

Devaraja Vs. The State of Karnataka and Others

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Court : Karnataka

Decided On : Feb-19-2016

Judge : The Honourable Acting Chief Justice Mr. Subhro Kamalmukherjee & Ravi Malimath

Appeal No. : Writ Appeal No. 3461 of 2015 (KLR-LG)

Appellant : Devaraja

Respondent : The State of Karnataka and Others

Judgement :

1. The appellant-writ petitioner claims that he is in unauthorized occupation of a Government land for a period of more than 20 years. He had filed an application in form No. 53 under Section 94B of the Karnataka Land Revenue Act, 1964 [for short, the said Act], seeking for regularization. The matter is pending before the committee constituted for regularisation of such unauthorized cultivation.
2. Since the application is pending before the said committee, we are not inclined to go into the details of the application, as it is the duty of the committee constituted for the purpose under Rule 108-D of the Karnataka Land Revenue Rules, 1966 [for short, the said Rules] to consider the application.
3. Mr. Ganapathi, learned advocate for the appellant-writ petitioner, submits that as the Government is taking steps for removal of the unauthorized occupants, and when his client's application is pending before the said committee, the possession

of the appellant should be protected.

4. Admittedly, the appellant has no right, title and interest in the land in question. He is not entitled for an order of injunction.

5. Therefore, the writ appeal is, summarily, dismissed. However, this order of dismissal shall not prevent the committee to consider die application of the appellant in accordance with law.

6. The said committee is requested to dispose of the application as expeditiously as possible, preferably within two months from the date of communication of this order.

7. We express no opinion on the merits of the matter.

8. There will be no order as to costs.

Appeal dismissed.

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