



CNR: KAHC020151742024

NC: 2026:KHC-D:14274
WP No. 105825 of 2024
C/W WP No. 105789 of 2023
WP No. 105795 of 2023

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 31ST DAY OF AUGUST, 2026

BEFORE
THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO.105825 OF 2024 (GM-RES)
C/W
WRIT PETITION NO.105789 OF 2023 (GM-RES)
WRIT PETITION NO.105795 OF 2023 (GM-RES)

IN WP NO.105825/2024:

BETWEEN:

SRI. AMARESH H. @
AMARESH POMPANA GOUDA HULUGUNCHI,
CLASS-I CONTRACTOR, AGE: 55 YEARS,
HOUSE NO.1, KARIMAREMMA ROAD,
BEHIND JAIN HARDWARE,
VIDYA NAGAR EAST 3RD CROSS,
BALLARI, DIST. BALLARI-583101.

... PETITIONER

(BY SMT. SUNITHA P. KALASOOR, ADVOCATE)

AND:

1. THE GOVERNMENT OF KARNATAKA,
DEPARTMENT OF SMALL IRRIGATION
AND INTERNAL WATER DEVELOPMENT,
VIKASA SOUDAH, BENGALURU-01,
REPRESENTED BY ITS SECRETARY.
2. THE CHIEF ENGINEER,
DEPARTMENT OF SMALL IRRIGATION
AND INTERNAL WATER DEVELOPMENT,
BALLARI, DIST. BALLARI-5.
3. THE EXECUTIVE ENGINEER,
DEPARTMENT OF SMALL IRRIGATION
AND INTERNAL WATER DEVELOPMENT,
BALLARI, DIST. BALLARI-5.



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... RESPONDENTS

(BY SRI. SHARAD V. MAGADUM, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OR ORDER OR A DIRECTION IN THE NATURE OF CERTIORARI TO QUASH THE IMPUGNED ORDER DATED 08.09.2023 PASSED BY SIRUGUPPA ASSEMBLY CONSTITUTION MLA SRI. B.M. NAGARAJ PRODUCED AT ANNEXURE-M AND ETC.,

IN WP NO.105789/2023:

BETWEEN:

1. SMT. ERAMMA W/O HONNURAPPA,
AGE: 53 YEARS, OCC. AGRICULTURE,
R/O. 2ND WARD, NEAR MAREMMA TEMPLE,
MORUM, M. SUGUR POST, TQ. SIRUGUPPA,
DIST. BALLARI-583120.
2. SRI. HONNURAPPA S/O SOMAPPA,
AGED ABOUT 80 YEARS,
OCC. AGRICULTURE, R/O. 2ND WARD,
NEAR MAREMMA TEMPLE, MORUM,
M. SUGUR POST, TQ. SIRUGUPPA,
DIST. BALLARI-583120.
3. SRI. AYYAPPA S/O U. MAREPPA,
AGE: 62 YEARS, OCC. AGRICULTURE,
R/O. 2ND WARD,
NEAR MAREMMA TEMPLE,
MORUM, M. SUGUR POST,
TQ. SIRUGUPPA, DIST. BALLARI-583120.
4. SRI. NEELAPPA S/O MAREPPA,
AGE: 36 YEARS, OCC. AGRICULTURE,
R/O. 2ND WARD, NEAR MAREMMA TEMPLE,
MORUM, M. SUGUR POST, TQ. SIRUGUPPA,
DIST. BALLARI-583120.

... PETITIONERS

(BY SRI. GIRISH A. YADAWAD, ADVOCATE)



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AND:

1. THE GOVERNMENT OF KARNATAKA,
DEPARTMENT OF SMALL IRRIGATION
AND INTERNAL WATER DEVELOPMENT,
VIKASA SOUDHA, BENGALURU-01,
REPRESENTED BY ITS SECRETARY.
2. THE CHIEF ENGINEER,
DEPARTMENT OF SMALL IRRIGATION
AND INTERNAL WATER DEVELOPMENT,
BALLARI, DIST. BALLARI-583101.
3. THE EXECUTIVE ENGINEER,
DEPARTMENT OF SMALL IRRIGATION
AND INTERNAL WATER DEVELOPMENT,
BALLARI, DIST. BALLARI-583101.

... RESPONDENTS

(BY SRI. SHARAD V. MAGADUM, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OR A DIRECTION OR AN ORDER IN THE NATURE OF CERTIORARI AGAINST THE IMPUGNED ORDER DATED 18.08.2023 ISSUED AT ANNEXURE-J TO RESPONDENT NO.3 AND ETC.,

IN WP NO.105795/2023:

BETWEEN:

1. SRI. DODDAVEERANAGOUDA
S/O BASAPPAGOWDA,
AGE: 62 YEARS, OCC. AGRICULTURE,
R/O. BAYEWADI POST,
SUBRAHAMEUMIPURA VILLAGE,
OPP. INDIAN OIL PENTROL PUMP,
TQ. SIRUGUPPA, DIST. BALLARI-583101.
2. SMT. PARVATAMMA W/O DODDAVARANAGOUDA,
AGE: 55 YEARS, OCC. AGRICULTURE,
R/O. BAYEWADI POST,
SUBRAHAMEUMIPURA VILLAGE,
OPP. INDIAN OIL PENTROL PUMP,
TQ. SIRUGUPPA, DIST. BALLARI-583101.



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3. SRI. H. CHANDRASHEKAR
S/O DODDAVEERANAGOUDA,
AGE: 35 YEARS, OCC. AGRICULTURE,
R/O. BAYEWADI POST,
SUBRAHMEUMIPURA VILLAGE,
OPP. INDIAN OIL PETROL PUMP,
TQ. SIRUGUPPA, DIST. BALLARI-583101.

... PETITIONERS

(BY SMT. SUNITHA P. KALASOOR, ADVOCATE)

AND:

1. THE GOVERNMENT OF KARNATAKA,
DEPARTMENT OF SMALL IRRIGATION
AND INTERNAL WATER DEVELOPMENT,
VIKASA SOUDHA, BENGALURU-01,
REPRESENTED BY ITS SECRETARY.
2. THE CHIEF ENGINEER,
DEPARTMENT OF SMALL IRRIGATION
AND INTERNAL WATER DEVELOPMENT,
BALLARI, DIST. BALLARI-583101.
3. THE EXECUTIVE ENGINEER,
DEPARTMENT OF SMALL IRRIGATION
AND INTERNAL WATER DEVELOPMENT,
BALLARI, DIST. BALLARI-583101.

... RESPONDENTS

(BY SRI. SHARAD V. MAGADUM, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OR A DIRECTION OR AN ORDER IN THE NATURE OF CERTIORARI AGAINST THE IMPUGNED ORDER DATED 08.09.2023 ISSUED AT ANNEXURE-K TO RESPONDENT NO.3 AND ETC.,

THESE PETITIONS, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



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ORAL ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

These three writ petitions are interlinked and involve a common issue concerning the implementation of an irrigation project intended to benefit the farmers of Ibrahimpur and Mannur villages. Hence, with the consent of the learned counsel appearing for the respective parties, all the three petitions are taken up together and disposed of by this common order.

2. W.P.No.105825/2024 is filed by the contractor calling in question the communication issued by the Member of the Legislative Assembly (for short, 'MLA') of Siruguppa Assembly Constituency, whereby a direction has been issued to shift the irrigation project from Ibrahimpur Village to Nagalapur Village. Consequentially, the petitioner seeks a writ of mandamus directing respondent Nos.1 to 3 to consider and release the amount of ₹31,40,940.92/- in terms of the approval letter dated 14.02.2023 produced as Annexure-E and the work order dated 14.02.2023 produced as Annexure-H.

3. The connected two writ petitions are instituted by the farmers/beneficiaries at whose instance representations



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were submitted and the irrigation project came to be conceived and approved by the earlier dispensation.

4. Heard the learned counsel appearing for the petitioners and the learned Additional Government Advocate appearing for the respondent-State. Perused the pleadings and the records made available to this Court.

5. Learned counsel appearing for the beneficiaries as well as the contractor, in substance, advance a common submission. Taking this Court through the records, they would contend that the marginal farmers of Ibrahimpur and Mannur villages, who admittedly had no assured source of irrigation for cultivation of their lands, had repeatedly represented to the authorities seeking provision of irrigation facilities. Pursuant thereto, a project report was prepared, the expenditure was assessed by the competent authority and, upon due consideration, the project came to be approved.

6. Learned counsel would further submit that the beneficiaries had consented to the implementation of the project and had furnished letters of acceptance, one such



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document being produced at Annexure-B. The proposed project contemplated laying of a pipeline to facilitate supply of irrigation water from the Tungabhadra river belt to the agricultural lands of the beneficiaries. It is submitted that the scheme was thereafter duly approved as evidenced by Annexure-C and the list of villages intended to be benefited from the irrigation facility has also been produced along with the pleadings in the connected petitions.

7. It is further submitted that pursuant to the approval, a tender notification was issued and the petitioner in W.P.No.105825/2024 emerged as the successful bidder. A work order was consequently issued in his favour. According to the learned counsel, the principal grievance of the contractor is that, following the change in Government, the sitting MLA intervened in the matter and sought to stall the implementation of the already approved irrigation project. In this regard, reliance is placed upon the communication issued by the MLA, which is produced as Annexure-M in W.P.No.105825/2024.

8. Referring to the aforesaid document, learned counsel would contend that insofar as Ibrahimpur Village is



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concerned, the work had substantially been completed. However, the very project, which was also intended to extend irrigation facilities to Mannur Village, was stalled on account of the subsequent intervention. It is therefore contended that the contractor, despite having executed the work, has been deprived of the amounts lawfully payable under the contract. At the same time, the farmers of Ibrahimpur Village, despite the irrigation infrastructure having been put in place, have been deprived of the intended benefit.

9. Insofar as the farmers of Mannur Village are concerned, learned counsel Sri Girish Yadawad, drawing the attention of this Court to the plight of the marginal farmers, would submit that notwithstanding approval of the project and issuance of the work order in favour of a contractor, the project has not even commenced. It is therefore submitted that the farmers continue to remain deprived of the irrigation facility which was intended to be extended to them.

10. *Per contra*, learned Additional Government Advocate, while opposing the petitions, would take this Court through the statement of objections filed in



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W.P.No.105825/2024. He would contend that although a work order was issued in favour of the petitioner, the site was not handed over to him. It is submitted that, apart from the standing crops in the field, the Model Code of Conduct came into force on 29.03.2023 in view of the Karnataka Legislative Assembly elections. It is therefore contended that handing over of the site was delayed. Learned AGA would further submit that after formation of the new Government, directions were issued by way of circular dated 31.07.2023 not to commence the uncommenced works sanctioned by the earlier Government until further orders. On this premise, it is contended that the contractor cannot seek release of any amount, particularly when the site itself was not handed over and the work was not permitted to commence.

11. Having heard the learned counsel for the parties and upon perusal of the records, the following points arise for consideration:

- (i) *Whether a beneficial scheme duly approved and tendered by an earlier dispensation can be stalled or altered by a subsequent Government merely by issuing executive directions in the form of a circular?*



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(ii) *Whether the impugned communication issued by the sitting MLA, as per Annexure-M, purportedly on the basis of the circular dated 31.07.2023, can be sustained in law when the project had already been approved and the work order had been issued to the contractor in accordance with the applicable statutory framework and tender conditions?*

FINDINGS ON POINT NOS.(i) AND (ii)

12. Before proceeding to consider the rival contentions, it would be apposite to extract the work order issued by the Executive Engineer, Minor Irrigation and Grant Work Department, Division, Ballari, which is produced as Annexure-B in W.P.No.105825/2024. The same reads as under:

Issue of Notice to proceed with the work

No.EE/MI&GWDD/BLY/AE-2/4702 Plan/ Mannuru
/2022-23/2225

Date. 15/11/2012

To. SrL.P. Yerribasavagouda,
Class- Contractor, Ballari.

Sir,

Pursuant to your furnishing the requisite security deposit as stipulated in ITT Clause 25.1 and signing of the contract agreement for the work of Providing Lift Irrigation facilities to the farmers of Mannuru village from Tungabadhra River in Siruguppa Taluk, Ballari Dist. (INDENT: 34895) Tender Price of Rs.



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12026708.10 (One crore twenty lakhs twenty six thousand seven hundred eight and paise ten only) you are hereby instructed to proceed with the execution of the said works in accordance with the contract documents. (GST Shall be separately paid).

Yours faithfully.

*Executive Engineer,
M.I & G.W.D.Division, Ballari.*

13. A plain reading of the aforesaid communication issued by the competent authority discloses certain crucial and undisputed facts. The project had been approved, a tender process had been undertaken, the petitioner had emerged as the successful bidder, his bid had been accepted, and a formal work order had thereafter been issued.

14. More importantly, the competent authority, after recording that the requisite security deposit had been furnished and the contract agreement had been executed, expressly instructed the contractor to proceed with execution of the work in accordance with the contract documents. Therefore, the contention that the contractor had no authority to proceed with the work cannot be accepted in the face of the express terms of the work order itself.



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15. Having regard to the aforesaid undisputed position, it would now be appropriate to extract paragraph-6 of the statement of objections filed by the State, which reads as under:

"It is respectfully submitted that after issue of work order, Site was not handed over to petitioner due to standing crops in the field, also due to Karnataka legislative Assembly model election code of conduct was imposed from March 29th of 2023. Hence handing over of site was delayed. Further after the formation of new Government, an order has been issued by Government not to commence the unstarted works till further order. Here with produced and marked as annexure-R4. Hence, site was not at all handed over to petitioner to execute the work, also as per PWD Department code 2014 section 135.3 states that "No work should be commenced on land which has not been duly handed over by the concerned department." Here with Produced and marked as ANNEXURE R-4 also as per the tender KW-2 section 4 clause-25.1 The employer may instruct the Contractor to delay the start or progress of any activity within the works marked and produced as Annexure R-1."

16. The aforesaid stand of the State is significant. The State itself admits the approval of the project and issuance of the work order in favour of the contractor. The justification offered for non-handing over of the site is twofold: firstly, the existence of standing crops, and secondly, the imposition of the Model Code of Conduct with effect from 29.03.2023.



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17. There is, however, a material circumstance which cannot be lost sight of. The work order itself came to be issued much prior to the imposition of the Model Code of Conduct. The record discloses that the work order was issued on 15.11.2022, whereas the Model Code of Conduct came into operation only on 29.03.2023 and remained in force till 15.05.2023. Therefore, the Model Code of Conduct cannot, by itself, furnish a justification for withholding the site from the contractor from the date of issuance of the work order.

18. This assumes significance in the backdrop of the subsequent communication which is impugned in W.P.No.105825/2024. The material on record indicates that, notwithstanding the approval of the project and issuance of the work order, the project was subsequently sought to be shifted from Ibrahimpur Village to Nagalapur Village at the instance of the newly elected sitting MLA. It would therefore be appropriate to extract the relevant portion of the impugned communication at Annexure-M. The relevant portion of the table is extracted, which reads as under:



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ಕ್ರ.ಸಂ.	ಅನುಮೋದಿತ ಕಾಮಗಾರಿ ಹೆಸರು	ಅಂದಾಜು ಮೊತ್ತ	ಬದಲಾವಣೆ ಮಾಡಬೇಕಾಗಿರುವ ಕಾಮಗಾರಿಯ ವಿವರ	ಅಂದಾಜು ಮೊತ್ತ
01	ತಾಲೂಕಿನ ವೇದವತಿ ನದಿಯಿಂದ ಇಬ್ರಾಂಪುರ ಗ್ರಾಮದ ದೊಡ್ಡವೀರನಗೌಡ ತಂದೆ ಬಸಪ್ಪ ಹಾಗೂ ಇತರೆ ರೈತರುಗಳಿಗೆ ಏತ ನೀರಾವರಿ ಯೋಜನೆ ಸೌಲಭ್ಯ ಮಂಜೂರು ಕುರಿತು	40.00	ತಾಲೂಕಿನ ವೇದವತಿ ನದಿಯಿಂದ ನಾಗಲಾಪುರ ಗ್ರಾಮದ ಜಂಬನಗೌಡ ತಂದೆ ಬಸವನಗೌಡ ಹಾಗೂ ಇತರೆ ರೈತರುಗಳಿಗೆ ಏತ ನೀರಾವರಿ ಯೋಜನೆ ಸೌಲಭ್ಯ ಮಂಜೂರು ಕುರಿತು	40.00
	ಒಟ್ಟು	40.00	ಒಟ್ಟು	40.00

19. The aforesaid communication unmistakably discloses that the project originally approved for Ibrahimpur Village was sought to be shifted to Nagalapur Village. The consequence of such intervention is also borne out from the record. While the pipeline work and installation of the transformer had already been undertaken/completed insofar as Ibrahimpur Village is concerned, the corresponding project intended for Mannur Village was stalled.

20. The Court is conscious of the fact that elected representatives are entrusted with the responsibility of representing the interests of their constituents and may legitimately bring to the notice of the Government the genuine



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requirements of other villages and areas. However, such representative functions cannot extend to interfering with an already approved governmental project after completion of the statutory and tender process, particularly when contractual rights have accrued in favour of the successful bidder and legitimate expectations have arisen in favour of the beneficiaries.

21. A change in political dispensation, by itself, cannot furnish a ground to obliterate or undo decisions already taken in accordance with law. Governmental schemes and developmental projects, particularly projects intended for the benefit of marginal farmers, cannot be treated as matters which can be abandoned, shifted or stalled merely because there has been a change in the political executive.

22. The State's contention that the site was not handed over to the contractor, therefore, requires to be examined in the backdrop of the subsequent events. The material placed before this Court, particularly the photographs produced by the contractor, demonstrates that insofar as Ibrahimpur Village is concerned, trenches had been dug, pipeline had been laid and a



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transformer had been installed. These are not circumstances which can be brushed aside by merely relying upon the general proposition that no work ought to commence unless the site is formally handed over.

23. The doctrine of fairness in administrative action equally binds the State in the matter of implementation of its own decisions. Once a project is duly approved, the beneficiaries identified, the tender process completed and a work order issued, the State cannot, without any legally sustainable reason, render the entire process nugatory. Any decision to alter or abandon such a project must necessarily be founded upon relevant considerations, supported by reasons and taken by the competent authority in accordance with law.

24. The material on record, however, does not disclose any such independent or legally sustainable decision by the competent authority. On the contrary, the record points towards the project being sought to be shifted pursuant to the intervention of the sitting MLA. Such intervention cannot substitute the decision-making process vested in the competent statutory authorities.



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25. The marginal farmers, who had approached the authorities seeking irrigation facilities, cannot be made to suffer on account of changes in political dispensation. Their right to seek implementation of a duly sanctioned governmental scheme may not, by itself, confer an absolute right to insist upon a particular administrative policy, nevertheless, once the State has approved the project, undertaken the tender process and issued work orders, the State is required to act fairly, reasonably and in accordance with law.

26. The Court also cannot overlook the peculiar circumstance that, insofar as Ibrahimpur Village is concerned, the physical infrastructure had already been substantially put in place. Stalling the project at that stage would not only deprive the farmers of the intended irrigation facility but would also result in public expenditure already incurred being rendered futile.

27. The same principle applies, though in a somewhat different factual setting, to the farmers of Mannur Village. The record discloses that the project was approved and a work order was issued, yet the project has not commenced. The



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beneficiaries cannot be left in a state of perpetual uncertainty merely because of a subsequent change in governmental policy, particularly when no legally sustainable reason has been demonstrated for withholding implementation of the sanctioned project.

28. This Court is not expressing any opinion that the Government is forever precluded from reviewing or modifying a scheme framed by an earlier Government. Governmental policies may undoubtedly be reviewed, modified or even discontinued for legitimate public reasons. However, such power has to be exercised by the competent authority, on relevant considerations, in accordance with law, and cannot be exercised arbitrarily or merely on account of a change in political dispensation. More particularly, accrued contractual rights and legitimate interests created pursuant to a completed tender process cannot be casually defeated by an executive direction unsupported by reasons germane to the project.

29. In the present case, the State has failed to demonstrate any public interest, technical impediment, financial irregularity or other legally sustainable ground



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warranting shifting of the project from Ibrahimpur Village to Nagalapur Village. The impugned communication, therefore, cannot be sustained merely because it emanates from an elected representative or because a subsequent Government has issued a general circular concerning unstarted works.

30. The Court is equally mindful that elected representatives have a larger responsibility to secure developmental schemes for the benefit of the people. If the newly elected MLA is of the opinion that Nagalapur Village also requires an irrigation project, nothing prevents the competent authority, in accordance with law and subject to availability of funds and compliance with the applicable statutory and tender requirements, from considering a separate project for Nagalapur Village. What cannot be permitted is displacement of an already sanctioned project intended for identified beneficiaries merely at the instance of a local representative.

31. Viewed from any angle, the impugned communication dated 08.09.2023, insofar as it seeks to shift the sanctioned irrigation project from Ibrahimpur Village to Nagalapur Village, cannot be sustained. The consequential



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stalling of the project intended for the farmers of Ibrahimpur and Mannur Villages is equally unsustainable.

32. For the foregoing reasons, this Court is of the considered view that the petitions deserve to be allowed. The farmers cannot be made to bear the consequences of political considerations or changes in governmental dispensation, particularly when the project had travelled through the requisite administrative and tender processes and, in the case of Ibrahimpur Village, substantial work had already been executed.

33. Accordingly, Point Nos.(i) and (ii) are answered in the **negative**, insofar as the State seeks to justify the impugned action merely on the basis of a subsequent executive circular or intervention of the sitting MLA, and in favour of the petitioners to the extent indicated hereinabove.

34. In view of the foregoing discussion, this Court proceeds to pass the following:



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ORDER

- i. W.P.No.105825/2024 is ***allowed***.
- ii. The impugned communication dated 08.09.2023 issued by the sitting MLA, produced as Annexure-M, insofar as it seeks to shift the sanctioned irrigation project from Ibrahimpur Village to Nagalapur Village, is hereby quashed and set aside.
- iii. Respondent Nos.1 to 3 are directed to inspect the project site and, upon verification of the work executed, record the same in the Measurement Book and/or other relevant departmental records. Thereafter, the authorities shall consider the invoices/bills raised by the petitioner-contractor in accordance with the terms of the contract and take an appropriate decision thereon within an outer limit of eight weeks from the date of receipt of a certified copy of this order.
- iv. Consequently, W.P.No.105789/2023 is ***allowed***.



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- v. The impugned communication dated 18.08.2023 issued as per Annexure-J and addressed to respondent No.3 is hereby quashed and set aside.
- vi. Respondent Nos.1 to 3 are directed to forthwith take steps to commence the irrigation project intended for the farmers of Mannur Village in terms of the work order dated 06.03.2023 produced as Annexure-D. Necessary communication shall be issued to the concerned contractor in accordance with law within a period of four weeks from the date of receipt of a certified copy of this order.
- vii. In view of the order passed in W.P.No.105825/2024 and the quashing of the communication issued by the sitting MLA, nothing further survives for consideration in W.P.No.105795/2023. Accordingly, W.P.No.105795/2023 stands ***disposed of***.



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- viii. Respondent Nos.1 to 3 shall ensure that the irrigation facility intended for the farmers of Ibrahimpur Village is extended in accordance with law, subject to verification of the work already executed and completion of the consequential departmental formalities. The necessary exercise shall be completed within the time stipulated hereinabove.
- ix. It is made clear that the observations made in this order shall not preclude the competent authority from considering any independent proposal for extending irrigation facilities to Nagalapur Village, in accordance with law and subject to compliance with the applicable statutory and financial requirements.
- x. No order as to costs.

(SACHIN SHANKAR MAGADUM)
JUDGE

AM
LIST NO.: 1 SL NO.: 3