆದಿರುವ ಶಂಕೆ ಇದ್ದು ಇದರ ಸ್ಥಳ ತನಿಖೆಯ ಸಂದರ್ಭದಲ್ಲಿ ಗಮನಿಸಿದಂತೆ ಮತ್ತು ಲಭ್ಯ ಇರುವ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಂತೆ ಮೆ:ಈಗಲ್‌ಟನ್ ಸಂಸ್ಥೆಯವರು ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ 2003ರ ಆದೇಶದ ನಂತರ ಇತರೆ ಯಾವುದೇ ವಹಿವಾಟು ಅಥವಾ ಅಭಿವೃದ್ಧಿ ಚಟುವಟಿಕೆಗಳನ್ನು ಕೈಗೊಂಡಿರುವುದು ಕಂಡುಬರುವುದಿಲ್ಲವೆಂಬ ಅಂಶವು ವ್ಯಕ್ತವಾಗಿರುತ್ತದೆ."

5.2 This report has not been kept in view while framing the charge memo by the Jurisdictional Authority nor is it fully discussed by the Tribunal when the challenge was laid to the initiation of the enquiry. Thus, there is an error apparent on the face of the record. The matter does not end with this. During the pendency of Writ Petition,



the counsel for the petitioner, vide memo dated 13.06.2024, have placed on record the undated Enquiry Report. That was forwarded by the Additional Deputy Commissioner cum Enquiry Officer to the Government vide letter dated 15.11.2021.

5.3 There was another Spot Inspection Report dated 29.05.2010 that has been reproduced by the Enquiry Officer. It reads as under:

"ಆದರೆ ಅದರಂತೆ ಈ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸಲಾಗಿ ಈ ಕಛೇರಿಯ ಪತ್ರ ಸಂಖ್ಯೆ:ರಾಜಕ/ಎಲ್‌ಎನ್‌ಡಿ/ಸಿಆರ್/109/2009-10 ದಿನಾಂಕ 29-05-2010 ರಂದು ಸರ್ಕಾರಕ್ಕೆ ಸಲ್ಲಿಸಿರುವ ಜಂಟಿ ಸ್ಥಳ ತನಿಖಾ ವರದಿಯನ್ನು ಈ ಕೆಳಕಂಡಂತೆ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

"ಶ್ಯಾನುಮಂಗಲ ಗ್ರಾಮದ ಸ.ನಂ.83 ರಲ್ಲಿ ಪೂರ್ತಿಯಾಗಿ ಗಾಲ್ಫ್ ಆಟದ ಮೈದಾನ ನಿರ್ಮಾಣ ಮಾಡಿದ್ದು, ಈ ಪ್ರದೇಶವನ್ನು ಗಾಲ್ಫ್ ಅಡಲು ಉಪಯೋಗಿಸುತ್ತಿರುತ್ತಾರೆ. ಈ ಪ್ರದೇಶದಲ್ಲಿ ಎರಡು ಆಟದ ತಂಗುದಾಣ/ಶೆಡ್‌ಗಳನ್ನು ನಿರ್ಮಿಸಿರುತ್ತಾರೆ ಎಂಬುದನ್ನು ಗಮನಿಸಲಾಗಿದೆ. ಮೇಲ್ಕಂಡ ಕಂಡಿಕೆಗಳನ್ನು 896 ನಿವೇಶನಗಳ ಕ್ರಯವನ್ನು ಹಾಗೂ ಇತರೆ ಕಂಡಿಕೆಗಳಲ್ಲಿ ನಮೂದಿಸಿರುವ ವಿಚಾರಗಳನ್ನು ಹೊರತುಪಡಿಸಿ ಅಂದರೆ ಮೇಲ್ಕಂಡ ವಹಿವಾಟು ವಿವಾದಿತ ಪ್ರದೇಶಗಳಲ್ಲಿ ನಡೆದಿರುವ ಶಂಕೆ ಇದ್ದು, ಅದನ್ನು ಇವರಿಂದ ಸ್ಥಳ ತನಿಖೆಯ ಸಂದರ್ಭದಲ್ಲಿ ಗಮನಿಸಿದಂತೆ ಮತ್ತು ಲಭ್ಯ ಇರುವ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿದಂತೆ ಮೇ:ಈಗಲ್ಟನ್ ಸಂಸ್ಥೆಯವರು ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ 2003 ರ ಆದೇಶದ ನಂತರ ಇತರೆ ಯಾವುದೇ ವಹಿವಾಟು ಅಥವಾ ಅಭಿವೃದ್ಧಿ ಚಟುವಟಿಕೆಗಳನ್ನು ಕೈಗೊಂಡಿರುವುದು ಕಂಡು ಬರುವುದಿಲ್ಲವೆಂಬ ಅಂಶವು ವ್ಯಕ್ತವಾಗಿರುತ್ತದೆ" ಎಂದು ವರದಿ ಸಲ್ಲಿಸಲಾಗಿರುತ್ತದೆ."



6. The enquiry report at its conclusion part had stated as under:

"ಈ ಮೇಲ್ಕಂಡಂತೆ ಆರೋಪಿತ ನೌಕರರು ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುತ್ತಿರುವ ಹಿಂದೆಯಿಂದಲೂ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಪ್ರಕರಣ ದಾಖಲಾಗಿರುತ್ತದೆ ಎಂದು ಉಪವಿಭಾಗಾಧಿಕಾರಿ, ರಾಮನಗರ ಉಪವಿಭಾಗ, ರಾಮನಗರ ರವರು ತಮ್ಮ ಅಖತ ಹೇಳಿಕೆಯಲ್ಲಿ ವಿಚಾರಣಾ ಸಮಯದಲ್ಲಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯವು ದಿನಾಂಕ:24-09-2002 ರಲ್ಲಿ ಯಥಾಸ್ಥಿತಿಯನ್ನು ಕಾಪಾಡುವಂತೆ ಹೊರಡಿಸಿರುವ ಆದೇಶವನ್ನು 'Made Absolute' ಎಂದು ದಿನಾಂಕ:21-07-2003 ರಲ್ಲಿ ಆದೇಶಿಸಲಾಗಿರುತ್ತದೆ. ಅಲ್ಲದೆ "2003 ರ ಆದೇಶದ ನಂತರ ಇತರೆ ಯಾವುದೇ ವಹಿವಾಟು ಅಥವಾ ಅಭಿವೃದ್ಧಿ ಚಟುವಟಿಕೆಗಳನ್ನು ಕೈಗೊಂಡಿರುವುದು ಕಂಡು ಬರುವುದಿಲ್ಲವೆಂಬ ಅಂಶವು ವ್ಯಕ್ತವಾಗಿರುತ್ತದೆ" ಎಂದು ಈ ಹಿಂದಿನ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಜಂಟಿ ತನಿಖಾ ವರದಿಯಲ್ಲಿ ನಮೂದಾಗಿರುತ್ತದೆ ಎಂಬ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ತಮ್ಮ ಮುಂದಿನ ಕ್ರಮಕ್ಕಾಗಿ ಸಲ್ಲಿಸಿದೆ."

7. Mr.Anil Kumar, learned counsel appearing in one of the petitions, vehemently argues and we agree with the same, that the Tribunal appears to have misdirected itself in law; it proceeds on an unrealistic premise that every case involving disputed facts invariably land in disciplinary enquiry. We do not subscribe to that view because that would breed great injustice to the civil servants, whichever be their rank. It hardly needs to be



stated that in one sense, Service Tribunals established under the provisions of Administrative Tribunals Act, 1985 exercise writ jurisdiction of the High Courts. Such a view gains support from ***L.CHANDRA KUMAR V/S UNION OF INDIA*¹**. Courts and Tribunals cannot turn away a worthy cause involving legal injury by quoting some jurisprudential theories. Contra premise if operated would shake the confidence of civil servants in the adjudicatory abilities of such Tribunals. This would not augur well to the public interest. A wealth of material some how escaped the cognizance of the Tribunal and that has made these innocent civil servants to undergo years of turmoil. That is a bad thing to happen in a Welfare State which has to treat its employees with soft gloves and as a model employer vide ***BHUPENDRANATH HAZARIKA vs. STATE OF ASSAM*²**.

¹ AIR 1997 SC 1125

² (2013) 2 SCC 516



8. The last contention of the petitioners counsel that the subject disciplinary proceedings have been initiated very belatedly with no plausible explanation for the delay brooked and therefore, the same are liable to be faltered, need not be treated by us, since we have decided the matter on its intrinsic merits. Of course, we are aware of a catena of decisions of Apex Court wherein it is held that delay *per se* is no ground for interference, if some explanation for the same is demonstrable from the records.

In the above circumstances, these petitions are allowed with the following directions:

[i] A Writ of Certiorari issues quashing the impugned common order of the Tribunal. The Application Nos.3833 & 4173 of 2020 connected with Application Nos.5555 & 5556 of 2020 having been favoured, the subject enquiry proceedings are set at naught.

[ii] A Writ of Mandamus issues to the official respondents to grant to the petitioners all consequential benefits (both service and monetary), within an outer limit of twelve



weeks and report compliance to the Registrar General of this Court within two weeks next following.

(iii) If compliance is not reported as directed above, it is open to the petitioners to move a Memo so that some stringent action may be taken against the erring officials.

Costs reluctantly made easy.

Sd/-
(KRISHNA S DIXIT)
JUDGE

Sd/-
(RAMACHANDRA D. HUDDAR)
JUDGE

AM
List No.: 1 Sl No.: 19