



CNR: KAHC010374702022

NC: 2026:KHC:40291
WP No. 16511 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 16511 OF 2022 (GM-RES)

BETWEEN:

SRI NARASIMHA MURTHY
S/O MUNIYAPPA
AGED ABOUT 37 YEARS
R/AT BIDADUR VILLAGE AND POST
KASABA HOBLI
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT - 562110.

...PETITIONER

(BY SRI. NANJA REDDY P N., ADVOCATE)

AND:

Digitally
signed by
SUNITHA K S
Location:
High Court of
Karnataka

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF COMMERCE AND INDUSTRIES
M S BUILDING
BENGALURU - 560001.
2. THE DEPUTY COMMISSIONER
BENGALURU RURAL DISTRICT
CHAPPARAKALLU DEVANAHALLI
BENGALURU RURAL DISTRICT - 562110.



CNR: KAHC010374702022

NC: 2026:KHC:40291
WP No. 16511 of 2022

3. THE TAHASILDAR
DEVANAHALLI TALUK
DEVANAHALLI
BENGALURU RURAL DISTRICT - 562110.
4. THE DEPUTY DIRECTOR
DEPARTMENT OF MINES AND GEOLOGY
BENGALURU RURAL DISTRICT
DISTRICT ADMINISTRATIVE BHAVAN
2ND FLOOR, ROOM NO.219,
BEERASANDRA VILLAGE
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT - 562110.
5. M/S DILEEP BUILDCON LIMITED,
REPRESENTED BY MANAGING DIRECTOR
SRI DILEEP SURYAVANSHI,
PLOT NO. 05,
INSIDE GOVINDANARAYANA SINGH GATE
CHUNA BHATTI
KOLAR ROAD
BHOPAL MP - 462016
REGISTERED UNDER COMPANIES ACT, 1956.

...RESPONDENTS

(BY SRI. MAHANTESH SHETTAR, AGA FOR R-1 TO R-4
AND VIDE ORDER DATED 16.02.2023, NO NEED TO
ISSUE NOTICE TO R-5 FOR THE PRESENT)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF CONSTITUTION OF INDIA PRAYING TO DIRECT
THE RESPONDENTS TO CONSIDER THE CASE OF THE
PETITIONER FOR PAYMENT OF COMPENSATION OF



CNR: KAHC010374702022

NC: 2026:KHC:40291
WP No. 16511 of 2022

RS.50,00,000/- FOR THE LOSS CAUSED TO THE PETITIONER'S POULTRY FARM ESTABLISHED IN SY.NO.217/6 OF BIDALUR VILLAGE, KASABA HOBLI, DEVANAHALLI TALUK IN TERMS OF THE GOVERNMENT ORDER DTD 02.09.2021 AS PER ANNEXURE-D.

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

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

The petitioner who is running a poultry farm on his land bearing Survey No.217/6 of Bidalur Village, Kasaba Hobli, Devanahalli Taluk, is before this Court seeking following reliefs:

" Issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to consider the case of the petitioner for payment of compensation of Rs.50,00,000/- for the loss caused to the petitioner's poultry farm established in Sy.No.217/6 of Bidalur village, Kasaba Hobli, Devanahalli Taluk in terms of the Government Order dated 02.09.2021 as per Annexure-D."



CNR: KAHC010374702022

**NC: 2026:KHC:40291
WP No. 16511 of 2022**

2. The case of the petitioner is that the respondent No.5 is carrying on stone crushing and quarrying work upon the license issued by the Deputy Commissioner in the land bearing Survey No.149, measuring 8 acres 28 guntas of Kodagurki Village of Devanahalli Taluk, which is stated to be situated adjacent to the land of the petitioner. It is alleged that the respondent No.5 without taking any precaution of protecting the health and property of the general public and in violation of Clauses 10 and 13 of the license issued to him, has been carrying on the crushing and quarrying activities on the said land. Due to the aforesaid crushing and quarrying activities being carried on by the respondent No.5, the birds in the poultry run by the petitioner were not being able to withstand the sound and tremors, which affected the business prospects of the petitioner. The petitioner had obtained loan from the bank for running his business. He had submitted representation to respondent Nos.3 and 5 to compensate him for the losses suffered by him on account of crushing and quarrying activities carried out by respondent No.5 in violation of the licence conditions. The petitioner had also requested



respondent No.4 to take necessary steps in preventing and stopping the quarrying activities by the respondent No.5, which has also not been considered.

It is in the background of the aforesaid averments and allegations, the petitioner is before this Court seeking the relief as noted above.

3. The learned Addl.Government Advocate was directed to seek instructions as to the authority which is required to enquire and assess the damages in respect of the matter of this nature. On instructions, learned Addl.Government Advocate submits that respondent No.2- Deputy Commissioner is the authority to look into the matters of this nature, as the respondent No.2 - Deputy Commissioner who had issued the license for crushing and quarrying activities. He also refers to an order of Division Bench of this Court in the case of **Obayya Poojary and others -vs- Karnataka State Pollution Control Board and others**, passed in Writ Petition No.17078/1997, dated 10.07.1998, in support of the said submission.



**NC: 2026:KHC:40291
WP No. 16511 of 2022**

4. In that view of the matter, the Writ Petition is ***disposed of***, directing the petitioner to make a representation to the respondent No.2-Deputy Commissioner providing particulars and the documents, if any, within 30 days from the date of receipt of the certified copy of this order.

5. The respondent No.2-Deputy Commissioner on issuing notice to the private respondents, hold an enquiry, provide sufficient opportunity of personal hearing to the parties and thereafter pass orders on the said representation to be filed by the petitioner, strictly in accordance with law, within an outer limit of 90 days from the date of submission of the representation.

**Sd/-
(M.G.S. KAMAL)
JUDGE**

BK
List No.: 1 Sl No.: 23