



**IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH
DATED THIS THE 24TH DAY OF FEBRUARY, 2025
BEFORE
THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ**

WRIT PETITION NO. 100263 OF 2025 (KLR-RES)

BETWEEN:

BHAGAVANT ALAGUR S/O. SATYAPPA
AGE. ABOUT 65 YEARS,
OCC. AGRICULTURE,
R/O. TAKKALKI,
TQ. JAMAKHANDI,
DIST. BAGALKOT,
PIN CODE-587330.
(SENIOR CITIZEN BENEFIT CLAIMED)

...PETITIONER

(BY SRI SACHIN C. ANGADI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
R/BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE,
M.S. BUILDING,
AMBEDKAR VEEDHI,
BENGALURU-560001.
2. THE DISTRICT COMMISSIONER,
BAGALKOT, NAVANAGAR,
BAGALKOT,
PIN CODE-587103.
3. THE ASSISTANT COMMISSIONER,
JAMAKHANDI,
PIN CODE-587301.
4. THE TAHASHEELDAR, JAMAKHANDI,
MINI VIDHAN SOUDA,
JAMAKHANDI-587301.

...RESPONDENTS

(BY SRI V.S.KALASURMATH, AGA FOR R1 TO R4)





THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, 1950 PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI TO QUASH THE IMPUGNED ORDER PASSED BY THE RESPONDENT NO.4 I.E., TAHASHILDAR ORDER DATED 04/05/2022 IN BEARING NO. ನಂ.ಎಂ.ಎನ್.ಎಲ್/ಸಿಆರ್ IN SO FAR THE PETITIONER CONCERNED WHICH IS PRODUCED AT ANNEXURE-A, IN THE INTEREST OF JUSTICE AND EQUITY.

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

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

1. The petitioner is before this Court seeking for the following reliefs:
 - 1.1. Issue a writ in the nature of certiorari to quash the impugned order passed by the respondent no.4 i.e., Tahashildar order dated 04/05/2022 in bearing No. ನಂ.ಎಂ.ಎನ್.ಎಲ್/ಸಿಆರ್ in so far the petitioner concerned which is produced at Annexure-A, in the interest of justice and equity.
 - 1.2. Pass such other order or orders as this Hon'ble Court deems fit and necessary under the facts and circumstances of the case.
2. The petitioner is aggrieved by the order dated 04.05.2022 passed by 4th respondent-Tahasildar creating a charge on the property of the petitioner on the ground that 2904 metric tons of sand was stored



in Survey No.118/1 of Takkalaki village, Jamakhandi Taluka without any permission.

3. It is alleged that the said sand has been mined from the riverbed of the 'Krishna River' and the petitioner is indulging in business of selling the said mined river sand and on that basis, it is contended that a notice having been issued to the petitioner, no satisfactory reply has been received, the aforesaid action has been taken by the Tahasildar.
4. On enquiry with learned AGA, if there is any issuance or acceptance of service of notice, he fairly submits that the notice being served, there is no acknowledgement as such.
5. When there is no acknowledgement, it cannot be presumed that there is a service of notice. In that view of the matter, copy of the notice along with documents has been today handed over to learned counsel for the petitioner, who seeks for and is



granted a week's time to reply to the Tahasildar with necessary supporting documentation. The reply, if any to be filed on or before 07.03.2025. The Tahasildar shall consider the said reply and pass necessary orders in accordance with law.

6. **General Directions**

6.1. The reason why the above petition has arisen is on account of improper surveillance and implementation system insofar as river mining / sand mining are concerned.

6.2. It is high time that the available technology is harnessed to address these kind of issues and the State of Karnataka implements a satellite based imagery system through the Department of Mines and Minerals and or such other departments like the Revenue Department, Forest Department etc., So that the boundaries of the rivers, Sand Bars and such other details



are identified and marked on satellite maps and any change which occurs thereto, is notified to the concerned authorities to take necessary action. If such a system had been implemented it would have enabled the respondents to ascertain as to from where the sand had been mined and when it came to the property of the petitioner. So that preventive steps in real time could have been taken.

6.3. This being all the more essential since unauthorised and indiscriminate river mining/sand mining has resulted in drying up of the rivers and in some cases causing the death of rivers. Thus, adversely affecting the drinking water supply of all human beings, which could result in severe consequences in the future.

6.4. Hence, the Principal Secretary, Revenue Department along with the Director of Mines and Minerals, the Principal Chief Conservator of



Forests, the Principal Secretary, e-Governance Department with necessary assistance from the Indian Space Research Organization (ISRO) are directed to take into consideration the above and implement a system which could give a real time feedback on any changes, which occurs to river banks and or sand bars in the State of Karnataka.

6.5. A report to be filed in this regard within 6 weeks from today.

7. In that view of the matter I pass the following :

ORDER

- i. Writ Petition is allowed.
- ii. A writ of certiorari is issued. The impugned order dated 04.05.2022 passed by the respondent no.4 i.e., the Tahashildar in bearing No. ಸಂ.ಎಂ.ಎನ್.ಎಲ್/ಸಿಆರ್-01/2022-2023 at Annexure-A insofar as the petitioner is concerned is quashed.



- iii. Copy of the notice along with documents having been today handed over to learned counsel for the petitioner, a week's time is granted to the petitioner to reply to the Tahasildar with necessary supporting documentation. The reply, if any to be filed on or before 07.03.2025.
- iv. The Tahasildar shall consider the said reply and pass necessary orders in accordance with law.
- v. Though the above matter is disposed, Re-list on 03.04.2025 to report compliance with the general directions.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE