



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 12229 OF 2026 (GM-RES)

BETWEEN:

1. SMT. POORNIMA .C.S
W/O RAMESH D S
AGED ABOUT 38 YEARS
TAHSILDAR
R/AT VISVESHVARIAH
EXTENSION RING ROAD, HASSAN-573201.

...PETITIONER

(BY SRI. P.P.HEGDE, SENIOR ADVOCATE FOR
SRI. SAMEEKSHA .T.R, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY REVENUE DEPARTMENT
M.S. BUILDING
DR. AMBEDKAR VEEDHI, BENGALURU- 560001.
2. UNDER SECRETARY
REVENUE DEPARTMENT
M.S. BUILDING
DR. AMBEDKAR VEEDHI
BENGALURU- 560001.
3. KARNATAKA LOKAYUKTA
BY INSPECTOR GENERAL OF POLICE
M.S. BUILDING
DR. AMBEDKAR VEEDHI
BENGALURU-560001.



4. LOKAYUKTA POLICE STATION
CHIKKMAGALURU- 577101
5. ASSISTANT COMMISSIONER
TARIKERE SUB-DIVISION
CHIKMAGALUR-577228.
6. TAHSILDAR
TARIKERE
CHIKMAGALUR- 577228.

...RESPONDENTS

(BY SRI. B.S. PRASAD, ADVOCATE FOR R3 AND R4;
V/O DATED 16.04.2026, SMT. NAVYA SHEKAR, AGA FOR
R1, R2, R5 AND R6)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE
ORDER DATED 12.05.2025 ISSUED BY R-1 ACCORDING
PERMISSION UNDER SECTION 17A OF PREVENTION OF
CORRUPTION ACT, 1988 VIDE ANNEX-J.

THIS PETITION, COMING ON FOR DICTATING ORDERS,
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The petitioner has invoked the extraordinary
jurisdiction of this Court under Articles 226 and 227 of the
Constitution of India calling in question the order dated
12.05.2025 passed by respondent No.1, whereby
permission/sanction is accorded under Section 17A of the
Prevention of Corruption Act, 1988 (for short, "PC Act") to



conduct enquiry/investigation into the alleged acts of misconduct attributed to the petitioner while discharging her official duties as Tahsildar, Tarikere Taluk.

2. The facts, in brief, as borne out from the pleadings, are as follows:

The petitioner served as Tahsildar, Tarikere Taluk from 29.06.2022 to 31.07.2023 and was subsequently transferred to K.R. Nagar, Mysuru, and thereafter to Kadur Taluk, where she is presently serving.

3. It is the case of the petitioner that after a lapse of nearly one year from her transfer from Tarikere, she received communications dated 04.11.2024 and 07.11.2024 from respondent No.4/Assistant Commissioner alleging that five individuals were illegally granted lands by way of regularization without proper authority. On seeking documents, the petitioner asserts that only xerox copies of Saguvali Chits were furnished, which, according to her, are fabricated and bear forged signatures. It is further



contended that upon verification of the committee proceedings, the names of the said five persons were interpolated subsequently in different handwriting.

4. The petitioner claims to have submitted a detailed reply dated 08.11.2024 highlighting the alleged forgery and requesting an enquiry. However, respondent No.4 proceeded to seek sanction from the Government to initiate action against the petitioner. Consequently, sanction under Section 17A of the PC Act was accorded to conduct investigation.

5. It is also brought on record that an earlier sanction for prosecution relating to alleged violations under the Forest Conservation Act, 1980 and allied Rules was granted, which has been stayed by this Court in W.P. No.3423/2025.

6. Learned counsel for the petitioner would vehemently contend that the impugned sanction order is vitiated as it records a definitive finding of guilt against the



petitioner even before investigation; that the authority granting sanction has pre-judged the issue, thereby rendering the sanction non est in law; that the very foundation of the allegations is based on fabricated documents, which the petitioner herself has exposed; that once earlier sanction for prosecution is stayed, the present sanction for investigation is unsustainable.

7. In light of the rival contentions, the following points arise for consideration:

"(i) Whether this Court, in exercise of writ jurisdiction, ought to interfere with an order granting sanction under Section 17A of the PC Act for the purpose of investigation?

(ii) Whether the observations made in the impugned sanction order vitiate the sanction on the ground of pre-judgment?"



Finding on Point Nos. (i) and (ii):

8. Section 17A of the PC Act is a protective provision introduced to safeguard honest public servants from vexatious and frivolous enquiries in respect of decisions taken in discharge of official functions. At the same time, the provision does not create an impregnable shield against investigation where allegations disclose prima facie material warranting enquiry.

9. The Hon'ble Supreme Court in ***Subramanian Swamy v. Manmohan Singh and Another (2012) 3 SCC 64***, has underscored that sanction provisions are procedural safeguards and not adjudicatory determinations of guilt. Similarly, in ***Anil Kumar v. M.K. Aiyappa (2013) 10 SCC 705***, it has been held that prior sanction is a precondition for investigation, but the grant of sanction itself is not amenable to meticulous judicial review at a pre-investigation stage unless it is shown to be wholly without jurisdiction.



10. Various High Courts have consistently held that an order granting sanction under Section 17A of PC Act merely enables investigation and does not determine culpability. Interference at this nascent stage would amount to stifling a legitimate enquiry.

11. A careful perusal of the impugned order indicates that the authority has recorded that there exists a possibility of illegal land grant and that enquiry may reveal further irregularities. Though certain expressions used in the order may appear to be strongly worded, this Court is of the considered view that such observations cannot be read in isolation or construed as a conclusive finding of guilt.

12. Sanction under Section 17A of the PC Act is administrative in nature. The authority, while granting sanction, is required to apply its mind to the material placed before it to ascertain whether a prima facie case exists warranting investigation. Such prima facie



satisfaction may sometimes be articulated in language which appears conclusive, but in essence, it remains only tentative.

13. This Court is therefore of the view that the observations contained in the sanction order are pervasive in expression but limited in legal effect. They must be construed as confined to the formation of opinion necessary for granting permission to investigate and not as a declaration of guilt.

14. The petitioner has taken a categorical stand that the documents are forged and fabricated. If that be so, the same constitutes a serious allegation which necessarily requires a thorough investigation.

15. The principal contention urged by the petitioner that the names of five individuals were subsequently interpolated in the proceedings register by unauthorized insertion in different handwriting, and that the said records were at all material times in the custody of the concerned



case worker in the office of the Tahsildar, coupled with the further plea that such interpolation has allegedly occurred after the petitioner's transfer, thereby shifting the liability upon subordinate officials, cannot be gone into or adjudicated in exercise of writ jurisdiction at this stage. Equally, the allegation that the so-called Saguvali chits are fabricated documents created by forging the petitioner's signature and setting up false records, are matters which squarely fall within the domain of investigation. These are serious and disputed questions of fact which necessarily require a thorough probe by the competent investigating agency.

16. This Court is therefore of the considered view that all such contentions urged by the petitioner, including the plea of forgery, interpolation of records, and involvement of other officials, can be effectively examined and unearthed during the course of investigation. At this juncture, what is impugned is only a sanction granted under Section 17A of the PC Act, 1988 to facilitate such



investigation. This Court does not find any compelling reason to interdict the process at its threshold.

17. Mere initiation of investigation, by itself, does not visit the petitioner with any civil or penal consequences so as to warrant interference under Articles 226 and 227 of the Constitution of India. The petitioner would have ample opportunity to place her defence, tender her explanation, and have her statement recorded before the Investigating Officer. The question as to whether the names of the five persons were indeed interpolated in the records, and whether the signatures attributed to the petitioner are forged, are all matters which are to be established on the basis of evidence during investigation. Hence, this Court is not inclined to grant any indulgence at this nascent stage.

18. This Court cannot, in exercise of writ jurisdiction, undertake a roving enquiry into disputed questions of fact, particularly when the petitioner herself



seeks to rely on factual assertions which require evidentiary adjudication.

19. This Court is of the considered opinion that the impugned sanction order does not suffer from lack of jurisdiction. The observations contained therein, though strongly worded, are only for the limited purpose of granting sanction under Section 17A of the PC Act. Interference at this stage would amount to pre-empting a statutory investigation. Accordingly, point Nos. (i) and (ii) are answered in the ***negative***.

20. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

- (i) The writ petition is ***dismissed***;
- (ii) It is clarified that the observations made in the impugned sanction order shall be construed as confined only to the grant of permission under



Section 17A of the Prevention of Corruption Act, 1988 for the purpose of investigation and shall not influence the investigating agency or any subsequent proceedings on merits;

(iii) All contentions of the petitioner on facts and law are left open to be urged before the appropriate forum at the appropriate stage;

(iv) No costs.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

ALB

List No.: 1 Sl No.: 10