HC-KAR

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 1ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 104570 OF 2026 (GM-RES)

BETWEEN:

MALLAPPA S/O RAMAPPA RAYANAYKAR,
AGE: 45 YEARS, OCC. AGRICULTURE,
R/AT: ANTUR VILLAGE,
TQ. AND DIST. GADAG-582205.

... PETITIONER

(BY SRI. G.H. MOT, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
   GADAG DISTRICT,
   OFFICE OF THE DEPUTY COMMISSIONER,
   GADAG-582101.

2. THE TAHSILDAR,
   TQ. AND DIST. GADAG,
   GADAG-582101.

3. THE PANCHAYAT DEVELOPMENT OFFICER,
   GRAM PANCHAYAT ANTUR-BENTUR,
   TQ. AND DIST. GADAG-582205.

4. THE POLICE SUB-INSPECTOR,
   RURAL POLICE STATION, GADAG,
   DIST. GADAG-582101.

... RESPONDENTS

(BY SRI. SHARAD V. MAGADUM, AGA FOR R1, R2 AND R4;
SRI. L.T. MANTAGANI, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF MANDAMUS BY DIRECTING THE RESPONDENT NO.1 TO 4 TO CONSIDER THE REPRESENTATIONS DATED 11/04/2026 I.E., ANNEXURE-C AND TAKE FURTHER STEPS IN ACCORDANCE WITH LAW AND ETC.,

Digitally signed by MOHANKUMAR B SHELAR
Location: HIGH COURT OF KARNATAKA

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

ORAL ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

The petitioner, in the present writ petition, has sought a writ in the nature of mandamus directing respondent Nos.1 to 4 to consider and dispose of the representation dated 11.04.2026, produced at Annexure-C, in accordance with law.

2. Heard the learned counsel appearing for the petitioner, the learned Additional Government Advocate appearing for respondent Nos.1, 2 and 4, and the learned standing counsel appearing for respondent No.3. Perused the material placed on record.

3. The grievance of the petitioner is that a natural rainwater drainage channel passes through the adjoining land. It is alleged that the owner of the adjoining land has, by constructing an earthen bund, illegally obstructed and diverted the natural course of the rainwater channel. According to the petitioner, on account of such obstruction

and diversion, rainwater is now flowing through his agricultural land, resulting in substantial damage to the standing crops and causing recurring loss.

4. *Per contra*, the learned standing counsel appearing for respondent No.3 would vehemently contend that the dispute essentially relates to the flow of rainwater through private agricultural lands and, therefore, does not fall within the jurisdiction of respondent No.3. It is, therefore, contended that no direction can be issued against respondent No.3 in the present proceedings.

5. Having given anxious consideration to the rival submissions and on perusal of the material placed on record, this Court is of the view that though the dispute appears to arise out of a civil dispute between adjoining landowners, the photographs produced by the petitioner prima facie indicate the existence of a natural rainwater channel passing through the agricultural lands. The photographs further disclose that the said channel has

been obstructed by dumping heaps of earth and by raising a bund, thereby altering its natural course. If such obstruction has in fact resulted in diversion of the natural flow of rainwater, the matter certainly warrants verification by the competent revenue authorities. Therefore, this Court is of the considered view that the jurisdictional Tahsildar shall examine the petitioner's representation dated 11.04.2026, conduct an appropriate enquiry and take a decision in accordance with law.

6. While undertaking the aforesaid exercise, the jurisdictional Tahsildar shall issue notice to all the adjoining landowners who are likely to be affected by the proposed enquiry. The Tahsildar shall conduct a spot inspection after due notice to all concerned parties, secure an appropriate report from the competent subordinate revenue officials, afford an opportunity of hearing to all stakeholders, and thereafter pass a reasoned and speaking order on the petitioner's representation strictly in accordance with law.

7. Accordingly, the writ petition stands ***disposed of*** with a direction to the jurisdictional Tahsildar to consider and dispose of the petitioner's representation dated 11.04.2026, in the light of the observations made hereinabove.

8. The entire exercise shall be completed as expeditiously as possible and, in any event, within a period of eight weeks from the date of receipt of a certified copy of this order.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

MBS,
CKK 6 to 8
CT:BCK
LIST NO.: 1 SL NO.: 16