

IN THE HIGH COURT OF KARNATAKA DHARWAD BENCH

DATED THIS THE 30TH DAY OF SEPTEMBER, 2021

BEFORE

THE HON'BLE MR.JUSTICE S.R. KRISHNA KUMAR

WRIT PETITION NO. 103700/2021(LA-RES)

BETWEEN

1. NingappaMavanoori,
S/o Balappa,
Age: 65 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
2. BaleshMavanoori,
S/o Ningappa,
Age: 43 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
3. LagameshMavanoori,
S/o Channamallappa,
Age: 65Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
4. NingappaMavanoori,
S/o Mallappa,
Age: 45 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309

Dist: Belagavi

5. BasavanniMavanoori,
S/o Parappa,
Age: 36 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
6. KalappaKashappa Patil
S/o Kashappa Patil,
Age: 68 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
7. BharamaOzi,
S/o Shivaling,
Age: 70 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
8. LagamavvaKamati,
S/o Balappa,
Age: 80 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
9. Mallikarjun Mokashi,
S/o Niranjan,
Age: 37 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi

10. Chandrashekhar Hiremath,
S/o Adavayya,
Age: 47Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
11. EerappaMungari,
S/o Basavant,
Age: 70 Years,
Occ: Agriculture,
R/o:Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
12. BalappaPashchapuri,
S/o Mallappa,
Age: 85Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
13. Shankar Kugu,
S/o Balappa,
Age: 58 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
14. GangappaMundolli,
S/o Balappa,
Age: 82 Years,
Occ: Agriculture Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
15. YallavvaEeragar,
S/o Shivappa,
Age: 75 Years,
Occ: Agriculture,

R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi

16. BasavanniMokashi,
S/o Mallappa,
Age: 43 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
17. Vijayakumar Gidannavar,
S/o Siddabasappa,
Age: 60 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
18. NingappaGoni,
S/o Balappa,
Age: 50Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
19. BasavanniKoli,
S/o Kallappa,
Age: 68 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
20. BharamaVantamuri,
S/o Lagama,
Age: 44Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi

21. Raju Maryagol,
S/o Satyappa,
Age: 43 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
22. Vinayak Nayik,
S/o Bhimarayi,
Age: 38 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
23. LagamappaKamati,
S/o Balappa,
Age: 80 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
24. KempannaChougala,
S/o Bharama,
Age: 70Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
25. Ramappa Patil,
S/o Kasheppa,
Age: 72 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
26. LagamaChougala,
S/o Shankar,
Age: 38Years,

Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi

27. BhimasheppaMokashi,
S/o Shivagouda,
Age: 70 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
28. BasappaOzi,
S/o Malakappa,
Age: 50Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
29. Raju Ozi,
S/o Malakappa,
Age:45 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
30. ShivalingChougala,
S/o Balappa,
Age: 70 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
31. Sadashiv Chougala,
S/o Bharama,
Age: 44 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309

Dist: Belagavi

32. RamappaMungari,
S/o Lakkappa,
Age: 58 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
33. Shankar Patil,
S/o Balagouda,
Age: 80 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
34. Malakappa Patil,
S/o Basaprabhu,
Age: 65Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
35. Ningouda Patil,
S/o Shivaling,
Age: 48Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
36. Basavaraj Mavanoori,
S/o Mallappa,
Age: 38Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi

37. BharamaBambaragi,
S/o Siddappa,
Age: 75Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
38. SatabaDhang,
S/o Narayan,
Age: 50 Years,
Occ: Agriculture,
R/o: Hattaragi
Tq: Hukkeri-591309
Dist: Belagavi
39. Mahadev Dhang,
S/o Kedari,
Age: 40 Years,
Occ: Agriculture,
R/o:Hattaragi
Tq: Hukkeri-591309
Dist: Belagavi
40. Manu Pawar,
S/o Ramappa,
Age: 60Years,
Occ: Agriculture,
R/o: Hattaragi
Tq: Hukkeri-591309
Dist: Belagavi
41. Vilas Pawar
S/o Maruti,
Age: 45 Years,
Occ: Agriculture,
R/o: Hattaragi
Tq: Hukkeri-591309
Dist: Belagavi
42. RajashekarVantamuri
S/o Chanapabhu
Age: 48 Years,

Occ: Agriculture,
R/o: Malloli
Tq: Hukkeri-591309
Dist: Belagavi

43. Suresh Madar,
S/o Mallappa,
Age: 50Years,
Occ: Agriculture,
R/o: Gudaganhatti
Tq: Hukkeri-591309
Dist: Belagavi

44. Goudappa Patil,
S/o Rudragouda,
Age: 48 Years,
Occ: Agriculture,
R/o: Managuppi
Tq: Hukkeri-591309
Dist: Belagavi

45. PatreppaMaladani,
S/o Shetteppa,
Age 50 Years,
Occ: Agriculture,
R/o: Beeranahole
Tq: Hukkeri-591309
Dist: Belagavi

46. BharamaMalagi,
S/o Ramappa,
Age: 65 Years,
Occ: Agriculture,
R/o: Beerhanaloe
Tq: Hukkeri-591309
Dist: Belagavi

47. Mahadev Patil,
S/o Parasappa,
Age: 59 Years,
Occ: Agriculture,
R/o: Suttagati
Tq: Belagavi

Dist: Belagavi

- 48 LagameshMavanoori,
S/o Channamallappa,
Age:65 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
- 49 MallappaGorav,
S/o Balappa,
Age: 55 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
- 50 Balappa Nayak,
S/o Gangappa,
Age: 67 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
- 51 Malakappa Patil,
S/o Basaprabhu,
Age: 63 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
- 52 VittalChougala,
S/o Mallappa,
Age: 75 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi

- 53 Dayanand Khanadali,
S/o Basavanni,
Age: 38 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
- 54 Sanju Khanadali,
S/o Babu,
Age: 42 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
- 55 Laxman Mekali,
S/o Apayya,
Age: 67 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
- 56 Annappa Patil,
S/o Mahalingappa,
Age: 50 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
- 57 Kalagouda Patil,
S/o Goudappa,
Age: 50 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
- 58 BharamaEeragar,
S/o Pavadi,
Age: 38 Years,

Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi

- 59 BasavanniMokashi,
S/o Basavantappa,
Age: 68Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
- 60 LagamaChougala,
S/o Shankar,
Age: 36Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
- 61 KempannaKamati,
S/o Akkappa,
Age: 35 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
- 62 MahanteshMavanoor,
S/o Mallikarjun,
Age:35 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi
- 63 GaBarappa Patil,
S/o Basaprabhu,
Age: 70 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309

Dist: Belagavi

64 EerappaMungari,
S/o Basavant,
Age: 70 Years,
Occ: Agriculture,
R/o: Mastiholi
Tq: Hukkeri-591309
Dist: Belagavi

...Petitioners

(By Sri.Gangadhar.J.M, advocate)

AND:

1. The State of Karnataka,
Rep by its Principal Secretary,
Department of Revenue,
VidhanSoudha,
Bengaluru-560001.
2. Karnataka NeeravariNigama,
Rep by its Managing Director,
Coffee Board Building,
4th Floor, Dr. Ambedkar Veedhi,
Bengaluru-560001.
3. The Special Deputy Commissioner,
Rehabilitation and Reconstruction,
Hidakal Dam Project,
Belagavi, Dist: Belagavi-590001.
4. The Special Land Acquisition Officer,
Hidakal Dam Project,
Hidkal, Hukkeri Taluk,
District Belagavi-591107.
5. The Chief Engineer,
Karnataka NeeravariNigama,
Irrigation (North Division),
Belagavi. 591107
6. The Executive Engineer,
Karnataka NeeravariNigama,

Ghatapraha Division-2,
Hidkal Dam, Hidkal,
Hukkeri Taluk,
District Belagavi-591107

... Respondents

(By Sri.Shivaprabhu Hiremath, Advocate for R1, 3 & 4;
By Sri. Umesh Ainapur, Advocate for R2)

This writ petition is filed under article 226 and 227 of the Constitution Of India praying to direct the respondents to acquire the land of the petitioner, which are submerged under the backwater of Hidkal Dam and pay the compensation as per the proposal of the Special Land Acquisition Officer, dated 27.3.2019 vide Annexure-C and etc.

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

ORDER

In this writ petition, the petitioners have sought for the following reliefs.

- i. Issue a writ in the nature of mandamus or any other appropriate writ or direction, directing the respondents to acquire the land of the petitioner, which are submerged under the backwater of Hidkal Dam and pay the compensation as per the proposal of the Special Land Acquisition Officer, dated 27.3.2019 vide Annexure-C and for other reliefs.

2. I have heard learned counsel for the petitioners and learned counsel for respective respondents and perused the material on record.

3. It is the contention of the petitioners that pursuant to several representations submitted by the petitioners, the respondent No.4-SLAO has submitted a report at Annexure-C dated 27.03.2019 to respondent No.6. It is their grievance that despite the aforesaid facts and circumstances and submission of the report by the respondent No. 3 to the respondent No.6, the respondent No.6 has not taken any steps/ action pursuant thereof and as such petitioners are before this Court by way of the present writ petition.

4. In view of the aforesaid facts and circumstances, without expressing any opinion on the merits of the claim of the petitioners, in view of the inaction on the part of respondent No.6 in not taking any steps pursuant to the aforesaid report at Annexure-C submitted by the respondent No.4, I deem it just and proper to dispose of this writ

petition directing the concerned respondents No.5 and 6 to take necessary steps/action pursuant to the aforesaid report at Annexure-C dated 27.03.2019 in accordance with law, within a period of four months from the date of receipt of a copy of this order. Ordered accordingly.

Sd/-
JUDGE

am

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

[NINGAPPA MAVANOORI S/O. BALAPPA VS. THE STATE OF
KARNATAKA]

SRKKJ

06.10.2023

(VIDEO CONFERENCING / PHYSICAL HEARING)

ORDER ON IA No.1/2023

IA No.1/2023 is filed by the petitioners seeking modification of the final order dated 30.09.2021. In the said application, it is contended that in the light of prayer sought for in the writ petition, the relief already granted in favour of the petitioner, it is necessary to issue direction to all the respondents to address the grievance of the petitioner by taking appropriate decision and to pass appropriate orders.

Accepting the reasons stated in the application in support of the affidavit, IA No.1/2023 is allowed. The final order dated 30.09.2021 passed in this writ petition is modified by directing all the concerned respondents to take necessary steps/action pursuant to the report at Annexure-C dated 27.03.2019 in accordance with law within a period of four months from today.

It is further directed that the present order shall be treated as part and parcel of final order dated 30.09.2021 passed in the aforesaid writ petition.

Except the above modification, remaining portion of the final order dated 30.09.2021 is unaltered.

**Sd
JUDGE**

JTR

List No.: 1 Sl No.: 8