IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH 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. 34985 OF 2025 (GM-RES-PIL)

BETWEEN:

1. NITHIN S.
   AGED ABOUT 21 YEARS,
   S/O SHIVANNA S.V.,
   RESIDENT OF MULBAGALU, SOORAKUNTE,
   NANGALI POST OFFICE,
   KOLAR DISTRICT, KARNATAKA - 563132.

...PETITIONER

(BY MS. THANUJA, ADVOCATE FOR
SRI. SHIVA KUMAR N., ADVOCATE)

AND:

Digitally signed by RAKSHA
Location: high court of karnataka

1. THE PROJECT DIRECTOR,
   NATIONAL HIGHWAYS AUTHORITY OF INDIA (NHAI),
   PIU, SURVEY NO.13, 14TH K.M.,
   NAGASANDRA VILLAGE,
   BENGALURU - 560073.

2. THE SPECIAL LAND ACQUISITION OFFICER &
   COMPETENT AUTHORITY,
   NATIONAL HIGHWAYS AUTHORITY OF INDIA,
   NO.678/3, NEERUBHAVI KEMPANNA LAYOUT,
   HEBBAL, BENGALURU - 560024.

3. THE DEPUTY COMMISSIONER
DC OFFICE, MULBAGAL ROAD,
KOLAR - 563101.

4. THE TAHSILDAR
MULBAGAL TALUK,
KARNATAKA - 563131.

5. M/S. BHARAT PETROLEUM CORPORATION LIMITED
HEAD OFFICE AT 17, DUPARC TRINITY,
7TH FLOOR, M.G. ROAD,
BANGALORE- 560 001, KARNATAKA.
REPRESENTED BY ITS GENERAL MANAGER.

6. SRI. HARISH N.R.
S/O RAVI N.R.
RESIDING AT VALMIKI ROAD,
VTC NANGALI, PO NANGLI,
SUB- DISTRICT MULBAGAL,
DISTRICT KOLAR- 563 132.

…RESPONDENTS

(BY MS. SRUTI CHAGANTI, ADVOCATE FOR R1 & R2,
SMT. PRAMODHINI KISHAN, AGA FOR R3 AND R4,
MS. SUNAYANA BASU MALLIK, ADVOCATE FOR R5,
SRI. SHRINIVAS B.S., ADVOCATE FOR R6.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, 1950, PRAYING TO DIRECT THE RESPONDENTS TO PRODUCE AND PLACE BEFORE THIS HON'BLE COURT THE ENTIRE RECORDS RELATING TO THE CONSTRUCTION AND WIDENING OF NATIONAL HIGHWAY-75 IN AND AROUND NANGALI VILLAGE, MULBAGAL TALUK, KOLAR DISTRICT, INCLUDING ALL PLANS, APPROVALS,

DRAWINGS, AND CORRESPONDENCE CONCERNING THE CLOSURE OR DIVERSION OF THE NATURAL STORM WATER DRAIN (RAJAKALUVE) ADJOINING SY.NOS.378, 382, AND 515-528 AND ETC.,

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 29.10.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, ***K.S.BHARATH KUMAR, J.,*** PRONOUNCED THE FOLLOWING :

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

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE K.S.BHARATH KUMAR)

The petitioner has preferred the instant petition by way of public interest litigation *inter alia* seeking the following reliefs:

> " *a. Direct the Respondents to produce and place before this Hon'ble Court the entire records relating to the construction and widening of National Highway-75 in and around Nangali Village, Mulbagal Taluk, Kolar District, including all plans, approvals, drawings, and correspondence concerning the closure or diversion of the natural Storm Water Drain*

(Rajakaluve) adjoining Sy. Nos. 378, 382, and 515-528;

b. Issue a Writ of Mandamus directing the Respondents to conduct a joint inspection of the affected area in the presence of the local farmers, villagers, and revenue officials, for the purpose of identifying and demarcating the original alignment of the natural Storm Water Drain (Rajakaluve) and assessing the extent of obstruction caused during the construction and widening of National Highway-75;

c. Issue a Writ of Mandamus directing the Respondents to initiate and complete proceedings for acquisition of such extent of land as may be required for the restoration of the natural drainage path, strictly in accordance with law, including the provisions of the National Highways Act, 1956 and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013;

d. Issue a Writ of Mandamus directing the Respondents, particularly Respondent Nos. 1 and 2, to reconstruct, reinstate, or provide an alternative scientifically designed Storm Water Drain (Rajakaluve) ensuring the natural and unobstructed flow of rainwater from the upstream lakes to Mallakuppa Lake, so as to permanently prevent flooding of agricultural lands, residential areas, and National Highway-75;

e. Pass any other appropriate writ, order, or direction in the interest of justice and equity."

2. We have heard Ms. Thanuja, learned counsel appearing for Sri. Shivakumar N., learned counsel for the petitioner, Ms. Sruti Changati, learned counsel appearing for respondents No.1 and 2, Smt. Pramodini Kishan, learned Addl. Government Advocate appearing for respondent Nos.3 and 4, Ms. Sunayana Basu Mallik, learned counsel appearing for respondent No.5 and Sri Shrinivasa B.L., learned counsel appearing for respondent No.6.

3. The learned counsel appearing for the petitioner submits that he is a resident of Nangali village, Mulbagal Taluk, Kolar District and carrying out agricultural activities. That a natural storm water drain existed adjoining Survey Nos.378, 382 and 515 to 528 of Nangali village and formed part of the natural drainage system receiving overflow from several lakes in the surrounding Gram

Panchayats and conveying the same downstream to other lakes and rivers.

4. During the construction and widening of National Highway-75, towards eastern side of Nangali village, the Rajakaluve was subsumed into and obstructed by the works carried out in respect of the said Highway over a stretch of approximately 480 to 580 mtrs. and no adequate drainage channel was constructed to carry the natural flow of storm water. It is stated that the obstruction of the Rajakaluve has resulted in recurring of inundation of agricultural lands, residential properties, approach roads and portion of National Highway-75 during the monsoon seasons causing loss to the crops, damage to the property and grave risks to public safety and movement of vehicles. The said continued inundation has adversely affected the livelihood of the agriculturists and residents. In spite of several representations, the respondents have failed to take effective remedy and measures to reinstate the natural drainage and provide alternative drainage solution.

5. It is contended by learned counsel appearing for the petitioner that, the storm water drainage was subsumed during the construction and widening of National Highway-75 and no adequate drainage channel was constructed to carry the natural flow of storm water, which has resulted in causing loss to the crops, damage to the property and grave risks to public safety and movement of vehicles during monsoon season and the said continued inundation has adversely affected the livelihood of the agriculturists and residents. It is further contended that in spite of several representations, the respondents have failed to take effective remedy and measures to reinstate the natural drainage and provide alternative drainage solution.

6. The respondent No.1-National Highway Authorities of India in the statement of objections has stated that respondent No.1 vide letter dated 09.09.2026, directed the Independent Engineer to examine the site conditions, survey maps and existing drainage alignment and to

submit a report and thereafter, the Independent Engineer conducted a joint site visit on 18.09.2026 and submitted a report stating that the project highway possess sufficient drainage facilities to effectively drain storm water.

7. The respondent No.5-M/s.Bharat Petroleum Corporation Ltd., in its statement of objections, has stated that the concerned Tahsildar after conducting spot inspection and verifying the revenue records, survey sketches and village maps, pertaining to Survey No.527, submitted a report dated 14.01.2026 stating that there is no encroachment of Rajakaluve.

8. The learned Addl. Government Advocate appearing on behalf of the respondent-State contended that respondent No.4 has written letters dated 12.01.2026, 17.07.2026 and 03.09.2026 to respondent No.1, requesting to build an alternative new Rajakaluve by acquiring the private lands next to the Rajakaluve. It is submitted that by another letter dated 03.09.2026, addressed to respondent No.1, it was requested to restore

the Rajakaluve which is existing, thereby ensuring free flow of storm water through the same. It is submitted that since no reply was given by respondent No.1 nor action was taken, the 4th respondent-Tahsildar, of Mulbagal Taluk, instructed the concerned officials to reopen the existing Rajakaluve next to National Highway and to rearrange the drainage system for smooth flow of storm water into the drainage. It is further submitted that subsequent thereto, the existing Rajakaluve is restored and it is ensured that there is free flow of storm water into Rajakaluve without any obstruction and in this regard. To substantiate the said submission, the learned Addl. Government Advocate has produced photographs of the Rajakaluve depicting the restoration of Rajakaluve for free flow of storm water.

9. In view of the submission made by the learned Addl. Government Advocate stating that the existing Rajakaluve has been restored ensuring free flow of storm water and further upon perusal of the photographs produced in support of the said submission, we are of the

considered opinion that no further consideration of the grievances raised in the instant petition is called for.

Accordingly, the writ petition stands ***disposed of.***

Pending interlocutory applications, if any, shall stand *disposed of.*

Sd/-
(ANU SIVARAMAN)
JUDGE

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

bk/