



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 17TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 201235 OF 2021 (GM-KEB)

BETWEEN:

KGN SAW MILL,
THROUGH ITS PROPRIETOR,
HUSSAIN PATEL S/O LADLE PATEL,
AGE: 55 YEARS, OCCUPATION: BUSINESS,
R/O EDGA AREA, JEWARGI ROAD, SHAHABAD
TALUKA - SHAHABAD,
DISTRICT - KALABURAGI
PIN- 585228.

...PETITIONER

(BY SRI GURUBASAVA C NAYAK, ADV FOR
SRI. RAMCHANDRA K.,ADVOCATE)



AND:

1. THE CHIEF EXECUTIVE OFFICER,
KARNATAKA WAKF BOARD,
CUNNINGHAM ROAD,
BANGALORE-560001.
2. THE DISTRICT WAKF OFFICER,
DISTRICT ADVISORY COMMITTEE,
KALABURAGI-585102.



3. INTEZAMI COMMITTEE JAMIA MASJID
(SUNNI), WAKF STATION,
SHAHABAD
TALUKA - SHAHABAD,
DISTRICT - KALABURAGI,
THROUGH ITS PRESIDENT
PIN- 585229.

4. THE ASST. EXECUTIVE ENGINEER,
O AND M GESCOM,
SUB-DIVISION,
SHAHABAD - 585228.

...RESPONDENTS

(BY SRI. LIYAQAT FAREED USTAD, FOR R1 AND R2;
SRI NAGARAJ PATIL, ADV FOR R4;
NOTICE TO R3 SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO, 1) TO ISSUE A WRIT IN THE NATURE OF CERTIORARI TO QUASH THE IMPUGNED LETTER / ORDER VIDE BEARING NO. DWO / KLB / MSC / - / 2020-21 / 835 ISSUED BY THE RESPONDENT NO.2 DATED 21.01.2021 IS AS PER ANNEXURE-C FOR DISCONNECTIN ELECTRICITY OF PETITIONER SAW MILL. 2) ISSUE WRIT OF MANDAMUS OR DIRECTIONS TO THE RESPONDENT NO. 4 NOT TO DISCONNECT THE ELECTIRICITY IN RRSP NO. 18018 DATED 23.06.2021 IS AS PER ANNEXURE-E. 3) ISSUE ANY OTHER DIRECTIONS OR ORDERS AS THE HON'BLE HIGH COURT DEEMS FIT UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE.



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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

1. This writ petition under Articles 226 & 227 of the
Constitution of India is filed seeking for the following reliefs:

*(i) To issue writ in the nature of certiorari to
quash the impugned letter vide bearing
No.DWO/KLB/MSC/-/2020-21/835 issued by the
respondent No.2 dated 21.01.2021 is as per Annexure-
C for disconnection electricity of petitioner Saw Mill.*

*(ii) Issue writ of mandamus or directions to
the respondent No.4 not to disconnect the electricity in
RRSP No.18018 dated 23.06.2021 as per Annexure-E.*

*(iii) Issue any other directions or orders as the
Hon'ble High Court deems fit under the facts and
circumstances of the case.*

2. Heard the learned counsel for the parties.

3. It is the case of the petitioner that the property
bearing Survey No.379, situated at Jewargi Road, Shahabad,



Kalaburagi district belongs to the respondent No.3 and the said property was leased to the petitioner for the purpose of running a Saw Mill. Considering the application filed by the petitioner, a license was issued by the Forest Department for running the Saw Mill, which is produced at Annexure-A. It appears that, respondent No.2 had made a representation vide Annexure-C on 21.01.2021 to the respondent No.4 to disconnect the electricity supply to the petitioner's electricity meter bearing No.RRSP 18018 and based on such a representation, the respondent No.4 had issued notice at Annexure-E dated 23.06.2021 to produce all necessary documents with regard to petitioners tenancy and also had disconnected the electricity supply to the petitioner. It is under these circumstances, the petitioner has approached this Court in this writ petition.

4. The material on record would go to show that, the respondent No.3 has leased the aforesaid property to the petitioner for the purpose of establishing a Sawmill and considering the application of the petitioner, the Karnataka Forest Department vide Annexure-A has issued a Sawmill license which was valid for the purpose from 11.02.2019 to



31.03.2023. According to the petitioner, the said license has been periodically renewed thereafter. Annexure-B is the 'No objection letter' from the respondent No.3 issued in favour of the petitioner for running a Saw Mill in the property belonging to it. Annexure-D is the communication issued by the respondent No.3 to respondent No.4 admitting the lease of the aforesaid property to the petitioner and it is also stated that, upto date rent was paid by the petitioner regularly. However, only based on the objection/representation of the respondent No.2, it appears that the respondent No.4 has issued notice at Annexure-E and thereafter had disconnected the electricity supply to the petitioner.

5. This Court on 06.08.2021 had passed an interim order after hearing the parties to the writ petition, directing the respondent No.4 to restore electricity supply to the petitioner's Saw Mill, subject to the petitioner clearing all arrears of electricity charges. It is not in dispute that, the petitioner has cleared all arrears of electricity charges and subsequently, the respondent No.4 has also restored the electricity supply to the petitioner's electricity meter bearing RRSP 18018.



6. It appears that, there is a dispute between the President and Secretary of the respondent No.3 and in the background of such a dispute, the respondent No.2 had forwarded a communication at Annexure-C dated 21.01.2021 addressed to the 4th respondent with a request to cancel the electricity connection to the petitioner's Saw Mill. After the said representation was submitted by the respondent No.2, the owner of the property in question, namely respondent No.3 vide Annexure-D dated 06.02.2021 has admitted the lease of the aforesaid property in favour of the petitioner and also has stated that, the petitioner was paying the rent regularly.

7. Under the circumstances, there was no justification on the part of the respondent No.4 to issue Annexure-E considering the *inter se* dispute between the members of the Managing Committee of the respondent No.3.

8. Under the circumstances, notice at Annexure-E cannot be sustained. The statement on behalf of respondent No.4 that pursuant to the interim order passed in this writ petition, the electricity supply is restored to the petitioner is placed on record. Accordingly, the following:



ORDER

- (i) The writ petition is partly allowed;
- (ii) Notice at Annexure-E dated 23.06.2021 issued by respondent No.4 is quashed.

**Sd/-
(S.VISHWAJITH SHETTY)
JUDGE**