



CNR: KAHC010271132026

NC: 2026:KHC:37182-DB
WA No. 1216 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 1216 OF 2026 (KLR-RES)

BETWEEN:

SRI. K.R. RAJESH,
PRESIDENT OF THE SCHOOL
DEVELOPMENT AND MONITORING
COMMITTEE OF GOVERNMENT,
HIGHER PRIMARY SCHOOL,
HEGGALA
RESIDING AT RAMANAGARA,
BETOLI VILLAGE,
KODAGU - 571 218.

...APPELLANT

(BY SRI. YASHODHAR, ADVOCATE AND
SRI. AJAY J NANDALIKE., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
THE CHIEF SECRETARY,
GOVERNMENT OF KARNATAKA,
VIDHANA SOUDHA,
BENGALURU - 560 001.
2. THE DEPUTY COMMISSIONER,
KODAGU DISTRICT,

Digitally
signed by
REKHA R
Location:
High
Court of
Karnataka



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ROOM NO.24, 3RD FLOOR,
NEW DEPUTY COMMISSIONER
BUILDING, MADIKERI,
KODAGU - 571 201.

3. THE ASSISTANT COMMISSIONER,
KODAGU DISTRICT,
AC OFFICE, DC OFFICE
COMPLEX,
2ND FLOOR, MADIKERI,
KODAGU - 571 201.
4. THE TAHSILDAR,
VIRAJPET TALUK,
TALUK OFFICE,
VIRAJPET TALUK,
VIRAJPET, KODAGU,
KARNATAKA - 571 218.
5. THE PANCHAYAT
DEVELOPMENT OFFICER,
BETOLI GRAM PANCHAYAT,
VIRAJPET,
KODAGU - 571 218.

...RESPONDENTS

(BY SRI. B. RAVINDRANATH, AGA FOR R1 TO R4,
R5 SERVED AND UNREPRESENTED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO ALLOW
THIS WRIT APPEAL SET ASIDE THE IMPUGNED ORDER PASSED
IN WP NO.38370/2025 DATED:18.02.2026 AND ALLOW THE
WRIT PETITION NO.38370/2025 BY ISSUING A WRIT OF
CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR



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DIRECTION QUASHING AND SETTING ASIDE THE IMPUGNED GOVERNMENT ORDER DATED:05.03.2025, IN SO FAR AS IT RELATES TO OR PERMITS THE TRANSFER AND USE OF LAND WITHIN OR APPURTENANT TO THE GOVERNMENT HIGHER PRIMARY SCHOOL, HEGGALA, KODAGU, FOR CONSTRUCTION OF A SAMUDAYA BHAVANA, AS PRAYED IN THE WRIT PETITION

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

The unsuccessful petitioner is before us in this intra Court appeal, calling in question the order dated 18.02.2006 passed by the Writ Court, in W.P.No.38370/2025.

2. The Writ Court, by means of the impugned order, disposed of the writ petition, observing that the petitioner has no *locus standi*, being the President of the



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School Development and Monitoring Committee¹ of Government Higher Primary School, to approach the Writ Court, calling in question the order dated 05.03.2025 of the Deputy Commissioner reserving 30 cents of land out of 19.04 acres in Sy.No.320/1P3, situated at Betoli Village, for putting up a Samudaya Bhavana (Community Hall), at the hands of the Grama Panchayath, Betoli, Virajpet Taluk, Kodagu District.

3. The parties are referred to as per their ranking before the Writ Court.

4. The facts germane to file the present appeal are as under:

4.1 The petitioner claiming to be the President of the SDMC, Heggala, Betoli Village, Virajpet Taluk, Kodugu District, challenged the order passed by the Deputy Commissioner dated 05.03.2025 (**Annexure-B**), reserving 30 cents of land out of 19.04 acres in

¹ "SDMC" for short



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Sy.No.320/1P3, situated at Betoli Village, Virajpet Taluk, Kodugu District, for putting up a Samudaya Bhavan (Community Hall) at the hands of the Grama Panchayat, Betoli.

- 4.2 As per the records it is also forthcoming that the petitioner instituted a suit in O.S.No.83/2025 on the file of Civil Judge and JMFC at Virajpet, seeking permanent injunction to restrain the defendants' authority from interfering with the peaceful possession of the lands belonging to the school.
- 4.3 It was the contention of the petitioner that the land wherein 30 cents has been allotted for the purpose of construction of Samudaya Bhavana (Community Hall) falls within the land belonging to the school. As such the Deputy Commissioner ought not to have passed order reserving the said land, which would adversely affect the interest of the children.
- 4.4 A primary objection was raised before the Writ Court by the High Court Government Pleader that the



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petitioner has no right to challenge the order, being the president of SDMC. The school is admittedly a Government school and it is the Principal who has to challenge that order.

4.5 In contrast, the petitioner relied on the provisions, to contend that under Section 21 of Right of Children to Free and Compulsory Education Act, 2009, provides that the school shall constitute a School Management Committee consisting of the elected representatives of the local authority, parents or guardians of children admitted in the schools and teachers and particulars stressed on clause (a) to (d) of sub-section (2) of Section 21 of the Karnataka Right of Children to Free and Compulsory Education Rules 2012, thereon in a separate chapter, Part-V, and provisions under Rule 13 (5)(k), which reads as under:

"(a)

(b)



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(k) The School Development and Monitoring Committee shall prepare School Development Plan for the financial year after identifying the needs of the school. It shall be the duty of School Development and Monitoring Committee to oversee infrastructure facilities like playground, compound walls, classrooms, toilet, furniture, provision for drinking water etc., for the school. It shall also arrange construction and maintenance of any works as per Annual Work Plan/School Development Plan. It may acquire, purchase or hire immovable or movable property as may be required for proper functioning of the school. It shall protect school premises against encroachment and nuisance. It shall ensure that the school has the Child Helpline Number displayed prominently. It shall also oversee hygiene, upkeep and maintenance of the school, in addition, monitor the school health programmes and facilitate regular health camps for the children in the school."

4.6 The petitioner relied on the judgment and order passed by this Court in **W.P.No.104897/2022** dated 13.09.2023, in the case of **SDMC, KUNDUR VS. DEPUTY COMMISSIONER, HAVERI AND OTHERS**, to contend that this Court has allowed the



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writ petition filed by the President of SDMC, wherein the Deputy Commissioner reserved lands for burial ground adjacent to school premises. It was further contented that out of 7.30 acres of land, the 30 cents now reserved for construction of Samudaya Bhavana (Community Hall) falls within the said area.

4.7 The Writ Court having considered the rival submissions was of the opinion that appropriate Government is required to make Rules to carry out the provisions supra provide for the other function to be performed by the SDMCs under clause (d) of sub-section (2) of Section 21 and in view of clause (k) of sub-rule (5) of Rule 13, the SDMC is required to protect school premises against encroachment and nuisance. But, such a provision will surely not enable the SDMC to directly sue on behalf of the school. The SDMC could have requested the Principal of the



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school to take up the issue and sue the encroachers, if any.

4.8 Further, the Writ Court has observed that the petitioner has failed to place on record any decision or resolution passed by the SDMC either to request the Principal of the school to question the decision of the Deputy Commissioner, or produced any document that is, resolution passed by the SDMC enabling the petitioner-President of the SDMC to file this writ petition. In that view of the matter the Writ Court has concluded that the petitioner has no *locus standi* to maintain the writ petition. That apart the Writ Court observed that as the suit has already been filed in O.S.No.83/2025 on the file of Civil Judge and JMFC, Virajpet, the petitioner is free to pursue his remedy before the Civil Court, reserving liberty to the State Authorities to question the *locus standi* of the petitioner in the said suit.



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4.9 With those observations, the Writ Court has formed an opinion that no relief can be given to the petitioner at present in the writ petition and accordingly, disposed of the writ petition. It is this order passed by the Writ Court called in question in this appeal.

5. Heard Sri.Yashodhar, learned counsel for Sri.Ajay.J Nandalike, learned counsel appearing for appellant and Sri.B.Ravindranath, learned Additional Government Advocate for respondent Nos.1 to 4. Respondent No.5 though served unrepresented.

6. Sri.Yashodhar, has reiterated the contention taken before the Writ Court and further submits that the defect of non-production of resolution or the decision is a curable defect and it can be produced at any time. Having considered the rival submission, we are not impressed with the arguments of Sri.Yashodhar. In the absence of materials to show that there is a decision passed by the



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SDMC requesting the Principal of the concerned school to question the order of the Deputy commissioner, or a resolution passed by the SDMC, authorising or enabling the President of SDMC to file the writ petition, petitioner lacks locus to challenge the order impugned in writ petition.

7. The Writ Court having considered the entire materials placed on record, rightly come to the conclusion that the provisions supra, not enable the SDMC directly to sue on behalf of the school and the President of the SDMC has no mandate to file the writ petition. As such, dismissed the writ petition as not maintainable for lack of *locus standi*.

8. Having considered the entire materials on record, we find no infirmities in the order passed by the Writ Court as the *locus standi* to challenge goes to the root of the right to maintain the writ petition. The writ petition



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as well as the appeal both are not maintainable and accordingly, we ***dismiss*** this appeal.

No order as to costs.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

RR
List No.: 1 Sl No.: 21
ct-vn