HC-KAR

NC: 2026:KHC:16106-DB
WP No. 36530 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 36530 OF 2025 (GM-RES)

BETWEEN:

1. SMT. CHANDRAMMA P
AGED ABOUT 41 YEARS,
W/O THIMMARASAIAH T,
R/AT NO. 224, 2ND CROSS,
YELLAMMA VATARA, BIDADI,
RAMANAGARA-562109
AADHAR NO. 620874125206
PHONE NO. 9901727295
PAN NO. DAHPP8851C
EMAIL ID: CHANDURAJU1984@GAMIL.COM

Digitally signed by VEERENDRA KUMAR K M
Location: High Court of Karnataka

2. SRI. PRAVEEN T K
AGED ABOUT 33 YEARS,
S/O KRISHNAPPA
R/AT NO. 18, THORE HOSURU,
MYLANAYAKANAHALLI,
RAMANAGARA-562160
AADHAR NO. 935277803175
PHONE NO. 8050401712
PAN NO. DJQPP0468D
EMAIL ID: PRAVEENTK1992@GMAIL.COM

3. SRI. PUTTARAJU B K
AGED ABOUT 40 YEARS
S/O LATE KULLAIAH,

R/AT ITTAMADU,
BANANDURU,
RAMANAGARA-562109
AADHAR NO. 336179726024
PHONE NO. 9901727295
PAN NO. FOLPP5521R
PHONE NO. 8095759619
EMAIL ID: VENKATESHA42@GMAIL.COM

4. SRI. AJMAL
AGED ABOUT 59 YEARS,
C/O AMEER JAN SAB,
R/AT NO. 321, 7TH CROSS,
HOSABEDI, BIDADI,
RAMANAGARA-562109
AADHAR NO.501404143850
PHONE NO. 6363146816
PAN NO. AHCPA2611G
EMAIL ID: AJMALPASHA1969@GMAIL.COM

5. SRI. NAVEEN G
AGED ABOUT 21 YEARS
C/O AJAY KUMAR,
R/AT ABBANAKUPPE,
ITTAMADU, RAMANAGARA-562109
AADHAR NO. 796107589797
PHONE NO. 8147327951
PAN NO. EHWPG5868M
EMAIL ID: NAVEENNANDINI2004@GMAIL.COM

6. SRI. NANJEGWODA
AGED ABOUT 38 YEARS
C/O MUNIRAJU
BAT NO.12,BANANDURU, BIDADI,
RAMANAGARA-562109
AADHAR NO. 927183559802
PHONE NO. 9945132336
PAN NO. BZVPG4091A
EMAIL ID: NANJEGOWDA168@GMAIL.COM

7. SRI. KIRAN KUMAR BR
AGED ABOUT 47 YEARS
S/O RAMAIAH N
R/AT 10 KHB, INDIRANAGAR,
HOUSING BOARD GROUND,
BIDADI, RAMANAGARA-562109
AADHAR NO. 313061894132
PHONE NO. 9980899668
PAN NO. BHVPK8229C
EMAIL ID: DIVITHSTORE2012@GMAIL.COM

…PETITIONERS

(BY SRI. BHARATHGOWDA B R, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY PRINCIPAL SECRETARY,
DEPARTMENT OF ANIMAL
HUSBANDRY AND FISHERIES,
ROOM NO. 405, 4TH FLOOR,
VIKAS SOUDHA, BENGALURU 560 001.

2. THE STATE OF KARNATAKA
BY SECRETARY,
DEPARTMENT OF MINOR
IRRIGATION AND GROUND
WATER DEVELOPMENT,
VIKAS SOUDHA,
BENGALURU 560 001.

3. THE DIRECTOR
DIRECTORATE OF FISHERIES,
3RD FLOOR, PODIUM BLOCK,
VISVESVARAYA CENTRE,
DR. AMBEDKAR VEEDHI,
BENGALURU 560 001.

4. THE DEPUTY DIRECTOR OF FISHERIES
DEPARTMENT OF FISHERIES,

2ND FLOOR, ROOM NO. 204,
PANCHAYATH BHAVAN,
B.M. ROAD, RAMANAGARA TOWN,
RAMANAGARA DISTRICT - 562 159.

5. THE ASSISTANT DIRECTOR OF FISHERIES
NALLIGUDDA M.M.P.A. CENTER,
RAMANAGAR TALUK-562109.

6. ASSISTANT EXECUTIVE ENGINEER
MINOR IRRIGATION AND
GROUNDWATER DEVELOPMENT
SUB-DIVISION, RAMANAGARA,
BANGALORE SOUTH DISTRICT-562109.

7. MAHESH K M
S/O MUNICHALLAIAH K M
NO.72, KOLLIGANAHALLI MAIN ROAD,
BANANDURU, VTC: ITTAMADU,
ITTAMADU POST,
DISTRICT: RAMANAGARA
STATE: KARNATAKA
RAMANAGAR-562 109

…RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA FOR R1 TO R6
SRI. RITHIK Y M, ADVOCATE FOR R7)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE E-TENDER NOTIFICATION BEARING NO.RNR/ALL01/2025-26 DATED 25/11/2025 PERTAINING T HEGGADAGERE ERE GOWDANAKERE LAKE (PRODUCED AT ANNEXURE-B).

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

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

(PER: HON'BLE MR. JUSTICE C.M. POONACHA)

1. The present public interest litigation is filed seeking to quash the e-tender notification bearing No.RNR/ALL01/2025-26, dated 25.11.2025 [**the said tender**] pertaining to the Heggadagere Ere Gowdanakere Lake [**subject lake**] as well as for a writ of mandamus directing the official respondents to stop all tender processes pertaining to the subject lake.

2. It is the case of the petitioners that they are the residents of Banandur, Bidadi Hobli, Ramanagara Taluk and are directly dependent on the subject lake for drinking water, cattle, agriculture and groundwater recharge. Respondent No.5 - Assistant Director of Fisheries, issued the said tender for disposal of fish and livestock of the subject lake for a period of 5 years.

3. It is the case of the petitioners that the subject lake currently holds 40% of the water level and is below 50%, which is the threshold mandated in Government Order dated 21.02.2014, which contains the Government's Fisheries Tender Policy. The relevant extract of the said policy is as under:

"a. While disposing the fishery rights of the water resource afresh 50% of the total water spread area is taken as effective Water spread area for the purpose of leasing and the lease amount is calculated at the rate of Rs.500/- ha for the first year or an average of lease amount for the past 3 years, whichever is high is fixed as the lease amount for the first year. For the remaining period of 4 years, lease amount is fixed every year by enhancing the previous years' lease amount by 5%.

b. While leasing rivers, an amount of Rs.500/km is fixed as lease amount for the first year. For the remaining 4 years lease amount to be fixed every year with an enhancement of 5% to the previous years' lease amount. Leasing authorities mentioned under para 10 shall lease river stretches to fishermen cooperative societies. But this power exclusively vests with the Director of Fisheries while leasing out to Wild Life Conservation Societies.

c. Once the 1st block of 1st five years lease period is over and at the time of submission of new proposal for the second block period of 5 years for the same water resource, then again 50% of the total water spread area of that water resources is considered as effective water spread area and to the area so considered an amount of Rs.500/ha or Rs.500/KM to the river stretches or an average of last 3 years' lease amount whichever is high is fixed as lease amount for the first year. For the remaining period of four years the lease amount shall be fixed every year, by enhancing 5% to the previous years lease amount. Similarly lease amount is fixed for the third and subsequent block periods."

(emphasis supplied)

4. It was contended on behalf of the official respondents that the water level in the lake is 80%. Hence, this Court by order dated 12.12.2025 required the official respondents to file statement of

objections and also indicate their stand as to the water level in the subject lake.

5. The official respondents had filed the statement of objections. However, the petitioners questioned the manner in which the water spread area was calculated. Hence, this Court by order dated 03.02.2026 directed the official respondents to file a comprehensive affidavit setting out the method whereby, they have calculated the volume as more than 50%. The respondents were also directed to produce the satellite images to show the water spread area. Thereafter, this Court in the hearing dated 16.02.2026 noticed the contradictions in the statements filed by the official respondents. The relevant portion of the order dated 16.02.2026 is as under:

> "4. In opposition to the present petition, the respondents have filed their Statement of Objections, *inter alia* stating as under:
>
> > "4. It is submitted that the Respondent No.5 on a spot inspection and physical assessment of the Heggadagere Eregowdana Banandoorukere Lake and on finding that the water spread area of the said lake is more than half filled with water, decided to dispose off the lease of fishing rights in respect of the said lake.

> 5. It is submitted that, the Respondent No.5 obtained report on 20.12.2025 from the Karnataka State Remote Sensing Application Center with regard to the water spread area of Heggadagere Eregowdana Banandoorukere Lake. The Respondent No.5 exercising discretion based on spot inspection which reflected that the water spread area in the lake is more than 50% and taking into consideration entries in the revenue records, as showing that this lake is 37.14 acres took a conscious decision to lease the fishery rights. Copy of the said report and the RTC is produced as ANNEXURE-R2."

5. The petitioners have questioned the manner in which the water spread area had been calculated. They relied on the letter dated 24.11.2025 issued by the Minor Irrigation and Groundwater Development Department, Government of Karnataka, which stated that the water spread area of the lake in question was less than 50%. The respondents countered the contents of the letter dated 24.11.2025 issued by the Minor Irrigation and Groundwater Development Department, by stating as under:

> "11. It is submitted that the letter dated 24.11.2025 issued by the Minor Irrigation & Groundwater Development Department, Government of Karnataka and relied upon by the Petitioner gives only an approximate estimate of the water spread area. These Respondents as stated above, have relied upon the satellite images issued by the Karnataka State Remote Sensing Application Center, Bengaluru. Thus, the action taken by the Respondent No.5 with regard to the disposal of fishing rights in the said Heggadagere Eregowdana Banandoorukere Lake is in accordance with law. It does not suffer from any irregularity or illegality and hence, does not require any interference by this Hon'ble Court."

6. As is apparent from the above, respondents Nos. 4 and 5 seek to fault the letter dated 24.11.2025 issued

by the Minor Irrigation and Groundwater Development Department on the ground that it is based on an estimate and not on any scientific basis. The respondents claim that they relied on satellite images issued by the Karnataka State Remote Sensing Application Centre, Bengaluru, and thus contend that the decision that the water-spread area in the lake in question is not less than 50% is based on scientific data. In view of the said stand, we had passed the following order on 03.02.2026:

> 1. The respondents have filed statement of objections, *inter alia*, stating that respondent No.5 - (The Assistant Director of Fisheries) has conducted a spot inspection and physical assessment of the Heggadagere Eregowdana Banandoorukere lake. The said authority had found the water spread area of the said lake is more than half filled with water and therefore decided to dispose of the lease of fishing rights in respect of the said lake.
>
> 2. It is also stated that the letter dated 24.11.2025 issued by the Minor Irrigation and Groundwater Development Department, Government of Karnataka, which is relied upon by the petitioners gives only an approximate estimate of water spread area. The respondents have relied upon the satellite images issued by Karnataka State Remote Sensing Application Center, Bengaluru and therefore the action of disposing of the fishing rights is in accordance with law and does not suffer from any irregularity.
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> 3. The first and foremost question to be examined is, whether 50% of the water is to be determined on the basis of water spread area or the volume of the water. If the volume of the water in the lake is to be estimated, the same can only be done based on certain scientific data.
>
> 4. The respondents shall file a comprehensive affidavit setting out the method, whereby they have calculated the volume of the

water to be more than 50%. This is relevant considering that the letter issued by the Minor Irrigation and Groundwater Development Department is stated to be as only on the basis of estimate.

5. The respondents shall also produce the satellite image which is relied upon to show that the water spread area is more than 50%.

List on 12.02.2026."

7. Pursuant to the directions issued by this Court, the respondent No.4 has filed an affidavit stating that the threshold of 50% is not in respect of the volume of the water but the water spread over the area of the lake. The respondent has further affirmed that the entire water spread area of Heggadagere Eregowdana Banandoorukere Lake, Banandooru Village, Ramanagara District, is 19.5 hectares as per the records. The deponent has also affirmed that satellite images were taken on 13.08.2025, 18.09.2025, 24.10.2025 and 05.11.2025 indicating the water spread area as 8.57 hectares, 8.79 hectares, 8.76 hectares and 8.26 hectares respectively.

8. Notwithstanding that the satellite images clearly indicated that the water spread area was well below the specified threshold of 50% of the total water spread area, the respondents claim that the water spread area exceeds 50%.

9. We may note at this stage that respondent No.6 (Assistant Executive Engineer of the Minor Irrigation and Groundwater Development Sub-Division, Ramanagara) has also filed an affidavit affirming that the present water volume of the lake was about 40% of the underwater volume (15.63 MCFT out of the total volume of 39.08 MCFT).

10. The affidavit affirmed by respondent No.4 indicates that although the authority had claimed that the water spread area had been determined on a scientific basis, it is not so. The determination that the

water spread area is more than 50%, is contrary to the material placed on record. More importantly, respondent No.4 possessed satellite images that clearly indicated that the area covered by water was less than 50%. Notwithstanding this, the respondent No. 5 proceeded to issue the invitation to tender on the unsustainable assumption that the water spread area exceeds 50%.

11. The respondents now claim that spot inspections were conducted on 19.09.2025, 11.10.2025, and 24.11.2025, and that a physical assessment showed that the water spread in the area exceeded 50%. There is no material to sustain the said averment which is affirmed on a sworn affidavit affixing photographs standing next to the shores of the lake. No data were collected to support the estimate that the water spread area was more than 50%. No measurements have been taken of the lake. Merely producing photographs of officials standing next to the lake does not substantiate the assertion that the water spread in the lake was 50%.

12. We are constrained to observe that the affidavit affirmed earlier is affirmed in a casual manner, which this Court finds it difficult to countenance.

13. The deponents who are present in Court are directed to tender an explanation as to why the proceedings for filing an affidavit that contains incorrect facts and is *prima facie* misleading should not be initiated. The explanation as stated shall be filed within a period of one week from date.

14. In the meantime, the petitioners shall also implead the successful tenderer as a party to the proceeding. Let an amended memo of parties be filed within a week. Notice shall be issued to the successful tenderer. "

6. Subsequently, the successful tenderer has been impleaded as respondent No.7.

7. As is forthcoming from the order dated 16.02.2026, the satellite image as recorded by the respondents clearly indicated that the water spread area is well below the specified threshold of 50%. Despite the same, the concerned authorities sought to contest that the water level is more than 50%, merely basing the same on a physical assessment made upon visiting the subject lake. Hence, as noticed by this Court, in the said order dated 16.02.2026, the affidavits filed on behalf of the official respondents contained incorrect facts.

8. The government, having framed a policy, is required to act in conformity with it. The respondents do not dispute that any act contrary to the stated policy, without any substantial reason to depart from it, would render such act arbitrary and would violate the equal protection clause.

9. The learned counsel for respondent No.7 - the successful tenderer submits that, in the event, the tender issued in his favour is cancelled, the amount paid by respondent No.7 be refunded.

10. In view of the above, the petition is allowed.

11. The said tender awarded by the concerned respondents authorities, fishing granting rights to respondent No.7 is set aside.

12. In view of the above, any amount paid by respondent No.7 for award of the fishing rights is required to be refunded and shall be refunded within a period of two weeks from date.

13. We clarify that the present order is passed on the basis of the policy framed by the State Government.

14. All pending applications are also disposed of.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(C.M. POONACHA)
JUDGE

ND/List No.: 2 Sl No.: 21