HC-KAR

NC: 2026:KHC:59729-DB
WP No. 6269 of 2025

CNR: KAHC010127312025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

WRIT PETITION NO. 6269 OF 2025 (GM-POL-PIL)

BETWEEN:

1. SMT. LAKSHMIDEVI
   W/O. S.G.MANJUNATHA
   AGE 44 YEARS
   PRESIDENT
   HALIVANA GRAMA PANCHAYAT
   NO. 249, HALIVANA
   HARIHARA TALUK
   DAVANAGERE DISTRICT 577530

Digitally signed by ASHWINI MAYAPPA MAVARAKAR
Location: High Court of Karnataka

2. P.KAMALABAI
   W/O.PARAMESHWARANAIKA
   AGE 55 YEARS
   VICE PRESIDENT
   HALIVANA GRAMA PANCHAYAT
   RISIDING AT KOMARANAHALLI
   HARIHARA TALUK
   DAVANAGERE DISTRICT-577530

...PETITIONERS

(BY SRI. B M HALASWAMY.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   DEPARTMENT OF REVENUE
   VIKAS SOUDHA
   BENGALURU
   REPRESENTED BY ITS SECRETARY

2. DEPUTY COMMISSIONER
   DAVANAGERE DISTRICT
   DAVANAGERE - 577 006.

3. THE ASSISTANT COMMISSIONER
   DAVANAGERE SUB-DIVISION,
   DAVANAGERE - 577 006.

4. THE THASILDAR
   HARIHARA TALUK
   HARIHAR

5. THE CHIEF OFFICER,
   TOWN MUNICIPAL COUNCIL,
   MALEBENNUR - 577 002.

6. THE KARNATAKA STATE POLLUTION CONTROL
   BOARD
   PARISARA BHAVANA
   NO. 49, CHURCH STREET,
   BENGALURU - 560001
   REP BY ITS CHAIRMAN

…RESPONDENTS

(BY SMT. PRAMODHINI KISHAN, AGA FOR R1 TO R4;
SRI. A. MAHESH CHOWDHARY, ADVOCATE FOR R6;
SRI. M.R. HIREMATHAD, ADVOCATE FOR R5)

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THIS WP IS FILED PRAYING TO i)ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT AND SET ASIDE THE ORDER DATED 24/05/2023, ANNEXURE-A PASSED BY THE 2ND RESPONDENT GRANTING LAND MEASURING 2 ACRE 20 GUNTAS IN SY.NO.59, GOVERNMENT HILL OF KOMARANAHALLI VILLAGE FOR SOLID WASTE DISPOSAL UNIT ii)DIRECT THE RESPONDENT NOS.2 TO 5 TO IDENTIFY ANY OTHER SUITABLE LAND FOR SOLID WASTE DISPOSAL UNIT FOR RESPONDENT NO.5iii)PASS SUCH OTHER ORDERINTERIM RELIEF PENDING DISPOSAL OF THE ABOVE WRIT PETITION, THIS HONBLE COURT BE PLEASED TO PASS AN INTERIM ORDER DIRECTING THE RESPONDENT NO.1 TO 5 NOT TO PROCEED WITH THE CONSTRUCTION/PUTTING UP OF SOLID WASTE DISPOSAL UNIT IN SY.NO.59, GOVERNMENT HILLS, OF KOMARANAHALLI VILLAGE.

THIS PETITION IS COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

ORAL JUDGMENT

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

This writ petition is filed seeking for the following reliefs:

a) Issue a Writ of Certiorari or any other Writ and set aside the order dated 24.05.2023, Annexure-A passed by the 2nd respondent granting land measuring 2 acre 20

guntas in Sy.No.59, government hill of Komaranahalli Village for Solid Waste Disposal unit.

b) Direct the respondent No.2 to 5 to identify any other suitable land for Solid Waste Disposal Unit for respondent No.5.

c) Pass such other order as this Hon'ble Court deems fit under the facts and circumstances of the case, in the interest of justice and equity."

2. We have heard learned counsel appearing for the petitioner, learned counsel appearing for respondent No.2 as well as also the learned counsel appearing for respondent No.6.

3. Learned counsel appearing for the petitioners submits that respondent No.5 had submitted a request to respondent No.2 seeking allotment of land for establishing a Solid Waste Disposal Unit and that the land was allotted to respondent No.5 by respondent No.2 vide order dated 24.05.2023, produced as Annexure-A. It is contended that the land allotted for establishing the Solid Waste Disposal Unit is situated in close proximity to a State Highway and

that a water stream flows near the identified land. It is further submitted that, if the Solid Waste Disposal Unit is established at the said location, the residents of the locality would be put to considerable hardship.

4. The learned Government Advocate submits that the challenge in the present writ petition is confined to the allotment of land for establishing the Solid Waste Disposal Unit. It is contended that the unit can be established only after obtaining prior environmental clearance from the State Environmental Impact Assessment Authority and the requisite consents from respondent No.6. It is further submitted that respondent No.5 has been directed to approach the State Environmental Impact Assessment Authority for obtaining prior environmental clearance and that further steps towards establishment of the unit would be taken only after obtaining the requisite environmental clearance and the necessary consent to establish and consent to operate from the Pollution Control Board.

5. Learned counsel appearing for the respondent No.6 - Pollution Control Board refers to the notification and submits that it specifically provides for a public hearing and environmental impact assessment in accordance with the prescribed procedure. It is further submitted that respondent No.5 cannot proceed with the establishment of the unit without obtaining the requisite prior environmental clearance. Therefore, it is open to the petitioners to approach the competent regulatory authority and place their concerns before it, which may be considered during the public hearing conducted in accordance with the notification produced as Annexure-A.

6. Having considered the contentions advanced and in view of the submissions made by the learned counsel appearing for the respondents, we are of the opinion that the present writ petition is premature, as the stage for establishing the Solid Waste Disposal Unit at the subject property has not yet been reached. It is open to the petitioners to raise their objections and place their concerns

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before the competent regulatory authorities at the appropriate stage.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(K.S.BHARATH KUMAR)
JUDGE

AG
List No.: 1 Sl No.: 16