



CNR: KAHC020125192024

NC: 2026:KHC-D:15452
WP No. 104270 of 2024
C/W WP No. 104274 of 2024

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 104270 OF 2024 (GM-RES)

C/W

WRIT PETITION NO. 104274 OF 2024 (GM-RES)

IN WP NO. 104270/2024

BETWEEN:

ANU GUEST HOUSE AND RESTAURANT
R/BY SRI BALARAJ S/O KONDAYYA
AGE 40 YEARS, OCC. BUSINESS
R/O. SANAPUR VILLAGE, GANGAVATI,
DIST. KOPPAL 583234

...PETITIONER

(BY SRI. HARISH BANAKAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY
REVENUE DEPARTMENT
M.S.BUILDING, BANGALORE 560001.
2. THE DEPUTY COMMISSIONER
KOPPAL DISTRICT
KOPPAL 583231.
3. THE COMMISSIONER
HAMPI WORLD HERITAGE AREA MANAGEMENT
AUTHORITY KAMALAPUR, HOSAPETE
DIST. VIJAYANAGAR 583201.
4. THE TAHSILDAR
GANGAVATI TALUK
GANGAVATI 583227
DIST.KOPPAL.



CNR: KAHC020125192024

NC: 2026:KHC-D:15452
WP No. 104270 of 2024
C/W WP No. 104274 of 2024

5. PANCHAYAT DEVELOPMENT OFFICER,
ANEGUNDI GRAM PANCHAYAT,
GANGAVATI TALUK, GANGAVATI 583227,
DIST. KOPPAL.

...RESPONDENTS

(BY SRI. ASHOK T. KATTIMANI, AGA FOR R1, R2 AND R4;
SRI. PRASHANTH F. GOUDAR, ADVOCATE FOR R3;
SRI. BHUSHAN B. KULKARNI, ADVOCATE FOR R5)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI OR ORDER OR DIRECTION TO QUASH THE IMPUGNED COMMUNICATION BEARING NO. ಹ ವಿ ಪ ಪ್ರ ನಿ ಪ್ರಾ/ಕ/ ನೋಟಿಸು/2023-24/1580 DATED 22/01/2024 ISSUED BY THE RESPONDENT NO.3, THE COMMISSIONER VIDE ANNEXURE-B, IN THE INTEREST OF JUSTICE AND EQUITY AND ISSUE MANDAMUS DIRECTING THE RESPONDENT TO ALLOW THE PETITIONERS TO RUN/OPERATE FARM STAY/HOTEL BY FIXING NORMS AND COLLECTING NECESSARY CHARGES AS PER MASTER PLAN 2021 IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

IN WP NO. 104274/2024
BETWEEN:

1. SRI HULIGANNA S/O TIMMAPPA
AGE. 71 YERS, OCC. BUSINESS
R/O. SANAPUR VILLAGE,
GANGAVATI, DIST. KOPPAL.
2. SRI SANTHOSH RATHOD S/O NEELU RATHOD
AGE. 47 YEARS,
PROPRIETOR OF OM SHANTI OM GUEST HOUSE
R/AT: VADDARAHATTI VILLAGE,
GANGAVATI, DIST. KOPPAL-583234.

...PETITIONERS

(BY SRI HARISH BANAKAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY
REVENUE DEPARTMENT
M.S. BUILDING BANGALORE-560001.



CNR: KAHC020125192024

NC: 2026:KHC-D:15452
WP No. 104270 of 2024
C/W WP No. 104274 of 2024

2. THE DEPUTY COMMISSIONER
KOPPAL DISTRICT
KOPPAL-583231.
3. THE COMMISSIONER
HAMPI WORLD HERITAGE AREA MANAGEMENT AUTHORITY,
KAMALAPUR, HOSAPETE,
DIST. VIJAYANAGAR-583201.
4. THE TAHASILDAR
GANGAVATI TALUK
GANGAVATI -583227
DIST. KOPPAK.
5. PANCHAYAT DEVELOPMENT OFFICER
ANGEGUNDI GRAM PANCHAYAT,
GANGAVATI TLAUK,
GANGAVATI-583227
DIST. KOPPAL.

...RESPONDENTS

(BY SRI. ASHOK T. KATTIMANI, AGA FOR R1, R2 AND R4;
SRI PRASHANTH F. GOUDAR. ADVOCATE FOR R3;
SRI. BHUSHAN B. KULKARNI, ADVOCATE FOR R5)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI OR ORDER OR DIRECTION TO QUASH THE IMPUGNED COMMUNICATION BEARING NO. ಹ ವಿ ಪ ಪ್ರ ನಿ ಪ್ರಾ/ಕ/ಅ ಕೃ /2023-24/35 DATED. 15.04.2024 ISSUED BY THE RESPONDENT NO.3, THE COMMISSIONER VIDE ANNEXURE-B, IN THE INTEREST OF JUSTICE AND EQUITY AND ISSUE MANDAMUS DIRECTING THE RESPONDENT TO ALLOW THE PETITIONERS RUN/OPERATE FARM STAY/HOTEL BY FIXING NORMS AND COLLECTING NECESSARY CHARGES AS PER MASTER PLAN 2021 IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

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

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL



CNR: KAHC020125192024

NC: 2026:KHC-D:15452
WP No. 104270 of 2024
C/W WP No. 104274 of 2024

ORAL ORDER

1. The petitioners in these two petitions claim to be the owners or occupants of certain lands situated in Sanapura Village, Gangavathi Taluk, and Hanumanahalli. These villages are stated to fall within the buffer zone under the provisions of the Hampi World Heritage Area Management Authority Act, 2002 (for short, 'the HWHAMA Act').
2. The petitioners are admittedly carrying on certain commercial activities in the nature of running guest houses/homestays for accommodating persons who visit and frequent the historical site of Hampi. For this purpose, they have admittedly put up structures in the nature of huts with thatched roofs. These activities of the petitioners are stated to be contrary to the provisions of the HWHAMA Act, the Master Plan, 2021, and the provisions of the Karnataka Land Revenue Act, 1964. Consequently, the respondent No.3-the Commissioner, Hampi World Heritage Area Management Authority (HWHAMA), has issued the impugned notices produced at Annexure-B in all these petitions.



CNR: KAHC020125192024

NC: 2026:KHC-D:15452
WP No. 104270 of 2024
C/W WP No. 104274 of 2024

3. In terms of the said notices, the Commissioner, HWHAMA has stated that the petitioners have been carrying on commercial activities in the nature of running resorts without obtaining necessary permission or seeking change of land use. Thus, pursuant to the directions issued by the concerned Deputy Commissioner, the Commissioner, by the said notices, called upon the petitioners to remove or demolish the said structures within 24 hours. It is this which has constrained the petitioners to approach this Court.
4. Counsel for the petitioners submits that the said communications have been generated at the instance and behest of respondent No.3, who has no authority to regulate the conduct or utilisation of the lands of the petitioners. He further submits that, in any event, the petitioners have not violated any provisions of the HWHAMA Act, inasmuch as they have neither put up any structure nor undertaken any development activity which is prohibited or regulated under the provisions of the HWHAMA Act.



NC: 2026:KHC-D:15452
WP No. 104270 of 2024
C/W WP No. 104274 of 2024

5. It is vehemently contended that the activities, if any, being carried on by the petitioners are well within the permissible limits, inasmuch as they are utilising their farmhouses, for this purpose which is not prohibited under any law. In addition, learned counsel for the petitioners brings to the notice of this Court certain documents and annexures produced along with the amended writ petition, including an endorsement dated 22.01.2024 produced at Annexure-B in Writ Petition No.104274/2024 and endorsement dated 15.04.2024 as per Annexure-B in Writ Petition No.104270/2024 issued by respondent No.3-the Commissioner, HWHAMA, purportedly granting no objection for carrying out certain construction for commercial activities and residential purposes.
6. He refers to the document enclosed with the said endorsement and points out that the respondent-authority has been adopting a pick and choose methodology, inasmuch as it has permitted certain commercial activities to be carried on within the core or prohibited zone, while targeting the petitioners who do not even fall within the



CNR: KAHC020125192024

NC: 2026:KHC-D:15452
WP No. 104270 of 2024
C/W WP No. 104274 of 2024

said zone. He also refers to another document at Annexure-F, which is a no-objection issued in Form No.1(A) by respondent No.3-HWHAMA dated 04.08.2021, and submits that the petitioners herein are similarly situated as the addressee of the said document, to whom respondent No.3 has issued a no-objection for carrying on commercial activities, even though the property of the said person falls within the buffer zone.

7. Counsel for the petitioners further submits that the petitioners would undertake not to carry out any commercial activities contrary to the provisions of the HWHAMA Act, the regulations and Master Plan 2021 and that the petitioners are ready and willing to make necessary applications to the respondent-authorities, including respondent No.3 for necessary permissions. That direction be issued to the respondent-authorities to consider their request and permit the petitioners to carry out the activities permissible within the framework of law. Thus, it is submitted that, if such a direction is issued, the purpose of these petitions would be served.



NC: 2026:KHC-D:15452
WP No. 104270 of 2024
C/W WP No. 104274 of 2024

8. In response, learned counsel appearing for respondent No.3 submits that the petitioners are admittedly carrying on the commercial activities without obtaining any permission or authority, which is not permissible under law. He refers to explanation to Section 95 of the Karnataka Land Revenue Act and submits even if the petitioners have constructed farmhouses, they can only utilise the same for their personal use and they cannot let it out for any commercial activities, which the petitioners are admittedly carrying on in brazen violation of said provisions.
9. He then refers to the provisions of the HWHAMA Act, the definition of 'development' and also the Section 14 of the HWHAMA Act, to contend that if in the event of petitioners are intending to put up any construction or undertake any development activity, they shall seek prior permission from the HWHAMA authority and only then they are permitted to utilise the land if it falls within the zone regulated under the HWHAMA Act. He however, fairly submits that, since the petitioners are now undertaking not to carry out any



CNR: KAHC020125192024

NC: 2026:KHC-D:15452
WP No. 104270 of 2024
C/W WP No. 104274 of 2024

commercial activities, if in the event of they making any applications, the same will be considered and appropriate order as permissible under law will be passed as expeditiously as possible.

10. The aforesaid submission is placed on record.

11. In that view of the matter, the following order is passed:

ORDER

- (i) In the light of undertaking given by the counsel for the petitioners that the petitioners would not carry out any commercial activities, the impugned notices issued by the respondent No.3-the Commissioner, HWHAMA are hereby quashed.
- (ii) Petitioners shall make necessary applications before the concerned revenue authorities as well as the authorities under the HWHAMA Act, seeking necessary permission either for the purpose of construction or development of their respective lands or for carrying out any activity permissible under law thereon.



CNR: KAHC020125192024

NC: 2026:KHC-D:15452
WP No. 104270 of 2024
C/W WP No. 104274 of 2024

- (iii) Such application shall be filed within 15 days from the date of receipt of certified copy of this order.
- (iv) Upon such applications being filed, the concerned revenue authorities as well as the competent authority under the HAWAMA Act shall consider the same and pass appropriate orders within an outer limit of 60 days thereafter. If required, the petitioners shall be given an opportunity of personal hearing and the authorities shall also be at liberty to conduct a spot inspection, if considered necessary.
- (v) Needless to state, if the petitioners violate the undertaking given by them or any provision of the HAWAMA Act, the Master Plan or the applicable Regulations and Karnataka Land Revenue Act, HAWAMA authorities as well as the concerned Authorities are at liberty to take such action as is permissible in law for regulating and supervising the activities in question.



CNR: KAHC020125192024

NC: 2026:KHC-D:15452
WP No. 104270 of 2024
C/W WP No. 104274 of 2024

(vi) In view of the undertaking given by the petitioners that they shall not carry out any commercial activities contrary to law, the respondent-authorities shall not take any precipitative action against the petitioners till the applications referred to above are considered.

(vii) With these observations the petitions are ***disposed of*** accordingly.

**Sd/-
(M.G.S. KAMAL)
JUDGE**

RHR/-CT-CMU
LIST NO.: 1 SL NO.: 0