HC-KAR

NC: 2026:KHC:62316
WP No. 20245 of 2024

CNR: KAHC010428572024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 20245 OF 2024 (GM-RES)

BETWEEN:

FISHERMEN DEVELOPMENT AND
MARKETING CO-OPERATIVE SOCIETY LIMITED
POLENAHALLI
DONIMADAGU POST
BANGARPET TALUK
KOLAR DISTRICT-563 129
REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER.

...PETITIONER

(BY SRI: SOMASEKHARA K H, ADVOCATE)

AND:

Digitally signed by
PREMCHANDRA M R
Location: HIGH
COURT OF
KARNATAKA

1. STATE OF KARNATAKA
   BY SECRETARY
   VIDHANA SOUDHA
   DR. AMBEDKAR ROAD
   BANGALORE-560 001

2. THE DEPUTY COMMISSIONER
   KOLAR DISTRICT
   KOLAR-563 116

3. THE DEPUTY DIRECTOR
   DEPARTMENT OF FISHERIES
   KOLAR, OPPOSITE E.T.C.M. HOSPITAL
   KOLAR DISTRICT-563 116

4. THE ASSISTANT DIRECTOR
DEPARTMENT OF FISHERIES
BETHAMANGALA
BANGARAPETE TALUK
KOLAR DISTRICT-563 116

5. THE EXECUTIVE ENGINEER
MINOR IRRIGATION DEPARTMENT
BYPASS MAIN ROAD
KOLAR DISTRICT
KOLAR-563 116

…RESPONDENTS

(BY SRI: M SRINIVAS KUMAR, HCGP FOR R1 TO R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS FROM RESPONDENT NOS.3 AND 4 IN RESPECT OF NOT CONSIDERING REPRESENTATIONS OF THE PETITIONER AND DIRECT THE RESPONDENT NOS.2 TO 5 TO CONSIDERING REPRESENTATIONS OF THE PETITIONERS SOCIETY DATED 16.12.2023 FOR CONDUCTING THE SURVEY WITH AID OF SURVEY DEPARTMENT AND MINOR IRRIGATION DEPARTMENT JOINTLY TO TAKE ACTUAL MEASUREMENT OF MUSHTARAHALLI DODDAKERE VIDE ANNEXURES-E TO E3 RESPECTIVELY.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE T.P.VIVEKANANDA

ORAL ORDER

The petitioner is before this Court seeking for issue of writ of mandamus directing respondent Nos.2 to 5 to consider the representation of the petitioner - Society dated 16.12.2023

at Annexures-E to E3 to conduct survey and to take actual measurement of the Mustrahalli tank (Doddakere).

2. The grievance of the petitioner is that Mustrahalli tank situated in Bangarpet Taluk, which is also called Doddakere actually measures 140 hectares. However, in order to debar the petitioner from participating in the auction for grant of fishing rights, the extent of the area of tank has been wrongly notified as 375 hectares. Pursuant to the Notification dated 26.07.2023 at Annexure-A, the fishing rights for the period from 01.07.2023 to 30.06.2028 for 5 years has been granted in favour of the successful bidder.

3. The auction proceedings and awarding of contract is not under challenge. The only grievance of the petitioner - Society is for conducting of survey and measurement of the tank area. It is the submission that, if the survey and measurement of the tank area is conducted and if it is found that the extent of the tank is less than 140 hectares, the petitioner or any other Society would be in a position to participate in the public auction in the year 2028. It is for the said limited purpose, the instant writ petition is filed to consider

the representation dated 16.12.2023 and to conduct survey with the participation of Department of Minor Irrigation and Department of Revenue. It is noticed from the documents appended to the writ petition that the petitioner has not made any specific request in that regard.

4. It is the submission of learned counsel for the petitioner that the petitioner - Society may be reserved liberty to submit comprehensive representation along with necessary revenue records pertaining to the tank in question.

5. Taking note of the limited prayer, this Court proposes to pass the following:

ORDER

(i) The Writ Petition is ***disposed of.***

(ii) The petitioner - Society is permitted to submit a detailed/comprehensive representation along with all necessary revenue records relating to the tank in question, within a period of 3 weeks from today.

(iii) If such a representation is submitted by the petitioner, the respondents are directed to consider the same and take necessary steps for survey of the tank in question in accordance with law within a period of 3 months from the date of submission of the representation.

Sd/-
(T.P.VIVEKANANDA)
JUDGE

BGN
List No.: 1 Sl No.: 55