

**(2013) 11 KAR CK 0223**

**In the Karnataka High Court**

**Case No : Writ Petition No. 40369 of 2013 (LB-RES-PIL)**

Mr. Abdul Hakeem

APPELLANT

Vs

The State of Karnataka and Bada Grama Panchayath

RESPONDENT

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**Date of Decision : 26-11-2013**

**Acts Referred:**

**Citation : (2013) 11 KAR CK 0223**

**Hon'ble Judges : D.H. Waghela, C.J.;S.N. Satyanarayana, J**

**Bench : Division Bench**

**Advocate : B. Lethif, for the Appellant; Niloufer Akbar, AGA for R-1 to 3, for the Respondent**

**Final Decision : Dismissed**

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## **Judgement**

D.H. Waghela, C.J.—The petitioner, claiming to be member of the Bada Grama Panchayat, Uchila, has approached this Court to challenge legality or otherwise of the resolution dated 21.11.2012, with the prayer to quash the resolution, which is in fact an order issued by the office of the Deputy Commissioner, Udupi and by which, the Assistant Commissioner, Kundapura is directed to reserve 0.30 acre of land in Survey No. 55/16 for public graveyard. The impugned order contains the details of the dispute among two groups of people with regard to location and use of the graveyard by local people. By the impugned order, additional land is ordered to be reserved for convenience and use of the people and reasons therefor are described in detail in the order itself. Even after repeated queries, learned counsel for the petitioner could not point out any illegality or violation of any provision of law in the making or effect of the impugned order. The only argument, on the basis of disputable facts, was that the additional land was sought to be reserved on the area forming part of a tank-bed. However, even that argument could not be substantiated, but instead, he relied on the petitioner's own sketch produced at Annexure-G, in which the land in question is shown to be at a distance from the tank-bed. Under the circumstances, reliance on the decision of this Court in Environment Support Group Vs. State of

Karnataka and Others was wholly misplaced. It prima facie appears that the petitioner having not had his way in the Panchayat where he claims to be the member, he has resorted to the present litigation in the name of public interest litigation and therefore, he does not appear to have approached this Court with clean hands. Therefore, the petition is dismissed with cost, quantified at Rs. 2,000/-, which the petitioner shall pay to the Karnataka State Legal Services Authority at Bangalore, within a fortnight.