IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 5TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD

AND

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

WRIT APPEAL NO. 100306 OF 2023 (GM-RES)

BETWEEN:

1. SMT. MAHADEVI W/O. KRISHNAPPA PATTAR,
   AGE. 65 YEARS, OCC. HOUSEHOLD WORK,
   R/O. KALLOLI, TALUK. GOKAK,
   DIST. BELAGAVI, PIN CODE-591 224 .

2. SHRI. ANIL S/O. LATE KRISHNAPPA PATTAR,
   AGE. 43 YEARS, OCC. AGRICULTURE,
   R/O. KALLOLI, TALUK. GOKAK,
   DIST. BELAGAVI, PIN CODE-591 224.

3. SHRI. MAHESH S/O. KRISHNAPPA PATTAR,
   AGE. 40 YEARS, OCC. AGRICULTURE,
   R/O. KALLOLI, TALUK. GOKAK,
   DIST. BELAGAVI, PIN CODE-591 224.

4. SHRI. ANAND S/O. KRISHNAPPA PATTAR,
   AGE. 37 YEARS, OCC. AGRICULTURE,
   R/O. KALLOLI, TALUK. GOKAK,
   DIST. BELAGAVI, PIN CODE-591 224.

... APPELLANTS

(BY SRI. SANJAY S. KATAGERI, ADVOCATE)

Digitally signed by RAKESH S HARIHAR
Location: High Court of Karnataka, Dharwad Bench

AND:

1. THE COMMISIONER,
   CITY MUNICIPAL COUNCIL,
   GOKAK, DIST. BELAGAVI,
   PIN CODE – 591 307.

2. STATE OF KARNATAKA,
DEPT. OF URBAN DEVELOPMENT
AUTHORITY, M.S. BUILDING,
AMBEDKAR ROAD, BANGALORE – 560 001.

3. THE DIRECTOR,
THE DIRECTORATE OF MUNICIPAL
ADMINISTRATION, 9TH & 10TH FLOOR,
VISHWESHWARAIAH TOWERS,
DR. AMBEDKAR VEEDHI,
BENGALURU, PIN CODE – 560 001.

...RESPONDENTS

(BY SMT. PALLAVI PACHHAPUR, ADV. FOR
SRI. SRINAND PACHHAPURE, ADV. FOR R1;
SRI. SHARAD V. MAGADUM, AGA FOR R2 & R3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED ORDER DATED 12-12-2022 PASSED IN WRIT PETITION NO.114450/2015 BY THE LEARNED SINGLE JUDGE, BY ALLOWING THIS WRIT APPEAL AND THEREBY DISMISSING THE SAID WRIT PETITION NO.114450/2015 AS FILED BY THE RESPONDENT NO.1 HEREIN AND CONSEQUENTLY RESTORING THE SAID ORIGINAL PETITION NO.31/2014 BEFORE THE PERMANENT LOK ADALAT, BELAGAVI AND THEREBY DIRECTING TO DECIDE THE SAID OP NO.31/2014 ON ITS MERITS UNDER THE SAID ACT, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD
AND
THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE B.M. SHYAM PRASAD)

This intra-court appeal is against the writ Court's order dated 12.12.2022 in W.P. No.114450/2015. The first respondent, a local body, has filed this writ petition being aggrieved by the direction by the Permanent Lok Adalat, Belagavi [PLA] to pay to the appellants compensation of ₹12,00,000 The PLA has issued this direction while answering the Preliminary Issue No.4. The PLA has framed this Issue to answer whether it has jurisdiction to entertain the appellants' application claiming compensation for the death of Sri Krishnappa s/o Annappa Pattar.

2. This Court, before adverting to the rival submissions and the questions presented for consideration, must record the circumstances in which the appellants have invoked the jurisdiction of PLA under Section 22C of the Legal Services

Authorities Act, 1987 [for short, 'the *Act*']. The facts, stated in a brief, are these. The appellants are the wife and children of Sri Krishnappa Pattar, a resident of Kalloli Village, Gokak Town. He was attending a shandy in Gokak City on 02.09.2010, and when he was on his way to board a bus to return, a stray bull attacked him and he sustained injuries. Sri Krishnappa Pattar, after hospitalization over eight days, breathed his last. The jurisdictional police registered proceedings for an inquiry into this unnatural death. The postmortem report confirmed that he died because of the injuries sustained when attacked by a stray bull.

3. The appellants had invoked this Court's jurisdiction in W.P. No.62974/2011 for directions to the local body to pay compensation for negligence that resulted in the death of Sri Krishnappa Pattar. The writ Court has disposed of this petition on 16.09.2013 observing that it would be open to the

appellants to work out their remedy before the proper forum under law. It is after this liberty that the appellants have applied under Section 22C of the Act. With the first respondent contesting the jurisdiction of the PLA to entertain the application, it has framed the Preliminary Issue on its jurisdiction. The PLA, by its order dated 03.10.2015, has answered this Issue in the affirmative holding that it has jurisdiction to entertain the petition. The first respondent has carried this order dated 03.10.2015 with the writ Court in W.P. No.114450/2015.

4. The writ Court, on examining Section 22A of the Act and more specifically 22A(b)(iv) of the Act, has opined that an attack by a stray animal cannot be within the scope of a dispute relating to the *system of public conservancy or sanitation* and therefore the PLA could not have assumed jurisdiction. The writ Court has also observed that a *system of public conservancy or sanitation*, which is

defined as "*public utility service*" under Section 22A sub-section (b) of the Act, cannot relate to control of animals on the municipality streets, and if the control over animals does not relate to *either sanitation or public conservancy*, there cannot be a dispute that can be adjudicated under the Act. The Writ Court's order is as under:

> "17. *The reliance placed on Section 87C that the municipality was under a obligation to abate all public nuisance would also bring all municipal functions within the purview of public utility service under Section 22A of the LSA Act cannot be accepted. The discharge of an obligatory function under the municipal laws cannot be equated to a service, which is essentially relatable only to services provided by public utilities for which charges are collected."*

5. Sri Sanjay S. Katageri, the learned counsel for the appellants, submits that the PLA is constituted to facilitate conciliation of disputes relating to *public utility services*, and the first

respondent, a municipality subject to Karnataka Municipalities Act, 1964, has responsibilities to ensure that public streets are maintained and accommodation is provided for cows and buffaloes. The learned Counsel argues that if there is a failure in maintaining these, there would be a deficiency and that, as considered by the PLA, if there is any deficiency resulting in a dispute relating to a *public utility*, there would be a dispute for adjudication under Section 22 C [8] if the conciliation fails.

6. Smt. Pallavi Pachhapure, the learned counsel for the first respondent, and Sri Sharad V. Magadum, the learned Additional Government Advocate who appears for the other respondents, are heard. Both support the writ Court's finding that the accident cannot relate to the first respondent's liability to maintain a public utility such as sanitation or conservancy. In fact, Smt. Pallavi Pachhapure canvasses that the writ Court has rightly

observed that for the services contemplated to be an *utility service* under Section 22A(b) of the Act there must be reciprocity with the charges being paid to the establishments which offer utility services.

7. This Court must, at the outset, observe that there cannot be a quarrel about the statutory mechanism for conciliation and the decision on a dispute under Chapter VIA of the Act which includes Sections 22A to 22E. The expression '*dispute'* is not defined under the Act, but while defining the expression "*public utility services*" and providing for PLA, the legislature has provided for an application to be filed by any party to a *dispute* with the PLA for settlement of *dispute* subject to financial cap and the restriction when such *dispute* relates to an offence not compoundable under law. The PLA, as envisaged under Section 22 C [5] of the Act, must conduct conciliation proceedings and assist the parties to the dispute to settle in an independent and impartial

manner after the written statement and submissions are made.

8. If the parties come to a settlement, the PLA must ensure that an agreement is drawn as contemplated under Section 22 C [7] of the PLA, but if the parties do not come to a settlement, the PLA should decide on the *dispute*. The dispute, in the scheme under Chapter VIA of the Act must essentially relate to *public utility services* as defined under Section 22A(b) which reads as under:

> "***22A. Definitions.*** *—In this Chapter and for the purposes of sections 22 and 23, unless the context otherwise requires, —*
>
> *(a) x x x x*
>
> *(b) "public utility service" means any—*
>
> *(i) transport service for the carriage of passengers or goods by air, road or water; or*
>
> *(ii) postal, telegraph or telephone service; or*
>
> *(iii) supply of power, light or water to the public by any establishment; or*

(iv) system of public conservancy or sanitation; or

(v) service in hospital or dispensary; or

(vi) insurance service,

If *dispute* relates to any of the afore *services*, a dispute will definitely lie with the PLA for adjudication, and in fact, that is the exposition of the Apex Court in ***Bar Council of India V. Union of India*** reported in **(2012) 8 SCC 243**.

9. However, the question in the present circumstances is, have the appellants presented a *dispute* of the nature contemplated under the Act for adjudication. The fulcrum of the appellants' case is built around the expression "*system of public conservancy or sanitation*" and the onus is on the first respondent, as a municipality, to maintain the public streets and provide shelter for stray animals. The expression "*public conservancy or sanitation*" can only connote utilities that must be maintained by the first

respondent, and the dispute must relate thereto. Sri. Krishnappa Pattar, according to the appellants, was on the way to the bus stand to board a bus to go to his native place when the stray bull attacked. The cause is therefore related to the attack and not to the maintenance of *public conservancy or sanitation.*

10. This Court, therefore, opines that the appellants' dispute is not a dispute contemplated under Chapter VIA of the Act, and therefore, no exception can be taken with the writ Court interfering with PLA's order on its jurisdiction. In fact, this Court in the light of the afore is persuaded to dispose of the appeal reiterating that the writ Court has reserved liberty to the appellants to initiate appropriate proceedings being entitled to exclusion of time spent in prosecuting the application before the PLA and the writ proceedings, including this appeal. This Court also observes that the question of any nuisance and negligence ought to be examined by a civil court in

proper proceedings and not in the present proceedings.

The appeal stands disposed of accordingly.

Sd/-
(B.M.SHYAM PRASAD)
JUDGE

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE

KMS / CT: ASC
List No.: 1 Sl No.: 2