



CNR: KAHC010433662026

NC: 2026:KHC:51404
WP No.19694 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 19TH DAY OF SEPTEMBER, 2026
BEFORE
THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI
WRIT PETITION NO.19694 OF 2026 (GM-KEB)

BETWEEN:

SRI. MATHEW N. JOHN
S/O MATHEW
AGED ABOUT 77 YEARS
R/AT NELLITHANAM HOUSE
SIDDAPURA VILLAGE, KUNDAPURA TALUK
UDUPI DISTRICT - 576 201.

...PETITIONER

(BY SRI. USMAN P, ADV.,)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
ENVIRONMENT AND FOREST DEPT.,
M.S. VILLE, BANGALORE - 560 001.
2. THE DEPUTY CONSERVATOR OF FOREST
SHANKARANARAYANA - 576 227
KUNDAPURA RANGE
UDUPI DISTRICT.
3. THE EXECUTIVE ENGINEER
MANGALORE ELECTRICITY SUPPLY CO.,,
(MESCOM), SHANKARANARAYANA - 576 227
UDUPI DISTRICT.

...RESPONDENTS

(BY MS. AMARAVATHY H.R. AGA FOR R1 & R2
MR. H.V. DEVARAJU, ADV., FOR R3)



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THIS W.P. IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECTING THE 3RD RESPONDENT TO PERMIT THE PETITIONER TO CONTINUE THE WORK OF CONVERSION OF ELECTRICAL LINE IN HIS PROPERTY BEARING SURVEY NO.545 OF SIDDAPURA VILLAGE, IN KUNDAPURA TALUK, UDUPI DISTRICT, FROM SINGLE PHASE TO 3 PHASE IN ACCORDANCE WITH LAW & ETC.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The present writ petition is filed seeking the following prayer:

"PRAYER

WHEREFORE, the Petitioner most respectfully prays that this Hon'ble Court may be pleased to:

- A. To issue a writ in the nature of mandamus directing the 3rd Respondent to permit the Petitioner to continue the work of conversion of electrical line in his property bearing survey No.545 of Siddapura Village, in Kundapura Taluk, Udupi District, from single phase to 3 phase in accordance with law.***
- B. To issue a writ in the nature of mandamus directing the 2nd Respondent not to obstruct the work of conversion of electrical line to the property belonging to the Petitioner in survey No.545 of Siddapura Village, in Kundapura Taluk, Udupi District, from single phase to 3 phase.***



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C. To issue such other order, writ or directions as this Hon'ble Court may deem fit to grant in the circumstances of the case, in the interest of justice."

2. It is the case of the petitioner that the petitioner is the owner of 9 acres of agricultural land in Survey No. 545 of Siddapura Village, Kundapura Taluk, Udupi District. The petitioner purchased the said property under a registered Assignment Deed dated 23.07.2009. Subsequently, the mutation was effected in the name of the petitioner. The predecessor in title was a soldier, and the Government of Karnataka was pleased to grant 9 acres of agricultural land in Sy.No. 545 to him. It is stated that thereafter the Tahsildar, Kundapura Taluk, filed a petition before the Assistant Commissioner, Kundapura Taluk, Udupi District, for cancellation of the grant and mutation on the ground that the land purchased by the petitioner was declared a reserve forest with effect from 01.10.2010 under a notification. After hearing the petitioner and verifying the documents submitted by the petitioner, the Assistant Commissioner, by an order dated 24.04.2017, rejected the claim of the Tahsildar and dismissed



the petition filed by him to set aside the grant. No appeal has been filed against the order dated 24.04.2017.

3. It is stated that after the dismissal of the petition filed by the Tahsildar, the Tahsildar again filed a petition on the same cause of action for the cancellation of the grant before the Assistant Commissioner. The Assistant Commissioner, without having jurisdiction to entertain any such petition since an order has already been passed and has attained finality, passed an order cancelling the grant/saguvali chit without following the due process of law. Aggrieved by the said order, the petitioner preferred an appeal before the Deputy Commissioner, and the Deputy Commissioner was pleased to grant an ad-interim order of stay on 22.04.2025, staying the operation of the order passed by the Assistant Commissioner. It is stated that the said order is subsisting as on today.

4. It is stated that earlier, the petitioner obtained an electrical connection to the property. The electrical line is single-phase, and the petitioner filed an application to convert it into a three-phase line, as his irrigation requirements necessitate such a connection. It is stated that the work of



converting the single-phase line to a three-phase line was almost complete, with installation to an extent of 90%. At that juncture, the respondent No.3 authorities stopped the work without issuing any notice or order, on the ground that the respondent No.2 had submitted a representation to stop the work. The petitioner then requested the respondent No.2 under the Right to Information Act by filing an application on 22.05.2026. In response, the complaint filed by the Deputy Conservator of Forest, Shankaranarayana, was provided to the petitioner.

5. It is stated that respondent No. 2, without any authority, has illegally stopped the work of conversion of a single-phase electrical line to a three-phase electrical line, and the petitioner is unable to carry out agricultural operations. It is submitted that, having no other alternative, the petitioner has come before this Court.

6. Learned counsel appearing for the respondent No. 3 submits that this is reserve forest land and that no such connection can be provided. In view of that, they have intimated the same to the petitioner. In the light of the



communication received from respondent No.2, respondent No.3 could not grant the additional power supply to the petitioner pursuant to the application dated 02.05.2026.

7. Learned Additional Government Advocate representing respondents Nos. 1 and 2 submits that the land is forest land and that the grant was made after the land was notified as reserve forest land. No operations can be undertaken in the reserve forest area. In the light of the same, respondent No. 2 has communicated to respondent No. 3, and the petitioner is not entitled to any relief from this Court. Learned Additional Government Advocate does not dispute the fact that the appeal is pending before the Deputy Commissioner.

8. Having heard the learned counsel on either side, perused the material on record. The undisputed facts in this case are that a grant was given in favor of the ex-serviceman. Later, in the year 2009, the petitioner purchased the property, and respondent No.3 had already provided a single-phase electric connection to the petitioner. The grant given to the predecessor of the petitioner was questioned by the Tahsildar



before the Assistant Commissioner, and that was dismissed. Later, another application was filed, and on that the Assistant Commissioner passed an order canceling the grant that was questioned before the Deputy Commissioner, and the Deputy Commissioner stayed the proceedings. In those circumstances, respondent No.3, without the said dispute being decided, cannot issue any directions to respondent No.3, and is not obligated to follow directions in the light of the fact that the Deputy Commissioner has already stayed the order passed by the Assistant Commissioner.

9. In the considered opinion of this Court, in the interest of justice and balancing the interests of all the parties, respondent No.3 shall be directed to sanction the additional power supply of 4 HP as sought by the petitioner, and the same shall be subject to the orders to be passed by the Deputy Commissioner in the pending appeal. Accordingly, this Court is passing the following order:

ORDER

- i. The respondent No. 3 is directed to sanction the additional 4 HP power supply as per the



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representation dated 02.05.2026. It shall be subject to further orders to be passed in the pending appeal before the Deputy Commissioner.

- ii. Accordingly, the writ petition is ***disposed of***.
- iii. All I.As. in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

MEG
List No.: 1 Sl No.: 38