IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 14TH DAY OF DECEMBER, 2023

BEFORE

THE HON'BLE MR JUSTICE M.I.ARUN

WRIT PETITION NO. 104773 OF 2023 (LB-ELE)

BETWEEN:

1. SMT. REKHA W/O. DASAPPA MADENAHALLI,
AGE: 34 YEARS, OCC: HOUSEHOLD WORK
R/O: KUPPELURU VILLAGE, RANEBENNUR-581115,
TQ: RANEBENNUR, DIST: HAVERI.

2. SMT.PRAMILAVVA @ PRAMILA
W/O. HEMAPPA @ HEMARADDI NAYAMATI
AGE: 57 YEARS, OCC: HOUSEHOLD WORK
R/O: KUPPELURU VILLAGE, RANEBENNUR-581115,
TQ: RANEBENNUR, DIST: HAVERI.

3. SMT.MANJULA W/O. SURYAKANT ADINNAVAR
AGE: 40 YEARS, OCC: HOUSEHOLD WORK
R/O: KUPPELURU VILLAGE, RANEBENNUR-581115,
TQ: RANEBENNUR, DIST: HAVERI.

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4. SHRI.RAMAPPA S/O. BHIRAPPA SHIRAGERI
AGE: 59 YEARS, OCC: AGRICULTURE,
R/O: KUPPELURU VILLAGE, RANEBENNUR-581115,
TQ: RANEBENNUR, DIST: HAVERI.

5. SHRI.RAMAPPA @ RAMESH S/O. BASAPPA ADINNAVAR
AGE: 45 YEARS, OCC: AGRICULTURE,
R/O: KUPPELURU VILLAGE, RANEBENNUR-581115,
TQ: RANEBENNUR, DIST: HAVERI.

6. SMT.SHANKAREMMA
W/O. SANNAGOUDA NAGAPPANAVAR
AGE: 45 YEARS, OCC: AGRICULTURE,
R/O: HIREMAGANUR VILLAGE, RANEBENNUR-581115,
TQ: RANEBENNUR, DIST: HAVERI.

7. SMT.MANGALA W/O. RAVI NITTUR
AGE: 35 YEARS, OCC: HOUSEHOLD WORK,
R/O: HIREMAGANUR VILLAGE, RANEBENNUR-581115,
TQ: RANEBENNUR, DIST: HAVERI.

8. SHRI.ISHAPPA S/O. DURAGAPPA PUJAR
AGE: 55 YEARS, OCC: HOUSEHOLD WORK,
R/O: HIREMAGANUR VILLAGE, RANEBENNUR-581115,
TQ: RANEBENNUR, DIST: HAVERI.

…PETITIONERS

(BY SRI. PRUTHVI K.S., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRL. SECRETARY
DEPARTMENT OF PANCHAYAT RAJ AND
RURAL DEVELOPMENT
M.S. BUILDING, DR. AMBEDKAR VEEDHI,
BENGALURU-560001.

2. THE DEPUTY COMMISSIONER
HAVERI-581115, DIST: HAVERI.

3. THE TAHASILDAR
RANEBENNUR-581115, TQ: RANEBENNUR,
DIST: HAVERI.

4. THE ZILLA PANCHAYAT
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER
HAVERI-581115, DIST: HAVERI.

5. THE MALANAYAKANAHALLI GRAM PANCHAYAT
REPRESENTED BY ITS PRESIDENT
MALANAYAKANAHALLI, RANEBENNUR-581119,
TQ: RANEBENNUR, DIST: HAVERI.

6. THE MALANAYAKANAHALLI GRAM PANCHAYAT
REPRESENTED BY ITS VICE-PRESIDENT
MALANAYAKANAHALLI, RANEBENNUR-581119,
TQ: RANEBENNUR, DIST: HAVERI.

7. SHRI.MAHESHAPPA MURUDEPPA SHIRAGERI
AGE: MAJOR, OCC: AGRICULTURE,
R/O CHIKKAMAGANURU VILLAGE, RANEBENNUR-581115,
TQ: RANEBENNUR, DIST: HAVERI.

8. SMT.BANDAMMA W/O. GANGAPPA KALERI
AGE: MAJOR, OCC: AGRICULTURE,
R/O CHIKKAMAGANURU VILLAGE, RANEBENNUR-581115,
TQ: RANEBENNUR, DIST: HAVERI.

9. SMT.REKHA W/O. MANJAPPA KOLAKERI
AGE: MAJOR, OCC: AGRICULTURE,
R/O CHIKKAMAGANURU VILLAGE, RANEBENNUR-581115,
TQ: RANEBENNUR, DIST: HAVERI.

10. THE REGIONAL COMMISSIONER
BELAGAVI SUB-DIVISION,
DIST: BELAGAVI-590001.

…RESPONDENTS

(BY SRI. A.A. PATHAN, ADV. FOR R4;
SRI. SHIVARAJ S. BALLOLI, ADV. FOR R7-R9
SRI. ASHOK KATTEMANI, AGA FOR R1, R3 & R10;
NOTICE TO R4, R5 & R6 IS SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI BY QUASHING THE IMPUGNED ORDER DATED 28/12/2022 BRG NO. GRAPAM/VAHI-03/(RNR)/2020-21 VIDE ANNEXURE-C PASSED BY THE RESPONDENT NO.2, IN THE INTEREST OF JUSTICE AND EQUITY; ISSUE A WRIT IN THE NATURE OF CERTIORARI BY QUASHING THE IMPUGNED ORDER DATED 30/12/2022 BRG NO. GRAPAM/VAHI-03/(RNR)/2020-21 VIDE ANNEXURE-D PASSED BY THE RESPONDENT NO.2, IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

In the writ petition, the transfer of Chikkamaganuru village from Malanayakanahalli Gram Panchayat to Kuppeluru Gram Panchayat is challenged.

2. Petitioners are members of Kuppeluru Gram Panchayat. The government was of the opinion that due to administrative reasons, Chikkamaganuru village has to be transferred from Malanayakanahalli Gram Panchayat to Kuppeluru Gram Panchayat and accordingly, passed an order under Section 4 of the Karnataka Gram Swaraj and Panchayat Raj Act, 1993 (for short, 'the Act'). The petitioners on the ground that the said transfer has the effect of three members elected from Chikkamaganuru village as Gram Panchayat members being transferred to Kuppeluru Gram Panchayat and that will affect their rights adversely have filed the writ petition.

3. It is the prerogative of the State to constitute Gram Panchayats as contemplated under the provisions of the Act. Due to change in population as well as for

administrative reasons, the State Government was of the opinion that Chikkamaganuru village has to be transferred from Malanayakanahalli Gram Panchayat to Kuppeluru Gram Panchayat and an order has been passed. Automatically, the Gram Panchayat members elected from Chikkamaganuru village will also be transferred to Kuppeluru Gram Panchayat. As per the scheme of the Act, it is a natural consequence and petitioners do not have any right to question the same.

4. For the said reason, the writ petition is hereby dismissed.

Sd/-
JUDGE

RSH / Ct-mck
List No.: 1 Sl No.: 16