HC-KAR



CNR: KAHC010350092023

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

**DATED THIS THE 18TH DAY OF NOVEMBER, 2026**

**PRESENT**

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

**AND**

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

**WRIT PETITION NO. 14627 OF 2023 (LB-RES-PIL)**

**BETWEEN:**

SHRI PRABHAKAR HANUMANTHA GAGGARI
S/O LATE HANUMANTHA GAGGARI,
AGED ABOUT 45 YEARS
HANDIGUNDA VILLAGE,
RAYABAGA TQ. 591317
BELAGAVI DISTRICT,
KARNATAKA STATE

...PETITIONER

(BY SRI. D BASAVARAJAPPA, ADV.)

Digitally signed by PAVITHRA N
Location: High Court of Karnataka

**AND:**

1. STATE OF KARNATAKA
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT
GOVERNMENT OF KARNATAKA
VIDHANA SOUHDA, AMBEDKAR VEEDI
BENGALURU - 560001,
KARNATAKA STATE

2. THE DEPUTY COMMISSIONER
BELAGAVI DISTRICT,
BELAGAVI 590002

KARNATAKA STATE

3. THE ASSISTANT COMMISSIONER
CHIKKODI SUB-DIVISION
CHIKKODI TALUK - 591201
BELAGAVI DISTRICT,
KARNATAKA STATE

4. THE TAHASILDAR,
RAYABAGA TALUK 591317
BELAGAVI DISTRICT,
KARNATAKA STATE

5. THE DISTRICT EXECTUVIE OFFICER
KARNATAKA TANK CONSERVATIVE
AND DEVELOPMENT AUTHORITY
BELAGAVI CITY 590002,
KARNATAKA STATE

6. THE CHIEF EXECUTIVE OFFICER
OFFICE OF THE ZILLA PANCHAYATH
BELAGAVI CITY AND DISTRICT 590002,
KARNTAKA STATE

7. THE CHIEF EXECUTIVE OFFICER
KARNATAKA TANK CONSERVATION
AND DEVELOPMENT AUTHORITY
GROUN FLOOR,
SEEDS HOUSE,
BELLARY ROAD,
HEBBAL,
BENGALURU 560024,
KARNATAKA STATE

8. THE PANCHAYATH DEVELOPMENT OFFICER
HANDIGUNDA GRAMA PANCHAYATH
RAYABAG TALUK 591317
BELAGAVI DISTRICT
KARNATAKA STATE

9. SHRI BANAPPA C. TELI
PRESIDENT,
SHRI MAHALAXMI CO-OPERATIVE CREDIT SOCIETY
HANDIGUNDA VILLAGE,
RAYABAGA TQ. 591317
BELAGAVI DISTRICT,
KARNATAKA STATE

10. SHRI SHIVANAND B SATHAPPA GOL
PRESIDENT
HANDIGUNDA HALU UTPADAKARA SANGA
HANDIGUNDA VILLAGE,
RAYABAGA TALUK 591317

11. SHRI BASAVARAJ HOSUR
DIRECTOR
HANDIGUNDA HALU UTAPADAKARA SANGA
SHRI MALLIKARJUNA VIDYAVARDAKA SANGA
HANDIGUNDA VILLAGE
RAYABAGA TALUK 591317
BELAGAVI DISTRICT
KARNATAKA STATE

12. SHRI PANDURANGA SUNAGAR
MANAGER
DHYANA JYOTHI COACHING CLASS
HANDIGUNDA VILLAGE
RAYABAGA TALUK 591317
BELAGAVI DISTRICT

KARNATAKA STATE

13. SHRI SHANMUKH S TERDAL
PRESIDENT
SHRI BASAVESWARA BANK MUDALIGI BRANCH
HANDIGUNDA VILLAGE
RAYABAGA TALUK 591317
BELAGAVI DISTRICT
KARNATAKA STATE

14. SHRI MALLIKARAJUNA A KHANGOUD
DIRECTOR
PRATHAMIKA KRISHI PATTINA SAHAKARI SANGA
HANDIGUNDA VILLAGE
RAYABAGA TALUK 591317
BELAGAVI DISTRICT
KARNATAKA STATE

15. SHRI SURESH B MURUGODE
DOCTOR,
SHRI BASAVA CLINIC
HANDIGUNDA VILLAGE
RAYABAGA TALUK 591317
BELAGAVI DISTRICT
KARNATAKA STATE

16. SHRI RAVINDRA S. ULLAGADDI
MEMBER
SRI JYOTHI VIVIDA UDDESHAGALA SOUHARDA
SAHAKARI NIYAMITHA,
HANDIGUNDA VILLAGE
RAYABAGA TALUK 591317
BELAGAVI DISTRICT
KARNATAKA STATE

17. SHRI RAMANAGODUA.B. PATIL
PRESIDENT
PRATHIMIKA KRISHI PATTINA
SAHAKARI SANGHA NIYAMITHA
SHRI MALLIKARJUNA VIDYAVARDAKA SANGHA
FOUNDER DIRECTOR
HANDIGUNDA VILLAGE
RAYABAGA TALUK 591317
BELAGAVI DISTRICT
KARNATAKA STATE

…RESPONDENTS

(BY SMT. PRAMODHINI KISHAN, AGA FOR R1-R4;

SRI. K. CHANDRANATH ARIGA, ADV. FOR R6 & R8;

SRI. V. RAGHUNATH, ADV. FOR R7;

SRI. SHIVARAJ PATIL, ADV. FOR R14;

SRI. R. HEMANTH RAJ, ADV. FOR R17;

R5 - THE DISTRICT EXECUTIVE OFFICER, KARNATAKA TANK CONSERVATIVE AND DEVELOPMENT AUTHORITY, BELAGAVI - SD;

R9 - BANAPPA C. TELI - SD;

R10 - SHIVANAND B. SATHAPPA GOL - SD;

R13 - SHANMUKH S. TERDAL - SD;

R15 - SURESH B. MURUGODE - SD;

R16 - RAVINDRA S. ULLAGADDI - SD;

V/O DTD: 06.03.2024, NOTICE TO R12 IS HELD SUFFICIENT

R12 - PANDURANGA SUNAGAR)

CNR: KAHC010350092023

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH RULE 14(2) OF THE HIGH COURT OF KARNATAKA (PIL) RUELS, 2018, PRAYING TO ISSUING THE WRIT OF MANDAMUS OR ANY OTHER SUITABLE ORDER OR DIRECTION AGAINST RESPONDENT NO.1 TO 8 TO TAKE SUITABLE LEGAL ACTION FOR EVICTING THE RESPONDENTS NO.9 TO 17 IN RESPECT OF WATER TANK SITUATED IN HANDIGUNDA VILLAGE, RAYABAGA TALUK, BELAGAVI DISTRICT IN SY.NO.63/2 OF SAME VILLAGE TO THE TUNE OF MORE THAN 02 ACRES IN TOTAL 3 ACRES 35 GUNTAS AFTER PROPER ENQUIRY, THROUGH APPLICATION OF DUE PROCESS OF LAW ON THE BASIS OF ANNEXURES-B TO B(3) C TO C(15) AND E TO E(4) AND ETC.

THIS PETITION, COMING ON FOR ORDERS, 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 the following reliefs;

*"i) Issuing the Writ of Mandamus or any other suitable order or direction against Respondents No 01 to 08 to take suitable legal action for evicting the Respondents No.09 to 17 in respect of Water Tank situated in Handigunda village, Rayabaga Taluk, Belagavi District in Sy.No. 63/2 of same village to the tune of more than 02 acres in total 03 acres 35 guntas after proper enquiry, through application of due process of law on the basis of Annexures B to B(3) C to C (15) and E to E(4)*

*ii) Issuing of Writ of Mandumus or any other Direction against respondents No. 01 to 08 for derelicting their lawful duty from evicting the Respondents No.09 to 17 in respect of encroached area of said water tank in Sy.No. 63/2 of Handigunda Village to Respondent No.1.*

*iii) Issuing suitable Writ or directions for initiating any penal action against, respondents No.09 to 17 for illegally encroaching and occupied the Public Water Tank situated in Handigunda Village, Rayabaga Taluk, Belagavi district in Sy.No.63/2 of same village and unlawful constructions of different building on it.*

*iv) Issuing the Writ of directions to call for records from the offices of Respondents No.01 to 08 relating to matter in Question.*

*v) Issuing of the Writ or order suitable as this Hon'ble Court deems fit to grant in the circumstances*

*of this Writ Petition relating to matter in question in the interest of justice and equity."*

2. Learned counsel appearing for the writ petitioner submits that respondents No.1 to 8 are not taking any legal action for evicting respondents No.9 to 17 in respect of a water tank situated in Handigunda Village, Rayabaga Taluk, Belagavi District.

3. Learned Government Advocate appearing for the respondent- State submits on instructions that a notice had been issued by the Panchayath Development Officer to respondents No.7 to 19 and that the private respondents have approached the Dharwad Bench of this Court filing writ petitions and there are interim orders as against further action on the notices issued.

4. In the above view of the matter, the writ petition is ***disposed of*** leaving open the contentions of the parties to be decided on the basis of the outcome of

the writ petitions filed before the Dharwad Bench of this Court.

It is made clear that we have not considered any of the contentions on merits and it will be open for the parties to agitate their contentions before the appropriate proceedings in accordance with law.

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

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

PN
List No.: 1 Sl No.: 31