IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 31ST DAY OF JANUARY 2026

BEFORE

THE HON'BLE MRS JUSTICE K.S.HEMALEKHA

WRIT PETITION NO. 109278 OF 2025 (LB-RES)

BETWEEN:

1. SRI. GANAPATI S/O. DEVA GOUDA
AGED ABOUT 38 YEARS,
R/AT: DABBOD, POST: ADUKALA,
TALUK: HONAVAR-581348.

2. SRI. ISHWAR S/O. AMAKUSA GOUDA
AGED ABOUT 38 YEARS,
R/AT: DABBOD, POST: ADUKALA,
TALUK: HONAVAR-581348.

3. THE PRESIDENT
DEVAKI KANDA KALAVRANDA
(YAKSHA KRISHI RANGA),
TALAMADDALE KOTA SHIGDI (R),
POST: ADUKALA, TALUK: HONAVAR-581348.

4. SRI. MOHAN S/O. GANAPATI NAIK
AGED ABOUT 40 YEARS,
EX-VICE PRESIDENT,
GRAMA PANCHAYAT CHITTAR-C,
POST: ADUKALA, TALUK: HONAVAR-581348.

5. THE ADMINISTRATOR/COORDINATOR
YASHASWI SWASAHAYA SANGHA,
AT: DABBOD, POST: ADUKALA,
TALUK: HONAVAR-581348.

6. THE PRESIDENT
SHREE GAJANANA VARADA SHWASAHAYA SANGHA
AT: DABBOD, POST: ADUKALA,
TALUK: HONAVAR-581348.

7. THE ADMINISTRATOR/COORDINATOR
SHREE YASHASWI PRAGATI TANDA

MANJANNA E

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ADUKALA VILLAGE, TALUK: HONAVAR-581348.

8. THE ADMINISTRATOR/COORDINATOR
SHREE MAHAGANAPATI PRAGATI BANDU
SANGHA, AT: DABBOD,
POST: ADUKALA,
TALUK: HONAVAR-581348.

9. SRI. RAGHAVENDRA S/O. GANAPAYYA GOUDA
AGED ABOUT 42 YEARS, R/AT: DABBOD,
POST: ADUKALA, TALUK: HONAVAR-581348.

10. THE ADMINISTRATOR/COORDINATOR
SHREE AMRUTESHWAR SHWASAHAYA SANGA
AT: BALAGATTU,
POST: ADUKALA,
TALUK: HONAVAR-581348.

11. THE ADMINISTRATOR/COORDINATOR
DHARMADARSHI S.H.S. SHWASAHAYA SANGHA
AT: NAGANAKALLU, POST: ADUKALA,
TALUK: HONAVAR-581348.

12. THE PRESIDENT SHREE SHIVAMMA
DURGADEVI SHTREE SHAKTI
SHWASAHAYA SANGHA AT: DABBOD,
POST: ADUKALA, TALUK: HONAVAR-581348.

13. THE PRESIDENT
SHREENIDHI SHTREE SHAKTI SHWASAHAYA
SANGHA, AT: DABBOD,
POST: ADUKALA,
TALUK: HONAVAR-581348.

14. THE PRESIDENT
JANANI SHWASAHAYA SANGHA,
AT: MADKIGADDE,
POST: ADUKALA,
TALUK: HONAVAR-581348.

…PETITIONERS

(BY SRI. ARUNACHAL P.HEGDE, ADVOCATE)

AND:

1. THE GOVERNMENT OF KARNATAKA
   BY ITS SECRETARY,
   DEPARTMENT OF PANCHAYAT RAJ,
   M.S.BUILDING, BANGALORE-560 001.

2. THE REGIONAL COMMISSIONER
   BELAGAVI DIVISION, BELAGAVI-590001.

3. THE DEPUTY COMMISSIONER
   UTTARA KANNADA DISTRICT,
   KARWAR-581301.

4. SRI. DAYANANDA S/O. ISHWAR NAIK
   AGED ABOUT 40 YEARS,
   R/AT: ASIKERI, POST: KODANI,
   TALUK: HONAVAR-581423.

5. SRI. GIRISH S/O. DHARMA NAIK
   AGED ABOUT 38 YEARS,
   R/AT: HADIKAL, POST: ADUKALA,
   TALUK: HONAVAR-581348.

…RESPONDENTS

(BY SRI. ASHOK T.KATTIMANI, AGA FOR R1 TO R3;
SRI. HARSH DESAI, ADVOCATE FOR R4 AND R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE ENTIRE RECORDS IN CASE NO.RCB/GP/4(3)/04/UTTAR KANNADA/2025-26 DATED 24/11/2025 ON THE FILE OF THE 2ND RESPONDENT-REGIONAL COMMISSIONER BELAGAVI AND ETC.

THIS WRIT PETITION COMING ON FOR ORDER THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE MRS JUSTICE K.S.HEMALEKHA

ORAL ORDER

The petitioners, who are residents of Adukala and Dabbod villages of Honnavar Taluk, Uttar Kannada District, have filed the present writ petition calling in question i) the order dated 24.11.2025 passed by the Regional Commissioner, Belagavi District (Annexure-A) and ii) Order/final notification dated 14.05.2025 issued by the Deputy Commissioner, Uttar Kannada District (Annexure-D), whereby Hadikal village has been identified and declared as the headquarters of the newly constituted Grama Panchayat comprising Hadikal, Dabbod, Adukala, Adikekuli and Ashikeri villages.

Brief facts:

2. The State Government, by notification dated 04.12.2024, approved the proposal for reorganization and constitution of new Grama Panchayats in Honnavar Taluk, Uttar Kannada District, in exercise of powers under Section 4 of the Karnataka Grama Swaraj and Panchayat Raj Act,

1993 ('Act' for short). Pursuant thereto, the Deputy Commissioner, Uttar Kannada, issued a draft notification dated 16.12.2024, proposing the constitution of a new Grama Panchayat comprising the villages of Hadikal, Dabbod, Adukala, Adikekuli and Ashikeri and proposing Hadikal village as the headquarters, inviting objections from the general public. Several objections and representations were submitted by the petitioners and other residents of Adukala village, opposing the proposal and seeking declaration of Adukala as the headquarters, contending that Adukala had a higher population, better civic amenities, superior connectivity and greater administrative feasibility. Personal hearing was conducted by Deputy Commissioner on 28.04.2025, wherein objections and representations from stakeholders of all concerned villages were considered. Thereafter, by order dated 14.05.2025, the Deputy Commissioner declared Hadikal village as headquarters of the newly constituted Grama Panchayat and issued a final

notification, which was subsequently published in Karnataka Gazette.

3. Aggrieved by the said decision, the petitioners preferred a revision before the Regional Commissioner, Belagavi Division under Section 4(3) of the Act, reiterating their objections and alleging non-consideration of relevant statutory parameters. The Regional Commissioner, by order dated 24.11.2025, dismissed their revision and confirmed the order of the Deputy Commissioner, holding that the decision to declare Hadikal as headquarters was taken after due consideration of population, distance, accessibility and administrative convenience.

4. Questioning both orders, the petitioners have approached this Court contending that the impugned decisions are arbitrary, contrary to Section 4 of the Act and violative of the principles governing fixation of Grama Panchayat Headquarters.

5. Learned counsel for the petitioners contends that originally Manki "A"(Halemata), and Manki "B"(Ananthwadi, villages were upgraded as town Panchayat and Manki "C" (Chittar) was included as a headquarters of the Grama Panchayat. Subsequently, while reorganizing the local bodies, five villages namely Adukala, Dabbod, Hadikal, Adikekuli, and Ashikeri were grouped together to constitute a new Grama Panchayat and Hadikal village was approved as the headquarters by the Deputy Commissioner under Section 4 of the Act. It is the submission of the learned counsel for the petitioners that if a comparative chart is perused and examined across, all relevant parameters Adukala village is superior and more convenient to be declared as the headquarters. Reliance is placed on Annexure-G, being the resolution of the Grama Panchayat and other materials to contend that Adukula had higher population, better civic amenities, infrastructure and accessibility.

6. Learned counsel further submits that reasoning adopted by the Deputy Commissioner is erroneous, inasmuch as Hadikal had been considered by clubbing it with other villages such as Adikekuli and Ashikeri, thereby diluting the individual merits of Adukula. It is contended that, impugned order suffers from non-application of mind and deserves to be interfered with. It is further contended that the finding that no land is available at Adukula for construction of a Panchayat office is factually incorrect, as private land is offered for donation and Government land is also available.

7. *Per contra*, learned counsel for the respondents submits that mere higher population in Adukula village cannot be a sole or a determinative factor for declaring it as headquarters of the Grama Panchayat. It is contended that Section 4 of the Act mandates consideration of several factors, including geographical contiguity, administrative convenience, accessibility to all constituent villages, distance, feasibility and public interest and not population

alone. Learned counsel submits that the villages necessarily have to be clubbed while constituting a Grama Panchayat and, upon such holistic consideration, the Deputy Commissioner has rightly exercised statutory discretion in identifying Hadikal as headquarters. It is further contended that Hadikal village is more centrally located and provides balanced accessibility to all constituent villages, whereas Adukula is situated at one end and is not equidistant to all villages.

8. Further, it is contended that availability of Government land and administrative feasibility were decisive factors, and the Hadikal satisfied all objective parameters including completion of survey work for Panchayat office. It is contended that in the absence of perversity or statutory violation, this Court ought not to interfere under Articles 226 and 227, as judicial review over such administrative decision is limited.

9. Learned AAG appearing for the State, supports the impugned order of the Deputy Commissioner as well as the confirming order of the Regional Commissioner and submits both authorities have independently examined all aspects in accordance with law and submits that the writ petitions does not warrant any interference.

10. This Court has carefully considered the rival submissions and perused the material on record.

11. Having heard the learned counsel for the parties, the point that arise for consideration is:

> *"Whether the Deputy Commissioner and the* Regional *Commissioner, while excising the powers under Section 4 of the* Karnataka Grama Swaraj and Panchayat Raj Act, 1993*, was justified in declaring Hadikal village as the headquaters of the Grama Panchayat, and Whether the impugned orders suffer from any illegality, arbitrariness or perversity warranting interference?*

12. The Deputy Commissioner has exercised powers under Section 4 of the Act, after issuing a draft notification,

inviting objections, and affording an opportunity of hearing to all stakeholders.

13. Section 4 (1) of the Act reads thus:

> ***"4. Declaration of Panchayat Area and establishment of Grama Panchayats.-*** *(1) Subject to the general or special orders of the Government, the Deputy Commissioner, if, in his opinion, it is expedient to declare any area comprising a village or group of villages having a population of [not less than five thousand and not more than seven thousand] to be a Panchayat area, may, after pervious publication, declare such area as a Panchayat area for the purposes of this Act and also specify its headquarter:*
>
> *Provided that the Government may order that an area with a population of [not less than two thousand five hundred] may be so declared as a Panchayat area in such areas of the districts of Belgaum, Chickmagalur, Dakshina Kannada, Dharwar, Hassan, Kodagu, Shimoga, [Udupi, Haveri] and Uttara Kannada as may be specified by the Government:*
>
> *Provided further that irrespective of population, wherever it is found necessary, the*

Government, as a special case, may, order that an area within [a radius of five kilometers (diameter of ten kilometers)] from the centre of a village may be so declared as a Panchayat area in such areas of the districts of Belgaum, Chickmagalur, Dakshina Kannada, Dharwar, Hassan, Kodagu, Shimoga [Udupi , Haveri] and Uttara Kannada as may be specified by the Government:

Provided also that the Deputy Commissioner may, with, the previous permission of the Government declare any area comprising a village or group of villages having a population of [either less than five thousand or more than seven thousand] to be a Panchayat area."

14. Section 4 empowers the Government and the Deputy Commissioner to constitute or reorganize Grama Panchayat areas and fix their headquarters after following due procedure, having regard to population as only one of the relevant factors along with accessibility, distance, feasibility and administrative convenience subject to revisional scrutiny by the Regional Commissioner. The fixation of Grama Panchayat Headquarters under Section 4

of the Act is not governed by population alone. Population is only one of the relevant factors along with geographical centrality, distance accessibility, infrastructure and overall administrative convenience to illustrate, if within a proposed Grama Panchayat area one village has a higher population but is situated at a periphery, while another village, though may having comparatively lesser population is centrally located and more accessible to all constituent villages, the authority would be justified in declaring that centrally located village as the headquarters, Section 4 does not mandate that the village with highest population must necessarily be chosen. Applying the above principle to the facts of the present case, though Adukula village has higher population, the sketch and the distant matrix produced by the respondent, demonstrate that Hadikal village is more centrally situated in relation to Dabbod, Adikekuli and Ashikeri, and offers better accessibility from all directions. If Adukula were to be declared as headquarters solely on the basis of population, residents of certain villages would be

required to travel longer distance thereby causing inconvenience.

15. The Deputy Commissioner, after issuing a draft notification, considering objections and conducting a hearing as required under Section 4 (2) has exercised discretion in choosing Hadikal as headquarters. The Regional Commissioner in revision under Section 4 (3) of the Act has independently examined the entire material and affirmed the said decision.

16. Learned counsel for the respondent has placed reliance on the decision of the Division Bench of this Court in ***Kashinath and Another Vs. The State of Karnataka, Department of Personal and Administrative Reforms and Others***[1] *(Kashinath)*. In the said decision, the Division Bench has categorically held that while declaring a headquarters, the Deputy Commissioner is required to take into consideration all relevant facilities, having regard to population being *one of the aspects*, under Section 4 (1) of

[1] ILR 2019 KAR 1600

the Act, along with other basic parameters such as road connectivity, distance, infrastructure, availability of civic amenities and centrality of location with reference to all constituent villages.

17. The Division Bench placed reliance on the law laid down by the Apex Court in ***J. R. Raghupathy Etc., Vs. State of Andra Pradesh and Others***[2] *(J. R. Raghupathy)***,** wherein the Apex Court has held at paragraph Nos. 17 and 30 as under:

> *"17. He further contended that Ujani Village has a Post Office, a High School, an Anganwadi Centre, a Prathamika Krishi Pattina Sahakari Co-operative Bank, Public Bus Stand, Public Library, Linemen quarters, Village Accountant's Office located in the said village against the facilities available in Gudapalli Village, Ujani Village has upper hand to be declared as the headquarter of grama panchayat. He further contended that Ujani Village was the headquarter from 1956-86. Therefore, the order passed by the Learned Single Judge cannot be*

[2] AIR 1998 SC 1681

interfered by this Court in exercise of power under Section 4 of the High Court Act, 1961.

30. Taking into consideration the aforesaid provisions of the Act, the Deputy Commissioner issued draft notification at the inception inclusion of four villages namely, Gudapalli, Medpalli, Ujani and Sankanalli declaring Ujani as headquarter to the said villages. After receipt of the objections, by final notification dated 04.02.2015 came to be issued incorporating new village 'Gandhinagar' in the place of Sankanalli Village. In both the draft notification as well as final notification issued by the Deputy Commissioner, except declaring 'Ujani' Village as headquarter, he has not assigned any reasons. The Regional Commissioner, on the application filed under Section 4(3) of the Act, proceeded to declare 'Gudapalli' Village as headquarter even without issuing notice to the present respondent Nos.4 to 6. That is how this Court on two occasions set aside the order passed by the Regional Commissioner, mainly on the ground that no opportunity was given to all the concerned persons including respondent Nos.4 to 6. The fact remains the Regional Commissioner, after remand, consistently on three occasions recorded a finding that Gudapalli Village is suitable place for headquarter to all the group of villages."

18. The Apex Court, while dealing with interference by Courts in matters relating to location of mandal headquarters, has held that such decisions fall squarely within the domain of administrative and policy discretion of the Government, an interference by the High Court on the ground of breach of guidelines or administrative instructions is not warranted.

19. Applying the aforesaid principle to the facts of the present case, it is evident that fixation of a Grama Panchayat headquarters is essentially a policy and administrative decision, taken in exercise of powers under Section 4 of the Act. Both Deputy Commissioner and the Regional Commissioner have taken into consideration the relevant statutory factors, including feasibility, accessibility, distance and overall administrative convenience and merely because Adukula village has a higher population it cannot be held that it must necessarily be declared as headquarters.

20. This Court therefore finds no ground to interfere with the impugned orders and accordingly answers the point framed for consideration and this Court pass the following:

ORDER

The writ petition is hereby ***dismissed***.

Pending IAs, if any, would not survive for consideration.

Sd/-
JUSTICE K.S.HEMALEKHA

AT
CT:VH
List No.: 1 Sl No.: 16