



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**  
**DATED THIS THE 17<sup>TH</sup> DAY OF APRIL, 2026**  
**BEFORE**  
**THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV**  
**WRIT PETITION NO. 23160 OF 2025 (LA-RES)**

**BETWEEN:**

1. B Y VISHESH  
S/O B V YOGISH,  
AGED ABOUT 39 YEARS,
2. B Y CHAKRESH  
S/O B V YOGISH,  
AGED ABOUT 43 YEARS,

BOTH ARE RESIDING AT  
NO.607, OPPOSITE TO APMC,  
B H ROAD, TARIKERE TALUK,  
CHIKKAMAGALURU DISTRICT-577 228  
EMAIL: visheshby@gamil.com  
ph: 94490 32454

... PETITIONERS

(BY SRI. RAVEENDRA G. KOLLE., ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REP BY ITS PRINCIPAL SECRETARY,  
DEPARTMENT OF REVENUE,  
M.S.BUILDINGS, BENGALURU-560 001
2. DEPUTY COMMISSIONER  
CHIKKAMAGALURU-577 101  
CHIKKAMAGALURU DISTRICT.



3. THE ASSISTANT COMMISSIONER AND  
THE LAND ACQUISITION OFFICER  
TARIKERE-577 228
4. VISHVESHWARAIAH JALA NIGAM LIMITED  
A GOVT. OF KARNATAKA UNDERTAKING,  
REPRESENTED BY ITS MANAGING DIRECTOR,  
NO.148, EMBASSY SQUARE,  
GROUND FLOOR, INFANTRY ROAD,  
BENGALURU-560 001
5. THE ASSISTANT EXECUTIVE ENGINEER  
VISHVESHWARAIAH JALA NIGAMA LIMITED,  
A GOVT. OF KARNATAKA UNDERTAKING,  
KADUR TANK FILLING SCHEME,  
KADURU SUB DN., TARIKERE-577 228  
CHIKKAMAGALURU DISTRICT.

... RESPONDENTS

(BY SRI. A.S. HARISH, AGA FOR R1 TO R3;  
SRI M R C RAVI, SENIOR ADVOCATE FOR  
SRI NAGAIAH, ADVOCATE FOR R4 AND R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH OR SET ASIDE THE ORDER DATED 09.07.2025 AT NO.LAQ.CR/34/2021-22 PASSED BY 3<sup>RD</sup> RESPONDENT ASST. COMMISSIONER AND LAND ACQUISITION OFFICER PRODUCED AT ANNEXURE-A, AS THE SAME IS OPPOSED TO LAW AS ALSO ARBITRARY AND WITHOUT THE APPLICATION OF MIND AND/OR ETC.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED ON 08.04.2026 AND COMING ON FOR PRONOUNCEMENT OF ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV



**CAV ORDER**

The petitioners, who are the land owners have sought to challenge the order at Annexure-'A' dated 09.07.2025 passed by respondent No.3 - Assistant Commissioner and the Land Acquisition Officer, Tarikere. The order at Annexure-'A' is passed by the Land Acquisition officer, whereby, the representations of the petitioners regarding change of alignment has been rejected on the basis of technical report and decision has been taken for furtherance of the Project.

2. The facts are that on 03.12.2022, the Notification was published in the Official Gazette under Section 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement, Act 2013 [for brevity, 'Land Acquisition Act, 2013'] for acquiring an extent of 16.00 guntas of petitioners' land bearing Survey No.309/1 of Doranalu Village, Kasaba Hobli, Tarikere Taluka, Chikkamagalur District for the purpose of 'Tarikere & Kadur Tank Filling



Project'. It is made out that the Award has been passed and compensation has been deposited before the Reference Court. However, parallelly, the petitioners have been making representations seeking for change in the alignment of the Project on the ground that the proposed Pipeline from the Bhadra Project which would pump water into the lakes in Tarikere, Kadur and Chikkamagaluru runs through the petitioners' property bifurcating the petitioners' land into different portions.

3. It is the stand of the petitioners that slight deviation would not cause any financial prejudice and in fact, the Pipeline could be laid on the Northern side of the land bearing Survey No.309/1 belonging to the petitioners instead of implementing the Project in terms of the existing alignment that bifurcates the petitioners' land into two portions.

4. The petitioners had made representations on 29.12.2022 (Annexure-'F') and 24.04.2023 (Annexure-'G')



seeking change of alignment and non-consideration of the same has led the petitioners to file Writ Petition No. 14380/2023, which came to be disposed of on 04.12.2024 with a direction to consider the representations/objections of the petitioners.

5. Pursuant to the order of this Court dated 04.12.2024 passed in W.P.No.14380/2023, the Special Land Acquisition Officer has passed a detailed order on 09.07.2025 at Annexure-'A' considering the representations for change in alignment. The Special Land Acquisition Officer, in terms of the Report submitted by the Assistant Executive Engineer, Visvesvaraya Jala Nigama Limited, Upper Bhadra Project, whereby, it was opined that the alignment could not be changed, has passed the impugned order.

6. In the order of the Special Land Acquisition Officer dated 09.07.2025, there has been consideration of the request of petitioners for issue of Corrigendum to the



Gazette Notification dated 03.12.2022 issued under Section 11(1) of the Land Acquisition Act, 2013.

7. The said order refers to the report of the Assistant Executive Engineer, Kaduru and lists out the prominent points of the report which are extracted hereinbelow: -

" ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಇಂಜಿನಿಯರ್ ಕಡೂರು ಇವರು

1. ಪೈಪ್ ಲೈನ್ ಪಂಕ್ತೀಕರಣವನ್ನು ಅಂತಿಮಗೊಳಿಸುವಾಗ ಎಲ್ಲಾ ಸಾಧ್ಯತೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿ ಹಾಗೂ ವಿವರವಾದ ಸಮೀಕ್ಷೆ ಕಾರ್ಯ ನಡೆಸಿ, ಜಲವಿಜ್ಞಾನ, ತಾಂತ್ರಿಕ ಮತ್ತು ಆರ್ಥಿಕ ವಿಷಯಗಳನ್ನು ಪರಿಶೀಲಿಸಿ, ಇದರಿಂದ ಸರ್ಕಾರಕ್ಕೆ ಹೆಚ್ಚುವರಿ ಆರ್ಥಿಕ ಹೊರೆಯಾಗದಂತೆ ಪರಿಶೀಲಿಸಿ, ಸೂಕ್ತ ಪಂಕ್ತೀಕರಣವನ್ನು ಅಂತಿಮಗೊಳಿಸಲಾಗಿರುತ್ತದೆ.

2. ಪೈಪ್ ಲೈನಿನ ಸುತ್ತಳತೆಯು 1.60ಮೀ. ಇದ್ದು, ಮೈಲ್ಡ್ ಸ್ಟೀಲ್ ವಸ್ತುವಿನಿಂದ ತಯಾರಿಸಲಾಗಿದ್ದು ಸದರಿ ಪೈಪ್ ಲೈನ್‌ಅನ್ನು ಸುಲಭವಾಗಿ ಬಾಗಿಸಲು ಸಾಧ್ಯವಾಗುವುದಿಲ್ಲ. ಸದರಿ ಎಂ.ಎಸ್.ಪೈಪ್‌ಗಳನ್ನು ರೈತರ ಮನವಿಯಂತೆ ಲಂಭಕೋನದಲ್ಲಿ ತಿರುಗಿಸಲು ಆಗುವುದಿಲ್ಲ. ಇದರಿಂದ friction loss ಸಂಭವಿಸುತ್ತದೆ. ಇದರಿಂದ velocity ಇಳಿಕೆಯಾಗಿ high pressure ಉಂಟಾಗುವ ಸಾಧ್ಯವಿರುತ್ತದೆ. ಇದರಿಂದ ಪೈಪ್‌ಗಳು ಡ್ಯಾಮೇಜ್ ಆಗುವ ಸಂಭವವಿರುತ್ತದೆ.

3. ಪೈಪ್ ಲೈನ್ ಪಂಕ್ತೀಕರಣವನ್ನು ಅಂತಿಮಗೊಳಿಸುವಾಗ ಸಾಧ್ಯವಾದಷ್ಟು ನೇರ ಪಂಕ್ತೀಕರಣವನ್ನೇ ಅಳವಡಿಸಲಾಗಿರುತ್ತದೆ.



4. ಸದರಿ ಪೈಪ್ ಲೈನ್‌ನ ಪಂಪ್‌ನ ಕೆಪ್ಪಾಸಿಟಿ 3190.00 ಎಚ್.ಪಿ.ಗಳಷ್ಟಿದ್ದು, ಅದರ ಪಂಪ್ ಹೆಡ್ ಸುಮಾರು 177.00 ಮೀ. ಗಳಾಗಿರುತ್ತದೆ. ಹಾಗೂ ಸದರಿ ಪೈಪ್ ಲೈನ್‌ನಲ್ಲಿ 4.018 Cumecs discharge ನೀರು 2.20m/s velocityಯಲ್ಲಿ ಹರಿಯುತ್ತಿರುತ್ತದೆ.

5. ಸದರಿ rising main-02 ನ ಪೈಪ್‌ಲೈನ್ ಪಂಕ್ತೀಕರಣವು ಒಟ್ಟು 16.05 ಕಿ.ಮೀ. ಗಳಷ್ಟು ಉದ್ದವಾಗಿದ್ದು ಈಗಾಗಲೇ 13.50 ಕಿ.ಮೀ. ಉದ್ದ ಪಂಕ್ತೀಕರಣದಲ್ಲಿ ಗುತ್ತಿಗೆದಾರರು ಕಾಮಗಾರಿಯನ್ನು ಪೂರ್ಣಗೊಳಿಸಿರುತ್ತಾರೆ.

6. ಈ ಸದರಿ ಸರ್ವೆ ನಂಬರ್ 309/1 ಜಮೀನಿನ ಮಾಲೀಕರು ತಿಳಿಸಿರುವ ಹಾಗೆ 309/1 ರ ಮುಂದಿನ ಬದಿಯಲ್ಲಿ State Highway ಹಾದುಹೋಗುತ್ತದೆ. ಅದುದರಿಂದ ಸರ್ವೆ ನಂಬರ್ 309/1 ರಲ್ಲಿ ಪೈಪ್ ಲೈನ್ ಮಧ್ಯದಲ್ಲಿ ಹಾದುಹೋದರೂ ಕೂಡಾ ಎರಡು ಹಿಸ್ಸಾಗಳಿಗೆ ನೇರವಾಗಿ State Highway ಯಿಂದ ಮಾರ್ಗ ರಸ್ತೆ ಇರುತ್ತದೆ.

7. ಸದರಿ ಗ್ರಾಮದ ಅಕ್ಕಪಕ್ಕದ ರೈತರ ಜಮೀನುಗಳಿಗೆ ಅವಾರ್ಡ್ ಮೊತ್ತವನ್ನು ಪಾವತಿಸಲಾಗಿದೆ. ಮತ್ತು ಕೆಲವು ಪಂಕ್ತೀಕರಣದಲ್ಲಿ ಕಾಮಗಾರಿಯನ್ನು ಈಗಾಗಲೇ ನಿರ್ವಹಿಸಲಾಗಿದೆ.

8. ಸದರಿ ಸರ್ವೆನಂಬರ್‌ನ ಜಂಟಿ ಸ್ಥಳ ತಪಾಸಣೆ ಮಾಡಿದಾಗ ಜಮೀನಿನಲ್ಲಿ ಯಾವುದೇ ತೋಟಗಾರಿಕೆ ಬೆಳೆಗಳು ಇರುವುದಿಲ್ಲವೆಂದು ದೃಢೀಕರಿಸಲಾಗಿದೆ."

8. The said technical points are reiterated in the report dated 27.06.2025.



9. After referring to the technical report, it is opined that the Award was already approved and compensation was paid to many land owners in terms of the approved Project and therefore, it would not be appropriate at such stage to change the alignment of the Pipeline.

10. The statement of objections has been filed by respondent Nos.4 and 5 reiterating that the decision was taken pursuant to this Court's order dated 04.12.2024 passed in W.P. No.14380/2023 after issuing notice to all the interested persons. The contents of the technical report have been reiterated, and it is observed that the alignment of the Pipeline was ensured to be in a straight line so that there was no loss of velocity of flow of water and that the parameters associated were such that bending of the Pipeline was not feasible. The relevant extract in the statement of objection is as below: -

"...

1. Discharge: 4.018 cumecs
2. Head 177.00m



3. *Pump capacity 3190 H.P*
4. *Velocity of water 2.20 m/s*
5. *Material used mild steel*

*It is technical not feasible to bend the pipeline to avoid bifurcation of the petitioners land for the reason above said parameters are to be fulfilled to ensure that the flow of desired quantum of water reaching the beneficiaries in the tail end.."*

11. It is also asserted that the Pipeline would be 1.5 meters below the surface of land and would not cause bifurcation of the land in real sense.

12. It is further pointed out that the Pump House is situated at Doranalu Village and water is drawn through 3 (three) Pipelines which end in the petitioners' land from where there is a diversion.

13. It is opined that the change in alignment at this stage cannot be considered. The Authority has also detailed the other developments including the passing of Award on 23.09.2025 with respect to an extent of 14.00



guntas of land in Survey No.309/1 of Doranalu village belonging to the petitioners.

14. It is further submitted that after passing of Award, the compensation was deposited before the Civil Court, Chikkamagaluru.

15. This Court, by order dated 20.02.2026, had directed the Executive Engineer to file an affidavit advertng to the following:-

- (i) Possibility of change in alignment;
- (ii) Consequences of such change;
- (iii) Technical feasibility;
- (iv) Financial implication;
- (v) Delay and costs of delay in case of change.

16. Pursuant to such order, the affidavit of Executive Engineer, Visvesvaraya Jala Nigama Limited is filed. Paras-4 to 8 of the said affidavit which adverts to the aspects highlighted by the Court in the order dated 20.02.2026 is extracted hereinbelow:



*"4. I state that the Petitioner requested to draw the pipeline on convex section thereby avoid laying of the pipelines at Petitioner's land. The request of the Petitioner cannot be considered for the reasons that, the project has to be changed by invoking acquisition proceedings afresh and invite tender for construction of pipeline on convex section which changes the project to an extent which concurrence from the Government, Finance Department and DPR Section has to be obtained afresh, in addition to that to face the litigation from land owners which causes unnecessary delay in implementing the project apart from price escalation to suit the additional project work, which will burden to the state exchequer which deprive the right of the beneficiary, therefore, the drawing of pipeline on convex section is impermissible, hence this affidavit.*

*5. I state that while preparing the DPR for approval of the scheme in the year 2020 from the Government, drawing up of the laying pipelines at the barren land wherever available and thereby avoid laying the pipeline on the garden land, villages and temple, gas godown etc. Such being the case, as suggested by the Petitioner laying the pipeline to convex section, we shall have to encounter all the parameters as mentioned above which are highly impossible at this point of time. Except the disputed*



*area belongs to the Petitioner, rest of the places, pipeline has already been laid and awaited for vacation of the interim order for laying the pipeline on the Petitioners land.*

*6. I state that at this point of time, the alignment of the pipelines cannot be changed in order to facilitate the Petitioner for the reasons that the velocity, in which the water flow has to be achieved, changes due to bend in pipes and reduces the speed in which the water has to flow, which in turn increases friction in pipe and extra load on pumps, also extra protection for surge protection work for the entire pipeline work. I further state that bend in pipe with the change in velocity in which the water has to flow will be reduced from 2.0 Meter per second to 1.8 Meter per second, this varies the timeline in which the water has to reach delivery/discharge chamber.*

*7. I further state that the change in pipeline in convex section on the Petitioners land, the financial burden is approximately Rs.6.00 Crores (Six Crores) approx. towards the fresh acquisition of the additional land, for taking protection work for bending of pipe at 3 points, to an extent of 90 degrees, where the present alternative laying of pipe on the Petitioners land is about 250 Metres as*



*against existing 170 Metres. Breaking down 6.00 Crores includes:*

*a. Issuing new land acquisition proceedings to acquire the land of the petitioner from 14 guntas to 22 guntas which will incur Rs.70,00,000/- approx. as against the acquired land which includes acquiring Dairy Farm, Temple and Horticulture crops grown above the land.*

*b. Length of the pipe to be installed increases from 170 mts to 250 mts which will incur a cost of Rs.30,00,000/- approx. in addition.*

*c. Due to bend in pipes at 3 points surge of the water flow also increases to which surge protection work has to be rectified which will incur an additional cost of Rs.1,00,00,000/- approx.*

*d. The current pressure in which water flow is managed by using a pump of 3190 H.P. with a head placed at around 177 mts above the ground level since change/bend in pipe reduces the speed and flow in which the water has to flow, in order to achieve the desired speed and discharge at the delivery point new pump head, pump capacity, delivery pipe, Manifold and Valves has to be installed with a pump having capacity of 3400 H.P. and a head of 185 mts approx. in order to achieve the desired*



*plan which in turn costs around Rs.4,00,00,000/- approx.*

*8. Apart from the delay caused in execution of the work in change circumstances gives rise for the Contractor to claim price escalation from the Respondent thereby the change of drawing in pipeline in convex section is technically impossible, hence this affidavit."*

17. It is clear from the averments in the affidavit that any changes in the alignment due to bend in pipes reduce the velocity from 2.0 Meter per second to 1.8 Meter per second thereby affecting the time within which the water has to reach the Delivery/Discharge Chamber.

18. Though it is the stand of the Authorities that fresh acquisition of land would be required in order to bend the Pipe thereby increasing acquisition from 170 Metres to 250 Metres, the petitioners have filed a rejoinder disputing the same.



19. The affidavit also adverts to cost overruns by reference to increased length of pipe, surge protection work as a result of bend in pipe and cost involved for new pump head, increase pump capacity, and changes in delivery pipe.

20. The rejoinder filed by the petitioners in response to such affidavit is on the basis of a report of an Approved Civil Engineer who has submitted "Cost Benefit Analysis Report."

21. The petitioners assert that the alternative alignment would reduce the Project costs; that they have no objection for laying of Pipeline along the boundary of the petitioners' property; the increased expenditure for the Project of Rs.6.00 crores is specifically denied and the assertion in the affidavit that the change in alignment would require heavy duty pumping arrangements or surge protection mechanisms are also specifically denied.



22. It is specifically asserted at para-6 of the rejoinder as follows:

*"6. ... Therefore, the marginal variation in alignment does not materially alter the technical parameters of the project nor does it increase the financial burden on the State Exchequer."*

23. While the rejoinder to the affidavit does point out to the consent of petitioners for utilization of the land in the other portion alongside the boundary, however, the assertion regarding non-alteration of the technical parameters despite variation in the alignment cannot be accepted.

24. It is first to be noticed that the alignment is pursuant to the approved Detail Project Report (DPR). Once the Project Report is accepted, the alignment freezes. The change in alignment cannot be accepted as a matter of course at the request of the property owners. The individual interest of property owners cannot always be accommodated by way of change in alignment. The



change in alignment leads to technical variations as highlighted, including the change in velocity of water flow, variation in timeline for water to reach the Delivery/Discharge Chamber, requirement of new Pump Head, higher Pump capacity to make up for change in velocity including surge protection, which all are technical aspects over which the Court cannot sit in judgment, as the scope of review in technical matters is limited.

25. In the absence of any allegation of *mala fide*, mere inconvenience to the land owner cannot lead to passing of an order for change of alignment. Such course of action may result in variation of technical parameters regarding which the Court is not competent to decide. The assertion of the respondent that 98% of the work is completed needs to be kept in mind. Any further interference will lead to cost escalation and there are no compelling grounds made out for interference at this stage.



26. The Apex Court in **Project Director, Project Implementation Unit v. P.V. Krishnamoorthy and Others<sup>1</sup>** has made certain observations which are extracted hereinbelow :-

*"66...It is well settled that the findings of expert bodies in technical and scientific matters would not ordinarily be interfered with by the Courts – as observed in paras 59 to 62 of Akhil Bharat Goseva Sangh (3)<sup>2</sup> – [also see – K. Vasudevan Nair v. Union of India<sup>3</sup> and Systopic Laboratories (P) Ltd. v. Prem Gupta<sup>4</sup>]. Again, in Kushala Shetty<sup>5</sup>, this Court analysed the provisions of the 1956 Act (Sections 3-A to 3-D) and opined that it is not open to the Court to castigate the reasons weighed with the competent authority. As we are dealing with this decision, we may note with approval dictum about the functions of the NHAI, as adverted to in para 28 of the reported judgment. The same reads thus: (Kushala Shetty case, SCC p.84, para 28)*

*"28. Here, it will be apposite to mention that NHAI is a professionally managed statutory body having expertise in the*

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<sup>1</sup> (2021) 3 SCC 572

<sup>2</sup> Akhil Bharat Goseva Sangh (3) v. State of A.P., (2006) 4 SCC 162

<sup>3</sup> 1991 Supp (2) SCC 134, paras 19 and 20: 1991 SCC (L & S) 1199

<sup>4</sup> 1994 Supp (1) SCC 160

<sup>5</sup> Union of India v. Kushala Shetty, (2011) 12 SCC 69: (2012) 2 SCC (Civ) 229



*field of development and maintenance of national highways. The projects involving construction of new highways and widening and development of the existing highways, which are vital for the development of infrastructure in the country, are entrusted to experts in the field of highways. It comprises of persons having vast knowledge and expertise in the field of highway development and maintenance. NHAI prepares and implements projects relating to development and maintenance of national highways after thorough study by experts in different fields. Detailed project reports are prepared keeping in view the relative factors including intensity of heavy vehicular traffic and larger public interest. **The courts are not at all equipped to decide upon the viability and feasibility of the particular project and whether the particular alignment would subserve the larger public interest. In such matters, the scope of judicial review is very limited. The court can nullify the acquisition of land and, in the rarest of rare cases, the particular project, if it is found to***



***be ex facie contrary to the mandate of law or tainted due to mala fides. In the case in hand, neither has any violation of mandate of the 1956 Act been established nor has the charge of malice in fact been proved. Therefore, the order under challenge cannot be sustained."***

*(emphasis supplied)*

69. This Court in Sooraram Pratap Reddy<sup>6</sup> had held that it is the primary duty of the competent authority to decide whether there exists public purpose or not. The Courts may not ordinarily interfere with that unless the power is being exercised malafide or for collateral purposes or the decision is dehors the Act, irrational or otherwise unreasonable or so-called purpose is no public purpose at all and fraud of statute is manifest. Further, it is not for the Courts to sit over such decision as a Court(s) of appeal and to disregard it merely because another option would have been more beneficial..."

*(emphasis mine)*

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<sup>6</sup> Sooraram Pratap Reddy v. Collector, (2008) 9 SCC 552



27. Once the Award is passed and petitioners' land has been acquired, it would not be permissible to go back and direct variation in the alignment as settled in the Detail Project Report (DPR).

28. Further, the assertion of petitioners on the basis of the report of a private Civil Engineer cannot be given preference over the assertion of Engineers of the Department, in the absence of any *mala fides* attributable to the Engineers of the Project, who are Officials of a State Control Board.

29. The Court ought to restrain itself by venturing into technical aspect over which it has no expertise.

30. Accordingly, this Court finds that scope of judicial review being limited, no ground is made to interfere with the stand regarding technical matters of alignment. Once Award is passed and land has vested with the Government and transferred to the Authority for implementation of the Project, the change in alignment



would have other compliances, which would lead to cost escalation and delay, apart from variation in technical parameters, which cannot be permitted at such an advanced stage of the Project.

Accordingly, the petition is ***rejected***.

In light of rejection of the Writ Petition, the interim order granted earlier stands discharged.

**Sd/-**  
**(S SUNIL DUTT YADAV)**  
**JUDGE**

VGR