

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT PETITION NO. 6908 OF 2026 (GM-RES-PIL)



BETWEEN:

1. KARNATAKA VETERINARY ASSOCIATION
(A SOCIETY REGISTERED UNDER THE
SOCIETIES REGISTRATION ACT, 1960)
HAVING ITS OFFICE AT NO.140
GOLDEN JUBILEE BUILDING
8TH CROSS, MALLESWARAM
BENGALURU-560003
REPRESENTED BY ITS
AUTHORIZED SIGNATORY
DR. V GIRISH KUMAR
2. BANGALORE VETERINARY COLLEGE
ALUMNI ASSOCIATION
(A SOCIETY REGISTERED UNDER THE
SOCIETIES REGISTRATION ACT, 1960)
HAVING ITS OFFICE AT
VETERINARY COLLEGE, HEBBAL
BENGALURU-560024
REPRESENTED BY ITS CHAIRMAN
DR. VASANTH M S
3. SENIOR VETERINARIANS' ASSOCIATION
(AN UNREGISTERED ASSOCIATION OF PERSONS)
HAVING ITS OFFICE AT NO.140
GOLDEN JUBILEE BUILDING
8TH CROSS, MALLESWARAM
BENGALURU-560003



REPRESENTED BY ITS PRESIDENT
DR. V RAGHURAME GOWDA

4. DAIRY SCIENCE COLLEGE
ALUMNI ASSOCIATION
(A SOCIETY REGISTERED UNDER THE
SOCIETIES REGISTRATION ACT, 1960)
HAVING ITS OFFICE AT
DAIRY SCIENCE COLLEGE
HEBBAL
BENGALURU-560024
REPRESENTED BY ITS PRESIDENT
DR. RAMACHANDRA

...PETITIONERS

(BY SRI K.N. PHANINDRA, SENIOR ADVOCATE FOR
SRI VIKRAM H. BHAT, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY THE
CHIEF SECRETARY
VIDHANA SOUDHA
DR. AMBEDKAR VEEDHI
BANGALORE-560001
2. THE STATE OF KARNATAKA
REPRESENTED BY THE
PRINCIPAL SECRETARY
DEPARTMENT OF ANIMAL HUSBANDRY
AND VETERINARY SERVICES
VIKASA SOUDHA
DR. AMBEDKAR VEEDHI
BANGALORE-560001
3. KARNATAKA VETERINARY ANIMAL
AND FISHERIES SCIENCE UNIVERSITY
REPRESENTED BY THE REGISTRAR
NANDINAGAR, BIDAR-585401

4. VETERINARY COLLEGE
REPRESENTED BY THE DEAN
HEBBAL, BANGALORE-560024
5. THE HON'BLE HIGH COURT OF KARNATAKA
REPRESENTED BY THE
REGISTRAR GENERAL
DR. AMBEDKAR VEEDHI
BANGALORE-560001

...RESPONDENTS

(BY SRI M.N. SUDEV HEGDE, AGA FOR R-1 AND R-2;
SRI J. PRASHANTH, ADVOCATE FOR R-3 AND R-4;
SRI PRABHULING K. NAVADGI, SENIOR ADVOCATE FOR
SRI B.V. VIDYULATHA, ADVOCATE FOR R-5)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR ORDER OR DIRECTION QUASHING THE GOVERNMENT ORDER DATED 08.01.2026 VIDE ANNEXURE-A ISSUED BY THE RESPONDENT NO.2 AND ETC.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 15.04.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, **HON'BLE MR. JUSTICE D K SINGH** PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

I PREFACE:

1. The present writ petition (PIL) has been filed by the Karnataka Veterinary Association and others impugning the Government Order dated 08.01.2026 bearing No.Pa.Sam.Mi 375 Pa.A.Se 2025 directing transfer of 4 acres of land belonging to the respondent No.3-Karnataka Veterinary Animal and Fisheries Science University (KVAFSU) situated at the Veterinary College Campus at Hebbal, Bengaluru, for the purpose of constructing residential quarters for the Hon'ble Judges of this Court and directing transfer of another 3 acres of land for the purpose of constructing a Super-Speciality Hospital for general public. The petitioners have also sought for a mandamus directing the respondents to consider the representations submitted by them requesting withdrawal of the Government Order dated 08.01.2026 approving the allocation of 7 acres of land belonging to the KVAFSU.

II CASE OF THE PETITIONERS:

2. According to the petitioners, the reduction of the lands of the Veterinary College would impair Undergraduate and Postgraduate programmes and the introduction of residential and human healthcare facilities would pose bio-security and public health risks. It is stated by the petitioners that the lands of the Veterinary College serve as a lung space for Bengaluru city, the Veterinary College barely fulfils the norms prescribed by the Veterinary Council of India, various research and teaching activities are being undertaken there and the diversion of lands will impair future expansion of the Veterinary College. It is further stated that the Dairy Science College requires lands for facilities such as incubation centre, specialized milk plant, hostels, demonstration plants etc.

3. According to the petitioners, the petitioner No.1-Karnataka Veterinary Association, the petitioner No.2-Bangalore Veterinary College Alumni Association and the Petitioner No.4-Dairy Science College Alumni Association are Societies registered under the provisions of the Karnataka Societies Registration Act, 1960 whereas, the petitioner No.3 viz., Senior Veterinarians' Association is an unregistered

Society. It is stated that the objectives of the petitioners are to engage in and promote professional knowledge relating to veterinary sciences, animal husbandry and to promote the rights and interests of the veterinarians. It is also stated that that the petitioners have also engaged in various academic and social activities to promote the cause of veterinary sciences and create awareness among the members of the public regarding the same.

4. It is further stated in the writ petition that the respondent No.4-Veterinary College, Bengaluru was established in the year 1958. Initially, it was under the control of the Mysore University. The lands where the Veterinary College campus is situated were donated by the Maharaja of the erstwhile Mysore State for the specific purpose of setting up a Veterinary College for the benefit of the agrarian section of the society. In the year 1964, the Agriculture College at Hebbal and Dharwad and the Veterinary College at Hebbal, Bengaluru, were established along with other research institutions of Karnataka State and this led to the establishment of the University of Agricultural Sciences, Hebbal, Bengaluru.

5. In the year 2004, the University of Agriculture and Veterinary Science was bifurcated and a separate University was established for Veterinary Sciences known as "Karnataka Veterinary, Animal and Fisheries Science University" with its headquarters at Bidar for the purpose of development, advancement of learning and for research in the field of Veterinary, Fisheries, Poultry, Animal Sciences and allied subjects in the State of Karnataka. A separate Act was passed in the State Legislature pertaining to the above said University viz., the Karnataka Veterinary, Animal and Fisheries Science University Act, 2004 (hereinafter referred to as 'the KVAFSU Act').

6. The Dairy Science College and Fisheries Research and Information Centre are situated in the same campus. The Institute of Animal Health and Veterinary Biologicals that manufactures disease control vaccines for prophylactic and post inspective measures is also located in the same campus. In the above said campus, there is also a Primary School, High School and PU College for the employees' children and now other local students are also studying there. Apart from that, land for Fodder Production and Grassland Management experiment are in existence to meet the daily requirement of livestock and

poultry in the campus. Initially, a single institution was established in the year 1958, but now 5 institutions have come up in one campus of the Veterinary College. The College is yet to have an experimental equine (horse) farm and buffalo farm and the College is yet to establish a modern experimental abattoir for meat inspection, which is also a part of curriculum in the veterinary training.

7. At present, the Veterinary College has 317.73 acres of land and the same is used for various purposes. The 19 departments of the Veterinary College offer Undergraduate, Postgraduate and Doctoral programmes. The said departments are also involved in research programmes and have contributed to the agrarian progress in the State of Karnataka. Within the Veterinary College campus, the Institute of Animal Health and Veterinary Biological Institute is situated and, it is engaged in manufacturing a variety of vaccines that cater to the needs of the State Veterinary Hospitals, Dispensaries, Veterinary Health Centres and other livestock farms in the State of Karnataka. It is further stated that the said Institute manufactures vaccines not only for veterinary professions, but also for medical professions such as Anti-Rabies Vaccine, Kyasanur Forest Disease Vaccine etc., which are supplied to the Government

Hospitals in the State of Karnataka. It also has a Bio-Security Laboratory installed by the Government of India with assistance from the United Nations to handle and control certain communicable viral diseases. The same was installed at a cost of over Rs.3 crores in the year 2015.

8. The respondent No.4 has been funded by the Department of Biotechnology, Government of India, to carry out research on '*Post-antibiotic lytic immune response monitoring using recombinant protein in dogs-Phase II development and external validation*'. It has also been funded by the Indian Small Industries Development Bank of India to carry out '*Program to strengthen inter-country network for rabies control and prevention*'. The project is underway and will serve as a solution to the existing stray dog issue faced in India. Besides, the respondent No.4 is funded by the Vision Group on Science and Technology, Government of Karnataka, to carry out research and development on '*Use of flash-based technology in anatomy teaching*'. It is also stated that funds are also given by some private institutes to carry out research.

9. Under Section 8(1) of the KVAFSU Act, 2004, the colleges, research stations, veterinary hospitals and other

institutions specified in Schedule-1, which are being owned and managed by the University of Agricultural Sciences, Dharwad and the University of Agricultural Sciences, Bengaluru prior to the specified date, were to be transferred along with all assets, liabilities and obligations to the respondent No.3-KVAFSU.

10. On 03.12.2010, the State Government issued a Circular to identify 30 acres of land belonging to the Veterinary College, Hebbal and Mysore Lamps, Bengaluru for construction of residential houses for the Hon'ble Judges of this Court. The petitioner No.1 had challenged the said circular dated 03.12.2010 by filing W.P.No.41784/2010 (PIL). Subsequently, the State Government, vide Circular dated 05.01.2011, had directed that 21 acres 6 guntas of land belonging to the respondent No.3-KVAFSU situated at the Veterinary College campus at Hebbal be transferred to the Public Works Department for construction of residential houses for the Hon'ble Judges of this Court.

11. During the pendency of the aforesaid W.P.No.41784/2010, the State Government dropped the proposal to acquire the lands of the Veterinary College, Hebbal. Instead, the adjacent lands belonging to the Karnataka Agro

Industries Corporation was used for construction of fifteen (15) residences for the Hon'ble Judges besides a High Court Guest House. In the light of the aforesaid, W.P.No.41784/2010 was withdrawn by the petitioner No.1.

12. It is further stated by the petitioners that the Veterinary Council of India prescribes minimum requirements in respect of land and infrastructure only for undergraduate teaching purposes and does not cover within its ambit, the research and extension activities, postgraduate and doctoral programmes of the Veterinary College. However, research and extension are also essential activities to be undertaken by a Veterinary College and its research and extension contributions are assessed for ranking and grading by the National Agricultural Education Accreditation Board. The Indian Council for Agricultural Research, Veterinary Council of India etc., provide research grants to universities and veterinary colleges based on the ranking secured by them during assessment by the National Agricultural Education Accreditation Board (NAEAB). At present, the respondent No.3 has been given 'A' grade by the NAEAB and it is striving to secure 'A++' grade during the next assessment. It is further stated that granting permission for transfer of 4 acres and 3 acres, total 7 acres of land belonging

to the respondent No.3 situated at Veterinary College, Hebbal, for the purpose of constructing houses for the Hon'ble Judges of this Court (4 acres) and for the construction of a Super-Speciality Hospital (3 acres) would be highly prejudicial to the interest of the Veterinary College.

13. It is stated that 'Minimum Standards of Veterinary Education' prescribed by the Veterinary Council of India stipulates the minimum extent of lands required for Veterinary Colleges across the Country which offer undergraduate programmes. It is further stated that the lands presently available at the Veterinary College campus at Hebbal barely fulfill these mandatory land requirements. Any reduction in the lands available with the Veterinary College would impair compliance with the regulations and norms prescribed by the Veterinary Council of India. At present, almost 100 acres of land have been used for research activities alone. The Veterinary College, Hebbal, receives grants from the Indian Council for Agricultural Research for various research projects and for these research projects, various extent of vacant lands are required depending on the type and scope of the research.

14. In sum and substance, the submission of the petitioners is that the Veterinary College does not have excess land for giving to the Government for constructing residences for the Hon'ble Judges of this Court and for setting up of Super-Speciality Hospital.

III SUBMISSIONS ON BEHALF OF THE PETITIONERS:

15. Sri K.N. Phanindra, learned Senior Counsel appearing for the petitioners would submit that while issuing the impugned Government Order dated 08.01.2026, the Government has not considered the aforesaid aspects and therefore, the impugned Government Order is against the interest of the Veterinary College inasmuch as reduction of land would result in shortfall of the land of minimum standards prescribed by the Veterinary Council of India.

16. Learned Senior Counsel would further submit that establishment of Human Super Specialty hospital in the campus of the respondent No.4-Veterinary College and the construction works would seriously affect the interests of the college, and its teaching, research and extension activities. Any diversion of land for non-veterinary purposes would adversely affect the

educational and allied activities of the respondent No.4-Veterinary College. A minimum of 200 acres of land is required for the teaching activities of the respondent No.4-Veterinary College, and any shortcoming would risk de-recognition of the respondent No.4 by the Veterinary Council of India. It is further submitted that 100 acres of land in the campus of the respondent No.4 is used for research activities alone and any decline in the research quality and output due to shortage of land constraints would reduce the ranking of the respondent No.4-Veterinary College and will consequently lead to decline in funding by the Veterinary Council of India, Indian Council for Agricultural Research, the Central Government and the State Government. It is, therefore, submitted that the diversion of 7 acres of land of the University is against larger public interest.

IV SUBMISSIONS ON BEHALF OF THE RESPONDENTS:

17. On the other hand, Sri Prabhuling K. Navadgi, learned Senior Counsel assisted by Smt. B.V. Vidyulatha, learned counsel for the respondent No.5-High Court of Karnataka, Sri M.N.Sudev Hegde, learned Additional Government Advocate appearing for the respondent Nos.1 and 2-State and Sri J. Prashanth, learned counsel for the respondent Nos.3 and 4 viz.,

KVAFSU and Veterinary College respectively, have submitted that the petitioners are guilty of *suppressio veri* and *suggestio falsi* and they have deliberately suppressed the material facts before this Court. It is submitted that the petitioners lack *lous standi* to challenge the Government Order dated 08.01.2026 and they have also failed to demonstrate any legal right, much less an enforceable right.

18. It is submitted that the schedule land is situated at Yelahanka Village, Kasaba Hobli, Bengaluru North Taluk and it presently stands vested with the Department of Agriculture and is in occupation and possession of the KVAFSU, Hebbal. Pursuant to the resolution of the meeting held on 04.09.2025 between the Hon'ble Chief Justice of the High Court of Karnataka and the Hon'ble Chief Minister of the State, the impugned Government Order has been issued in furtherance of the Cabinet Decision No.C-919/2025 dated 06.11.2025.

19. It is submitted that the Deputy Commissioner, Bengaluru Urban District, has identified an extent of 4 acres of land for construction of additional residential quarters for the Hon'ble Judges of this Court, in close proximity to the existing residential quarters at Nyayagrama, Hebbal, Bengaluru, as

there is no other land available in the vicinity of the existing residential quarters. It is further submitted that an extent of 3 acres of land has also been earmarked for establishment of a Public Super-Speciality Hospital. In terms of the conditions stipulated in the Government Order, the said lands shall be strictly utilized only for the purposes for which they have been transferred.

20. It is further submitted that as per Part VI-Minimum Standards of Veterinary Education under the Notification dated 08.07.2016, the minimum land and infrastructure requirements prescribed for veterinary institutions are duly specified. The extent of land presently allocated to and in possession of the concerned institution is far in excess of the minimum requirement prescribed under the said Regulations. As per Clause 22(2) of the said Regulations, every Veterinary College is required to have its own building and a minimum of 30 acres of land for running various departments including farm and fodder production areas. Clause 22(2) is extracted hereunder:-

"Every Veterinary College shall have its own building and minimum 30 acres of land for running various departments

and Farm and fodder production area, however, for hilly terrain a minimum of 25 acres of land is required."

21. It is further submitted that as per the Veterinary Council of India-Minimum Standards of Veterinary Education (Bachelor of Veterinary Science and Animal Husbandry-Degree Course) Regulations, 2016 issued vide Notification dated 08.07.2016 by the Ministry of Agriculture and Farmers Welfare (Department of Animal Husbandry, Dairying and Fisheries), Government of India, the department-wise minimum built-up area requirement for infrastructure generally ranges between 600 sq.ft and 1200 sq.ft. In respect of fodder production, a minimum extent of 15 acres of land is prescribed.

22. It is further submitted that the respondent No.4 is in possession of a total extent of approximately 317.73 acres of land. The extent of land presently utilized for the ongoing projects is only about 39.50 acres. As per the minimum requirements, a Veterinary College is required to have approximately 150 acres of land which is significantly lower than the extent presently available. The transfer of an extent of 7 acres out of the total extent of approximately 278 acres

presently available with the institution would not, in any manner, affect the minimum land requirements prescribed under the applicable Regulations. The said land originally pertained to the concerned department and has now been transferred for a specific public purpose.

23. It is further submitted that the residential quarters for the Hon'ble Judges of this Court are required to be situated in close proximity to the existing quarters at Nyayagrama, Bengaluru and there is a paucity of suitable land available in the said vicinity. It is the bounden obligation of the State to provide appropriate residential accommodation for the Hon'ble Judges as specifically provided under Rule 2A-Residence of Judges-High Court Judges Rules of 1956. Out of the total extent of land identified i.e., 7 acres, only 4 acres are proposed to be utilized for construction of residential quarters for the Hon'ble Judges of this Court, while the remaining 3 acres is earmarked for establishment of a Super-Speciality Hospital for public purpose.

24. Sri Prabhuling K. Navadgi, learned Senior Counsel has asserted that under the provisions of the Karnataka Societies Registration Act particularly, Section 3 of the Act, a society

cannot file and prosecute a public interest litigation and therefore, the petitioners would have no *locus* to maintain this writ petition. It is further submitted that there is no assertion in the writ petition regarding extraneous consideration, favoritism or abuse of power. In the absence of specific pleadings and cogent material demonstrating the above, the challenge to a policy decision cannot be sustained. There is no public interest involved to maintain the writ petition in the garb of public interest litigation. The impugned decision pertains to allotment of land for construction of residential accommodation for the Hon'ble Judges of the High Court of Karnataka, which is intrinsically connected with the administration of justice and constitutes an undisputed public purpose.

25. The sanctioned strength of the Judges of the High Court of Karnataka is 62 and the working strength as on 27.03.2026 was 48. The Government accommodation available at present including the residence of the Chief Justice is 19. 11 Judges are residing in their own houses, 12 Judges are residing in rented houses, 1 Judge is residing in Guest House, two Judges are stationed at Dharwad and one Judge is stationed at Kalaburagi. He further submitted that two Government Quarters available for the residence of the High Court Judges at

Sankey Road, Bengaluru, are unoccupied as the alteration/repair work is under progress. Even as per the sanctioned strength, at least 25 to 30 more residences are required for the High Court Judges. The decision to allot 4 acres of land for construction of residences for the High Court Judges has been taken after due consideration of relevant factors and in larger public interest and there is nothing to suggest that the said decision is arbitrary or suffers from non-application of mind.

26. Learned Senior Counsel has further submitted that the writ petition is based on a speculative and generalized grievance without establishing how the alleged change in land use would cause any legal prejudice. The absence of demonstrable public injury renders the present writ petition as not maintainable, and it is only a misplaced challenge to a legitimate administrative decision of the Government.

27. It is further submitted by him that the petitioners' attempt to assail the impugned decision on the grounds viz., (a) alleged non-consultation with students and faculty members; (b) a minimum extent of 200 acres is required for running a University and diversion of 4 acres would lead to

de-recognition; and (c) a proposed tunnel road beneath the University would affect the structural integrity, would neither confer any *locus* nor furnish a valid cause of action for the petitioners to maintain a public interest litigation. The allotment of land by the State Government is not in favour of any individual, but is for the benefit of the Judiciary. The provision of adequate residential infrastructure to constitutional functionaries is integral for ensuring the independence of judiciary, institutional efficiency and effective discharge of the constitutional duties. Such measures cannot be trivialized or subjected to judicial review merely on the basis of a comparative preference for another public purpose. Adequate residential accommodation ensures security, accessibility and functional efficiency of the High Court Judges and forms an essential component of the justice delivery system. The provision to provide official residential quarters by the State Government in discharge of its constitutional obligations cannot, by any stretch, be construed as being adverse to the public interest.

28. So far as the ground relating to consultation with students and faculty members, it is submitted by the learned Senior Counsel that there is no law which requires that all

stakeholders should be heard/consulted before a decision is taken. In support of this submission, he has relied on a decision of the Supreme Court in the case of ***RAJEEV SURI vs DELHI DEVELOPMENT AUTHORITY AND OTHERS ([2022] 11 SCC 1)***.

29. It is further submitted that 4 acres of land has been mutated in the name of the Registrar General of the High Court of Karnataka. The Veterinary College is in possession of 317.73 acres and substantial vacant land continues to be available in the vicinity. There is no violation of any statutory provisions, infringement of any enforceable legal right or existence of *mala fides* in the decision-making process. It is a policy decision taken in public interest to provide residential infrastructure to the members of higher judiciary, which is an essential facet of ensuring the effective functioning and independence of the judicial system. It is, therefore, submitted that the writ petition is without any merit and liable to be dismissed.

30. Sri J. Prashanth, learned counsel for the respondent Nos.3 and 4 has submitted that the perusal of the proceedings of the 108th Meeting of the Board of Management of KVAFSU held on 01.07.2023 would reveal that the Board of

Management had considered the proposal regarding establishment of Super-Speciality Hospital at the college land and approved it. He has supported the stand of the State.

31. We have considered the submissions.

V ANALYSIS AND CONCLUSION:

32. The independence of the Judiciary (including the power of judicial review) is a core component of the Constitution's basic structure. In the case of ***HIS HOLINESS KESAVANANDA BHARATI SRIPADAGALVARU vs STATE OF KERALA AND ANOTHER ([1973] 4 SCC 225)***, it has been held that the independence of the Judiciary cannot be abrogated by an ordinary amendment to the Constitution. Judicial independence is a structural necessity as has been held in the case of ***THE SUPREME COURT ADVOCATES-ON-RECORD ASSOCIATION AND ANOTHER vs UNION OF INDIA ([2016] 5 SCC 1)***. Legislature, Executive and Judiciary, though form the different pillars of the State, in essence, are created to sustain the will of the people. One of the aspects of the democracy is the creation of an independent Judiciary as held in the case of ***S.P. GUPTA vs UNION OF INDIA AND ANOTHER (1981 SUPP SCC 87)*** (*First Judge's case*). The concept of independence of the Judiciary is a noble concept, which inspires the constitutional

scheme and constitutes the foundation on which rests the edifice of our democratic policy. If there is one principle which runs through the entire fabric of the Constitution, it is the principle of the rule of law and under the Constitution, it is the Judiciary which is entrusted with the task of keeping every organ of the State within the limits of the law exercising the power of judicial review and thereby making the rule of law meaningful and effective. It is to aid the Judiciary in this task that the power of judicial review has been conferred upon the Judiciary, and it is by exercising this power, which constitutes one of the most potent weapons in the armoury of the law, that the Judiciary seeks to protect the citizen against violation of constitutional or legal rights or misuse or abuse of power by the State or its officials. The Judiciary stands between the citizen and the State as a bulwark against the executive excesses and misuse or abuse of power by the Executive.

33. In the case of ***KARTAR SINGH vs STATE OF PUNJAB ([1994] 3 SCC 569)***, it has been held that an independent Judiciary is the most essential attribute of the rule of law and is indispensable to sustain the democracy. The integrity of the Judiciary in a democratic system of Government is of the highest importance and necessity not only to the Judges, but to

the people at large who seek judicial redress against perceived legal injury or executive excesses. The rule of law is the basic feature of the Constitution and an independent Judiciary is an essential attribute thereof.

34. In interpreting the constitutional provisions, however, the Court should adopt a construction which strengthens the foundational features and the basic structure of the Constitution. The rule of law, which is a basic feature of the Constitution, permeates the whole of the constitutional fabric and is an integral part of the Constitutional structure.

35. In the case of **MADRAS BAR ASSOCIATION vs UNION OF INDIA AND ANOTHER ([2014] 10 SCC 1)**, it has been held that the independence of Judiciary is one of the foundational pillars of every democracy governed by the rule of law. It is the basis of rights and freedom of the people. An independent and efficient judicial system has also been recognized as a part of the basic structure of the Constitution. Impartiality, independence, fairness and reasonableness in decision-making are the hallmarks of the Judiciary. If impartiality is considered to be the soul of the Judiciary, independence is the life and blood of the Judiciary.

Independence of the Courts from Executive and Legislature is fundamental to the rule of law and one of the basic tenets of the Indian Constitution. The separation of powers between the three organs of the State i.e., Legislative, Executive and Judiciary is a consequence of the principles of equality as enshrined under Article 14 of the Constitution. We need to maintain the independence of the Judiciary to protect and promote the democracy and the rule of law. If the rule of law is the basic feature of our Constitution, so must be the independence of the Judiciary since the enforcement of the rule of law requires an independent Judiciary. The independence of Judiciary and the rule of law are intertwined and inseparable and part of the basic structure of our Constitution. In a democracy governed by the rule of law under a written constitution, Judiciary is a *centria qui vive* to protect the rights and freedom of the citizens.

36. While the administration of justice draws its legal sanction from the Constitution, its credibility rests in the faith of the people. Indispensable to that faith is the independence of the Judiciary. An independent and impartial Judiciary supplies the reason for the judicial institution; it also gives character and content to the constitutional milieu.

37. An independent and non-political Judiciary is crucial to the sustenance of our existing political system. The vitality of the independence of Judiciary would ensure the constitutional values and the rule of law. Therefore, it is the Judiciary which is entrusted with the task of keeping every organ of the State within the limits of the law and thereby making the rule of law in the constitutional scheme and constitute the foundation on which rests the edifice of our democratic policy.

38. The power of the higher Courts to review the legislation (under Articles 32, 226 and 227) and the institutional protections supporting that function is an integral part to the basic structure.

39. To ensure the independence of the Judiciary, the institutional safeguards are provided under the Constitution for appointment, transfer and removal of the Judges. The President/Governor functions within the Cabinet System. The Executive action affecting the judicial appointment/removal is performed on ministerial advice so that the personal discretion of the constitutional heads is constrained and executive accountability is visible. This prevents arbitrary individual executive action against the Judges as held in the case of

SHAMSHER SINGH vs STATE OF PUNJAB ([1974] 2 SCC 831).

40. The Constitution provides for security of tenure and stringent removal process of Judges. The Judges of the higher Courts have fixed tenure and can be removed only after the prescribed impeachment-like procedure. This is to prevent arbitrary removal and protects individual decisional independence as held in the case of ***THE SUPREME COURT ADVOCATES-ON-RECORD ASSOCIATION*** (*supra*).

41. The Judges of the higher Courts enjoy immunity from executive or parliamentary discussion of judicial conduct. The Constitution limits debate on the conduct of the sitting higher-court Judges.

42. Even to ensure the independence of the District Judiciary, the Supreme Court has recognized that adequate pay, facilities, housing, transportation and training are essential to institutional independence of the Judiciary. The Supreme Court has issued binding directions where the executive branches of the State have failed to perform these obligations. The salaries and certain allowances of the Judges are constitutionally protected and charged on the consolidated funds.

43. So far as the appointment and selection process of the Judges is concerned, in order to save it from political and executive influence, the Supreme Court has developed the Collegium concept to secure judicial primacy in selection so that appointments are insulated from short-term political pressures. The Collegium system has been evolved to limit the executive interference.

44. The core elements to ensure independence of the Judges in India as reflected in the constitution framework are summarized hereunder:-

(i) Salaries, allowances and pensions are constitutionally protected and determined by the statute, not at the whim of the executive. The Parliament can determine the allowances and rights in respect of leave and pension, and the salaries/ allowances and pensions of sitting and retiring Judges are funded from the Consolidated Funds. This protection forms part of the basic framework for judicial independence as held in the case of **UNION OF INDIA V. SANKALCHAND HIMATLAL SHETH AND ANOTHER ([1977] 4 SCC 193)**. These aspects are governed under a parliamentary statute, i.e, the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the

rules made thereunder i.e., the High Court Judges (Service of Condition) Rules, 1956 as well as the High Court Judges Travelling Allowance Rules, 1956.

(ii) The retirement age of the High Court Judges is fixed presently at 62 years. The fixed tenure of the High Court Judges is a guarantee of independence.

(iii) Official housing, transport, libraries and related allowances are essential to independence and efficacy of the Courts.

(iv) The pay-and-allowances framework for Judges emphasizes independence from executive parity.

45. Thus, a High Court Judge's entitlements are anchored in constitutional protections and statutory provisions. The salaries and allowances are determined by the Parliament. The independence of Judiciary is a fundamental, basic-structure feature of the Constitution, and the conditions of service of High Court and Supreme Court Judges (including salary, pension, housing, libraries, training, transport and retirement age) are part of the framework that sustains judicial independence. The Judges of the High Court and Supreme Court are entitled for fully furnished official accommodations,

which is embedded in the Judge's service conditions and essential facilities necessary to secure judicial independence. It is the duty of the State to provide suitable fully furnished accommodation. The High Court and Supreme Court Judges are constitutional appointees and are not appointed in service. They hold the constitutional post and therefore, it is the duty of the State to provide fully furnished official accommodation, befitting the stature of the constitutional authority of Judges of the High Court.

46. We have taken note of the fact that only 19 official residences are available to the High Court judges against the strength of 62 Judges, several Judges are living in rented accommodation not befitting the stature of a constitutional authority like High Court Judge.

47. The KVAFSU Act, under which the University for Animal and Fisheries Sciences came to be established, *inter alia* provides for the powers and functions of the functionaries of the University. Section 10 provides for 'Officers of the University' *inter alia*, the Chancellor, Pro-Chancellor, Vice-Chancellor, Deans, Comptroller, Registrar, Librarian, Director of Instruction (post graduate studies), Director of Research,

Director of Extension, Heads of Divisions and such other officers in the service of the University as may be declared by the Statutes to be the officers of the University. Section 26 provides for 'Authorities of the University' such as, Board of Management, Academic Council, Research Council, Extension Education Council, Finance Committee, Board of Studies and such other bodies of the University as may be declared by the Statutes to be the authorities of the University.

48. The powers and duties of the Board are provided under Section 28 of the KVAFSU Act. It is the Board which has the power to hold and control the property and funds of the University, to accept the transfer and to dispose of any movable or immovable property on behalf of the University. Thus, the Constitution of the Board would disclose that except for Vice-Chancellor, Director of Animal Husbandry, Director of Fisheries and Registrar, all other members are the Government Secretaries of different departments. The Board is predominantly consisting of the Government Secretaries.

49. The Board has approved the transfer of the land. Admittedly, the respondent No.4-College is in excess of huge extent of land to meet its requirements. The decision taken by

the Government to transfer 4 acres of land for construction of official residences for the serving Judges of the High Court in the vicinity of the existing 15 residences at Nyayagrama will have no adverse effect on the respondent No.4-College, in any manner, as alleged.

50. This is a policy decision of the Government for transfer of 4+3 acres i.e., total 7 acres of land for construction of residences for the Hon'ble Judges of the High Court and for setting up a Super-Speciality Hospital for the general public. It is well settled that policy decisions cannot be challenged in absence of (a) arbitrariness; (b) procedural impropriety; (c) perversity so as to shock the conscience of the public; and (d) blatant derogation of the governing provisions as held in the case of **AKOLA MUNICIPAL CORPORATION AND ANOTHER vs ZISHAN HUSSAIN AZHAR HUSSAIN AND ANOTHER (2025 INSC 1398)**. The following paragraphs of the said judgment, which are relevant, are extracted hereunder:-

"21. This Court has also held that judicial interference by way of public interest litigation is available only if there is injury to public because of dereliction of constitutional obligations on the part of the Government. The

writ jurisdiction of the High Court cannot be exercised in public interest for questioning the economic/fiscal policy or reforms sought to be undertaken by the Government or its functionaries. In this regard, we may gainfully refer to the following observations made by a three-Judge Bench of this Court in the case of **BALCO Employees' Union v. Union of India:-**

"93. Wisdom and advisability of economic policies are ordinarily not amenable to judicial review unless it can be demonstrated that the policy is contrary to any statutory provision or the Constitution. In other words, it is not for the courts to consider relative merits of different economic policies and consider whether a wiser or better one can be evolved. For testing the correctness of a policy, the appropriate forum is Parliament and not the courts. Here the policy was tested and the motion defeated in the Lok Sabha on 1-3-2001.
[.....]

97. Judicial interference by way of PIL is available if there is injury to public because of dereliction of constitutional or statutory obligations on the part of the Government. Here it is not so and in the sphere of economic policy or reform the court is not the appropriate forum. Every matter of public interest or curiosity cannot be the subject-matter of PIL.

Courts are not intended to and nor should they conduct the administration of the country.

Courts will interfere only if there is a clear violation of constitutional or statutory provisions or non-compliance by the State with its constitutional or statutory duties. None of these

contingencies arise in this present case.

98. In the case of a policy decision on economic matters, the courts should be very circumspect in conducting any

enquiry or investigation and must be most reluctant to impugn the judgment of the experts who may have arrived at a conclusion unless the court is satisfied that there is illegality in the decision itself."

[Emphasis supplied]

22. Recently, in the case of *Kirloskar Ferrous Industries Ltd. v. Union of India*, this Court held as below:-

"54. The doctrine of judicial restraint, which is central to this discussion, emphasizes that courts should exercise caution and avoid involvement in policy decisions, as these are complex judgments that require a balancing of diverse and often competing interests. Policies are crafted based on thorough analysis of social, economic, and political factors, considerations beyond the court's purview. **The court is tasked with ensuring that policies do not breach constitutional provisions or statutory limits; however, they should not replace**

policymakers' judgments with their own unless absolutely necessary.

55. Policy decisions often require the expertise of professionals and specialists in fields such as economics, public health, national security, and environmental science. These domains involve specialized knowledge that judges, as generalists in legal matters, may lack. For instance, in economic policy, the executive may decide on trade tariffs or subsidies based on extensive data and projections that aim to balance domestic industry support with global trade commitments. The courts, lacking the same level of economic expertise and without the authority to make trade-offs among competing policy objectives, is typically not equipped to second-guess these kinds of decisions.

56. While courts have the power of judicial review to ensure that executive actions

and legislative enactments comply with the Constitution, this power is not absolute. Judicial review is meant to act as a safeguard against actions that overstep legal boundaries or infringe on fundamental rights, but it does not entail a comprehensive re-evaluation of the policy's wisdom. The judicial review of policy decisions is limited to assessing the legality of the decision making process rather than the substantive merits of the policy itself. For example, if a government policy infringes on fundamental rights or discriminates against a particular group, the courts have a duty to strike down such policies. **However, in the absence of constitutional or legal violations, the courts should respect the policy choices made by the executive or legislature.**

57. The duty of the court in policy-related cases is **primarily to**

determine whether the policy falls within the scope of the authority granted to the relevant body. If the policy decision is within the executive's legal authority and has been made following proper procedures, the courts should defer to the expertise and discretion of the policy-makers, even if the policy appears unwise or imprudent.

This restraint ensures that the courts do not impose its own perspective on policy matters that are rightly the responsibility of other branches.

58. *Economic and social policies often involve significant redistribution of resources, prioritization of interests, and balancing of public needs, which requires careful consideration by those with specialized knowledge and broad perspectives. **In the realm of economic policy, for instance, questions regarding the allocation of subsidies, fiscal deficits, or budget***

allocations are best managed by the executive, which has access to economic data and is accountable to the public for its financial management. Judicial interference in such areas risks creating disruptions in the economic balance that policymakers are trying to achieve.

59. Courts should assume that policy-makers act in good faith unless there is clear evidence to the contrary. **As long as the policy does not contravene the Constitution or violate statutory provisions, it is not the role of the courts to question the wisdom or fairness of such policy.**

60. While judicial restraint is essential in respecting the boundaries of each branch of government, it does not mean that courts abdicate their responsibility to protect constitutional rights. The courts must still intervene if a policy infringes on fundamental

rights, discriminates unfairly, or breaches statutory provisions. The role of the court in such instances is to protect individuals and groups from unlawful actions while maintaining the overall integrity of the policy-making process. This balance ensures that while courts do not interfere in matters of policy wisdom, they remain vigilant guardians of constitutional rights.”

[Emphasis supplied]

26. In light of the above express admissions, it becomes evident that the power of the appellant-Corporation to revise the rate of municipal taxes was never the subject matter of challenge before the High Court. The only issue that was urged before the High Court pertained to the procedure and mode adopted by the appellant-Corporation while effecting such revision. In the absence of any challenge to the substantive authority of the appellant-Corporation to revise municipal taxes, the scope of scrutiny before the High Court stood confined solely to examining whether the statutory procedure had been complied with. We are of the considered view that the High Court ought not to have embarked upon a

roving inquiry into the merits or wisdom of the decision to revise the tax rates unless it was demonstrated that the procedure adopted by the appellant-Corporation was ex-facie arbitrary, perverse, unreasonable or in blatant derogation of the governing statutory provisions. No such material was placed before the Court, nor does the record disclose any such infirmity. In these circumstances, the High Court transgressed the permissible limits of judicial review in interfering with the decision of the appellant-Corporation to revise the rate of property taxes."

51. Therefore, we do not find that the allotment of 4 acres of land which is adjacent to Nyayagrama in any manner will impede or is against the public interest, but it is in furtherance of the larger public interest i.e., to ensure the independence of the Judiciary which is the basic foundation of the Constitution.

52. When the respondent No.4-College has huge excess land than what is required at the present, 3 acres of land allotted to construct the Super-Specialty Hospital for general public cannot be termed to be against the public interest. In fact, the larger public interest would be served by having a Super-Speciality Hospital for general public by the State.

53. We, therefore, find no substance in this writ petition inasmuch as no public interest is abridged or acted against in providing 4 acres of land to the High Court for construction of official residences to the Hon'ble Judges and 3 acres of land for constructing the Super-Specialty Hospital for general public.

54. In view of the aforesaid, we are of the considered view that no public interest is involved in the present petition, which has been filed as a PIL. Therefore, we dismiss this writ petition, however, without costs.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

BKV
CT:SN