

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 23<sup>RD</sup> DAY OF SEPTEMBER, 2026**

**PRESENT**

**THE HON'BLE MRS. JUSTICE ANU SIVARAMAN**

**AND**

**THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA**

**WRIT PETITION NO.23094 OF 2023 (GM-RES-PIL)**

**BETWEEN:**

SRI. PANDURANGA MAHADEVA KAMBLE

S/O MAHADEVA KAMBLE

AGED ABOUT 42 YEARS

R/O HUBBARAVADI VILLAGE

RAIBAG TALUK

BELAGAVI DISTRICT-591 317

...PETITIONER

(BY SRI. DHANANJAY KUMAR, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REP. BY ITS SECRETARY  
DEPARTMENT OF RURAL DRINKING WATER SUPPLY  
AND SANITATION  
2<sup>ND</sup> FLOOR, E BLOCK  
KHB BUIDLING  
CAUVERY BHAVAN  
BENGALURU 560 001

Digitally  
signed by  
RAKSHA  
Location:  
High Court  
of  
Karnataka

2. THE EXECUTIVE ENGINEER  
DEPARTMENT OF RURAL WATER SUPPLY AND  
SANITATION  
CHIKKODI 591 201
3. THE ASSISTANT EXECUTIVE ENGINEER  
RURAL WATER SUPPLY AND SANITATION  
SUB-DIVISION  
RAIBAG 591 317
4. CHILD DEVELOPMENT PROJECT OFFICER  
DEPARTMENT OF WOMEN AND CHILD WELFARE  
RAIBAG 570 001
5. BLOCK EDUCATION OFFICER  
RAIBAG  
BELAGAVI DISTRICT 591 317
6. THE THASILDHAR  
RAIBAG TALUK  
BELAGAVI DISTRICT 591 317
7. PUBLIC DEVELOPMENT OFFICER  
HUBBARAVADI GRAM PANCHAYATH  
HUBBARAVADI RAIBAG TALUK  
BELAGAVI DISTRICT 591 317
8. EXECUTIVE OFFICER  
TALUK PANCHAYATH

RAIBAG TALUK  
BELAGAVI DISTRICT 591 317

9. THE EXECUTIVE ENGINEER

HESCOM

RAIBAG

BELAGAVI DISTRICT 591 317

10. GANGA KAVERI GODAVARI FERTILIZERS PVT. LTD.

HUBBARAVADI VILLAGE

RAIBAG TALUK

BELAGAVI DISTRICT 591 317

REP. BY ITS MANAGER

MAHESH MUGALATHODA

11. CHAIRMAN

KARNATAKA STATE POLLUTION CONTROL BOARD

"PARISARA" BHAVAN

NO.49, CHURCH STREET

BANGALORE 560 001

(AMENDED AS PER ORDER DATED 30.01.2025)

...RESPONDENTS

(BY SRI. S.R.KHAMROZ KHAN, AGA FOR R1 TO R6;

SRI. L. BALAKRISHNA, ADV FOR R7 & R8;

R9 IS SERVED AND UNREPRESENTED;

SRI. NITIN RAMESH, ADV FOR R10;  
SMT. KRISHIKA VAISHNAV, ADV FOR  
SRI. MAHESH CHOUDHARAY, ADV FOR R11)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT OF MANDAMUS OR ANY OTHER WRIT OR ORDER OR DIRECTION, IN THE NATURE OF WRIT, DIRECTING THE RESPONDENT No.3 TO 9 TO CONSIDER THE REPRESENTATION MADE BY THE PETITIONER PRODUCED AS ANNEXURE-A TO ANNEXURE-A5 TO THE WRIT PETITION AND ETC.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 15.09.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN  
and  
HON'BLE MR. JUSTICE T.P.VIVEKANANDA

### **CAV JUDGMENT**

**(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)**

This Writ Petition is filed seeking the following reliefs:-

- a) *Issue writ of mandamus or any other writ or order or direction, in the nature of writ, directing the respondent No.3 to 9 to consider the representations made by the petitioner produced as ANNEXURE-A to ANNEXURE-A.5 to the writ petition.*
- b) *Issue writ of mandamus or any other writ or order or direction, in the nature of writ, directing the respondent No.2 and respondent No.9 to take appropriate actions in terms of official communications forwarded by the respondent No.7 as produced ANNEXURE-C, ANNEXURE-D, ANNEXURE-E and ANNEXURE-J to the writ petition.*

2. We have heard Shri. Dhananjay Kumar, learned counsel appearing for the writ petitioner, Shri. S.R. Khamroz Khan, learned Additional Government Advocate appearing for respondents No.1 to 6, Shri. L. Balakrishna, learned counsel appearing for respondents No.7 and 8, Shri. Nitin Ramesh, learned counsel appearing for respondent No.10 and Smt. Krishika Vaishnav, learned counsel appearing for respondent No.11.

3. A fertilizer godown is functioning adjacent to the Government Higher Primary School and Anganwadi Centre

at Hubbaravadi Village. The learned counsel appearing for the writ petitioner contends that the loading and unloading of fertilizers, movement of heavy vehicles and activities of the employees and drivers of the godown were causing dust, noise and disturbance to the school children and had also resulted in contamination of the nearby borewell water, which was the only source of drinking water for the Hubbaravadi Village. It is contended that the continued functioning of the godown at the said location is harmful to the health and safety of the children and villagers.

4. This Court, by order dated 06.01.2025, constituted a Joint Committee to examine the grievances raised in the writ petition. The Joint Committee conducted an inspection on 27.01.2025 and thereafter submitted its report, which is placed on record.

5. We have perused the report of the Joint Committee. The report records that the premises is used only as a godown for the storage and distribution of fertilizers and that no manufacturing activity or generation or discharge of trade effluent takes place therein. It further

records that the borewell which was earlier used to supply drinking water to the village has been permanently closed by the Rural Water Supply and Sanitation Department and is not presently used for drinking purposes. The report also records that the borewell situated in the school premises is not being used for drinking purposes and that the drinking water is being supplied to the school from the borewell situated near Vittal Mandir through a tanker, while the village is also receiving water under the multi-village water-supply scheme sourced from the Krishna River.

6. The report also records that there were earlier complaints regarding the lorry drivers and cleaners of the godown entering or sitting in the school compound, using foul language and throwing waste within the school premises. The godown authorities have appointed a security guard and such activities have stopped thereafter.

7. The learned counsel appearing for the writ petitioner contends that the statements said to have been recorded from the villagers, teachers and students during the joint inspection have not been produced along with the

report and that in the absence of such statements, the findings recorded by the Joint Committee cannot be accepted. However, we are of the opinion that the Joint Committee was constituted pursuant to the directions of this Court and that its report was submitted after inspecting the godown, its surrounding areas and the school premises and after interacting with the persons concerned. In the absence of any material casting doubt upon the correctness of the report, we find no reason to view it with suspicion merely because the statements referred to therein have not been separately produced.

8. In view of the findings recorded in the report, the Writ Petition is ***closed***, leaving it open to the writ petitioner, to raise further grievances, if any, before the Competent Authorities including the Grama Panchayath and the Karnataka Pollution Control Board.

All pending interlocutory applications shall stand disposed of.

**Sd/-  
(ANU SIVARAMAN)  
JUDGE**

**Sd/-  
(T.P.VIVEKANANDA)  
JUDGE**

cp\*