



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19<sup>TH</sup> DAY OF JULY, 2024



PRESENT

THE HON'BLE MR. N. V. ANJARIA, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION No. 16180 OF 2024 (GM-RES)

**BETWEEN:**

1. SRI. S. MUNIRAJU,  
S/O LATE K. M. SONNAPPA,  
AGED 65 YEARS  
R/AT No.18, LAKE VIEW DEFENSE COLONY,  
SHETTY HALLI, JALAHALLI WEST POST,  
BENGALURU- 560015.  
(OCC: MEMBER LEGISLATIVE ASSEMBLY)  
DASARAHALLI ASSEMBLY CONSTITUENCY,  
AADHAAR No.- 574239904281,  
PAN No. - ACWPM1336P,  
MOBILE - 9343772488.  
EMAIL- MUNIRAJUSMLA@GMAIL.COM

...PETITIONER

(BY SMT. VIJETHA R NAIK, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA,  
REPRESENTED BY THE CHIEF SECRETARY  
TO GOVERNMENT,  
VIDHANA SOUDHA,  
BENGALURU-560001.
2. THE PRINCIPAL SECRETARY TO GOVERNMENT,  
URBAN DEVELOPMENT DEPARTMENT,  
STATE OF KARNATAKA,  
VIKASA SOUDHA,  
BENGALURU-560001.





3. THE COMMISSIONER,  
BRUHATH BENGALURU MAHANAGAR PALIKE,  
N. R. SQUARE,  
BENGALURU-560009.

...RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA FOR R1 & R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT ORDER OR DIRECTION IN THE NATURE OF MANDAMUS TO THE RESPONDENTS TO RELEASE A SUM OF Rs.78 CRORES FOR WHICH THE TENDERED PUBLIC PURPOSE WORKS IN DASARAHALLI ASSEMBLY CONSTITUENCY ARE KEPT PENDING AS SOUGHT IN THE REPRESENTATION SUBMITTED BY THE PETITIONER PRODUCED AS ANNEXURE-E1 TO ANNEXURE-E6 COLLECTIVELY AND ETC.

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

CORAM: HON'BLE THE CHIEF JUSTICE MR. JUSTICE  
N. V. ANJARIA  
and  
HON'BLE MR. JUSTICE K. V. ARAVIND

**ORAL ORDER**

(PER: HON'BLE THE CHIEF JUSTICE  
MR. JUSTICE N. V. ANJARIA)

Heard learned advocate Smt. Vijetha R. Naik for the petitioner and learned Additional Government Advocate Ms. Niloufer Akbar upon service of copy of the petition in advance.

2. The present is a public interest petition. The petitioner happens to be a member of the Legislative Assembly.



2.1 The prayer advanced in the petition is issuance of writ of mandamus to direct the respondents to release a sum of Rs.78 crores in respect of the tendered public works in the Dasarahalli Assembly Constituency. The petitioner has already made representations in this regard.

2.2 The another limb of the prayer is to issue direction to the respondents to ensure time-bound completion of the infrastructural projects sanctioned under the Chief Minister's New Bengaluru Planning Scheme to be undertaken out of the grant amount.

3. The case which is put forth by the public interest petitioner is that on 01.02.2019, the decision was taken by the State Cabinet sanctioning grant of Rs.570 Crores for the purpose of development of the Dasarahalli Assembly Constituency. It is stated that the said Assembly Constituency is carved out of 110 villages and that the area is covered under the Chief Minister's New Bengaluru Planning Scheme. It was stated that in view of the Cabinet Note dated 17.09.2019, the proposal was mooted for modifying the aforementioned notification dated 01.02.2019 in relation to the grant amount.



3.1 Pursuant to the said Cabinet Note dated 17.09.2019, the grant allotted to the Dasarahalli Constituency was cancelled. It was stated that thereupon, Writ Petition No.51529 of 2019 was filed, which was not entertained by the Court as premature in view of the representation of the public interest petitioner pending before the State authorities. Be that as it may.

3.2 The grievance of the petitioner sought to be agitated by his learned advocate is *inter alia* that the Dasarahalli Constituency requires several infrastructural works to be undertaken and that, roads and other buildings are in dilapidated condition. For repair and maintenance, the amount of grant could be expended, however, the grant was cancelled, modified and reduced to the detriment of the interests of the constituency and the people of the constituency, it was claimed.

3.3 It was further stated that with regard to Rs. 110.75 crores out of the said grant for the approved tendered works under the Chief Minister's Nagorathana Scheme, this Court had, in Writ Petition No.2861 of 2021, directed for release of the amount. However, only Rs. 20 crores came to be released for the approved tendered works and the balance of Rs. 78 crores is yet to be released. It is



the case that works to the tune of Rs. 90 crores are still pending approval before respondent No.2-the Principal Secretary to Government, Urban Development Department. It was on the basis of the above premise and context that the prayers as above are made seeking mandamus for release of the amount towards grant.

4. Learned Additional Government Advocate Ms. Niloufer Akbar for the respondent-State submitted that representation dated 08.05.2024 was made by the petitioner to the Chief Secretary of the Government of Karnataka in which prayer was to give approval to the proposal for grant. It was submitted that it is entirely the task of the Government and the prayer before the Court in this regard is not well founded.

5. The kind and nature of the grievance sought to be raised is a subject matter not fit to be brought by way of public interest litigation before the Court. Sanctioning of grant, the extent thereof, cancellation, modification, reduction or enhancement of amount of grant to be given to the assembly constituencies for the betterment of the people of the constituency is the subject matter to lie entirely in the domain of the elected government. As to what grant is to be sanctioned for a particular assembly constituency or part of the



area is the decision to be taken by the Executive on behalf of the government of the day. It is essentially a policy decision of the popular government.

5.1 The High Court, in exercise of powers and jurisdiction under Article 226 of the Constitution, would not make inroads in the decision making process in such spheres. A writ of mandamus would not lie to direct the elected government to sanction or release or increase or decrease the amount of grant which may be decided by the governmental authorities in their wisdom. The process of decision making process in such areas is guided by host of considerations, many of which are not capable of being examined by judicially manageable criteria. These are the decisions essentially to be taken and approved by the Cabinet.

5.2 The popular Government is the best judge for taking care of the needs and interests of the assembly constituencies, the people and citizens. Invoking public interest jurisdiction of the Court in such matters cannot be said to be well conceived, and such a recourse would not be entertained by the court.



6. The petitioner herein is an elected representative. He is a member of Legislative Assembly. It is always open for the petitioner to flag such issues before the House or before the Government and its competent authorities. They are the right platform to raise and ventilate the grievance, not the courts. Filing of writ petition in the nature of public interest and seeking relief on such scores could not be said to be justified.

7. For all the aforesaid reasons, the present public interest petition is thoroughly misconceived and could not be entertained. It is dismissed.

**Sd/-  
(N. V. ANJARIA)  
CHIEF JUSTICE**

**Sd/-  
(K. V. ARAVIND)  
JUDGE**

VBS  
List No.: 1 Sl No.: 6