



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

**DATED THIS THE 29<sup>TH</sup> DAY OF APRIL, 2026**

**BEFORE**

**THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA**

**WRIT PETITION NO.38069 OF 2025 (GM-KEB)**

**BETWEEN:**

SMT. KHUSHBOO BANSAL  
W/O ANKIT BANSAL,  
AGED ABOUT 39 YEARS,  
RESIDING AT DOOR NO.3-51-/170,  
FLAT NO. A2101, PLANET SKS,  
KADRI KUNTIKANA ROAD,  
MANGALORE-575 008.

...PETITIONER

(BY SRI ANOOP HARANAHALLI, ADVOCATE)

**AND:**

1. DEPUTY COLLECTOR CUM DISTRICT MAGISTRATE,  
BUNDER, DAKSHINA KANNADA,  
MANGALORE,  
KARNATAKA-575 001.
2. THE KARNATAKA POWER  
TRANSMISSION CORPORATION LIMITED,  
CORPORATION LIMITED,  
KAVERI BHAVANA, K.G. ROAD,  
BENGALURU-560 009  
REPRESENTED BY ITS  
MANAGING DIRECTOR.
3. THE CHIEF ENGINEER (ELE),  
PLANNING AND COORDINATION,  
THE KARNATAKA POWER  
TRANSMISSION CORPORATION LIMITED,  
4<sup>TH</sup> FLOOR, KAVERI BHAVANA,  
BENGALURU - 560 009.





4. THE EXECUTIVE ENGINEER (ELE),  
MAJOR WORKS DIVISION,  
KARNATAKA POWER TRANSMISSION  
CORPORATION LIMITED,  
KAVOOR, MANGALORE-575 015.

...RESPONDENTS

(BY SMT. RASHMI RAO, HCGP FOR R-1;  
SRI S. SRIRANGA, SENIOR COUSNEL A/W  
SRI H.V. DEVARAJU, ADVOCATE FOR R-2 TO R-4)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI AND QUASH THE ORDER DATED 18.11.2025 PASSED BY RESPONDENT NO.1 IN PROCEEDINGS BEARING NO. MAG (5) C.R. 32/2024/454580/C9 (AT ANNEXURE-A); DIRECT RESPONDENTS TO ALTER THE SITUS OF TOWER NO.11 IN ACCORDANCE WITH THE DEVIATION REPORT AT ANNEXURE-H.

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

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

### **ORAL ORDER**

The petitioner has approached this Court challenging the impugned order dated 18.11.2025 passed by respondent No.1 under Section 17 of the Indian Telegraph Act, 1885 ('the Act' for short), permitting construction of Tower No.11 and drawing of the EHT Line through the petitioner's property.



2. The principal grievance of the petitioner is that the proposed location of Tower No.11, obstructs the only access road to the schedule property, thereby rendering the property inaccessible and causing serious prejudice.

3. The petitioner is the owner of the schedule property and has been in possession and enjoyment thereof. The respondents initiated proceedings for laying of 400 KV EHT transmission line, which includes erection of Tower No.11 within proximity of the petitioner's property. The petitioner, objecting to the same, sought deviation of the Tower location on the ground that the proposed alignment blocks the only access.

4. Learned counsel for the petitioner submits that the grievance of the petitioner is that deviation, particularly the proposed location of tower No.11, obstructs the only access road to the schedule property rendering the entire property unusable.



5. Sri S Sriranga, the learned Senior Counsel appearing for respondents 2 to 4 submits that the grievance of the petitioner with regard to the obstruction of the access road has in fact been considered by the competent authority in the impugned order (Annexure-A).

6. This Court has considered the rival submissions. The relevant portion of the impugned order (Annexure-A) indicating that an alternative access to be provided to the petitioner is culled out as under for ready reference:

“ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಗೋಪುರ ಸಂಖ್ಯೆ 11 ಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಕಾಮಗಾರಿಗೆ ಮಾತ್ರ ತಡೆಯಾಜ್ಞೆ ಇದ್ದು ಗೋಪುರ ಸಂಖ್ಯೆ 10 ಮತ್ತು 12 ರ ನಿರ್ಮಾಣಕ್ಕೆ ನಿಗದಿಕೊಂಡಿರುವ ಸ್ಥಳವು ಪ್ರತಿವಾದಿಯವರಿಗೆ ಸೇರಿಲ್ಲವಾದ್ದರಿಂದ ಕಾಮಗಾರಿಗೆ ಯಾವುದೇ ತಡೆಯಾಜ್ಞೆ ಇಲ್ಲದೆ ಇರುವ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಹಾಗೂ ಪ್ರಸ್ತುತ ಕಾಮಗಾರಿಯನ್ನು ನಿಗದಿತ ಅವಧಿಯೊಳಗೆ ಪೂರ್ಣಗೊಳಿಸಿ ಸಾರ್ವಜನಿಕ ಉಪಯೋಗಕ್ಕೆ ಬಿಟ್ಟು ಕೊಡುವ ಜವಾಬ್ದಾರಿ ವಾದಿಯವರಿಗೆ ಇರುವ ಕಾರಣ ಕಾಮಗಾರಿಯನ್ನು ಮುಂದುವರೆಸಲಾಗಿದೆ ಎಂದು ತಿಳಿಸಿರುತ್ತಾರೆ. ಪ್ರತಿವಾದಿಯವರ ಸಂಪರ್ಕ ರಸ್ತೆಯನ್ನು ಗೋಪುರದ ಹತ್ತಿರದಲ್ಲೇ ಈಗಿನ ಸ್ಥಿತಿಯಲ್ಲೇ ಮರು ನಿರ್ಮಿಸಿ ಕೊಡಲಾಗುವುದೆಂದು ತಿಳಿಸಿರುತ್ತಾರೆ.”

(Emphasis supplied)

7. A perusal of the impugned order emphasis supplied itself discloses that the competent authority has



taken note of this aspect and has indicated that the access would be ensured/provided to the petitioner. Once such an assurance forms part of the order, it is incumbent upon the respondents to ensure that the petitioner's property is not rendered inaccessible. In that view of the matter, while this Court does not deem it necessary at this stage to interfere with the impugned order on merits, it is just and appropriate to reserve liberty to the petitioner to seek redressal before the competent authority, particularly with regard to the location of tower No.11 and its impact on access.

8. Having regard to the mandate under Section 10 (d) of the Act, which obligates the authority to cause the least possible damage, the respondents are required to consider the petitioner's grievance in that light and ensure that effective and usable access is provided. Accordingly, the following:



**ORDER**

- (i) The Writ Petition is ***disposed of.***
- (ii) The petitioner is granted liberty to submit a detailed representation to respondent No.3 within a period of one week from today, specifically with regard to the grievance concerning obstruction of the access road on account of the location of tower No.11.
- (iii) If such a representation is made, respondent No.3 shall consider the same in accordance with law, keeping in view the provision of Section 10 (d) of the Act and the observations made herein and pass appropriate orders within a period of two weeks thereafter.
- (iv) The respondents shall ensure that effective access to the petitioner's property is provided, as indicated in the impugned order (Annexure-A).



- (v) Till such consideration, the respondents shall not take any precipitative action in respect of the petitioner's schedule property.

**Sd/-**

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**JUSTICE K.S. HEMALEKHA**

CKL  
List No.: 1 Sl No.: 54