



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF MAY, 2024

PRESENT

THE HON'BLE MR JUSTICE B M SHYAM PRASAD

AND

THE HON'BLE MR JUSTICE T.G. SHIVASHANKARE GOWDA

WRIT APPEAL NO. 636 OF 2024 (KLR-RES)

BETWEEN:

1. SAMAD A A
AGED ABOUT 45 YEARS,
S/O LATE ASAINER A M,
R/AT MUGATAGERI VILLAGE,
PONNAMPET POST,
KODAGU DISTRICT-571216.
2. RAFEEQ A A
AGED ABOUT 45 YEARS,
S/O LATE ASAINAR A M,
R/AT MUGATAGERI VILLAGE,
PONNAMPET POST,
KODAGU DISTRICT-571216.
3. UMMAR A H
AGED ABOUT 45 YEARS,
S/O LATE HAMSA A A,
R/AT MUGATAGERI VILLAGE,
PONNAMPET POST,
KODAGU DISTRICT-571216.
4. SAMAD A A
AGED ABOUT 59 YEARS,
S/O LATE AHAMED,
R/AT MUGATAGERI VILLAGE,





PONNAMPET POST,
KODAGU DISTRICT-571216.

5. KHALID
AGED ABOUT 51 YEARS,
S/O LATE AHAMED
R/AT MUGATAGERI VILLAGE,
PONNAMPET POST,
KODAGU DISTRICT-571216.
6. A A MOOSA
AGED ABOUT 66 YEARS,
S/O LATE AHAMED,
R/AT CHENIVADA VILLAGE,
BEGOOR POST,
PONNAMPET,
KODAGU DISTRICT-571216.
7. A A MOIDU
AGED ABOUT 63 YEARS,
S/O LATE AHAMED,
R/AT MUGATAGERI VILLAGE,
PONNAMPET POST,
KODAGU DISTRICT-571216.
8. A M ABDUL FAROOK
AGED ABOUT 39 YEARS,
S/O MOIDU A A,
R/AT MUGATAGERI VILLAGE,
PONNAMPET POST,
KODAGU DISTRICT-571216.
9. KHALID A H
AGED ABOUT 47 YEARS,
S/O LATE HUSAINER A A ,
R/AT MUGATAGERI VILLAGE,
PONNAMPET POST,



KODAGU DISTRICT-571216.

10. A A ABOOBAKAR
AGED ABOUT 53 YEARS,
S/O LATE A P ALI,
R/AT MUGATAGERI VILLAGE,
PONNAMPET POST,
KODAGU DISTRICT-571216.

...APPELLANTS

(BY MS. NITYA KALIGOTLA.,ADVOCATE)

AND:

1. SRI K K DEEPAK
S/O LATE DKUTTAPPA,
AGED ABOUT 45 YEARS,
R/AT ARJI VILLAGE,
KALLUBANE POST,
SRI CHAMUNDI LAYOUT,
VIRAJPET,
KODAGU-571218.
2. STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE,
VIDHANA SOUDHA,
BENGALURU-560001.
3. THE DEPUTY COMMISSIONER
OFFICE OF THE
DEPUTY COMMISSIONER MADIKERI,
KODAGU-571201.
4. THE ASSISTANT DIRECTOR
URBAN AND RURAL DEVELOPMENT
DEPARTMENT OF MADIKERI,



KODAGU-571201.

5. THE ASSISTANT COMMISSIONER
OFFICE OF THE DEPUTY
COMMISSIONER MADIKERI,
KODAGU-571201.
6. THE TAHSILDAR
OFFICE OF THE TAHASILDAR,
PONNAMPET,
KODAGU-571216.
7. KODAGU ZILLA PANCHAYAT
REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER,
DEPARTMENT OF RURAL DEVELOPMENT AND
PANCHAYATH RAJ MADIKERI,
KODAGU-571201.
8. BALLYAMANODOOR GRAM PANCHAYAT
BALLYMANDOOR VILLAGE,
VIRAJPET, KODAGU-571216
REPRESENTED BY THE PANCHAYATH
DEVELOPMENT OFFICER.
9. PONNAMPETE TALUK PANCHAYATH
PONNAMPETE VIRAJPETE, KODAGU-571216
REPRESENTED BY ITS EXECUTIVE OFFICER.
10. PANCHAYAT RAJ ENGINEERING DEPARTMENT
PONNAMPETE VIRAJPETE,
KODAGU-571216
REPRESENTED BY ITS EXECUTIVE OFFICER.

...RESPONDENTS

(BY SRI.MOHAMMED JAFFAR SHAH., AGA FOR R2 TO
R6)



THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT, 1961 READ WITH RULE 27 OF THE WRIT PROCEEDINGS RULES, 1977 PRAYING TO CALL FOR RECORDS BEFORE THE Ld. SINGLE JUDGE IN W.P No. 21368/2023 ii. SET ASIDE THE IMPUGNED ORDER DATED 18 MARCH 2024 PASSED BY THE Ld. SINGLE JUDGE IN W.P No. 21368/2023.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY **B.M. SHYAM PRASAD J**, DELIVERED THE FOLLOWING:

JUDGMENT

The appellants are aggrieved by the interim order dated 18.03.2024 in W.P.No.22377/2023 c/w W.P.No.21368/2023, and insofar as the appellants' grievance with this order, this Court must refer to the following:

"From the above, it is clear that the concrete road has been put up on the thodu, which may be the main reason for stagnation of water. Though the Tahasildar had issued the directions to the Panchayat Development Officer to remove the concrete road nothing further has been done.



In that view of the matter, the Deputy Commissioner, Madikeri, is hereby directed to follow up the information given by the Tahasidar as noticed herein above, proceed to remove the concrete road which appears to be the main reason for stagnation of water.

The entire exercise shall be completed within a period of four weeks from today."

The learned counsel for the appellants submits that the appellants' rights will be affected if the directions of the Writ Court are implemented and therefore, the first respondent ought to have impleaded the appellants as well.

Sri. Mohammed Jaffar Shah, the learned Additional Government Advocate, who accepts notice for the second to the sixth respondents when queried, submits that the Writ Court's directions as aforesaid are not implemented because of the elections. As the appellants contend that they ought to have been heard, this Court is of the considered view that the



appeal may be disposed of deferring the implementation of the directions until 30.06.2024 with liberty to the appellants to file necessary applications in the writ proceedings. It is needless to observe that this Court has not recorded any view on the appellants' grievance as the same will have to be considered by the writ Court.

**SD/-
JUDGE**

**SD/-
JUDGE**

RB