

IN THE HIGH COURT OF KARNATAKA

CIRCUIT BENCH AT DHARWAD

DATED THIS THE 29TH DAY OF OCTOBER, 2010

BEFORE

THE HON'BLE MR.JUSTICE B.S.PATIL

WRIT PETITION NO.66675/2010 (LA-RES)

Between:

Hanamantha Yankappa Dasappanavar,
Age: 60 years, Occ: Agril.,
R/o Benakatti,
Bagalkot – Tq. & Dist.

... **PETITIONER**

(By Sri R.D.Desai, Adv)

And:

1. The Assistance Executive Engineer,
Karnataka Niravari Nigama (KNNL),
MLBCC Sub-Division No.9,
Gaddanakeri, Bagalkot.

2. The Executive Engineer,
Karnataka Niravari Nigama (KNNL),
MBC Division No.1, Gaddanakeri,
Camp: Bagalkot.

... **RESPONDENTS**

(By Sri G.K.Hiregoudar, Adv.)

This writ petition is filed under Articles 226 and 227 of the Constitution of India, praying to direct the respondents to undertake to repair the collapsed canal work to avoid further loss to petitioner.

This petition coming on for Preliminary Hearing this day, the Court made the following:

ORDER

In this writ petition, petitioner is seeking a direction to the respondents to undertake repair work of the collapsed canal.

2. The case of the petitioner is that he is the owner of the land bearing Sy.No. ^{1087/1} 1089 measuring 7 acres 21 guntas situated at Shirur village of Bagalkot Taluk. A canal connected to Ghataprabha river breached, resulting in water gushing into the land of the petitioner and destroying standing crops as also caused loss of fertility of the land due to soil erosion. The petitioner brought the said fact to the notice of the respondents herein by giving necessary representations. According to the petitioner, he was assured by the authorities of repairing the breached canal and protecting the land of the petitioner. However, so far no action having been taken, the present writ petition is filed seeking appropriate direction in this regard.

4

⊕ Corrected, vide
 ✓ Court Order dated:
 15/12/2010.

3. Petitioner has produced photographs to show how his land was inundated on account of breach of the canal. He has also produced a letter dated 21.7.2009, vide Annexure-D issued by the 1st respondent, wherein an assurance was given that the breached canal will be repaired.

4. Learned Counsel appearing for respondents was directed to secure instructions and make his submission. Sri G. K. Hiregoudar, learned Counsel appearing for the respondents has filed a Memo stating that respondents have already taken up the repair work and have appointed the Contractor to execute the work. Along with the Memo he has also produced a copy of tender notification dated 13.5.2010 and work order issued to successful contractor for executing the work. It is also submitted by the learned Counsel that the construction/repair of the canal will be completed expeditiously.

5. In the light of the submission made by the learned Counsel for respondents and in view of the serious hardship that the petitioner is facing, this writ petition is disposed of



directing the respondents to complete the repair work of the canal expeditiously, at any rate, within a period of three months from the date of receipt of a copy of this order.

Sd/-
JUDGE

Sub/