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M C Ramegowda Vs. State Of Karnataka

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Court : Karnataka

Decided On : Jan-19-2021

Judge : Aravind Kumar and B.a.Patil

Appeal No. : WP 3463/2019

Appellant : M C Ramegowda

Respondent : State Of Karnataka

Judgement :

R1IN THE HIGH COURT OF KARNATAKA AT BENGALURU DATED THIS THE19H DAY OF JANUARY, 2021 PRESENT THE HONBLE MR. JUSTICE ARAVIND KUMAR AND THE HONBLE MR. JUSTICE B.A. PATIL W.P. NO.47747/2017 C/W W.P.NOs.433/2017, 10728/2017, 15532/2017, 16281/2017, 17180/2017, 21279/2017, 23095/2017, 23800/2017, 25219/2017, 27437/2017, 27573/2017, 32134/2017, 32849/2017, 33085/2017, 34202/2017, 35384/2017, 36324/2017, 36610/2017, 36640/2017, 36690/2017, 36760/2017, 37713/2017, 40597/2017, 41593/2017, 42959/2017, 43059/2017, 43227/2017, 44273/2017, 44687/2017, 45114/2017, 47887/2017, 50674/2017, 51160/2017, 52972/2017, 53008/2017, 54035/2017, 54081/2017, 54082/2017, 55683/2017, 56296/2017, 235/2018, 463/2018, 777/2018, 1348/2018, 1395/2018, 3032/2018, 3641/2018, 4729/2018, 5389/2018, 5390/2018, 5391/2018, 5704/2018, 6061/2018, 6330/2018, 6376/2018, 6583/2018, 6960/2018, 7868/2018, 8035/2018, 8186/2018, 8187/2018, 8189/2018, 8190/2018, 8191/2018, 8210/2018,

8585/2018, 9116/2018, 9117/2018, 9194/2018, 11029/2018, 11306/2018, 11767/2018, 11973/2018, 11975/2018, 12264/2018, 12614/2018, 13112/2018, 14215/2018, 14390/2018, 2 15257/2018, 15270/2018, 18327/2018, 18329/2018, 18646/2018, 19751/2018, 19761/2018, 22025/2018, 22817/2018, 22837/2018, 23435/2018, 23437/2018, 23819/2018, 25761/2018, 25768/2018, 26054/2018, 26481/2018, 26545/2018, 26546/2018, 27912/2018, 28214/2018, 28215/2018, 28637/2018, 29281/2018, 32121/2018, 33339/2018, 33741/2018, 34292/2018, 34675/2018, 35489/2018, 36459/2018, 36539/2018, 36737/2018, 36863/2018, 39179/2018, 40311/2018, 41277/2018, 43275/2018, 43352/2018, 45660/2018, 47066/2018, 47540/2018, 47543/2018, 47827/2018, 47841/2018, 49013/2018,49786/2018, 50668/2018, 51528/2018, 52017/2018, 52106/2018, 53025/2018, 53049/2018, 53204/2018, 53534/2018, 53830/2018, 54914/2018, 55172/2018, 55214/2018, 56168/2018, 56187/2018, 56410/2018, 56539/2018, 56542/2018, 56545/2018, 56630/2018, 56631/2018, 56731/2018, 56988/2018, 57174/2018, 302/2019, 1660/2019, 1680/2019, 2960/2019, 3463/2019, 3484/2019, 5393/2019, 5576/2019, 7440/2019, 7844/2019, 8176/2019, 8298/2019, 8821/2019, 8852/2019, 9158/2019, 10906/2019, 11090/2019, 11091/2019, 12900/2019, 12974/2019, 12975/2019, 13029/2019,13280/2019, 13405/2019, 13737/2019, 14457/2019, 18151/2019, 20311/2019, 20312/2019, 20313/2019, 20314/2019, 20315/2019, 20316/2019, 22667/2019, 22678/2019, 22935/2019, 22988/2019, 23515/2019, 23573/2019, 27336/2019, 27597/2019, 27625/2019, 27680/2019, 27730/2019, 27921/2019, 3 28421/2019, 28900/2019, 29471/2019, 29604/2019, 29668/2019, 30073/2019, 30187/2019, 31106/2019, 31107/2019, 31322/2019, 31349/2019, 31350/2019, 32184/2019, 33249/2019, 33262/2019, 34572/2019, 35277/2019, 35575/2019, 35579/2019, 36127/2019, 38110/2019, 38701/2019, 38895/2019, 40447/2019, 40448/2019, 40450/2019, 41715/2019, 41716/2019, 42273/2019, 45583/2019, 50244/2019, 50781/2019, 50828/2019, 50955/2019, 50956/2019, 51043/2019, 51101/2019, 51638/2019, 51710/2019, 51830/2019, 51878/2019, 51879/2019, 51926/2019, 51941/2019, 51944/2019, 51945/2019, 51961/2019, 52011/2019, 52032/2019, 52134/2019, 52566/2019, 52609/2019, 220/2020, 3190/2020, 9647/2020, 12647/2020 (KLGP) IN W.P.NO.47747/2017: BETWEEN: SHRIRAM PROPERTIES PVT. LTD., A COMPANY REGISTERED UNDER THE COMPANIES ACT, 1956 HAVING ITS

REGISTERED OFFICE AT NO.123, ANGAPPA NAICKAN STREET CHENNAI AND ADMINISTRATIVE OFFICE AT:

3. D FLOOR, MOOKAMIBA COMPLEX, NO.4, LADY DESIKACHARY ROAD, CHENNAI - 560 004 REPRESENTED BY K. VAIDYANATHAN. AND BRANCH AT: NO.40/43, NAGASHREE CHAMBERS4H CROSS, 8TH MAIN, SADASHIVA NAGAR, BANGALORE - 560 090 4 REPRESENTED BY ITS AUTHORIZED REPRESENTATIVE. ...PETITIONER (BY SRI. AJESH KUMAR S, ADVOCATE) AND:

1. . STATE OF KARNATAKA REPRESENTED BY ITS SECRETARY DEPARTMENT OF REVENUE VIDHANA SOUDHA, AMBEDKAR VEEDHI, BENGALURU - 560 001. 2 . BENGALURU DEVELOPMENT AUTHORITY REPRESENTED BY ITS COMMISSIONER T. CHOWDAIAH ROAD KUMAR PARK WEST BENGALURU - 560 020. 3 . BENGALURU BRUHAT MAHANAGARA PALIKE BY ITS COMMISSIONER, N.R. CIRCLE BANGALORE - 560 002. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO STRIKE DOWN THE KARNATAKA LAND GRABBING PROHIBITION ACT OF 2011 AS THE ACT IS UNCONSTITUTIONAL AS IT VIOLATES THE PETITIONER'S RIGHT FOR A FREE AND FAIR TRIAL GUARANTEED UNDER ARTICLE21OF CONSTITUTION OF INDIA. IN W.P.NO.433/2017: BETWEEN: M/S SHAKTHI HILL RESORTS PVT. LTD., BEML LAYOUT, RAJARAJESHWARI5NAGAR,OFF MYSORE ROAD BENGALURU - 560 098 REPRESENTED BY ITS CHAIRMAN SRI. R. ARUNACHALAM AGED ABOUT64YEARS. ... PETITIONER (BY SRI. J.M. RAJANNA SHETTY, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS REVENUE COMMISSIONER, M.S. BUILDING BENGALURU - 560 001.

2. THE SPECIAL DEPUTY COMMISSIONER - II BENGALURU URBAN DISTRICT BEHIND KANDAYA BHAVAN K.G. ROAD, BENGALURU - 560 009.

3. THE TAHSILDAR BANGALORE SOUTH TALUK KANDAYA BHAVAN, K.G. ROAD BENGALURU - 560 009.

4. THE REGISTRAR SPECIAL COURT UNDER THE KARNATAKA LAND GRABBING PROHIBITION ACT, 3RD FLOOR KANDAYA BHAVAN, K.G. ROAD BENGALURU - 560 009. ... RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1 TO R-4) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE AND QUASH SECTION11OF THE KARNATAKA ACT NO.38/2014 AS ULTRA VIRES AND UNCONSTITUTIONAL VIDE ANNEXURE-G DATED:20.10.2014 PUBLISHED IN THE KARNATAKA GAZETTE. 6 IN W.P.NO.10728/2017: BETWEEN: SYMBIOSIS SOCIETY A SOCIETY REGISTERED UNDER SOCIETIES REGISTRATION ACT, 1860 HAVING ITS REGISTERED OFFICE AT SENAPATI BAPAT ROAD, PUNE AND CAMPUS AND ADMINISTRATIVE OFFICE AT:95/1, 95/2, ELECTRONIC CITY PHASE-1, HOSUR ROAD BANGALORE - 560 100 BY ITS AUTHORISED SIGNATORY MR. T. SUNIL JACOB. ... PETITIONER (BY SRI. ASHOK HARNALLI, SR. COUNSEL FOR SRI. MANMOHAN P.N, ADVOCATE) AND:

1. STATE OF KARNATAKA DEPARTMENT OF REVENU M.S. BUILDING BANGALORE - 560 001 REPRESENTED BY ITS SECRETARY.

2. THE TAHASILDAR MEMBER, LAKE MAINTENANCE ANEKAL TALUK, ANEKAL - 560 100.

3. THE DEPUTY COMMISSIONER ANEKAL TALUK, BENGALURU RURAL DISTRICT BENGALURU - 560 100. ... RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1 TO R-3; SRI. B.S. MANJUNATH, ADVOCATE FOR IMPLEEDING APPLICANT ON I.A. 1/2018) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA7PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT38OF2014 AS ULTRA VIRES THE CONSTITUTION OF INDIA VIDE ANNEX-Q AND/OR IN THE ALTERNATIVE. IN

W.P.NO.15532/2017: BETWEEN: REMCO(BHEL) HOUSE BUILDING CO-OPERATIVE SOCIETY LIMITED NO.356, 5TH MAIN, RPC (REMCO) LAYOUT HAMPI NAGAR BENGALURU - 560 104 REPRESENTED BY ITS PRESINDENT VIJAYAKUMAR S/O LATE GOPALAKRISHNA AGED ABOUT55YEARS. ... PETITIONER (BY SRI. D.R. RAVISHANKAR, ADVOCATE) AND:

1. THE STATE OF KARNATAKA BY ITS PRINCIPAL SECRETARY REVENUE DEPARTMENT M.S. BUILDING BENGALURU - 560 001.

2. LAND GRABBING PROHIBITION SPECIAL COURT, 3RD FLOOR KANDYA BHAVANA, K.G. ROAD BENGALURU - 560 009 REPRESENTED BY ITS CHAIRMAN.

3. HEMANTH RAJU S/O LATE MUNIRAJU AGED ABOUT40YEARS RESIDING AT NO.32, ESHWARA TEMPLE ROAD, RAMOHALLI KENGERI HOBLI BEGALURU - 560 074. 8

4. ASHOK S KULLI S/O SHANKARAPPA AGED ABOUT56YEARS RESIDING AT NO.1, 4TH MAIN ROAD BYRAVESHWARANAGAR, NAGARABAVI MAIN ROAD, BENGALURU - 560 070.

5. M.A. PALANI S/O LATE ANNIYAPPA AGED ABOUT61YEARS RESIDING AT NO.130, PMK NILAYAM1T MAIN, 2ND STAGE, OKALIMPURA BENGALURU - 560 021. ... RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1 AND R-2; SRI. SHANTHI BHUSHAN, ADVOCATE FOR R-3; SRI. M. SHIVAPRAKASH, ADVOCATE FOR C/R-4 & ALSO FOR R-5) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS OF THE KARNATAKA LAND GRABBING PROHIBITION ACT IS UNCONSTITUTIONAL AND ULTRA VIRES ARTICLE14 ARTICLE19AND21AND ARTICLE300 OF THE CONSTITUTION OF INDIA. IN W.P.NO.16281/2017: BETWEEN:

1. SMT. B. LALITHAMMA AGED ABOUT50YEARS W/O LATE C.K. NARAYANA GOWDA.

2. SHRI. C.N. ASHOK AGED ABOUT55YEARS.

3. SHRI. C.N. RAMESH AGED ABOUT52YEARS9REPRESENTED BY GPA HOLDER DR. C.N. PRAKASH.

4. SHRI. C.N. PRAKASH AGED ABOUT45YEARS. ALL SONS OF LATE C.K. NARAYANA GOWDA1TO4RESIDING AT CHAMAREDDDIHALLI, ALANGUR POST, MULBAGAL TALUK KOLAR DISTRICT. ... PETITIONERS (BY SRI. AMARNATH B, ADVOCATE) AND:

1. GOVERNMENT OF KARNATAKA BY ITS PRINCIPAL SECRETARY DEPARTMENT OF REVENUE VIDHANA SOUDHA AMBEDKAR VEEDI BANGALORE - 560 001 2 . SRI HEMANTHA RAJU S/O LATE MUNI RAJU R/A NO.32, ESHWAR TEMPLE ROAD RAMOHALLI, KENGERI HOBLI BANGALORE SOUTH TALUK BANGALORE - 560 074. 3 . SRI. M.K. AYYAPPA COMMISSIONER, TRANSPORT DEPARTMENT, TRANSPORT BUILDING, SHANTI NAGAR BANGALORE - 560027. 4 . JAGADEESH THAHASILDHAR BANGALORE SOUTH TALUK AGED ABOUT45YEARS BANGALORE - 560 009. 10 5 . SHIVANNA RTD. DEPUTY THAHSILDAR AGED ABOUT61YEARS BANGALORE SOUTH TALUK KANDHAYA BHAVAN BANGALORE. 6 . CHANNEGOWDA RTD. REVENUE INSPECTOR NO.259, 7TH MAIN, SARASWHATHI NAGAR, BANGALORE - 560 040. 7 . M/S ASIAN FABTECH LTD FLAT NO.15, 2ND PHASE PEENYA, BANGALORE - 560 058 REP. BY MANAGING DIRECTOR SRI. K.H. PUTTASHWAMI S/O LATE HONNEGOWDA. 8 . SMT. AKKAYYAMMA D/O LATE SANJEEVAPPA AGED ABOUT60YEARS BEHIND YELLAMMA TEMPLE TIGALARA ROAD, KENGERI VILALGE KENGERI HOBLI.BANGALORE. 9 . SMT. PADHMAMMA D/O LATE SANJEEVAPPA AGED ABOUT58YEARS BEHIND YELLAMMA TEMPLE, TIGALARA ROAD, KENGERI VILLAGE KENGERI HOBLI, BANGALORE - 59. 10 . SRI. YELLAPPA D/O LATE SANJEEVAPPA AGED ABOUT56YEARS BEHIND YELLAMMA TEMPLE, TIGALARA ROAD, KENGERI VILLAGE KENGERI HOBLI, BANGALORE - 59. 11 11 . SMT. GOWRAMMA D/O LATE SANJEEVAPPA AGED ABOUT54YEARS BEHIND YELLAMMA TEMPLE TIGALARA ROAD, KENGERI VILLAGE KENGERI HOBLI, BANGALORE - 59. 12 . SRI. RAMESH S/O LATE SANJEEVAPPA AGED

ABOUT52YEARS BEHIND YELLAMMA TEMPLE TIGALARA ROAD, KENGERI VILLAGE KENGERI HOBLI, BANGALORE - 59. 13 . SRI. SURESH S/O LATE SANJEEVAPPA AGED ABOUT50YEARS BEHIND YELLAMMA TEMPLE TIGALARA ROAD, KENGERI VILLAGE KENGERI HOBLI, BANGALORE - 59. 14 . SRI. LAKSHMAN S/O SHAMANNA AGED ABOUT50YEARS BEHIND YELLAMMA TEMPLE TIGALARA ROAD, KENGERI VILLAGE, KENGERI HOBLI, BANGALORE - 59. 15 . SMT. VIJAYALAKSHIMI D/O SHAMANNA AGED ABOUT48YEARS BEHIND YELLAMMA TEMPLE TIGALARA ROAD, KENGERI VILLAGE, KENGERI HOBLI, BANGALORE - 59. 16 . SMT. MUNILAKSHMAMMA D/O SHAMANNA AGED ABOUT46YEARS BEHIND YELLAMMA TEMPLE TIGALARA ROAD, KENGERI VILLAGE KENGERI HOBLI, BANGALORE - 59. 12 17 . SMT. NEELAMMA D/O SHAMANNA AGED ABOUT46YEARS BEHIND YELLAMMA TEMPLE TIGALARA ROAD, KENGERI VILLAGE KENGERI HOBLI, BANGALORE - 59. 18 . SMT. BHAGYAMMA D/O SHAMANNA AGED ABOUT44YEARS BEHIND YELLAMMA TEMPLE TIGALARA ROAD, KENGERI VILLAGE KENGERI HOBLI, BANGALORE - 59. 19 . SMT. SHARADA D/O SHAMANNA AGED ABOUT42YEARS BEHIND YELLAMMA TEMPLE TIGALARA ROAD, KENGERI VILLAGE KENGERI HOBLI, BANGALORE - 59. 20 . SRIRAMA S/O SHAMANNA AGED ABOUT45YEARS BEHING YELLAMMA TEMPLE TIGALARA ROAD, KENGERI VILLAGE KENGERI HOBLI, BANGALORE - 59. 21 . SMT. DHANALAKSHMI D/O SHAMANNA AGED ABOUT40YEARS BEHING YELLAMMA TEMPLE TIGALARA ROAD, KENGERI VILLAGE KENGERI HOBLI, BANGALORE - 59. 22 . KANTHARAJU S/O SHAMANNA AGED ABOUT40YEARS BEHING YELLAMMA TEMPLE TIGALARA ROAD, KENGERI VILLAGE KENGERI HOBLI, BANGALORE - 59. 13 23 . SMT. AKKAIYAMMA D/O LATE YALLAPPA AGED ABOUT60YEARS BEHING YELLAMMA TEMPLE TIGALARA ROAD, KENGERI VILLAGE KENGERI HOBLI, BANGALORE - 59. 24 . SMT. MANJULA D/O LATE YALLAPPA AGED ABOUT48YEARS BEHING YELLAMMA TEMPLE TIGALARA ROAD, KENGERI VILLAGE KENGERI HOBLI, BANGALORE - 59. 25 . SMT. ANUSOOYA D/O LATE YALLAPPA AGED ABOUT46YEARS BEHING YELLAMMA TEMPLE TIGALARA ROAD, KENGERI VILLAGE KENGERI HOBLI, BANGALORE - 59. 26 . RAJAPPA S/O LATE YALLAPPA AGED ABOUT46YEARS BEHING YELLAMMA TEMPLE TIGALARA

ROAD, KENGERI VILLAGE KENGERI HOBLI, BANGALORE - 59. 27 . SRI. MUNIKRISHNA S/O LATE YALLAPPA AGED ABOUT46YEARS BEHING YELLAMMA TEMPLE TIGALARA ROAD, KENGERI VILLAGE, KENGERI HOBLI, BANGALORE - 59. 28 . SMT. SANJEEVAMMA D/O LATE YALLAPPA AGED ABOUT46YEARS BEHING YELLAMMA TEMPLE TIGALARA ROAD, KENGERI VILLAGE, KENGERI HOBLI, BANGALORE - 59. 14 29 . SRI. K.V. VENKATARANGAIAH S/O M. VENKATANARSIMHAIAH AGED ABOUT50YEARS DODDABELE VILLAGE KENGERI HOBLI, BANGALORE - 59. 30 . SRI. P.K. CHANDRASHEKAR S/O. P.V. KRISHNA MURTHY AGED ABOUT50YEARS NO.414, 2ND STAGE, INDIRANAGARA, BANGALORE - 38. 31 . SMT. SUJATHA W/O LATE K.K. MAHADEVA AGED ABOUT50YEARS NO.4, NAGADEVANAHALLI JNANABHARATHI POST KENGERI UPANAGARA BANGALORE - 560 060. 32 . SRI. H.B. JAYARAM S/O LATE N. BORAIAH AGED ABOUT50YEARS NO.1519/2, 1ST STAGE2D BLOCK, BANASHANKARI BANGALORE - 43. 33 . C.S. VINAY KUMAR AGED ABOUT35YEARS NO.259, 7TH MAIN SARASHWATHINAGAR BANGALORE - 560 040. 34 . SRI. K.V. VENUGOPAL S/O VENKATANARASIMHAIAH AGED ABOUT50YEARS DODDABELE VILLAGE, KENGERI HOBLI, BANGALORE -59. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1; 15 SRI. K.N. PUTTEGOWDA, ADVOCATE FOR R-7; SRI. H. SRIDHAR, ADVOCATE FOR R-30; SRI. B.R. SATISH, ADVOCATE FOR R-33; R-2, R-6, R-7 AND R-32 SERVED & UNREPRESENTED NOTICE DISPENSED WITH FOR R-3 TO R-5 R-8 TO R-29 & R-31 & R-34) THIS WRIT PETITION IS FILED UNDER ARTICLE227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE PROCEEDINGS IN CASE NO.LGC(B)20/2017 ON THE FILE OF THE LAND GRABBING, KANDAYA BHAVAN, BANGALORE, AS AGAINST THE PETITIONERS HEREIN. IN W.P.NO.17180/2017: BETWEEN: SRI. MUDDAVEERAPPA S/O LATE MUDDAVEEREGOWDA AGED ABOUT82YEARS R/O BASAVESHWARANAGARA16H WARD, OLD SOAP FACTORY ROAD KANAKAPURA TOWN RAMANAGARA DISTRICT. ... PETITIONER (BY SRI. M.R. RAJAGOPAL, ADVOCATE) AND:

1. THE STATE OF KARNATAKA BY ITS SECRETARY DEPARTMENT OF REVENUE VIDHANA SOUDHA]. BENGALURU - 560 001.

2. THE DEPUTY COMMISSIONER RAMANAGARA DISTRICT RAMANAGARA - 571 511.

3. THE TAHSILDAR KANAKAPURA TALUK16KANAKAPURA RAMANAGARA DISTRICT - 562 159.

4. SRI. BALE GOWDA S/O LATE SHIVANE GOWDA @GUNDE GOWDA AGED ABOUT57TEARS R/O CHIKKADEVARAHALLI VILLAGE, T. HOSAHALLI POST MARALAVADI HOBLI KANAKAPURA TALUK RAMANAGARA DISTRICT - 562 117. ... RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1 TO R-3; SRI. N. SUBBA SHASTRY, ADVOCATE FOR R-4) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS FROM THE FILE OF THE R-4 TAHSILDAR, KANAKAPURA TALUK, KANAKAPURA IN RELATED TO THE LANDS BEARING SY. NOS.28, 29 AND31OF KEERANAGERE VILLAGE, MARALAVADI HOBLI, KANAKAPURA TALUK AND ALSO THE RECORDS FROM THE FILE OF THE R-2 IN RELATED TO CASE LGC(P) NO.34/2016 AND QUASH THE

ORDER
DATED:23.02.2016 PASSED BY THE R-2 VIDE ANNEX-P. IN W.P. NO.21279/2017: BETWEEN: SRI. OMKARA ASHRAMA REPRESENTED BY ITS MANAGER SRI. K. BHASKAR SRINIVASPURA GRAMA UTTARAHALLI MAIN ROAD NEAR B.G.S. HOSPITAL UTTARAHALLI HOBLI BENGALURU - 560 062. ...PETITIONER17(BY SRI. SUNIL S RAO, ADVOCATE FOR SRI. T. SESHAGIRI RAO, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY VIDHANA SOUDHA BENGALURU - 560 001. 2 . THE STATE OF KARNATAKA DEPARTMENT OF REVENUE REPRESENTED BY ITS SECRETARY VIDHANA SOUDHA BENGALURU - 560 001. 3 . THE DEPUTY COMMISSIONER BENGALURU URBAN DISTRICT K.G. ROAD, BENGALURU - 560 001. 4 . THE TAHSILDAR BENGALURU SOUTH TALUK KANDAYA BHAVAN BUILDING K.G. ROAD, BENGALURU - 560 001. 5 . THE REVENUE INSPECTOR HEMMIGEPURA CIRCLE KENGERI HOBLI BENGALURU SOUTH TALUK. 6 .

THE REGISTRAR OFFICE OF THE SPECIAL COURT FOR KARNATAKA LAND GRABBING PROHIBITION, K.G. ROAD BENGALURU - 560 001. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) 18 THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH OF THE IMPUGNED

ORDER
DATED2410.2016 IN CASE NO.LGC172016 BY THE SPECIAL COURT FOR KARNATAKA LAND GRABBING ACT, 2011 WHICH IS FOUND AT ANNEXURE-L TO THE W.P. IN W.P.NO.23095/2017: BETWEEN: SRI. PRAKASHNATH @SHEKARAPPA S/O HONNEGOWDA AGED ABOUT50YEARS "POOJARI ESTATE" SRINIVASAPURA CROSS UTTARAHALLI MAIN ROAD BANGALORE - 560 060. ...PETITIONER (BY SRI. G. KRISHNAMURTHY, SR. COUNSEL FOR MS. APARNA N, ADVOCATE) AND:

1. . STATE BY SPECIAL PUBLIC PROSECUTOR ATTACHED TO SPECIAL COUIRT FOR LAND GRABBING PROHIBITION IN KARNATAKA, 3RD FLOOR, KANDAYA BHAVAN, K.G. ROAD BENGALURU - 560 001. 2 . SRI. HEMANTH RAJU S/O MUNIRAJU MAJOR NO.32 ESHWARA TEMPLE ROAD RAMOHALLI, KENGERI HOBLI BANGALORE SOUTH TALUK BENGALURU - 560 074. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND19SMT. KAVITHA H.C, HCGP FOR R-1; SRI. D. MALLIKARJUNA SWAMY, ADVOCATE FOR R-12) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA READ WITH SECTION482OF CODE OF CRIMINAL PROCEDURE 1973 PRAYING TO QUASH THE COMPLAINT NUMBERED AS LGC (P) 23/2017 DATED1701.2017 VIDE ANNEX-A PENDING ON THE FILE OF THE SPECIAL COURT KARNATAKA LAND GRABBING AND PROHIBITION, KANDAYA BHAVAN, BANGALORE AND CONSEQUENTLY QUASH THE

ORDER
DATED2301.2017 VIDE ANNEX-B TAKING COGNIZANCE IN LGC (P) 23/2017 UNDER SECTION4OF THE ACT AND ENTIRE FURTHER PROCEEDINGS

AGAINST THE PETITIONER. IN W.P. NO.23800/2017: BETWEEN:

1. . SMT UMA BALAGAVI W/O MR. T.B. BALAGAVI AGED ABOUT55YEARS R/AT NO.120, MIG K.H.B. COLONY BASAVESHWARANAGAR BENGALURU - 560 079. 2 . SHRI. B.N. JAYARAM S/O LATE NAGAPPA @ DODDANAGAPPA AGED ABOUT53YEARS R/AT BYRATHI VILLAGE BIDARAHALLI HOBLI BENGALURU EAST TALUK BENGALURU - 560 067. ...PETITIONERS20(BY SRI. D.N. NANJUNDA REDDY, SR. COUNSEL FOR SRI. PRAKASH T HEBBAR, ADVOCATE) AND:

1. . STATE OF KARNATAKA REVENUE DEPARTMENT M.S. BUIDLING, 5TH FLOOR DR. AMBEDKAR ROAD BENGALURU - 560 001 REPRESENTED BY ITS SECRETARY. 2 . SHRI. JUVANES C S/O LATE Y. CHINNAPPA AGED ABOUT55YEARS R/AT A-1, 5TH FLOOR SAI KRUPA APARTMENT NEAR CHURCH VISHWANATH NAGENAHALLI BENGALURU - 560 032. 3 . SHRI. B.A. BASAVARAJ S/O ANJANAPPA AGED ABOUT48YEARS R/AT BYRATHI VILLAGE BIDARAHALLI HOBLI BENGALURU EAST TALUK BENGALURU - 560 067. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1; SRI. K. HANUMANTHRAYAPPA, ADVOCATE FOR R-2; R-3 SERVED AND) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT382014) AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLES14 20, 21 AND300A AND / OR IN THE ALTERNATIVE. 21 IN W.P. NO.25219/2017: BETWEEN:

1. . SMT. MOTAMMA W/O VENKATARAMU AGED ABOUT66YEARS. 2 . MR. GAUTHAM S/O VENKATARAMU AGED ABOUT35YEARS. 3 . MR. PREETHAM S/O VENKATARAMU AGED ABOUT35YEARS. ALL THE PETITIONERS ARE R/A D.NO.47, 4TH CROSS4H MAIN, DOLLARS COLONY MLA LAYOUT, RMV II STAGE BANGALORE - 560 094. ...PETITIONERS (BY SRI. SIDDHARTH B MUCHANDI, ADVOCATE) AND:

1. . DEPUTY COMMISSIONER CHIKKAMAGALURU DISTRICT CHIKKAMAGALURU - 577 101. 2 . ASSISTANT COMMISSIONER CHIKKAMAGALURU DISTRICT CHIKKAMAGALURU - 577 101. 3 . TAHASILDHAR MUDIGERE TALUK CHIKKAMAGALURU - 577 101. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) 22 THIS WRIT PETITION IS FILED UNDER ARTICLES226OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE

ORDER
DATED1403.2017 PASSED BY THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT AND ALL FURTHER PROCEEDINGS IN LGC (S) 197/2017 VIDE ANNEX-A. IN W.P. NO.27437/2017: BETWEEN: SHRI. MUNIRAJU S/O LATE VENKATARAMANAPPA AGED ABOUT45YEARS R/AT SINGENA AGRAHARA VILLAGE SARJAPURA HOBLI, ANEKAL TALUK BENGALURU DISTRICT. ...PETITIONER (BY SRI. PRAKASH T HEBBAR, ADVOCATE) AND:

1. . STATE OF KARNATAKA REVENUE DEPARTMENT M.S. BUILDING, 5TH FLOOR DR. AMBEDKAR ROAD BENGALURU - 560 001 REPRESENTED BY ITS SECRETARY. 2 . THE TAHASILDAR ANEKAL TALUK TALUK OFFICE COMPOUND ANEKAL, BENGALURU DISTRICT. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1 & R-2) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA23PRAYING TO DECLARE THAT THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT38OF2018 HAS NO APPLICATION TO THE FACTS AND CIRCUMSTANCES OF THE PETITIONER'S CASE IN CASE LGC (S) NO.121/2016 BEFORE THE SPECIAL COURT BENGALURU TILL APPLICATION IN FORM NO.523 IS FINALLY DISPOSED OF AT ANNEX-B1. IN W.P. NO.27573/2017: BETWEEN:

1. . MRS. ROSAMMA VARGHESE W/O LATE T. VARGHESE VAREED AGED ABOUT80YEARS. 2 . MR. GEORGE T VARGHESE S/O LATE T VARGHESE

VAREED AGED ABOUT59YEARS. BOTH ARE RESIDING AT TEXLA FARMS, SURVEY NO.42/1 KANIMINIKE VILLAGE KENGERI HOBLI BENGALURU SOUTH TALUK BENGALURU DISTRICT. ...PETITIONERS (BY SRI. KRISHNA B.R, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REVENUE DEPARTMENT M.S. BUILDING, 5TH FLOOR DR. AMBEDKAR ROAD BENGALURU - 560 001 REPRESENTED BY ITS PRINCIPAL SECRETARY. 2 . THE THASILDAR BENGALURU SOUTH TALUK KANDAYA BHAVANA K.G. ROAD, BENGALURU - 560 001. RESPONDENTS24(BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING (PROHIBITION) ACT2011(KARNATAKA ACT30OF2014 AS ULTRA VIRUS TO THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLES14 20, 21 AND300A AND /OR IN THE ALTERNATIVE. IN W.P. NO.32134/2017: BETWEEN:

1. . SRI. G.H. NAGARAJ S/O LATE G. HANUMANTEGOWDA AGED ABOUT66YEARS. 2 . SMT. HEMAVATI W/O G.H. NAGARAJ AGED ABOUT57YEARS. 3 . SMT. N. TEJASWINI @ JYOTHI D/O G.H. NAGARAJ AGED ABOUT35YEARS. 4 . SRI. VINAY @ SHAM S/O G.H. NAGARAJ AGED ABOUT30YEARS. ALL (1TO4 ARE RESIDENT OF WARD NO.4, 'MATHRU NILYA' PRASHANTH NAGAR CHICKBALLAPURA - 562 101. ...PETITIONERS (BY SRI. R. DEVHADAS, SR. COUNSEL FOR SRI. M. VEERABHADRAIAH, ADVOCATE) 25 AND:

1. . STATE OF KARNATAKA REP. BY THE PRINCIPAL SECRETRY DEPARTMENT OF REVENUE M.S. BUILDING, 5TH FLOOR DR. AMBEDKAR ROAD BENGALURU - 560 001. 2 . THE DEPUTY COMMISSIONER & DISTRICT MAGISTRATE CHICKBALLAPURA DISTRICT REVENUE BHAVAN CHICKBALLAPURA TOWN CHICKBALLAPURA - 562 101. 3 . THE TAHASILDAR CHICKBALLAPURA TALUK REVENUE BHAVAN CHICKBALLAPURA TOWN CHICKBALLAPURA - 562 101. 4 . THE

COMMISSIONER THE CHICKBALLAPURA MUNICIPAL COUNCIL, CHICKBALLAPURA TOWN CHICKBALLAPURA - 562 101. 5 . SRI. AMEER MOHAMMED SADIQ S/O LATE K AMMERJAN AGED ABOUT58YEARS DINNEHOSAHALLI ROAD IDSMT LAYOUT, WARD NO.6 CHICKBALLAPURA - 562 101. 6 . SRI. H. SRIRAM S/O HANUMANTHAPPA AGED ABOUT55YEARS EX-MUNICIPAL PRESIDENT WARD NO.30, CHAMARAJPET SIDLAGATTA ROAD CHICKBALLAPURA - 562 101. 26 7 . SRI. RAVICHANDRA KUMAR S/O LATE KRISHNAPPA AGED ABOUT45YEARS WARD NO.29, CHAMARAJPET SIDLAGATTA ROAD CHICKBALLAPURA - 562 101. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1 TO R-3; SMT. PUSHPALATHA, ADVOCATE FOR R-4; SRI. MANU KULKARNI, ADVOCATE A/W SMT. SRUSHTI VIJ, ADVOCATE FOR R-5 TO R-7) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 (KARNATAKA ACT, 38/2014 AS ULTRA VIRES OF THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLES14 20, 21 & 300- A AS PER ANNEXURE-A. IN W.P. NO.32849/2017: BETWEEN:

1. . DR. SITARAM SHETTY AGED ABOOUT60YEARS S/O LATE CHARMAKKI NARAYANA SHETTY R/AT410, MILLERS ROAD OPPOSITE VIKRAM HOSPITRAL BENGALURU - 560 001. 2 . SUMITRA R SHETTY AGED ABOUT61YEARS DAUGHTER OF LATE CHARMAKKI NARAYANA SHETTY RESIDING AT65 LAVELLE ROAD4H CROSS, BENGALURU - 560 001. ...PETITIONERS (BY SRI. SHRISHAIL NAVALGUND, ADVOCATE) 27 AND:

1. . STATE OF KARNATAKA THROUGH ITS CHIEF SECRETARY VIDHANA SOUDHA AMBEDKAR VEEDHI BENGALURU - 560 001. 2 . DEPUTY CONSERVATOR OF FORESTS, KOPPA DIVISION CHIKKAMAGALURU - 577 101. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1 & R-2) THIS WRIT PETITION IS FILED UNDER ARTICLE226OF THE CONSTITUTION OF INDIA, 1950 PRAYING TO STRIKE DOWN THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 (KARNATAKA ACT NO.38 OF2014 ANNEXURE-A AS

BEING VIOLATIVE OF ARTICLES14(EQUALITY BEFORE LAW) 20 (PROTECTION IN RESPECT OF CONVICTION FOR OFFENCES) AND21(PROTECTION OF LIFE AND PERSONAL OF LIBERTY) OF THE CONSTITUTION OF INDIA, 1950 AND/OR AS BEING OUTSIDE THE COMPETENCE OF THE LEGISLATURE OF THE STATE OF KARNATAKA. IN W.P. NO.33085/2017: BETWEEN: SRI. A.C. ANANTHA SWAMY AGED ABOUT75YEARS S/O LATE PATEL CHIKKAHANUMAIAH RESIDING AT AVALAHALLI, KENGERI HOBLI BANGALORE SOUTH TALUK BENGALURU - 560 026. ...PETITIONER (BY SRI. BHADRINATH R, ADVOCATE) 28 AND:

1. . THE STATE OF KARNATAKA REPESENTED BY ITS SECRETARY REVENUE DEPARTMENT M.S. BUILDING, VIDHANA SOUDHA DR. AMBEDKAR VEEDHI BENGALURU - 560 001. 2 . THE TAHASILDAR BENGALURU SOUTH TALUK BENGALURU - 560 009. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE PROCEEDINGS PENDING ON THE FILE OF THE HON'BLE SPECIAL COURT FOR PROHIBITION OF LAND GRABBING, KANDAYA BHAVAN, BANGALORE, AS AGAINST THE PETITIONER VIDE ANNEX-S. IN W.P. NO.34202/2017: BETWEEN: DR. B. RAMANA RAO S/O LATE B.S. RAMA RAO AGED ABOUT65YEARS NO.94/H, 9TH CROSS13H MAIN, RAJMAHAL VILAS EXTENSION, BENGALURU - 560 080. ...PETITIONER (BY SRI. S.G. BHAGAVAN, ADVOCATE) 29 AND:

1. . THE STATE OF KARNATAKA BY THE PRINCIPAL SECRETARY DEPARTMENT OF REVENUE M.S. BUILDING, DR. AMBEDKAR ROAD BENGALURU - 560 001. 2 . NARAYANASWAMY S/O LATE HANUMANTHAIAH R/O NO.MARUTHI NAGARA NEAR ANJINEYA SWAMY TEMPLE MADANAYAKANAHALLI - 560 042 BENGALURU NORTH TALUK. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1; SRI. CHOKKA REDDY, ADVOCATE FOR R-2) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO

QUASH THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011, THE ACT. AND QUASH THE PROCEEDINGS IN L.G.C. (P) NO.234 OF 2017 IN KARNATAKA LAND GRABBING, SPECIAL COURT, KANDAYA BHAVANA, THE SPECIAL COURT, KANDAYA BHAVAN, THE SPECIAL COURT' DATED0304.2017 AS PER ANNEX-D IN SO FAR AS THE PETITIONER IS CONCERNED AND TO AWARD COSTS OF THE PETITION. IN W.P. NO.35384/2017: BETWEEN: MR. IRFAN RAZACK S/O LATE SRI. S. RAZACK AGED ABOUT63YEARS MANAGING DIRECTOR OF M/S PRESTIGE ESTATES30PROJECTS LTD., OFFICE AT: THE FALCON HOUSE NO.1, MAIN GUARD CROSS ROAD BANGALORE - 560 001. ...PETITIONER (BY SRI. UDAY HOLLA, SR. COUNSEL FOR SRI. MOHUMED SADIQ B.A, ADVOATE) AND:

1. . THE STATE OF KARNATAKA VIDHANA SOUDHA REVENUE DEPARTMENT BANGALORE, REPRESENTED BY ITS SECRETARY. 2 . DEPUTY COMMISSIONER BANGALORE NORTH TALUK KANDAYA BHAVAN K.G. ROAD, BANGALORE - 560 009. 3 . THE ASSISTANT COMMISSIONER BANGALORE NORTH TALUK KANDAYA BHAVAN K.G. ROAD, BANGALORE - 560 009. 4 . THE TAHSILDAR BANGALORE NORTH TALUK MINIVIDHANA SOUDHA BANGALORE-560 064. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 (PUBLISHED IN THE OFFICIAL GAZETTE ON0910.2014) IS ILLEGAL AND ULTRA VIRES THE CONSTITUTION OF INDIA31(ANNEXURE-A) AND CONSEQUENTLY STRIKE DOWN THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011. IN W.P. NO.36324/2017: BETWEEN: SMT. V. KRISHNAMMA AGED ABOUT61YEARS W/O LATE GOVINDARAJU NO.7, MARAPPA THOTA2D CROSS, P.G. ROAD J.C. NAGAR, BANGALORE - 560 006. ...PETITIONER (BY SRI. NARAYANA SWAMY P.M, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REVENUE DEPARTMENT M.S. BUILDING, 5TH FLOOR DR. AMBEDKAR ROAD BENGALURU - 560 001 REP BY ITS SECRETARY. 2 . THE COMMISSIONER BRUHATH BANGALORE

MAHANAGARA PALIKE, J.C. ROAD BANGALORE - 560 002. 3 . THE CHIEF ENGINEER BRUHATH BANGALORE MAHANAGARA PALIKE, 9TH FLOOR JAYANAGAR COMMERCIAL COMPLEX JAYANAGAR, BANGALORE - 560 011. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1; SRI. KEMPANNA, ADVOCATE FOR R-2 & R-3) 32 THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT382014) AS ULTRA VIRUS THE CONSTITUTION OF INIDA BEING VOLATILE OF THE ARTICLES14 20, 21 AND300A AND OR IN THE ALTERNATIVE. IN W.P. NO.36610/2017: BETWEEN:

1. . SRI. S. SOMASHEKARA REDDY AGED ABOUT58YEARS PRESIDENT BENGALURU AIRPORT CITY LIONS SERVICE TRUST MUNNEKOLALU VILLAGE MARATHALLI POST BENGALURU - 560 037. 2 . SRI. LINGA REDDY K AGED ABOUT58YEARS VICE PRESIDENT BENGALURU AIRPORT CITY LIONS SERVICE TRUST, MUNNEKOLALU VILLAGE MARATHALLI POST BENGALURU - 560 037. 3 . SRI. KRISHNA REDDY G AGED ABOUT47YEARS TREASURER BENGALURU AIRPORT CITY LIONS SERVICE TRUST, MUNNEKOLALU VILLAGE MARATHALLI POST BENGALURU - 560 037. ...PETITIONERS (BY SRI. HARISH H.V, ADVOCATE) AND:

1. . STATE OF KARNATAKA REPRESENTED BY CHIEF SECRETARY VIDHANA SOUDHA33VIDHANA VEEDHI ROAD BENGALURU - 560 001. 2 . DEPARTMENT OF REVENUE REPRESENTED BY ITS PRINCIPAL SECRETARY VIKAS SOUDHA VIDHANA VEEDHI ROAD BENGALURU - 560 001. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ENTIRE SUO-MOTU PROCEEDINGS IN LGC (S) 238/2016 ON THE FILE OF KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT AT BENGALURU AT ANNEX-A AS ULTRA VIRUS THE CONSTITUTION OF INDIA. IN W.P. NO.36640/2017: BETWEEN: SRI. S. ANNEYAPPA S/O LATE SONNELLAPPA AGED ABOUT75YEARS R/AT

THIGALACHOWDADENAHALLI VILLAGE, SARJAPURA HOBLI ANEKAL TLAUK - 562 125. ...PETITIONER (BY SRI. KUMAR J.C, ADVOCATE) AND:

1. . STATE OF KARNATAKA REVENUE DEPARTMENT M.S. BUILDING5H FLOOR, DR. AMBEDKAR ROAD34BENGALURU - 560 001 REP BY ITS PRINCIPAL SECRETARY. 2 . THE TAHSILDAR ANEKAL TALUK, ANEKAL BENGALURU DISTRICT - 562 106. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 (KARNATAKA ACT382014) AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLES14 20, 21 AND300A. IN W.P. NO.36690/2017: BETWEEN:

1. . RATHEESH NAMBIAR S/O LATE C.R. NAMBIAR AGED ABOUT42YEARS R/AT NO./RFA A64 PURAVA RIVER, MARTHAHALLI BANGALORE - 560 037. 2 . VISHWANATH REDDY S/O LATE NARAYANA REDDY AGED ABOUT61YEARS R/AT NAZRAYANAGHATTA VILLAGE SARJAPURA HOBLI, ANEKAL TALUK BANGALORE - 562 106. 3 . N.K. HARISH S/O LATE N KRISHNA REDDY AGED ABOUT49YEARS NARAYANAGHATTA VILLAGE35SARJAPURA HOBLI, ANEKAL TALUK BANGALORE - 562 106. 4 . K. SRINIVAS REDDY S/O LATE N. KRISHNA REDDY AGED ABOUT44YEARS NARAYANAGHATTA VILLAGE SARJAPURA HOBLI, ANEKAL TALUK BANGALORE - 562 106. ...PETITIONERS (BY SRI. D.R. RAVISHANKAR, ADVOCATE) AND:

1. . STATE OF KARNATAKA BY LAW AND PARLIMENTARY AFFAIRS VIDHANA SOUDHA BANGALORE - 560 001 REP BY CHIEF SECRETARY. 2 . STATE OF KARNATAKA BY SECRETARY TO GOVT., DEPARTMENT OF REVENUE M.S. BUILDING BANGALORE - 560 001. 3 . TAHSILDAR ANEKAL TALUK BANGALORE SOUTH DIVISION BANGALORE - 562 106. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA

PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT38OF2014 ANNEX-C) AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATIVE OF36ARTICLES14 20, 21 AND300A AND/OR IN THE ALTERNATIVE. IN W.P. NO.36760/2017: BETWEEN: SRI. ARUACHALAM S/O LATE SRI. RANGASWAMY MUDALIAR AGED ABOUT62YEARS CHAIRMAN M/S SHAKTHI HILL RESORTS PRIVATE LIMITED, HAVING ITS OFFICE AT BEML LAYOUT RAJARAJESWARINAGAR BENGALURU - 560 039. ...PETITIONER (BY SRI. J.M. RAJANNA SETTY, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS HOME DEPARTMENT HOME COMMISSIONER M.S. BUILDING BENGALURU - 560 001. 2 . B.M.T.F. POLICE STATION CORPORATION BUILDING J.C. ROAD, BENGALURU - 560 002 REPRESENTED BY THE DEPUTY SUPERINTENDENT OF POLICE. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) 37 THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTICE AT ANNEX-C DATED2407.2017 ISSUED BY THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT AS DEVOID OF THE AUTHORITY OF LAW. IN W.P. NO.37713/2017: BETWEEN: SMT. SUMITHRA W/O G.T. VENKATESH AGED ABOUT37YEARS KASABA HOBLI, RURAL GUDIBANDE & GUDIBANDE TALUK CHIKKABALLAPURA - 561 207. ...PETITIONER (BY SRI. M. SHIVAPRAKASH, ADVOCATE) AND:

1. . PRINCIPAL SECRETARY DEPARTMENT OF REVENUE STATE OF KARNATAKA VIDHANA SOUDHA BANGALORE - 560 001. 2 . THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT KANDAYA BHAVAN, K.G. ROAD BANGALORE - 560 001 REPRESENT BY REGISTER. 3 . THE DEPUTY COMMISSIONER GOVERNMENT OF KARNATAKA CHIKKABALLAPURA DISTRICT CHIKKABALLAPURA - 561 207. 4 . THE ASSISTANT COMMISIONER GOVERNMENT OF KARNATAKA CHIKKABALLAPURA SUB DIVISION CHIKKABALLAPURA - 561 207 38 5 . THE TAHSILDAR GUDIBANDE TALUK OFFICE GUDIBANDE TALUK GUDIBANDE,

CHIKKABALLAPURA DISTRICT - 561 207. 6 . SRI. NANJAPPA S/O VENKATARANAPPA TAHSILDAR, GUDIBANDE TALUK CHIKKABALLAPURA - 561 207. 7 . MAHAMMED ELIYAS S/O LATE SHAIK FAKRUDDIN R/AT UPPARAHALLI VILLAGE KASABA HOBLI, GUDIBANDE TALUK CHIKKABALLAPURA - 561 207. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP R-1 TO R-5; SRI. CHETHAN KUMAR H, ADVOCATE FOR R-6; SRI. SHARATH S GOWDA, ADVOCATE FOR R-7) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED

ORDER
PASSED DATED0108.2017 BY THE R-2 AT ANNEXURE-M AND QUASH THE IMPUGNED

ORDER
PASSED DATED20022017 AT ANNEXURE-J PASSED BY THE R-4 AND CONSEQUENTLY TO DIRECT HT ER-3 TO ADJUDICATE AND CONCLUDE THE PROCEEDINGS IN R.A.NO.25/2015-16 ON MERITS. IN W.P. NO.40597/2017: BETWEEN: NARAYANA MURTHY MANAGING TRUSTEE OF HANUMAGIRI PRIVATE TRUST, RESIDING AT # 81 BALAJI NILAYA, 4TH MAIN39POORNA PRAJNA NAGAR5H STAGE, BASK BANGALORE - 560 061. ...PETITIONER (BY SRI. AJIT P.B, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY THE REVENUE DEPARTMENT M.S. BUILDING, 5TH FLOOR DR. AMBEDKAR ROAD BANGALORE - 560 001 REPRESENTED BY ITS PRINCIPAL SECRETARY. 2 . THE TAHSILDAR BANGALORE SOUTH TALUK KANDAYA BHAVAN BANGALORE - 560 001. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 (KARNATAKA ACT382014) IS ULTRA VIRES THE CONSTITUTION OF INDIA AS IT VIOLATES ARTICLES14 20, 21 AND300A OF

THE CONSTITUTION OF INDIA. IN W.P. NO.41593/2017: BETWEEN: MR. IRFAN RAZACK AGED ABOUT63YEARS S/O LATE SRI. S. RAZAK MANAGING DIRECTOR OF40M/S PRESTIGE ESTATES PROJECTS LTD A REGISTERED COMPANY REGISTERED UNDER THE COMPANIES ACT 1956 OFFICE AT:THE FALCON HOUSE" NO.1, MAIN GUARD CROSS ROAD BANGALORE - 560 001. ...PETITIONER (BY SRI. UDAY HOLLA, SR. COUNSEL FOR SRI. MOHUMED SADIQ B.A, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA VIDHANA SOUDHA REVENUE DEPARTMENT BANGALORE - 560 001 REPRESENTED BY ITS SECRETARY. 2 . DEPUTY COMMISSIONER BANGALORE EAST TALUK KANDAYA BHAVAN K.G. ROAD, BANGALORE - 560 009. 3 . THE ASSISTANT COMMISSIONER BANGALOPRE EAST TALUK KANDAYA BHAVAN K.G. ROAD, BANGALORE - 560 009. 4 . THE TAHSILDAR BANGALORE EAST TALUK K.R. PURAM, BANGALORE - 560 036. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE KARNATAKA LAND GRABBING ACT, 2011 (PUBLISHED IN THE OFFICIAL GAZETTE ON0910.2014) IS ILLEGAL AND ULTRA VIRES THE CONSTITUTION OF INDIA (ANNEXURE-A) AND41CONSEQUENTLY STRIKE DOWN THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011. IN W.P. NO.42959/2017: BETWEEN:

1. . M/S SRI. NAKODA CONSTRUCTION LTD OFFICE AT NO.133/1 THE RESIDENCY10H FLOOR RESIDENCY ROAD BENGALURU - 560 025 REPT. BY ITS DIRECTOR SRI. MAHAVEER GULECHA S/O TEJRAJ GULECHA. 2 . SRI. MAHAVEER GULECHA S/O TEJRAJ GULECHAR NO.40/A, CLASSIC ORCHARDS BANNERGHATTA ROAD BEHIND MEENAKSHI TEMPLE KOTHANUR BENGALURU - 560 076. ...PETITIONERS (BY SRI. B.S. RADHANANDAN, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REVENUE DEPARTMENT M.S. BUILDING BENGALURU - 560 001 SECERTARY TO THE GOVERNMENT. 2 . STATE BY SPECIAL PUBLIC PROSECUTOR, ATTACHED TO SPECIAL COURT OF LAND

GRABBING PROHIBITION IN KARNATAKA. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) 42 THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS OF THE SECTION9OF THE KARNATAKA LAND GRABBING PROHIBITION ACT, IS UNCONSTITUTIONAL AND ULTRA VIRES THE ARTICLE14 ARTICLE19AD ARTICLE21AND ARTICLE300 OF THE CONSTITUTION OF INDIA. IN W.P. NO.43059/2017: BETWEEN: SRI. BABU R S/O RAMACHANDRAPPA AGED ABOUT39YEARS R/AT # 323, RAGHVANAPALYA UTTARAPALYA HOBLI BANGALORE SOUTH TALUK - 560 078. ...PETITIONER (BY SRI. SURESH DESAI K, ADVOCATE) AND:

1. . STATE OF KARNATAKA REVENUE DEPARTMENT M.S. BUILDING, 5TH FLOOR DR.AMBEDKAR ROAD BENGALURU - 560 001 REPRESENTED BY ITS PRINCIPAL SECRETARY. 2 . THE DEPUTY COMMISSIONER BANGALORE URBAN DISTRICT K.G.ROAD, BANGALORE - 560 009. 3 . THE TAHSILDAR BENGALURU SOUTH TALUK BENGALURU BENGALURU DISTRICT - 560 009. 4 . N. NAGARAJ43S/O H NARAYANAPPA AGED ABOUT60YEARS R/AT VASANTHPURA SUBRAMANYA PURA POST BENGALURU - 560 061. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1 TO R-3; SRI. ANIL KUMAR J, ADVOCATE FOR R-4) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 (KARNATAKA ACT382014) AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLES14 20, 21 AND30A AND OR/IN THE ALTERNATIVE. IN W.P. NO.43227/2017: BETWEEN: M/S SALARPURIA ROPPY REALTORS PVT LTD., A COMPANY INCORPORATED UNDER THE COMPANIES ACT 1956 HAVING ITS REGISTERED OFFICE AT # 3, 4TH FLOOR SALARPURIA WINDSOR ULSOOR ROAD, BENGALURU KARNATAKA - 560 042 REPRESENTED BY ITS AUTHORISED SIGNATORY MR. ASHWIN SANCHETI. ...PETITIONER (BY SRI. BADRI VISHAL, ADVOCATE) AND:

1. . STATE OF KARNATAKA REVENUE DEPARTMENT M.S. BUILDING, 5TH FLOOR44DR. AMBEDKAR ROAD BENGALURU - 560 001 REPRESENTED BY ITS SECRETARY. 2 . TAHASILDAR BANGALORE SOUTH TALUK KANDAYA BHAVAN GROUND FLOOR K.G. ROAD, BANGALORE - 560 009. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT38OF2014 AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLES14 20, 21 AND300A. IN W.P. NO.44273/2017: BETWEEN:

1. . T.V. VENKATESH S/O LATE THALLAM VISHWANATH SKPT ROAD, C-BLOCK Y.N. HOSAKOTE TOWN AND HOBLI PAVAGADA TALUK TUMKUR DISTRICT - 572 141. 2 . N.S. MANJUNATHA S/O LATE N.V. SHANKARATHNAM SHETTY, R/AT C-BLOCK Y.N. HOSAKOTE TOWN AND HOBLI PAVAGADA TALUK TUMKUR DISTRICT - 572 141. 3 . N.R. ASHWATHKUMAR45S/O N.V. RAJAGOPA SHETTY RESIDING AT Y.N. HOSAKOTE PAVAGADA TALUK TUMKUR DISTRICT - 560 042. ...PETITIONERS (BY SRI. H SRINIVAS RAO, ADVOCATE) AND:

1. . STATE OF KARNATAKA REVENUE DEPARTMENT M.S. BUILDING, 5TH FLOOR DR. AMBEDKAR ROAD BENGALURU - 560 001 REPRESENTED BY ITS SECRETARY. 2 . SRI. KOTESHWARA TEMPLE SEVA AND DEVELOPMENT TRUST (REGD) Y.N. HOSAKOTE TOWN AND HOBLI PAVAGADA TALUK, TUMKUR - 572 141 REP. BY ITS PRESIDENT H.P. BALARAM NAYAK. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1; SRI. R. NATARAJ, ADVOCATE FOR R-2) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT38OF2014 AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLES14 20, 21 AND300A. IN W.P. NO.44687/2017: BETWEEN:

1. . SRI. TEJRAJ GULECHA46S/O SRI. PUKARAJ AGED ABOUT62YEARS R/ATNO.40/A, CLASSICAL ORCHARDS, BEHIND MEENAKSHI TEMPLE, BANNERGHATTA ROAD BENGALURU - 560 076. 2 . SRI. REDDY VEERANNA S/O LATE SANJEEVAPPA R/AT91, CLASIC COURT RICHMOND ROAD BENGALURU - 560 025. ..PETITIONERS (BY SRI.: GANAPATHY BHAT VAJRALLI, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REVENUE DEPARTMENT M.S. BUILDING, BENGALURU - 560 001 REPRESENTED BY ITS SECRETARY. 2 . THE STATE BY SPECIAL PUBLIC PROSECUTOR, ATTACHED TO SPECIAL COURT OF LAND GRABBING PROHIBITION IN KARNATAKA BENGALURU - 560 009. 3 . THE EXCUTIVE ENGINEER B.B.M.P. BYTARAYANAPURA YELAHANKA, BANGALORE - 64 AMNEDED V.C.O. DATED0502.2018. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISION OF SECTION-9 OF THE KARNATAKA LAND GRABBING PROHIBITION ACT IS UNCONSTITUTIONAL AND ULTRA47VIRUS THE ARTICLE14 ARTICLE19AND ARTICLE21AND ARTICLE3A OF THE CONSTITUTION OF INDIA. IN W.P. NO.45114/2017: BETWEEN: SMT. R. VASANTHAMMA W/O K.P. REVANNA AGED ABOUT80YEARS BYCHENAHLLI VILLAGE KUSHALANAGARA HOBLI SOMAWARPETE TALUK KODAGU DISTRICT - 571 234. ...PETITIONER (BY SRI. T. SESHAGIRI RAO, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA DEPARTMENT OF REVENUE VIDHANA SOUDHA BENGALURU - 560 001 REP. BY ITS SECRETARY. 2 . THE DISTRICT COMMISSIONER KODAGU DISTRICT MADIKERI - 571 234. 3 . THE TAHSILDAR SOMARPETE TALUK MADIKERI - 571 234. 4 . THE CHIEF OFFICER TOWN MUNICIPALITY KUSHALANAGARA - 571 234. 5 . MR. K.S. DEVAPPA AGED ABOUT70YEARS BYCHENAHALLI KUSHALANAGARA - 571 234. 6 . SRI. M.E. MOHIDDIN AGED ABOUT65YEARS48VICE PRESIDENT KARNATAKA STATE SCIENCE PARISHAT KODAGU DISTRICT UNIT KODAGU - 571 234. 7 . DR. B.S. RADHAKIRSHNA AGED ABOUT75YEARS

RATHABEEDHI KUSHALANAGARA - 571 234. 8 . SRI. K.C. GANAPATHI AGED ABOUT55YEARS KUSHALANAGARA-571 234 BYCHENAHALLI. 9 . SRI. POUL D'SOUZA AGED ABOUT55YEARS BYCHENAHALLI KUSHALANAGAR - 571 234. 10 . SRI. M.S. BIDDAPPA AGED ABOUT48YEARS BYCHENAHALLI KUSHALANAGARA - 571 234. 11 . SMT. M.B. INDIRA AGED ABOUT50YEARS BYCHENAHALLI KUSHALANAGARA - 571 234. 12 . SRI. B.S. LOKESH SAGAR AGED ABOUT50YEARS BYCHENAHALLI KUSHALANAGARA - 571 234. 13 . SRI. BOPAIAH AGED ABOUT60YEARS KUSHALANAGARA - 571 234. 14 . DR. MOTAIAH AGED ABOUT60YEARS BYCHENAHALLI KUSHALANAGARA - 571 234. 49 15 . SRI. SHIVAKUMARA AGED ABOUT4YEARS BYCHENAHALLI KUSHALANAGARA - 571 234. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1 TO R-3; SRI. B.S. BASAVARAJU, ADVOCATE FOR R-6; R-5, R-7, R-10 & R-11, R-14 & R-15 ARE SERVED AND) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTICE/

ORDER
DATED1608.2017 INITIATED BY THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BENGALURU VIDE ANNEX-A IN SO FAR AS THE PETITIONER IS CONCERNED. IN W.P. NO.47887/2017: BETWEEN: SMT. SMITHA UDAY KUMAR W/O UDAY KUMAR SMITHA VILAS ALVAS HOSPITAL ROAD MARPADY VILLAGE MOODABIDRI - 574 227. ...PETITIONER (BY SRI. DHANANJAY KUMAR, ADVOCATE) AND:

1. . STATE OF KARNATAKA REVENUE DEPARTMENT MS BUILDING, 5TH FLOOR DR.AMBEDKAR ROAD BENGALURU - 560 001 REPRESENTED BY ITS SECRETARY. 50 2 . TAHASILDAR MOODABIDRI MANGALORE TALUK D.K. DISTRICT - 574 227. 3 . SUB INSPECTOR OF POLICE MOODABIDRI POLICE STATION MANGALORE TALUK, D.K. DISTRICT - 574 227. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION

ACT2011(KARNATAKA ACT382014) AS ULTRA - VIRES THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLES14 20, 21 AND300A. IN W.P. NO.50674/2017: BETWEEN: SMT. B.V. SHYLAJA W/O N. NAGARAJU AGED ABOUT48YEARS R/AT NO.88, VASANTHAPURA UTTARAHALLI HOBLI SUBRAMANAYAPURA POST BANGALORE - 560 061. ...PETITIONER (BY SRI. V VISWANATH SETTY, ADVOCATE) AND:

1. . STATE OF KARNATAKA REVENUE DEPARTMENT51M.S. BUILDING, AMBEDKAR VEEDHI, BANGALORE - 560 001 REPRESENTED BY THE SECRETARY. 2 . SHRI. AJITH KUMAR R S/O R.M. RAMACHANDRA AGED ABOUT34YEARS R/AT. NO.272, RAGHAVANAPALYA J.P. NAGAR, 9TH PHASE BENGALURU - 560 083. 3 . SHRI. N. SRINIVASA S/O NARAYANAPPA AGED ABOUT54YEARS R.AT NO.700, VASANTHAPURA KALYANINAGAR UTTARAHALLI HOBLI, SUBRAMANYAPURA POST BANGALORE - 560 061. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1; SRI. K. SURESH DESAI, ADVOCATE FOR R-2; SRI. P. MAHADEVASWAMY, ADVOCATE FOR R-3) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE

ORDER
PASSED BY THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BANGALORE DATED2410.2017 BY TAKING COGNIZANCE AGAINST THE PETITIONER AND R-3 FOR THE ALLEGED OFFENCES PUNISHABLE UNDER SECTION43) OF KARNATAKA LAND GRABBING ACT, 2011 ON THE BASIS OF FALSE COMPLAINT FILED BY THE R-2 AGAINST THE PETITIONER AND THE R-2 UNDER SECTION91) OF KARNATAKA LAND GRABBING ACT, VIDE ANNEX-K. 52 IN W.P. NO.51160/2017: BETWEEN:

1. . S.B. JAGADEESH AGED ABOUT52YEARS S/O BYREGOWDA RESIDING AT RAMESHWARA BADAVANE, CHANNARAYAPATNA TOWN, CHANNARAYAPATNA TALUK HASSAN DISTRICT- 577 230. 2 . RATHNAMMA AGED ABOUT55YEARS W/O VENKATARAMU R/AT RAMARISHNA LAYOUT GANDHI CIRCLE CHANNARAYAPATNA TALUK HASSAN DISTRICT - 577 230.

3 . H.K. VISHVESHWARA AGED ABOUR S/O KUMARASWAMY R/AT H. HOSAHALLI VILLAGE SHRAVANABELAGOLA HOBLI CHANNARAYAPATNA TALUK HASSAN DISTRICT - 577 230. ...PETITIONERS (BY SRI. SAHUL HAMEED, ADVOCATE) AND:

1. . STATE OF KARNATAKA REVENUE DEPARTMENT M.S. BUILDING, 5TH FLOOR DR. AMBEDKAR ROAD BENGALURU - 560 001 REPRESENTED BY ITS SECRETARY. 2 . SHRI. RAMAMURTHY GOWDA S/O HANUMANTHRAYAPPA AGED ABOUT47YEARS53R/AT NO.98, 8TH MAIN ROAD GYANAGANGANAGAR ULLAL MAIN ROAD BANGALORE - 560 056. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1; SRI. C.R. GOPALSWAMY FOR R-2) THIS WRIT PETITION IS FILED UNDER ARTICLE226OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT38OF2014 AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLES14 20 21 AND3001 AND/OR IN THE ALTERNATIVE. IN W.P. NO.52972/2017: BETWEEN:

1. . BHANDARKAR'S ARTS AND SCIENCE COLLEGE , TRUST SPONSORED BY THE ACADEMY OF GENERAL EDUCATION MANIPAL, SITUATED AT KUNDAPUR - 576 201 UDUPI DISTRICT, REP. BY ITS PRINCIPAL SRI. N.P. NARAYANA SHETTY. 2 . THE ACADEMY OF GENERAL EDUCATION, UNIVERSITY BUILDING MADHAVANAGAR, MANIPAL - 576 104 REP. BY ITS ADMINISTRATIVE OFFICER, DR. H. SHANTHARAM. ...PETITIONERS (BY SRI. N. RAVINDRANATH KAMATH, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA54REVENUE DEPARTMENT, 5TH FLOOR, M.S.BUILDING, DR.AMBEDKAR ROAD, BENGALURU-01 REP BY ITS SECRETARY2. THE TAHSILDAR KUNDAPUR TALUK KUNDAPUR - 576 201 UDUPI DISTRICT. 3 . THE ASSISTANT COMMISSIONER KUNDAPUR - 576 201 UDUPI DISTRICT. 4 . THE DEPUTY COMMISSIONER UDUPI DISTRICT MANIPAL - 576 104 UDUPI DISTRICT. 5 . THE TOWN MUNICIPAL COUNCIL KUNDAPUR - 576 201 UDUPI DISTRICT BY ITS CHIEF OFFICER. 6 . SR.

GANESH SHETTY FATHERS NAME NOT KNOWN TO PETITIONERS GADDEMANE, LIC ROAD VADERA HOBLI VILLAGE KUNDAPUR TALUK. 7 . SRI. SHARATHCHANDRA HEGDE S/O LATE B. SADANANDA HEGDE RESIDING AT SADANANDA SATWADY, POST MOODLAKATTE KUNDAPURA TALUK UDUPI DISTRICT - 576 217. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1 TO R-4; 55 SRI. H. JAYAKAR SHETTY, ADVOCATE FOR R-6 & R-7; R-5 SERVED) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 (KARNATAKA ACT382014) AT ANNEX-C AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATIOVE OF ARTICLES14 2021 AND300A AND / OR IN THE ALTERNATIVE. IN W.P. NO.53008/2017: BETWEEN: SMT. SMITHA UDAY KUMAR W/O UDAY KUMAR SMITHA VILAS ALVAS HOSPITAL ROAD MARPADY VILLAGE MOODABIDRI - 574 227. ...PETITIONER (BY SRI. DHANANJAY KUMAR, ADVOCATE) AND:

1. . STATE OF KARNATAKA REVENUE DEPARTMENT M.S. BUILDING, 5TH FLOOR DR. AMBEDKAR ROAD BENGALURU - 560 001 REPRESENTED BY ITS SECRETARY. 2 . TAHASILDAR MOODABIDRI MANGALORE TALUK D.K. DISTRICT - 574 227. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) 56 THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT38OF2014 AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLES14 20, 21 AND300A. IN W.P. NO.54035/2017: BETWEEN ARUN S S/O. LATE SHRI. V. G. SURENDRAN AGED ABOUT53YEARS R/AT No.29, 2ND FLOOR J.V.R. PLAZA, BELLARY MAIN ROAD, HEBBAL, BENGALURU - 24 MANAGING DIRECTOR MONITO BUILDERS PVT. LTD., A REGISTERED PARTNERSHIP FIRM HAVING ITS OFFICE AT NO.29 2ND FLOOR, GVR PLAZ, BELLARY MAIN ROAD HEBBAL, BANGALORE - 560 024. ...PETITIONER (BY SRI. K. SHASHIKIRAN SHETTY, SR. COUNSEL FOR SMT. LATHA S SHETTY, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT M.S. BUILDING BENGALURU - 560 001. 2 . JOINT COMMISSIONER (NORTH) TOWN PLANNING DEPARTMENT BBMP, YALAHANKA ZONE BANGALORE - 560 092. 57 3 . ASSISTANT DIRECTOR TOWN PLANNING DEPARTMENT BBMP, YALAHANKA ZONE BANGALORE - 560 092. 4 . DEPUTY COMMISSIONER BENGALURU URBAN DISTRICT FOURTH FLOOR, DC OFFICE BUILDING, REVENUE COMPLEX K.G. ROAD, BANGALORE - 560 009. 5 . EXECUTIVE ENGINEER MAJOR RAIN WATER DRAIN (YELAHANKA), BBMP YELAHANKA ZONE, BANGALORE-560 092. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP, FOR R-1 & R-4; SRI. ASHWIN S HALADY, ADVOCATE FOR R-2, 3 &

5) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS OF THE KARNATAKA LAND GRABBING PROHIBITION ACT, IS UNCONSTITUTIONAL AND ULTRA VIRES ARTICLE14 19 AND21AND300A OF THE CONSTITUTION OF INDIA (ANNEXURE-A). IN W.P. NO.54081/2017: BETWEEN: SRI. V.G. SIDDHARTHA S/O SRI. S.V. GANGAIAH HEGDE AGED ABOUT57YEARS MANAGING PARTNER 'SHABAN RAMZAN' HALASUR ESTATE NR PURA TALUK58CHIKMAGALUR DISTRICT CHIKMAGALUR - 577 101. ...PETITIONER (BY SRI. K. SHASHIKIRAN SHETTY, SR. COUNSEL FOR SMT. LATHA S SHETTY, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT, M.S.BUIDLING BENGALURU-560 001 2 . THE RANGE FOREST OFFICER BALEHONNUR ANGE N.R. PURA TALUK, CHIKMAGALUR CHIKMAGALUR - 577 101. 3 . ASSISTANT CONSERVATOR OF FOREST N R PURA TALUK CHIKMAGALUR DISTRICT CHIKMAGALUR-577101 4 . DEPUTY CONSERVATOR OF FOREST KOPPA KOPPA CHIKMAGALUR-577101. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS

OF THE KARNATAKA LAND GRABBING PROHIBITION ACT, IS CONSTITUTIONAL AND ULTRA VIRES ARTICLE14 19 AND21AND300A OF THE CONSTITUTION OF INDIA (ANNEXURE-A). 59 IN W.P. NO.54082/2017: BETWEEN: SRI. V.G. SIDDHARTHA HEGDE S/O SRI. S.V. GANGAIAH HEGDE AGED ABOUT57YEARS PROPRIETOR 'DEVADARSHINI ESTATE' KOPPA TALUK CHIKMAGALUR DISTRICT CHIKMAGALUR-577101. ...PETITIONER (BY SRI. K. SHASHIKIRAN SHETTY, SR. COUNSEL FOR SMT. LATHA S SHETTY, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT, M.S.BUIDLING BENGALURU-560 001 2 . THE RANGE FOREST OFFICER KOPALA TALUK CHIKMAGALUR DISTRICT CHIKMAGALUR -577 104. 3 . ASSISTANT CONSERVATOR OF FOREST KOPALA TALUK CHIKMAGALUR DISTRICT CHIKMAGALUR-577 101. 4 . DEPUTY CONSERVATOR OF FOREST KOPPA, CHIKMAGALUR-577 101. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP, FOR R-1 & R-4) 60 THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE CRIMINAL PROCEEDINGS PENDING BEFORE THE LAND GRABBING SPECIAL COURT IN PROCEEDINGS NO.LGC (S) NO.887/2017 AGAINST THE PETITIONER FOR OFFENCE PUNISHABLE UNDER SECTION43) OF THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011(ANNEXURE-B) IN W.P. NO.55683/2017: BETWEEN:

1. . KARNATAKA REDDY JANANSANGA BEING A REGISTED SOCIETY UNDER MYSORE SOCIETIES ACT 1904 HAVING ITS OFFICE AT CA SITE NO.1 MAHAYOGI VEMANA RPAD16H MAIN, 3RD BLOCK KORAMANGALA, BANGALORE-560 034 REPTD. BY ITS SECRETARY SRI. MUNINAGAPPA. 2 . SRI. MUNINAGAPPA GENERAL SECRETARY KARNATAKA REDDY JANA SANGHA, NO.1, 100 FEET ROAD, MAHAYOGI VEMANA ROAD, 16TH MAIN KORAMANGALA3D BLOCK BENGALURU-560 034. ...PETITIONERS (BY SRI.: MALLA REDDY B.V, ADVOCATE) AND:

1. . STATE OF KARNATAKA REVENUE DEPARTMENT M.S.BUILDING, 5TH FLOOR DR.AMBEDKAR ROAD BENGALURU-560 001 REPTD. BY ITS SECRETARY. 61 2 . RICKY EAPEN FATHERS NAME NOT KNOWN TO THE PETITIONER, MAJOR R/AT NO.570/571, 3RD BLOCK16H A" MAIN, KORAMANGALA BANGALORE-560 034. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP, FOR R-1; SRI. K.B.S. MANIAN, ADVOCATE FOR R-2) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED

ORDER
DATED2403.2017 ANNX-A ISSUED BY THE SPECIAL COURT CONSTITUTED UNDER KARNATAKA LAND GRABBING PROHIBITION ACT 2011 IN CASE No.LGC (P) 224/2017 AND THE PROCEEDING SIN LGC (P). 886/2017 VIDE ANNX-A. IN W.P. NO.56296/2017: BETWEEN: DR. A.C. GANAPATHY S/O A.B.CHINNAPPA, AGED ABOUT72YEARS RESIDING AT CHENNAGI VILLAGE CHENNAKOTE POST, POLLIBETTA KODAGU-571 215. ...PETITIONER (BY SRI. C.M. POONACHA, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS PRINCIPAL SECRETARY REVENUE DEPARTMENT62M.S. BUILDING BENGALURU-560 001. 2 . THE TASHILDAR VIRAJPET TALUK, KODAGU DISTRICT-571 218. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE SUMMONS DATED1711.2017 IN PROCEEDING SNo.LGC (G) NO.1932/2017 PENDING ON THE FILE OF COURT HALL-01, THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, AS AGAINST THE PETITIONER FOR OFFENCE PUNISHABLE UNDER THE KARNATAKA LAND GRABBING PROHIBITION ACT 2011 VIDE ANNX-A ISSUED BY REGISTRAR KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT. IN W.P. No.235/2018: BETWEEN: MR. C.V.MANJUNATHA AGED ABOUT63YEARS, THE AUTHORIZED DIRECTOR, TELECOM EMPLOYEES CO-OPERATIVE HOUSING SOCIETY LTD., REGISTERED OFFICE AT NO.23, I

FLOOR, NEHRUNAGAR MAIN ROAD, BEHIND REDDY PETROL BUNK, SHESHADRIPURAM, BENGALURU-560020. PETITIONER (BY SRI. AJIT KALYAN, ADVOCATE) 63 AND; 1. THE STATE OF KARNATAKA DEPARTMENT OF REVENUE, ROOM NO.506, 5TH FLOOR, M.S.BUILDING, GATE NO.3, DR. B.R.AMBEDKAR VEEDHI, BENGALURU-560001. (REPRESENTED BY ITS PRINCIPAL SECRETARY) 2. THE TAHASILDAR BENGALURU NORTH (A) TALUK, 3RD FLOOR, HOTEL SHARAVATHI BUILDING, YELAHANKA NEW TOWN OPP. TO CANARA BANK, BENGALURU-560064.

3. MR. CHANDRASHEKAR S/O. LATE HANUMANTHARAYAPPA, AGED ABOUT53YEARS, RESIDING AT KOLIPURA VILLAGE, JALA HOBLI, B.K.HALLI POST, BENGALURU NORTH (A) TALUK, BENGALURU-562149.

4. MR. Y.G.ASHWATH S/O. LATE GOVINDAPPA AGED ABOUT58YEARS, RESIDING AT NO.358, A SECTOR, KHB COLONY, YELAHANKA NEW TOWN, BENGALURU-560064. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP, FOR R-1 & R-2; SRI. B.S. ANIL KUMAR, ADOVATE FOR R-3; R-4 SERVED AND) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE NOTICE DATED0106.2017 ANNEXURE- A AND FURTHER QUASH THE ENTIRE PROCEEDINGS64VIDE ANNEXURE-C ON THE FILE OF THE HONBLE SPECIAL COURT-2, FOR PREVENTION OF LAND GRABBING, AT III FLOOR, KANDAYA BHAVAN, BENGALURU AS AGAINST THE PETITIONER HEREIN. IN W.P. NO.463/2018: BETWEEN: M/S. JAMNALAL BAJAJ SEVA TRUST NO.226, 2ND FLOOR, BAJAJ BHAVAN NARIMAN POINT, MUMBAI MANAGING TRUSTEE SRI. NEERAJ BAJAJ.

REPRESENTED BY GPA HOLDER, COL.BALAKUMAR NAIR, AGED ABUT58YEARS, S/O. LATE COL. N.G.K. NAIR, 13TH K.M.MAGADI ROAD, VISHWANEEDAM POST, BENGALURU-560091. PETITIONER (BY SRI. N. SHANKARNARAYAN BHAT, ADVOCATE) AND1 STATE OF KARNATAKA REPRESENTED BY SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT M.S. BUILDING, DR. B.R. AMBEDKAR VEEDHI, BENGALURU-

560001.

2. SRI. R RANGESH, PRESIDENT, SUVARNA KANNADA NADU YUVA VEDIKE (R), PIPE LINE ROAD, SUNKADAKATTE, BENGALURU-560 091. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP, FOR R-1; SRI. M.S. PARTHASARATHI, ADVOATE FOR R-2) 65 THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS OF THE KARNATAKA LAND GRABBNING PROHIBITION ACT 2011 IS ULTRA VIRUS OF THE CONSTITUTION BY STRIKING DOWN THE SAID ACT AND BY DECLARING THAT THE PROVISIONS OF THE SAID ACT CAN NOT BE MADE APPLICABLE OR ENFORCED AND FURTHER BE PLEASED TO QUASH THE

ORDER
OF THE COURT OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT AT BENGALURU IN NO.LGC(P) NO.240/2016 DATED2411.2017 VIDE ANNEXURE-A IN THIS W.P. IN W.P. NO.777/2018: BETWEEN: CONCORDE HOUSING CORPORATION PVT. LTD., A COMPANY REGISTERED UNDER THE COMPANIES ACT1956 HAVING ITS REGISTERED OFFICE AT NO.46/A, 1ST MAIN, 3RD PHASE, J.P.NAGAR, BENGALURU REPRESENTED BY ITS DIRECTOR SRI. R.G.ANIL. PETITIONER (BY SRI. MANMOHAN P.N, ADVOCATE) AND1 STATE OF KARNATAKA DEPARTMENT OF REVENUE, M.S.BUILDING, BENGALURU-560001. REPRESENTED BY ITS SECRETARY2 THE TAHASILDAR MEMBER, LAKE MAINTENANCE ANEKAL TALUK, ANEKAL-560100.

3. THE DEPUTY COMMISSIONER, ANEKAL TALUK, BENGALURU RURAL DISTRICT66BENGALURU-560100. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT 2011 AS ULTRA VIRES THE CONSTITUTION OF INDIA AND QUASH THE REPORT DATED1212.2016 OF THE R-2 VIDE

ANNEXURE-L AND QUASH THE

ORDER
DATED0112.2016 AND1612.2016 PASSED BY THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BENGALURU IN LGC (S) 57/2016 VIDE ANNEXURE-N AND ETC. IN W.P. NO.1348/2018: BETWEEN: C. BHAVANI @ HAMSA AGED ABOUT40YEARS, W/O. SRI. K.M.NARENDRA KUMAR, D/O. LATE CHINNAPPA, NO.177, LAKSHMI NIVAS, 8TH MAIN, C.Q.A.L. LAYOUT, SAHAKARNAGAR, BENGALURU-560092. PETITIONER (BY SRI. VINOD REDDY, ADVOCATE) AND1 STATE OF KARNATAKA REVENUE DEPARTMENT, M.S.BUILDING, 5TH FLOOR, DR. B.R.AMBEDKAR ROAD, BENGALURU-560001. REPRESENTED BY ITS SECRETARY672. SRI. C.RAMESH, AGED ABOUT51YEARS, S/O. LATE CHINNAPPA, No.F-14, FORTUNA ICON APARTMENT F BLOCK, SAHAKARANAGAR, BENGALURU-560 092. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP, FOR R-1; SRI. H.S. DWARAKANATH, ADVOCATE FOR R-2) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE CONCERN RECORDS, DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT38OF2014 AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLES14 20, 21 AND300A AND ETC. IN W.P. NO.1395/2018: BETWEEN: SRI. H.M.MUNINARAYANA S/O. LATE MUTHAPPA, DEAD BY HIS LR SMT. MALINI N., W/O. LATE H.M.MUNINARAYANA AGED ABOUT60YEARS, R/AT NO.9, SRI. RAMA NILAYA, BEHIND SRIRAMA TEMPLE, HULIMAVU, B.G.ROAD, BENGALURU-560076. PETITIONER (BY SRI. SHIVANNA K.G, ADVOCATE) AND1 THE STATE OF KARNATAKA68VIDHANA SOUDHA, REVENUE DEPARTMENT, BENGALURU-560001. REPRESENTED BY ITS SECRETARY2 DEPUTY COMMISSIONER BENGALURU NORTH TALUK KANDAYA BHAVAN K.G.ROAD, BENGALURU-560002.

3. THE ASSISTANT COMMISSIONER BENGALURU NORTH TALUK, KANDAYA BHAVAN, K.G.ROAD, BENGALURU-560009.

4. THE TAHASILDAR BENGALURU SOUTH TALUK, MINI VIDHANA SOUDHA, BENGALURU-560064.

5. ISLAMIA INSTITUTE OF TECHNOLOGY REPRESENTED BY ITS GENERAL SECRETARY, SRI. NAZEER AHAMED, S/O. K.M.HYDER, AGED ABOUT50YEARS, AT NO.391, 2ND MAIN ROAD, 2ND CROSS, R.M.V.EXTENSION, BENGLAURU-560094. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP, FOR R-1 & R-4; SRI. R. KOTHWAL, ADVOCATE FOR R-5) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 (PUBLISHED IN THE OFFICIAL GAZETTE ON0910.2014) IS ILLEGAL AND ULTRA VIRES THE CONSTITUTION OF INDIA VIDE ANNEXURE-A AND CONSEQUENTLY STRIKE DOWN THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011. 69 IN W.P. NO.3032/2018: BETWEEN: SRI BABU R. S/O. RAMACHANDRAPPA, AGED AOBUT38YEARS, R/AT NO.323 RAGHAVANAPLYA UTTRAPALYA HOBLI, BENGALURU SOUTH TALUK PIN-560078. PETITIONER (BY SRI. K. SURESH DESAI, ADVOCATE) AND1 STATE OF KARNATAKA REVENUE DEPARTMENT M.S.BUILDING, 5TH FLOOR, D.R.AMBEDKAR ROAD BENGALURU-560001 REPRESENTED BY ITS PRINCIPAL SECRETARY, 2. STATE OF KARNATAKA LAW DEPARTMENT VIDHANA SOUDHA DR.AMBEDKAR ROAD, BENGALURU-560001 REPRESENTED BY ITS PRINCIPAL SECRETARY3 THE DEPUTY COMMISSIONER BENGALURU URBAN DISTRICT K.G.ROAD, BENGALURU-560009.

4. THE TAHASILDAR, BENGALURU SOUTH TALUK, BENGALURU BENGALURU DISTRICT-560009. RESPONDENTS70(BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226 14, 20 AND21OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 (KARNATAKA ACT38OF2014 AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLES14 20, 21 AND300A AND / OR IN THE ALTERNATIVE AND ETC. IN W.P.

NO.3641/2018: BETWEEN: M/S. SETHURAMAN ESTATE, MAGONDI VILLAGE & POST, NARASIMHARAJAPURA TALUK, CHIKKAMAGALORE DISTRICT-577101. REPERSENTED BY ITS MANAGING PARTNER SRI NISHANT RAMESH GURJER, S/O. SRI. RAMESH L. GURJER, AGED44YEARS, PETITIONER (BY SRI. MANMOHAN P.N, ADVOCATE) AND1 THE STATE OF KARNATAKA REPRESENTED BY ITS SECRETARY FOREST DEPARTMENT M.S.BUILDING, BENGALURU-560001.

2. DEPUTY COMMISSIONER CHIKKAMAGALUR DISTRICT, CHIKKAMAGALUR-577101 3. RANGE FOREST OFFICER, BALENHONNUR DIVISION, NARASIMHARAJAPURA TALUK, CHIKKAMAGALUR DISTRICT-577101. RESPONDENTS71(BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 (KARNATAKA ACT3814) IS ULTRA VIRES THE CONSTITUTION OF INDIA OR IN ALTERNATIVE ISSUE A DECLARATION THAT THE KARNATAKA LAND GRABBING PROHIBITION ACT 2011 IS NOT APPLICABLE TO THE PETITIONER VIDE ANNEXURE-J AND ETC. IN W.P. NO.4729/2018: BETWEEN:

1. SMT. SHANKARAMANI W/O. LATE B PARAMASHIVAIAH AGED ABOUT60YEARS, RESIDING AT VETERNARY HOSPITAL ROAD, TIPTUR TOWN, TIPTUR-572201.

2. SRI. B.PANCHAKSHARI S/O. LATE BASAVANNA AGED ABOUT58YEARS, RESIDING AT FARM HOUSE, BEHIND TVS SHOW ROOM B.H.ROAD, TIPTUR-572201. PETITIONERS (BY SRI. CHANDRAKANTH R. GOULAY, ADVOCATE) AND1 THE STATE OF KARNATAKA REPRESENTED BY ITS SECRETARY DEPARTMENT OF REVENUE, M.S.BUILDING, DR. AMBEDKAR VEEDHI, BENGALURU-560001. 72

2. SRI. RAVI KUMAR S/O. BAPPANNA AGE MAJOR RESIDING AT PATEL COMPOUND GORGONDANAHALLI, TIPTUR TALUK, TUMKUR DISTRICT-572201. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V.

SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP, FOR R-1) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RELEVANT RECORDS AND QUASH THE ENTIRE PROCEEDINGS IN LGC (P) NO.1/2016 ON THE FILE OF THE KARNATAKA LAND GRABBING PROHIBITION SEPCIAL COURT AS PER ANNEXURE-K, AS WITHOUT COMPETENCE AND JURISDICTION AND OTHERWISE BEING ARBITRARY, ILLEGAL AND VOID AND ETC. IN W.P. NO.5389/2018: BETWEEN: P.G. RAMESH S/O. GANAPAIAH, 67 YEARS, HOSURU VILLAGE, AMMATTI HOBLI, VIRAJPET TALUK-571211, KODAGU DISTRICT. PETITIONER (BY SRI. S.G. BHAGAVAN, ADVOCATE) AND1 THE STATE OF KARNATAKA BY THE PRINCIPAL SECRETARY DEPARTMENT OF REVENUE, M.S.BUILDING, DR. AMBEDKAR ROAD, BENGALURU-560001. 73

2. THE TAHASILDAR, VIRAJPET TALUK, KODAGU DISTRICT-571218. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA AND SECTION482OF THE CODE OF CRIMINAL PROCEDURE PRAYING TO QUASH THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011, QUASH THE PROCEEDINGS IN L.G.C.(G) NO.1942/2017 IN KARNATAKA LAND GRABBING, SPECIAL COURT, 3RD FLOOR, KANDAYA BHAVANA, KEMPEGOWDA ROAD, BENGALURU, COURT HALL NO.1 DATED3110.2017 VIDE ANNEXURE-B AND ETC. IN W.P. NO.5390/2018: BETWEEN: H.B.SRINIVASAMURTHY, S/O. LATE BHIMAIYA, 65 YEARS, HOSURU VILLAGE AND POST, AMMATTI HOBLI, VIRAJPET TALUK-571211 KODAGU DISTRICT. PETITIONER (BY SRI. S.G. BHAGAVAN, ADVOCATE) AND1 THE STATE OF KARNATAKA BY THE PRINCIPAL SECRETARY, DEPARTMENT OF REVENUE, M.S.BUILDING, DR. AMBEDKAR ROAD, 74 BENGALURU-560001.

2. THE TAHASILDAR, VIRAJPET TALUK, KODAGU DISTRICT-571218. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA AND SECTION482OF THE CODE OF CRIMINAL PROCEDURE PRAYING TO

QUASH THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011, QUASH THE PROCEEDINGS IN L.G.C.(G) NO.1945/2017 IN KARNATAKA LAND GRABBING, SPECIAL COURT, 3RD FLOOR, KANDAYA BHAVANA, KEMPEGOWDA ROAD, BENGALURU, COURT HALL NO.1 DATED0711.2017 AS PER ANNEXURE-B AND ETC. IN W.P. NO.5391/2018: BETWEEN: BALASUBRAMANYA S/O. GOPAL BHAT, 61 YEARS, HOSURU VILLAGE AND POST, AMMATTI HOBLI, VIRAJPET TALUK-571211 KODAGU DISTRICT. PETITIONER (BY SRI. S.G. BHAGAVAN, ADVOCATE) AND1 THE STATE OF KARNATAKA BY THE PRINCIPAL SECRETARY, DEPARTMENT OF REVENUE, M.S.BUILDING, DR. AMBEDKAR ROAD, 75 BENGALURU-560001.

2. THE TAHASILDAR, VIRAJPET TALUK, KODAGU DISTRICT-571218. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA AND SECTION482OF THE CODE OF CRIMINAL PROCEDURE PRAYING TO QUASH THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011, QUASH THE PROCEEDINGS IN L.G.C.(G) NO.1946/2017 IN KARNATAKA LAND GRABBING, SPECIAL COURT, 3RD FLOOR, KANDAYA BHAVANA, KEMPEGOWDA ROAD, BENGALURU, COURT HALL NO.1 DATED0711.2017 AS PER ANNEXURE-B AND ETC. IN W.P. NO.5704/2018: BETWEEN: NAGARAJU S/O. GANGADHARAIAH AGED ABOUT47YEARS, RESIDING AT NO.416 TAVAREKERE VILLAGE, MADAGI ROAD, TAVAREKERE POST BENGALURU SOUTH TALUK. PETITIONER (BY SRI. S. SUDHARSHAN, ADVOCATE) AND1 HEMANTHARAJU S/O. LATE MANIRAJU AGED ABOUT46YEARS, SOCIAL WORKER76C/O. YUDDA BHOOMI HORATA SENE NO.32, ESHWARA TEMPLE ROAD, RAMOHALLI, KENGERI HOBLI, BENGALURU SOUTH TALUK BENGALURU-560074.

2. THE TAHSILDAR BENGALURU SOUTH TALUK KHANDAYA BHAWAN KEMPEGOWDA ROAD, BENGALURU-560009. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP, FOR R-2; R-1 SERVED AND) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA AND

SECTION482OF THE CODE OF CRIMINAL PROCEDURE, 1973 PRAYING TO DECLARE THAT THE PROCEEDING ON THE RECORD OF THE SPECIAL COURT OF THE TRIAL OF OFFENCES UNDER THE KARNATAKA LAND GRABBING (PROHIBISION) ACT, 2011 IN PETITION NO.LGC43OF 2016 IS ANNEXURE-G AT PAGE NO.227- 270 DATED0801.2018 IN VIOLATION OF THE UNDERLYING STATUTE, IN GROSS VIOLATION OF ARTICLE21OF THE CONSTITUTION, OPPOSED TO EXTABLISHED LAWS AND IN CONTRAVENTION OF OTHER STATUTES AND HAS LED TO A GRAVE FAILURE AND MISCARRIAGE OF JUSTICE AND TO QUASH IT, ACCORDINGLY, IN EXERCISE OF THE CONSITUENT AND INHERENT POWER OF THIS HONBLE COURT. IN W.P.NO.6061/2018: BETWEEN: MR. CHANNAMUNIYAPPA S/O MUTHAIAH AGED ABOUT40YEARS77PEDDAMAPALYA VILLAGE, TAWAREKERE HOBLI, BENGALURU SOUTH BENGALURU562130. ...PETITIONER (BY SRI. K. SHASHIKIRAN SHETTY, SR. COUSEL FOR SMT. LATHA S SHETTY, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT, M.S. BUILDING, BENGALURU - 560 001.

2. SHRI. HANUMANTHARAJU S/O LATE MUNIRAJU SOCIAL WORKER, C/O YUDDA BHOOMI HORATA SENE NO.32, ESWARA EMPLE ROAD, RAMOHALLI, KENGERI, HOBLI, BANGALORE SOUTH TALUK, BENGALURU - 560 074.

3. THE TAHSILDAR BANGALORE SOUTH TALUK, KANDAYA BHAVAN, KEMPEGOWDA ROAD, BENGALURU - 560 009. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP, FOR R-1 & R-3: R-2 SERVED) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS OF THE KARNATAKA LAND GRABBING PROHIBITION ACT, IS UNCONSTITUTIONAL AND ULTRA VIRES ARTICLE14 78 ARTICLE19AND ARTICLE21AND ARTICLE300 OF THE CONSTITUTION OF INDIA (ANNEXURE-A) IN W.P.NO.6330/2018: BEETWEEN:

1. CHANNAPPA S/O LATE KEMPAIAH AGED ABOUT62YEARS2 SMT. YASHODA W/O CHANNAPPA, AGED ABOUT55YEARS3 SMT. CHAYA W/O KEERTHI, D/O CHANNAPPA, 4. SMT. JAMUNA W/O SUHAS, D/O CHANNAPPA, AGED ABOUT25YEARS ALL ARE RESIDENTS OF No.130, 3RD CROSS, 16TH MAIN ROAD, J.C.NAGAR, KURUBARAHALLI, BENGALURU -560 086. ...PETITIONERS (BY SRI. SHANMUKHAPPA, ADVOCATE) AND: SRI. S GOPAL S/O LATE SRINIVASA, AGED ABOUT60YEARS R/O NO.147, III MAIN, SHANTHIDHAMA CLUB ROAD, CHENGAPPA LAYOUT, SUNKADAKATTE, BENGALURU. RESPONDENT (BY SRI. L. SREEKANTA RAO, ADVOCATE) 79 THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO QUASH THE

ORDER
DATED2411.2017 PASSED BY THE LEARNED JUDGE OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURTS, COURT HALL No.2, AT BANGALORE IN CASE LGC (P) No.260 OF 2016 VIDE ANNEXURE-A. IN W.P.NO.6376/2018: BETWEEN: SRI. SHIVALINGAIAH S/O SRI LINGE GOWDA, AGED ABOUT50YEARS R/A PEDDANAPALYA VILLAGE TAVAREKERE POST, TAVAREKERE HOBLI, BENGALURU. ...PETITIONER (BY SRI. KESHAVA BHAT A, ADVOCATE) AND:

1. STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY VIDHANA SOUDHA BANGALORE560001.

2. THE PRINCIPAL SECRETARY TO GOVERNMENT REVENUE DEPARTMENT, M S BUILDING DR B. R. AMBEDKAR VEEDHI BANGALORE560001.

3. SRI. HEMANTHRAJU S/O LATE MUNIRAJU AGED ABOUT46YEARS SOCIAL WORKER C/O YUDDA BHOOMI HORATA SENE NO.32, ESHWARA TEMPLE ROAD RAMOHALLI, KENGERI HOBLI, BANGALORE SOUTH TALUK BANGALORE560074. 80 RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP, FOR R-1 & R-2; R-3 SERVED AND) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO CALL FOR

ENTIRE RECORDS PERTAINING TO IMPUGNED

ORDER
IN CASE No.LGC(P) No.43 OF 2016 FROM THE FILE OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT AT BENGALURU AND ON PERUSAL OF THE SAME. IN W.P.NO.6583/2018: BETWEEN:

1. SRI. MANJUNATH S K AGED ABOUT52YEARS S/O SHESHAGIRIYAPPA2 SRI. VASANTH @ V.S.HEGDE AGED ABOUT50YEARS S/O SHESHAGIRIYAPPA PETITIONERS1AND2ARE RESIDENTS OF KANUTHOTA, AREHADA VILLAGE TALAGUPPA HOBI, SAGAR TALUK SHIVAMOGGA DISTRICT - 577 401. ...PETITIONERS (BY SRI. RAJENDRA KUMAR SUNGAY T.P, ADVOCATE) AND:

1. THE TAHSILDAR SAGAR TALUK, SAGAR, SHIVAMOGGA DISTRICT577401.

2. THE KARNATAKA LAND GRABBING81PROBIBITION SPECIAL COURT, III FLOOR, KANDAYA BHAVAN, BANGALORE560009. REP. BY ITS REGISTRAR .RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP, R-1) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO CALL FOR RELEVANT RECORDS FROM THE RESPONDENTS; SET-ASIDE THE

ORDER
DATED2901.2018 PASSED IN LGC (G) No.1431 OF 2017 BY THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BENGALURU, VIDE ANNEXURE-E, AND DISMISS THE COMPLAINT FILED BY THE1T RESPONDENT. IN W.P.NO.6960/2018: BETWEEN: SMT. LAKSHMAMMA W/O LATE SRI RANGAIAH RESIDING AT HANUMANTAPURA MIDIGESHI HOBLI MADHUGIRI TALUK TUMAKURU DISTRICT - 572 132. ...PETITIONER (BY SRI. T. SHESHAGIRI RAO, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY, VIDHANA SOUDHA BENGALURU560001. 82

2. THE STATE OF KARNATAKA DEPARTMENT OF REVENUE REPRESENTED BY ITS SECRETARY VIDHANA SOUDHA BENGALURU560001.

3. THE DEPUTY COMMISSIONER TUMKUR DISTRICT MINI VIDHANA SOUDHA TUMAKURU - 572 101.

4. THE TAHSILDAR MADHUGIRI TALUK, MADHUGIRI, TUMAKURU DISTRICT MINI VIDHANA SOUDHA MADHUGIRI - 572 132.

5. THE REGISTRAR OFFICE OF THE SPECIAL COURT FOR KARNATAKA LAND GRABBING PROHIBITION, K G ROAD BENGALURU560001. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP, FOR R-1 TO R-4 NOTICE DISPENSED WITH FOR R-5) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO QUASH THE

ORDER
DATED2411.2017 ONE PASSED BY THE SPECIAL COURT IN CASE No.LGC(S) No.186 OF2017& 187 OF 2017 VIDE ANNEXURE-K TO THE WRIT PETITION; HOLD AND DECLARE THAT SECTION9OF KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 IS ULTRA VIRUS AND UNCONSTITUTIONAL AND PASS APPROPRIATE TO STRUCK DOWN THE SAME AND ETC. 83 IN W.P.NO.7868/2018: BETWEEN: N KAMALASAMBASIVA @ SAMBASIVAMURTHY SWAMIJI, S/O LATE NARASIMHAIAH, AGED ABOUT73YEARS, DHARMADHIKARI SRI. KOTILINGASWAMY TEMPLE, R/AT KAMMASANDRA VILLAGE, BETHAMANGALA HOBLI, BANGARPET TALUK-563 121. ...PETITIONER (BY SRI. RAHUL S REDDY, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS SECRETARY, DEPARTMENT OF REVENUE, VIDHANA SOUDHA, BENGALURU-560 001.

2. THE TAHSILDAR BANGARPET TALUK, BANGARPET-563 114. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO

DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT382014) AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLES14 20, 21 AND300 AND ETC. 84 IN W.P.NO.8035/2018: BETWEEN: DAADYS DEVELOPERS AND BUILDERS REPRESENTED BY BOBY SEBASTIAN S/O LATE K. T. SABASTIAN AGED ABOUT42YEARS R/A NO.383, 9TH MAIN7H SECTOR, H S R LAYOUT BENGALURU - 560 102. ...PETITIONER (BY SRI. D.R. RAVISHANKAR, ADVOCATE FOR SRI. N. SHIVAKUMAR, ADVOCATE) AND:

1. STATE OF KARNATAKA BY LAW AND PARLIAMENTARY AFFAIRS VIDHANA SOUDHA BENGALURU - 560 001.

2. STATE OF KARNATAKA BY SECRETARY TO GOVT., DEPARTMENT OF REVENUE M S BUILDING BENGALURU - 560 001.

3. TAHASILDAR ANEKAL TALUK BANGALORE SOUTH DIVISIOON BENGALURU - 562 106. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT382014) AS85ULTRA VIRES THE CONSITUTION OF INDIA BEING VIOLATIVE ARTICLES14 20, 21 AND3001 IN THE ALTERNATIVE. IN W.P.NO.8186/2018: BETWEEN: MVC HANUMANTHAIAH SON OF VENKATARAMANAPPA AGED70YEARS RESIDING AT NO2 WEST PARK ROAD, MALLESHWARAM BENGALURU - 560 003. ...PETITIONER (BY SRI. SHAKAR SHETTY, ADVOCATE) AND: STATE OF KARNATAKA REP. BY ITS REVENUE SECRETARY VIDHANA SOUDHA DR. AMBEDKAR VEEDHI BENGALURU - 560 001. ..RESPONDENT (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO QUASH THE

ORDER
DATED2112.2017 IN LGC(S) No.500 OF 2017 ON THE FILE OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT,

BENGALURU, (CH-1) AS PER ANNEXURE-G, ACCORDING TO LAW. 86 IN W.P. NO.8187/2018: BETWEEN: R. NAGARATHNA W/O SRI. MVC HANUMANTHAIAH AGED ABOUT65YEARS RESIDING AT NO.2 WEST PARK ROAD MALLESHWARAM BENGALURU-560 003. ...PETITIONER (BY SRI. S. SHAKAR SHETTY, ADVOCATE) AND: STATE OF KARNATAKA REP. BY ITS REVENUE SECRETARY VIDHANA SOUDHA DR. AMBEDKAR VEEDHI BENGALURU - 560 001. RESPONDENT (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE

ORDER

DATED2112.2017 IN LGC (S) No.501/2017 ON THE FILE OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BANGLORE, (CH-1) AS PER ANNWXURE-G, ACCORDING TO LAW. IN W.P. NO.8189/2018: BETWEEN: C. SHASHIDAR S/O M.V.C. HANUMANTHAIAH AGED ABOUT44YEARS RESIDING AT2 WEST PARK87ROAD, MALLESHWARAM BENGALURU - 560 003. ...PETITIONER (BY SRI. S. SHAKAR SHETTY, ADVOCATE) AND: STATE OF KARNATAKA REP. BY ITS REVENUE SECRETARY VIDHANA SOUDHA DR AMBEDKAR VEEDHI BENGALURU - 560 001. RESPONDENT (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING QUASH THE

ORDER

DATED2111.2017 IN LGC (S) No.502/2017 ON THE FILE OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BANGLORE, (CH-1) AS PER ANNWXURE-G, ACCORDING TO LAW. IN W.P. NO.8190/2018: BETWEEN: V.R. SWAMY S/O VENKATARAMANAPPA AGED ABOUT72YEARS RESIDING AT NO2WEST PARK ROAD MALLESHWARAM BENGALURU - 560 003. ...PETITIONER (BY SRI. S. SHAKAR SHETTY, ADVOCATE) 88 AND: STATE OF KARNATAKA REP. BY ITS REVENUE SECRETARY VIDHANA SOUDHA DR. AMBEDKAR VEEDHI BENGALURU - 560 001. RESPONDENT

(BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING QUASH THE

ORDER
DATED2112.2017 IN LGC (S) No.504/2017 ON THE FILE OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BANGLORE, (CH-1) AS PER ANNWXURE-G, ACCORDING TO LAW. IN W.P. NO.8191/2018: BETWEEN: C. MANJULA D/O MVC HANUMANTHAIAH AGED ABOUT42YEARS RESIDING AT NO2WEST PARK ROA, MALLESHWARAM BENGALURU - 560 003. ...PETITIONER (BY SRI. S. SHAKAR SHETTY, ADVOCATE) AND: STATE OF KARNATAKA REP. BY ITS REVENUE SECRETARY VIDHANA SOUDHA89DR. AMBEDKAR VEEDHI BENGALURU - 560 001. RESPONDENT (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING QUASH THE

ORDER
DATED2112.2017 IN LGC (S) No.505/2017 ON THE FILE OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BANGLORE, (CH-1) AS PER ANNWXURE-G, ACCORDING TO LAW. IN W.P. NO.8210/2018: BETWEEN: SRI. A.M. NARAYANASWAMY S/O MUNICHIKKANNA AGED ABOUT58YEARS RESIDING AT ARASANAHALLI VILLAGE, SULIBELE POST HOSAKOTE TALUK - 562114 BENGALURU RURAL DISTRICT. ...PETITIONER (BY SRI. BHADRINATH R, ADVOCATE) AND:

1. . THE STATE OF KARANATAKA DEPARTMENT OF REVENUE M S BUILDING BENGALURU - 560001 REPRESENTED BY ITS PRINCIPAL SECRETARY. 90 2 . THE REGIONAL COMMISSIONER BMTC BUILDING II FLOOR BENGALURU DIVISION BENGALURU - 560004. 3 . THE DEPUTY COMMISSIONER BENGALURU RURAL DISTRICT V V TOWER, BENGALURU - 560 001. 4 . THE ASSISTANT COMMISSIONER DODDABALLAPURA SUB

DIVISION DODDABALLAPURA - 561203 BENGALURU RURAL DISTRICT. 5 . THE THASILDAR HOSKOTE TALUK HOSKOTE - 562114 BENGALURU RURAL DISTRICT. 6 . SRI B N GOPALA GOWDA S/O LATE NARAYANA GOWDA AGED ABOUT82YEARS RESIDING AT BENNIGANAHALLI VILLAGE, SULIBELE HOBLI HOSKOTE TALUK - 562114 BANGALORE RURAL DISTRICT. 7 . SRI B C CHIKKA BACHE GOWDA S/O LATE CHANNA BYRE GOWDA AGED ABOUT76YEARS RESIDING AT BENNIGANAHALLI VILLAGE, SULIBELE HOBLI, HOSKOTE TALUK - 562114 BANGALORE RURAL DISTRICT. 8 . SRI B N VENKATARAMANA GOWDA S/O LATE NARAYANA GOWDA AGED ABOUT71YEARS RESIDING AT BENNIGANAHALLI VILLAGE, SULIBELE HOBLI, HOSKOTE TALUK - 562114 BANGALORE RURAL DISTRICT. 91 9 . SRI B N BACHE GOWDA S/O LATE NARAYANA GOWDA AGED ABOUT69YEARS RESIDING AT BENNIGANAHALLI VILLAGE, SULIBELE HOBLI, HOSKOTE TALUK - 562114 BANGALORE RURAL DISTRICT. 10 . SRI B C VENKATESH GOWDA S/O LATE CHANNA BYREGOWDA AGED ABOUT67YEARS RESIDING AT BENNIGANAHALLI VILLAGE, SULIBELE HOBLI, HOSKOTE TALUK - 562114 BANGALORE RURAL DISTRICT RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1 TO R-5; SRI. P.M. SIDDAMALLAPPA, ADVOCATE R-6,7, 9 &

10) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING QUASH THE

ORDER
DATED0401.2018 IN CASE LGC (S) NO.1252 OF 2017 PASSED BY THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BANGALORE AS FOUND AT ANNEXURE-A. IN W.P. NO.8585/2018: BETWEEN: THARIQ KHAN S/O MAJEED KHAN AGED ABOUT43YEARS R/AT BILGUNDA VILLAGE AMMATHI HOBLI, VIRAJAPET TALUK, KODAGU DISTRICT. ...PETITIONER92(BY SRI. SACHIN B.S, ADVOCATE) AND:

1. . STATE OF KARNATAKA DEPARTMENT OF REVENUE M.S. BUILDING, BANGALORE-560 001 REPRESENTED BY ITS SECRETARY. 2 . TAHASILDAR VIRAJAPET TALUK, VIRAJAPET KODAGU DISTRICT-571 218. RESPONDENTS

(BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT 2011 AS ULTRA VIRES THE CONSTITUTION OF INDIA QUASH THE IMPUGNED

ORDER
DATED2501.2018 AND ENTIRE PROCEEDING SIN PROCEEDINGS ON THE FILE OF KARNATAKA SPECIAL COURT FOR LAND GRABBING PROHIBITION BANGALORE VIDE ANEX-A IN W.P. NO.9116/2018: BETWEEN: SMT. A.S. NIRMALA W/O LATE VIVEK AGED ABOUT71YEARS RESIDING AT NO.49/3, 16TH CROSS, 4TH MAIN ROAD MALLESHWARAM BENGALURU - 560 003. ...PETITIONER (BY SRI. P.S. RAJAGOPAL, SR. COUNSEL FOR93SRI. BHADRINATH R, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA DEPARTMENT OF REVENUE M S BUILDING BENGALURU - 560 001 REPRESENTED BY ITS PRINCIPAL SECRETARY. 2 . THE TAHSILDAR BENGALURU EAST ALUK KRISHNARAJAPURAM BENGALURU EAST TALUK BENGALURU - 560 036. 3 . THE REVENUE INSPECTOR BENGALURU EAST TALUK KRISHNARAJAPURAM BENGALURU EAST TALUK BENGALURU - 560 036. 4 . SRI. MUNIVENKATAPPA S/O LATE CHIKKANNA AGED ABOUT51YEARS RESIDING AT NO.156, 1ST CROSS KURUDUSONNENAHALLI ROAD BEHIND PETROL BUNK MEDAHALLI VIRGONAGAR POST BENGALURU - 560 049. 5 . SRI. M. KRISHNA MURTHY S/O LATE M.S. MUNIKEMPAIAH AGED ABOUT46YEARS RESIDING AT MEDAHALLI EXTENSION (BEHIND RAMARA TEMPLE), VIRGONAGAR POST BIDARAHALLI HOBLI BENGALURU EAST TALUK BENGALURU - 560 049. RESPONDENTS94(BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP R-1 TO R-3; SRI. RAJESH SHETTY, ADVOCATE FOR R-4; SRI. RAGHUNATH V, ADVOCATE FOR R-5) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT382014) AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATION OF ARTICLE14 20,

21 AND300. IN W.P. NO.9117/2018: BETWEEN: SRI. M. KRISHNA MURTHY S/O LATE M.S. MUNIKEMPAIAH AGED ABOUT46YEARS RESIDING AT MEDAHALLI EXTENSION (BEHIND RAMARA TEMPLE) VIRGONAGAR POST BIDARAHALLI POST BENGALURU EAST TALUK BENGALURU - 560 049. ...PETITIONER (BY SRI. P.S. RAJAGOPAL, SR. COUNSEL FOR SRI. BHADRINATH R, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA DEPARTMENT OF REVENUE, M.S. BUILDING BENGALURU - 560 001 REPRESENTED BY ITS PRINCIPAL SECRETARY. 95 2 . THE TAHSILDAR BENGALURU EAST TALUK KRISHNARAJAPURAM BENGALURU - 560 036. 3 . THE REVENUE INSPECTOR BENGALURU EAST TALUK KRISHNARAJAPURAM BENGALURU - 560 036. 4 . SRI. MUNIVENKATAPPA S/O LATE CHIKKANNA AGED ABOUT51YEARS R/AT NO.156, IST CROSS KURUDUSONNEHALLI ROAD BEHIND PETROL BUNK MEDAHALLI, VIRGONAGAR POST BENGALURU - 560 049. 5 . SMT A.S. NIRMALA W/O LATE VIVEK AGED ABOUT67YEARS RESIDING AT NO.49/3, 16TH CROSS, 4TH MAIN ROAD MALLESHWARAM BENGALURU - 560 003. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP, FOR R-1 TO R-3; SRI. RAJESH SHETTY, ADVOCATE FOR R-4; SRI. SRINATH P, ADVOCATE FOR R-5) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT38OF2014 AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATION OF ARTICLE14 20, 21 AND300. 96 IN W.P. NO.9194/2018: BETWEEN: VITTAL SHETTY S/O KORAGA SHETTY AGED ABOUT65YEARS R/AT ULLODI JAMBUVALLI GRAMA BEGUVALLI POST, THIRTHAHALLI TALUK SHIVAMOGGA DISTRICT - 577 220. ...PETITIONER (BY SRI. RAGHUPATHY T.N, ADVOCATE) AND:

1. . STATE OF KARNATAKA REPRESENTED BY ITS PRINCIPAL SECRETARY REVENUE DEPARTMENT VIDHANA SOUDHA AMBEDKAR VEEDHI BENGALURU - 560 001. 2 . DEPARTMENT OF FORESTS REPRESENTED BY ITS PRINCIPAL SECRETARY M S BUILDING4H FLOOR AMBEDKAR VEEDHI

BENGALURU - 560 001. 3 . RANGE FOREST OFFICER MANDAGADDE RANGE MANDAGADDE POST, THIRTHAHALLI TALUK SHIVAMOGGA DISTRICT - 577 220. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) 97 THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT382014) AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATION OF ARTICLE14 20, 21 AND300. IN W.P. NO.11029/2018: BETWEEN: SRI. H.L. KRISHNAPPA S/O LAKSHMANAIAH R/AT HONNAGHANAHATTI VILLAGE, TAVAREKERE POST MAGADI MAIN ROAD BANGALORE URBAN DISTRICT BENGALURU - 560 030. ...PETITIONER (BY SRI. RAMESHCHANDRA, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT, M.S. BUILDING BENGALURU - 560 001 BENGALURU CITY. 2 . THE THASILDAR BANGALORE SOUTH TALUK KHANDAYA BHAWAN KEMPEGOWDA ROAD BANGALORE - 560 009. 3 . SRI. HEMANTHARAJU S/O LATE MUNIRAJU SOCIAL WORKER C/O YUDDA BHOOMI HORATA98SENE, NO.32, ESHWARA TEMPLE ROAD, RAMOHALLI, KENGERI HOBLI, BANGALORE SOUTH TALUK, BANGALORE - 560 074. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1 & R-2; R-3 SERVED AND) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH ANNEXURE-A

ORDER

DATED0801.2018 TAKING COGNIZANCE IN L.G.C.NO.(P) NO.43/2016 AGAINST THE PETITIONER ON THE FILE OF THE SPECIAL COURT SET UP FOR PROHIBITION OF LAND GRABBING, BENGALURU ON0801.2018. IN W.P. NO.11306/2018: BETWEEN: SRI. LAKSHMICHAND AGED ABOUT80YEARS S/O MOHANLAL COFFEE PLANTER VIJAYALAKSHMI JEWELLERS M.G. ROAD, CHIKKAMAGALURU - 577 101 CHIKKAMAGALURU DISTRICT. ...PETITIONER (BY SRI. SHANKARANARAYANA BHAT N, ADVOCATE) AND:

1. . STATE OF KARNATAKA REPRESENTED BY SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT, M.S. BUILDING DR. AMBEDKAR VEEDHI BENGALURU - 560 001. 99 2 . THE TAHASILDAR CHIKKAMAGALURU TALUK AND DISTRICT CHIKKAMAGALURU - 577 101. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT 2011 IS ULTRA VIRES OF THE CONSTITUTION BY STRIKING DOWN THE SAID ACT AND QUASH THE NOTICE ISSUED TO THE PETITIONER BY THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT AT BANGALORE IN LGC (S) NO.1712/2017 AT ANNEX-A IN THIS W.P. IN W.P. NO.11767/2018: BETWEEN:

1. . VISTARA VENTURES REPRESENTED BY ITS PARNTER S.K. PRAJWAL AGED ABOUT42YEARS OFFICE AT NO.191, 2ND FLOOR16H MAIN, 36TH CROSS4H T BLOCK, JAYANAGAR BENGALURU - 560 054. 2 . SMT. V. PADMAVATHY D/O LATE A. VENKATAPPA AGED ABOUT54YEARS RESIDING AT NO.255/6 7TH MAIN ROAD, N.S. PALYA BTM2D STAGE BENGALURU - 560 076. ...PETITIONERS (BY SRI. HEMANTH KUMAR D, ADVOCATE) 100 AND: AROON SAAB S/O YAKOOB SAAB AGED MAJOR RESIDING AT NO.10 VARASIDHI VINAYAKA LAYOUT APR CHOULTRY ROAD VANGASANDRA, 14TH CROSS MADIWALA POST BENGALURU - 560 068. RESPONDENT THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH ALL FURTHER PROCEEDINGS IN LGC (P) NO.316/2017 PENDING ON THE FILE OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURTS AT BANGALORE VIDE ANNEX-H DATED0703.2018 AND ANNEX-J DATED0703.2018. IN W.P. NO.11973/2018: BETWEEN: SRI. KRISHNADEVERAYA EDUCATION TRUST A TRUST REGISTERED UNDER THE INDIAN TRUSTS ACT HAVING ITS OFFICE AT NO.16, BALLARI ROAD SADASHIVANAGAR BANGALORE - 560 080 REPRESENTED BY ITS SECRETARY MR. K. SYAMA RAJU. ...PETITIONER (BY MS. NAYANATARA, ADVOCATE FOR SRI. G.L. VISHWANATH, ADVOCATE) AND: THE STATE OF

KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT M.S. BUILDING, 5TH FLOOR BANGALORE - 560 001. RESPONDENT101(BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT38OF2014 AS ULTRA VIRES ARTICLES14 20 (1), 21 AND300 OF THE CONSTITUTION OF INDIA. IN W.P. NO.11975/2018: BETWEEN: SRI. KRISHNADEVERAYA EDUCATION TRUST, A TRUST REGISTERED UNDER THE INDIAN TRUSTS ACT HAVING ITS OFFICE AT NO.16, BALLARI ROAD SADASHIVANAGAR BANGALORE - 560 080 REPRESENTED BY ITS SECRETARY MR. K. SYAMA RAJU. ...PETITIONER (BY MS. NAYANATARA, ADVOCATE FOR SRI. G.L. VISHWANATH, ADVOCATE) AND: THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT M.S. BUILDING, 5TH FLOOR BANGALORE - 560 001 RESPONDENT (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) 102 THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT382014) AS ULTRA VIRES ARTICLES14 20 (1), 21 AND300 OF THE CONSTITUTION OF INDIA. IN W.P. NO.12264/2018: BETWEEN: SRI. D.R. SIDDARAMAIAH S/O LATE RANGAPPA R/O DODDANARAVANGALA VILLAGE BELLAVI HOBLI - 572 153 TUMAKURU TALUK AND DISTRICT. ...PETITIONER (BY SRI. V.B. SIDDARAMAIAH, ADVOCATE) AND1. THE STATE OF KARNATAKA REP. BY PRL.SECRETARY REVENUE DEPARTMENT M.S. BUILDING BANGALORE - 01. 2 . SRI. D. GANGANNA S/O LATE CHIKKURAIAH R/O NO.20, 11TH CROSS MANJUNATHANAGAR MAGADI ROAD BENGALURU - 560 023. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1; SRI. A.V. GANGADHARAPPA, ADVOCATE FOR R-2) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA103PRAYING TO SET ASIDE THE

ORDER

DATED2401.2018 PASSED BY THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, DATED2401.2018, IN CASE LGC (P) NO.1369/2017 VIDE ANNEXURE-P, WITH RESPECT TO THE LAND BEARING SY.NO.21 OF DODDANARAVANGALA VILLAE, BELLAVI HOBLI, TUMAKURU TALUK, MEASURING8ACRES20GUNTAS AND THEREBY DROP THE PROCEEDING SIN CASE LGC (P) NO.1369/2017 ON THE FILE OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BENGALURU. IN W.P. NO.12614/2018: BETWEEN:

1. . SRI. S.G. GOVINDAIAH S/O LATE GIRIGOWDA AGED ABOUT64YEARS. 2 . SMT. PRIYANKA G D/O. S.G. GOVINDAIAH AGED ABOUT34YEARS. 3 . SMT. NEETHU G D/O S.G. GOVINDAIAH AGED ABOUT32YEARS. THE PETITIONERS ARE RESIDING AT #75 II "H" MAIN ROAD11H BLOCK NAGARABHAVI II STAGE BENGALURU - 560 072. ...PETITIONERS (BY SRI. SRINIVASA D.C, ADVOCATE) AND:

1. . STATE OF KARNATAKA104BY ITS CHIEF SECRETARY VIDHANA SOUDHA DR. AMBEDKAR VEEDHI BENGALURU - 560 001. 2 . STATE OF KARNATAKA BY ITS SECRETARY REVENUE DEPARTMENT M.S. BUILDING DR. AMBEDKAR VEEDHI BENGALURU - 560 001. 3 . SRI. HEMANTHARAJU S/O LATE MUNIRAJU AGED ABOUT48YEARS NO.32, EASHWARA TEMPLE ROAD, RAMOHALLI KENGERI HOBLI BENGALURU SOUTH TALUK BENGALURU - 560 074. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1 & R- 2; R-3 SERVED AND) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE

ORDER

PASSED BY THE HON'BLE SPECIAL COURT FOR PROHIBITION OF LAND GRABBING, BENGALURU, IN LGC (P) NO.43/2016 DATED0801.2018, VIDE ANNEXURE-M IN TAKING COGNIZANCE AGAINST THE PETITIONERS FOR THE OFFENCE PUNISHABLE UNDER SECTION4AND5OF THE KARNATAKA

LAND GRABBING PROHIBITION ACT, 2011, AS ILLEGAL, VOID AND UNCONSTITUTIONAL. IN W.P. NO.13112/2018: BETWEEN:

1. . R. RAMANAND105S/O RAJANAHALLI LAXMANASETTY AGED ABOUT79YEARS PRESIDENT M/S BAPUJI EDUCATION ASSOCIATION PJ EXTENSION, DAVANAGERE - 577 002. 2 . MUDDEGOWDRU REVANA SIDDAPPA S/O MUDDEGOWDRU CHENNABASAPPA AGED ABOUT85YEARS VICE PRESIDENT M/S BAPUJI EDUCATION ASSOCIATION PJ EXTENSION, DAVANAGERE - 577 002. 3 . DR. SHAMANUR SHIVASHANKARAPPA S/O LATE S KALLAPPA AGED ABOUT80YEARS SECRETARY M/S BAPUJI EDUCATION ASSOCIATION PJ EXTENSION, DAVANAGERE - 577 002. 4 . S.S. MALLIKARJUN S/O S.S. SHIVASHANKARAPPA AGED ABOUT50YEARS JOINT SECRETARY M/S BAPUJI EDUCATION ASSOCIATION PJ EXTENSION, DAVANAGERE - 577 002. 5 . A.C. JAYANNA S/O A. CHANNABASAPPA AGED ABOUT80YEARS TREASURER M/S BAPUJI EDUCATION ASSOCIATION PJ EXTENSION, DAVANAGERE - 577 002. 6 . A.S. VEERANNA S/O A. CHANNABASAPPA AGED ABOUT72YEARS MEMBER M/S BAPUJI EDUCATION ASSOCIATION PJ EXTENSION, DAVANAGERE - 577 002. 7 . MAKANUR MALLIKARJUNAPPA106S/O MAKANUR MALLESHAPPA AGED ABOUT65YEARS MEMBER M/S BAPUJI EDUCATION ASSOCIATION PJ EXTENSION, DAVANAGERE - 577 002. 8 . S.S. JAYANNA S/O SHAMANUR SHIVAPPA AGED ABOUT66YEARS MEMBER M/S BAPUJI EDUCATION ASSOCIATION PJ EXTENSION, DAVANAGERE - 577 002. 9 . SMT. K.A. GIRIJAMMA W/O LATE KIRUVADI ANJANAPPA AGED ABOUT80YEARS MEMBER M/S BAPUJI EDUCATION ASSOCIATION PJ EXTENSION, DAVANAGERE - 577 002. ...PETITIONERS (BY SRI. SIDDHARTH B MUCHANDI, ADVOCATE) AND:

1. . STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT M.S. BUILDING BENGALURU - 560 001. 2 . THE TAHSILDAR BANGALORE SOUTH TALUK KANDHAYA BHAVAN K.G.ROAD, BANGALORE - 560 001. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) 107 THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE

CONSTITUTION OF INDIA PRAYING TO QUASH THE PROCEEDINGS PENDING BEFORE THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT IN LGC(S) 246/2016 (SUO-MOTU) VIDE ANNEX-A. IN W.P. NO.14215/2018: BETWEEN1. SRI. JAGADISH S/O NARAYANAPPA AGED ABOUT38YEARS WORKING AS RTC SHRESTEDHAR OFFICE OF TALUK, TIPTUR TALUK TUMKUR DISTRICT, R/O VIDYANAGAR10H CROSS,STELLA MARYS SCHOOL ROAD, TIPTUR TUMKUR DISTRICT - 572 107. 2 . SRI. D.K. RANGAPPA S/O KARIYAPPA AGED ABOUT51YEARS WORKING AS REVENUE INSPECTOR(I/C) NONAVINEKERE HOBLI TIPTUR TALUK, TUMKUR DISTRICT R/O KANTCHEGATTA ROAD TIPTUR, TUMKUR DISTRICT - 572 107. 3 . SRI. NAVEEN S/O SHIVAIAH AGED ABOUT33YEARS WORKING AS VILLAGE ACCOUNTANT EDEENAHALLI TALUK, KASABA HOBLI TIPTUR TALUK,TUMKUR DISTRICT R/O MRUTHYUNJAYANAGAR EXTENSION KANTCHEGATTA ROAD, TIPTUR TUMKUR DISTRICT - 572 107. ...PETITIONERS108(BY SRI. CHANDRAKANTH R GOULAY, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REP. BY ITS SECRETARY DEPARTMENT OF REVENUE M.S. BUILDING DR AMBEDKAR VEEDHI BENGALURU - 560 001. 2 . SRI. RAVI KUMAR S/O BAPPANNA AGE MAJOR RESIDING AT PATEL COMPOUND GORGONDANAHALLI TIPTUR TALUK TUMKUR DISTRICT - 572 107. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP, FOR R-1) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN LGC(P) NO.1/2016 ON THE FILE OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT AS PER ANNEX-H AS WITHOUT COMPETENCE AND JURISDICTION AND OTHERWISE BEING ARBITRARY, ILLEGAL AND VOID. IN W.P. NO.14390/2018: BETWEEN: SRI. H. VISHWANATH S/O LATE VENKATARAMANAPPA NO.2511, 26TH CROSS BANASHANKARI II STAGE BANGALORE - 70. ...PETITIONER109(BY SRI. JEEVAN K, ADVOCATE) AND:

1. . THE TAHASILDHAR BANGALORE SOUTH TALUK KANDAYABHAVANA BANGALORE - 09. 2 . THE SURVEYOR DEPARTMENT OF SURVEY

BANGALORE SOUTH TALUK KANDAYA BHAVANA BANGALORE - 09. 3 . V. CHANDRA SHEKAR S/O LATE V. GUNDANNA AGED ABOUT61YEARS NO.103, 1ST BLOCK JANAPRIYA LAKE VIEW APARTMENT, KODICHIKKANAHALLI BANGALORE - 560 076. 4 . H. RAMACHANDRAIAH S/O LATE VENKATARAMANAPPA AGED ABOUT62YEARS NO.730, 6TH CROSS, KEMPEGOWDA HBCS, LAYOUT, 3RD BLOCK3D PHASE, 3RD STAGE BANASHANKARI, BANGALORE - 70. 5 . K. RAVINDRA REDDY S/O PURUSHOTTAM REDDY AGED ABOUT62YEARS NO.8-2-120/8-2-120/86/1-3 ROAD NO.2, BANJARA HILLS HYDERABAD - 500.034. 6 . CHIKKA VENKATAPPA S/O LATE MUNIVENKATAPPA AGED ABOUT69YEARS110(FORMER COMMISSIONER OF CMC BOMMANAHALLI), NO.159E17H MAIN ROAD, VIJAY NAGAR BANGALORE - 40. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP, FOR R-1 & R-2; SRI. RAVISHANKAR S, ADVOCATE R-4; R-3 IS PARTY-IN-PERSON; R-5 SERVED &) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT38OF2014 AS ULTRA VIRUS THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLES14 20, 21 & 300- A AND/OR IN THE ALTERNATIVE. IN W.P. NO.15257/2018: BETWEEN: K. RAVINDRA REDDY S/O K. PURUSHOTHAM REDDY AGED ABOUT65YEARS R/AT NO82-293/82/F/A/35-B ROAD NO6 B/S FNCC JUBILEE HILLS HYDERABAD - 500 033. ...PETITIONER (BY SRI. G.R. MOHAN, ADVOCATE) AND:

1. . STATE OF KARNATAKA REVENUE DEPARTMENT M.S. BUILDINGS, 5TH FLOOR BENGALURU - 560 001 BY ITS SECRETARY. 2 . SRI. CHANDRASHEKAR V111AGED ABOUT61YEARS S/O LATE V. GUNDANNA NO103 1ST BLOCK1T STAGE, JANAPRIYA LAKE APARTMENTS, KODICHIKKANAHALLI BENGALURU - 560 076. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1 R-2 IS PARTY-IN-PERSON) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE KARNATAKA LAND GRABBING

PROHIBITION ACT, 2011 IS ULTRA VIRES THE CONSTITUTION OF INDIA, BEING VIOLATIVE OF ARTICLE14 20 AND21OF THE CONSTITUTION OF INDIA AND THAT THE ACT DOES NOT PROVIDE FOR PROCEDURE ENSURING JUST AND FAIR TRIAL OF AN ACCUSED PARTICULARLY IN THE MATTER O DISPUTE REGARDING TITLE AND; FURTHER THE PROVISIONS OF THE ACT DENYING LIBERTY TO THE PETITIONER DOES QUALIFY THE TEST OF REASONABLENESS IN W.P. NO.15270/2018: BETWEEN:

1. . SRI. SANJAY JAYARAM S/O N.G. JAYARAM AGED ABOUT51YEARS. 2 . SMT. APARNA DESRAJ (APARNA DEVRAJ URS) AGED ABOUT45YEARS W/O SANJAY JAYARAM. 3 . SRI. UDAY JAYARAM S/O N.G. JAYARAM AGED ABOUT55YEARS. 112 ALL RESIDING AT NO.24 17TH MAIN ROAD, MALLESHWARA WEST, BANGALORE - 560 003. ...PETITIONERS (BY SRI. SANJAY KRISHNA V, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REVENUE DEPARTMENT M.S. BUILDING, 5TH FLOOR DR B R AMBEDKAR ROAD BENGALURU-560 001 REPRESENTED BY ITS SECRETARY. 2 . THE TAHSILDAR MAGADI TALUK TALUK OFFICE, MAGADI RAMNAGARA DISTRICT. 3 . SRIHEMANTH RAJU S/O LATE MUNI RAJU AGED ABOUT46YEARS C/O YUDDA BHOOMI HORATASENE, RAMOHALLI KENGERI HOBLI, BANGALORE SOUTH TALUK BANGALORE - 560 074. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1 & R-2; R-3 SERVED) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED

ORDER

DATED0801.2018 UNDER ANNX-A PASSED BY THE SPECIAL COURT CONSTITUTED UNDER THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 IN CASE L.G.C.(P) NO.43/2016. 113 IN W.P. NO.18327/2018: BETWEEN: SRI. M.B. DEVAYYA S/O BHEEMAIAH AGED ABOUT53YEARS KANDANGALA VILLAGE VIRAJPET TALUK KODAGU DISTRICT. ...PETITIONER (BY SRI. BASAVARAJ S, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT M.S. BUILDING BENGALURU - 560 001. 2 . THE RANGE FOREST OFFICER VIRAJPET, KODAGU DISTRICT MADIKEI - 571 218. 3 . DEPUTY CONSERVATOR FOREST KODAGU DISTRICT MADIKEI - 571 218. 4 . TAHASILDAR VIRAJPET TALUK KODAGU DISTRICT MADIKEI - 571 218. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) 114 THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS OF THE KARNATAKA LAND GRABBING PROHIBITION ACT, IS UNCONSTITUTIONAL AND ULTRA VIRES ARTICLE14 ARTICLE19AND ARTICLE21AND ARTICLE300 OF THE CONSTITUTION OF INDIA. IN W.P. NO.18329/2018: BETWEEN: SMT. N.P. BINDU W/O. POOVAIAH AGED ABOUT36YEARS KANDANGALA VILLAGE VIRAJPET TALUK KODAGU DISTRICT. ...PETITIONER (BY SRI. BASAVARAJ S, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT M.S. BUILDING BENGALURU - 560001. 2 . THE RANGE FOREST OFFICER VIRAJPET, KODAGU DISTRICT MADIKEI - 571 218. 3 . DEPUTY CONSERVATOR FOREST KODAGU DISTRICT MADIKEI - 571 218. 4 . TAHASILDAR VIRAJPET TALUK KODAGU DISTRICT MADIKEI - 571 218. 115 RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1 TO R-4) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS OF THE KARNATAKA LAND GRABBING PROHIBITION ACT, IS UNCONSTITUTIONAL AND ULTRA VIRES ARTICLE14 ARTICLE19AND ARTICLE21AND ARTICLE300 OF THE CONSTITUTION OF INDIA. IN W.P. NO.18646/2018: BETWEEN: SRI. RAJANNA AGED ABOUT65YEARS S/O LATE PATEL MUNISHAMAPPA R/A MALIGENAHLLI VILLAGE KASABA HOBLI, DEVENAHALLI TALUK BENGALURU RURAL DISTRICT - 562 110. PETITIONER (BY SRI. ABHINAV RAMANAND A, ADVOCATE) AND:

1. . STATE OF KARNATAKA REVENUDE DEPARTMENT M.S. BUILDING, DR. AMBEDKAR ROAD, BENGALURU - 560 001 REP. BY ITS SECRETARY. 2 . THE TAHSILDAR DEVANAHALLI TALUK BENGALURU RURAL DISTRICT - 562 110. 3 . THE REGISTRAR116KARNATAKA LAND GRABBING PROHIBITION SPECIAL COUORT M.S. BUILDING DR. AMBEDKAR ROAD BENGALURU - 560 001. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011, (KARNATAKA ACT38OF2014 AS ULTRAVIRES THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLE14 20, 21 AND300A AND OTHER PROVISIONS OF THE CONSTITUTION OF INDIA. IN W.P. NO.19751/2018: BETWEEN:

1. . G.T. SRINIVAS S/O LATE POOLA THIMMARAYAPPA AGED ABOUT58YEARS. 2 . VENKATALAKSHMAMMA W/O G.T. SRINIVAS AGED ABOUT49YEARS. 3 . G.S. VINOD RAJ S/O G.T. SRINIVAS AGED ABOUT31YEARS. ALL ARE RESIDINGS AT B BLOCK, BAPUJINAGAR GUDIBANDE TOWN GUDIBANDE TALUK - 561 209 CHIKKABALLAPUR DISTRICT. ...PETITIONERS117(BY SRI. AKKI MANJUNATH GOWDA, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS SECRETARY DEPARTMENT OF REVENUE VIDHANA SOUDHA BENGALURU - 560 001. 2 . MOHAMMED ELIYAS S/O LATE SHAIK FAKRUDDIN AGED ABOUT53YEARS RESIDING AT UPPARAHALLI VILLAGE, KASABA HOBLI GUDIBANDE TALUK - 561 209 CHIKKABALLAPURA DISTRICT. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1; SRI. SHARATH S GOWDA, ADVOCATE FOR R-2) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT38OF2014 AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLES14 20, 21 AND300A. IN W.P. NO.19761/2018: BETWEEN:

1. . K. MANOHAR RAJU S/O LATE RAGHAVARAJU AGED AOBUT60YEARS2. S. AMRUTHA KUMARI W/O K. MANOHAR RAJU AGED ABOUT58YEARS. 118 BOTH RESIDING AT NO.2-18/8 NEAR AYYAPASWAMY TEMPLE4H CROSS, R.R. LAYOUT HOSAPALYA ROAD MANGAMMANAPALYA BENGALURU - 560 068. ...PETITIONERS (BY SRI. ASHOK HARANALLI, SR. COUSEL FOR SRI. ABHINAY Y.T, ADVOCATE) AND: THE JOINT COMMISSIONER BRUHAT BENGALURU MAHANAGARA PALIKE, BOMMANAHALLI ZONE BENGALURU - 560 001. RESPONDENT (BY SRI. R. RAMESHCHANDRAN, ADVOCATE) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE

ORDER
DATED0504.2018 PASSED BY THE R-2 IN L.G.C. (S)64/2016 VIDE ANNX-J.

AND CONSEQUENTLY, DIRECT THE R-2 TO CONTINUE THE INTERIM

ORDER
GRANTED BY IT ON2212.2017 TILL THE DISPOSAL OF THE L.G.C. (S) 64/2016 VIDE ANNX-G. IN W.P. NO.22025/2018: BETWEEN:

1. . SRI. SRIKANTH S/O SRI. NAGALINGAPPA KAYAKAD AGED ABOUT31YEARS R/O PURADAKERE HEREKERUR TALUK HAVERI. 2 . SRI. DEVARAJ119S/O SRI. SHIVAPPA MALLAPUR AGED ABOUT33YEARS R/O PURADAKERE HEREKERUR TALUK HAVERI. 3 . SRI. SIDDESH S/O SRI. THIPPESHAPPA BANAKAR AGED ABOUT38YEARS R/O PURADAKERE HEREKERUR TALUK HAVERI. 4 . SRI. BUDEPPA S/O SRI. VEERAPPA BADIGER ALIAS ARKACHARI AGED ABOUT72YEARS R/O PURADAKERE HEREKERUR TALUK HAVERI. 5 . SRI GADIGEPPA S/O SRI.VEERAPPA KUMBLUR, AGED ABOUT49YEARS R/O PURADAKERE HEREKERUR TALUK HAVERI. 6 . SRI. NAGARAJ S/O SRI. VIRUPAKSHAPPA BEVINAHALLI AGED ABOUT40YEARS R/O.PURADAKERE, HEREKERUR TALUK, HAVERI. 7 . SRI. YOGESH S/O SRI. BASAPPA KAYAKAD AGED ABOUT40YEARS R/O PURADAKERE HEREKERUR TALUK HAVERI. 120 8 . SRI. NAGAPPA S/O SRI. BASAPPA KAYAKAD AGED ABOUT42YEARS R/O PURADAKERE HEREKERUR TALUK HAVERI. 9 . SRI. SHIVARAJ S/O SRI NAGARAJ

BAVENAHALLI, R/O.PURADAKERE, HEREKERUR TALUK, HAVERI. 10 . SRI. VIRUPAKSHAPPA S/O SRI. SIDDALINGAPPA BEVINAHALLI AGED ABOUT74YEARS R/O PURADAKERE HEREKERUR TALUK HAVERI. 11 . SRI. SHAREIFF SAB S/O SRI. KAJI SAB BADIGER AGED ABOUT47YEARS R/O PURADAKERE HEREKERUR TALUK HAVERI. 12 . SRI. TIPPU SULTAN S/O SRI. KAJA SAB JATIGAR AGED ABOUT56YEARS R/O PURADAKERE HEREKERUR TALUK HAVERI. 13 . SRI. MOHAMAD SAB S/O KHAZI SAB JATIGAR ALIAS BADIGERE AGED ABOUT60YEARS R/O PURADAKERE HEREKERUR TALUK HAVERI. ...PETITIONERS121(BY SRI. M.V. HIREMATH, ADVOCATE) AND:

1. . THE PRINCIPAL SECRETARY DEPARTMENT OF REVENUE GOVERNMENT OF KARNATAKA M.S. BUILDING BENGALURU - 560 001. 2 . SRI. SRINGERI MUTT VIDABHINAVA NARASIMHA BHARATI SWAMI GURU SACHIDANANDA SHANKAR BHARATI SWAMIGALU, KUDLI SHIVAMOGGA TALUK SHIVAMOGGA - 577 227. 3 . THE TAHASILDHAR HIREKERUR TALUK HAVERI - 581 111. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1 & R-3 R-2 SERVED) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE PROVISIONS OF SECTIONS2 7, 11, 20 OF THE KARNATAKA LAND GRABBING AND PROHIBITION ACT OF 2011 AS VOID, ARBITRARY, UNJUST AS THEY ARE VIOLATIVE OF PROVISIONS OF THE CONSTITUTION OF INDIA. IN W.P. NO.22817/2018: BETWEEN: SRI. MANJUNATHA AGED ABOUT49YEARS S/O LATE GOVINDAPPA R/AT H. THIMMAPURA VILLAGE122BELENHALLI POST, KASABA HOBLI TARIKERE TALUK, CHIKKAMAGALURU DISTRICT - 577 228. ...PETITIONER (BY SRI. PUNDIKAI ISHWARA BHAT, ADVCOATE) AND:

1. . THE STATE OF KARNATAKA REP. BY ITS SECRETARY DEPARTMENT OF FOREST M.S. BUILDING BENGALURU - 560 001. 2 . THE DEPUTY CONSERVATOR OF FOREST, FOREST DEPARTMENT BHADRAVATHI DIVISION BHADRAVATHI, SHIVAMOGGA DISTRICT - 577 301. 3 . THE ASSISTANT CONSERVATOR OF FOREST, FOREST DEPARTMENT

TARIKERE SUB DIVISION TARIKERE CHIKKAMAGALURU - 577 228. 4 . THE RANGE FOREST OFFICER FOREST DEPARTMENT LAKKAVALLI RANGE TARIKERE TALUK CHIKKAMAGALURU DISTRICT - 577 228. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1 TO R-4) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE

ORDER
DATED1512.2017 PASSED BY KARNATAKA LAND GRABBING PROHIBITION123SPECIAL COURTS, BENGALURU IN L.G.C.(T)NO.1984/2017 (ANNEXURE-A) IN W.P. NO.22837/2018: BETWEEN: M/S VINAYAKA BUILDERS AND DEVELOPERS, A REGISTERED PARTNERSHIP FIRM, HAVING ITS OFFICE AT101 LAKSHMINARAYAN COMPLEX, PALACE ROAD VASANTHANAGAR BENGALURU - 560 052 REPRESENTED BY ITS AUTHORIZED SIGNATORY SRI. K.M. LINGARAJA. ...PETITIONER (BY SRI. CHANDAN K, ADVOCATE) AND: THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT M.S. BUILDING, 5TH FLOOR BANGALORE - 560 001. RESPONDENT (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 ('THE ACT') AND QUASH THE PROCEEDINGS IN LGC (S) NO.1611 OF 2017 IN KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, KANDAYA BHAVANA ('THE SPECIAL COURT') 124 VIDE ANNEXURE-D IN SO FAR AS THE PETITIONER IS CONCERNED. IN W.P. NO.23435/2018: BETWEEN:

1. . SRI. B.S. PATIL AGED ABOUT63YEARS S/O SANGANAGOUDA PATIL. 2 . SMT. SHANTA PATIL AGED ABOUT59YEARS W/O B.S. PATIL. NO112 SECTOR II2D CROSS7H MAIN, NOBO NAGAR BANNERGHATTA ROAD BENGALURU - 560 076. ...PETITIONERS (BY SRI. RAMESHCHANDRA, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT M.S. BUILDING BENGALURU - 560 001 BENGALURU CITY. 2 . ASSISTANT EXECUTIVE ENGINEER SWD, BBMP, BOMMANAHALLI BENGALURU - 560 068. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1; SRI. N.R. JAGADEESWARA, ADVOCATE FOR R-2) 125 THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH ANNEXURE-A

ORDER
DATED2901.2018 TAKING COGNIZANCE IN L.G.C.No.(G) NO.131 OF 2018 AGAINST THE PETITIONER'S ON THE FILE OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BENGALURU. IN W.P. NO.23437/2018: BETWEEN: SMT. UMA AGED ABOUT65YEARS W/O SUBRAMANYAM NO.122B, 2ND CROSS7H MAIN, NOBO NAGARA BANNERGHATTA ROAD BENGALURU - 560 076. ...PETITIONER (BY SRI. RAMESHCHANDRA, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT M.S. BUILDING BENGALURU - 560 001 BENGALURU CITY. 2 . ASSISTANT EXECUTIVE ENGINEER SWD, BBMO, BOMMANAHALLI BENGALURU - 560 068. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1; R-2 SERVED) 126 THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH ANNEXURE-A

ORDER
DATED2901.2018 TAKING COGNIZANCE AGAINST THE PETITIONER ON THE FILE OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BENGALURU. IN W.P. NO.23819/2018: BETWEEN: SRI. RAMARAYA NAYAK AGED ABOUT67YEARS S/O LATE K.N. NAYAK NO.113, BHAGYASHREE NILAYA2D CROSS, 7TH MAIN, SECTOR II NOBO NAGARA, BANNERGHATTA ROAD, BENGALURU - 560 076. ...PETITIONER (BY SRI. RAMESHCHANDRA,

ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT M.S. BUILDING BENGALURU - 560 001 BENGALURU CITY. 2 . ASSISTANT EXECUTIVE ENGINNER SWD, BBMO BOMMANAHALLI BENGALURU - 560 068, RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1; R-2 SERVED) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA127PRAYING TO QUASH ANNEXURE-A

ORDER
DATED2901.2018 TAKING COGNIZANCE IN L.G.C.NO.(G) NO.133 OF 2018 AGAINST THE PETITIONER ON THE FILE OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BENGALURU. IN W.P. NO.25761/2018: BETWEEN: G. LAKSHMANAPPA S/O LATE GOVINDAPPA AGED ABOUT65YEARS R/A KADIVANAKATTE VILLAGE HEBBALLI PSOT HOSADURGA TLAUK, CHITRADURGA DISTRICT - 577 554. ...PETITIONER (BY SRI. VIRUPAKSHAIAH P.H, ADVOCATE) AND:

1. . STATE OF KARNATAKA REPRESENTED BY PRINCIPAL SECRETARY REVENUE DEPARTMENT M.S. BUILDING BANGALORE - 560 001. 2 . THE DEPUTY COMMISSIONER CHITRADURGA DISTRICT CHITRADURGA - 577 501. 3 . THE ASSISTANT COMMISSIONER HOSADURGA SUB DIVISION CHITRADURGA - 577 527. 4 . THE TAHSILDAR HOSADURGA TALUK CHITRADURGA - 577 527. RESPONDENTS128(BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 (KARNAATAKA ACT382014) AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLE14 20, 21 AND300A AND / OR IN THE ALTERNATIVE. IN W.P. NO.25768/2018: BETWEEN: SRI. MUTHAPPA B.K S/O LATE KORAGAPPA AGED ABOUT66YEARS RESIDING AT PODAVADA VILLAGE KARADA,

NAPOKLU HOBLI MADIKERI TALUK KODAGU DISTRICT - 574 214. ...PETITIONER (BY SRI. RANJAN KUMAR K, ADVOCATE) AND:

1. . THE REVENUE INSPECTOR NAPOKLU HOBLI MADIKERI TALUK - 574 214. 2 . THE TAHSILDAR MADIKERI TALUK COORG DISTRICT - 571 201. 3 . THE DEPUTY COMMISSIONER MADIKERI TALUK MADIKERI DISTRICT - 571 201. 4 . THE STATE OF KARNATAKA129REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT VIDHANA SOUDHA BENGALURU - 560 001. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1 TO R-4) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE

ORDER
DATED0501.2018 PASSED BY THE COURT OF THE LAND GRABBING PROHIBITION SPECIAL COURT IN LGC (T) NO.1694/2017 (ANNEXURE-J). IN W.P. NO.26054/2018: BETWEEN: SRI. NAMBUDAMADA PRAKASH S/O MACHAIAH AGED ABOUT51YEARS RESIDING AT V. BADAGA VILLAGE VEERAJPET TALUK KODAGU DISTRICT - 571 218. ...PETITIONER (BY SRI. VENUGOPAL M.S, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY VIDHANA SOUDHA BENGALURU - 560 001. 2 . THE PRINCIPAL SECRETARY TO GOVERNMENT REVENUE DEPARTMENT130M.S. BUILDING DR. B.R. AMBEDKAR VEEDHI BENGALURU - 560 001. 3 . THE THASILDAR VEERAJPET TALUK KODAGU DISTRICT - 571 218. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1 TO R-3) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE SECTION4AND5OF THE KARNATAKA LAND GRABBING PROHIBITION ACT 2011 AS UN CONSTITUTIONAL AND STRIKE DOWN THE SAME VIDE ANNEXURE-A. IN W.P. NO.26481/2018: BETWEEN:

1. SMT. K.S. KAVANA W/O B/G. ANANDA PRAKASH AGED ABOUT36YEARS BADAVANADINNE, KOLUR VILLAGE KENJIGE POST, BANAKAL HOBALI

MUDIGERE TALUK - 577 132.

2. SRI. B.G. ANANDA PRAKASH S/O B.P. GAPALAGOWDA AGED ABOUT43YEARS AGROCITIROST, BADAVANADINNE KOLUR VILLAGE, KENJIGE POST BANAKAL HOBALI MUDIGERE TALUK - 577 132 CHIKKAMAGALUR DISTRICT. PETITIONERS (BY SRI. SUYOG, ADVOCATE FOR SRI. ARUNA SHYAM M, ADVOCATE) 131 AND:

1. THE STATE OF KARNATAKA DEPARTMENT OF REVENUE M.S. BUILDING BANGALORE - 560 001 REPRESENTED BY ITS SECRETARY.

2. SRI. B.B. LINGARAJU S/O BHADRAYYA AGED ABOUT45YEARS AGRICULTURIST, BADAVANADINNE KOLUR VILLAGE, KENJIGE POST BANAKAL HOBALI MUDIGERE TALUK - 577 132 CHIKKAMAGALUR DISTRICT. RESPONDENTS (BY SRI. PRABHILING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA; SMT. KAVITHA H.C, HCGP FOR R-1; SRI. SANDESH A.S, ADVOCATE FOR R-2) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT 2011 AS ULTRA VIRES THE CONSTITUTION OF INDIA AND SAID ACT IS NO APPLICABLE TO THE PETITIONER. IN W.P. NO.26545/2018: BETWEEN:

1. . GAVI RANGAIAH @ GAVI RANGAPPA S/O RAMAIAH AGED ABOUT55YEARS. 2 . MALLAPPA S/O HANUMANTHAPPA AGED ABOUT60YEARS. 132 3 . MURTHY NAIKA S/O SOMLA NAIKA AGED ABOUT50YEARS. 4 . T.H. SIDDAIAH S/O HANUMANTHAPPA AGED ABOUT60YEARS. ALL ARE AGRICULTURISTS AND R/A KATHEHOLE VILLAGE UDUVALLI POST, HIRIYUR TALUK CHITRADURGA DISTRICT - 577 598. ...PETITIONERS (BY SRI. VIRUPAKSHAIAH P.H, ADVOCATE) AND:

1. . STATE OF KARNATAKA REPRESENTED BY PRINCIPAL SECRETARY, REVENUE DEPARTMENT, M.S. BUILDING BANGALORE - 560 001. 2 . THE DEPUTY COMMISSIONER CHITRADURGA DISTRICT CHITRADURGA - 577 501. 3 . THE TAHSILDAR HIRIYUR TALUK CHITRADURGA DISTRICT - 577 598. RESPONDENTS (BY SRI. PRABHILING K NAVADAGI, AG A/W SRI. V.

SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1 TO3 THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA133PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 (KARNATAKA ACT38OF2014 AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLE14 20, 21 AND300A AND / OR IN THE ALTERNATIVE. IN W.P. NO.26546/2018: BETWEEN:

1. . LAKKAMMA W/O KARIYAPPA AGED ABOUT60YEARS. 2 . HONNANAYAKA S/O RANGANAYAKA AGED ABOUT80YEARS. BOTH THE PETITIONERS ARE AGRICULTURISTS AND R/A KATHEHOLE VILLAGE UDUVALLI POST, HIRIYUR TALUK CHITRADURGA DISTRICT - 577 598. ...PETITIONERS (BY SRI. VIRUPAKSHAIAH P.H, ADVOCATE) AND:

1. . STATE OF KARNATAKA REPRESENTED BY PRINCIPAL SECRETARY REVENUE DEPARTMENT M.S. BUILDING BANGALORE - 560 001. 2 . THE DEPUTY COMMISSIONER CHITRADURGA DISTRICT CHITRADURGA - 577 501. 3 . THE TAHSILDAR HIRIYUR TALUK CHITRADURGA134DISTRICT - 577 598. RESPONDENTS (BY SRI. PRABHILING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 (KARNATAKA ACT38OF2014 AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLE14 20, 21, AND300A AND / OR IN THE ALTERNATIVE. IN W.P. NO.27912/2018: BETWEEN:

1. . RAMESH PADATHARE S/O BAPURAO AGED ABOUT53YEARS. 2 . ANNAPOORNA BAI W/O LAKSHMANARAO PADTHARE AGED ABOUT39YEARS. PETITIONERS1AND2ARE RESIDENTS OF GANDHINAGAR VILLAGE, SUNNADAHALLI POST BHADRAVATHI TALUK - 577 302 SHIVAMOGGA DISTRICT. ...PETITIONERS (BY SRI. S V PRAKASH, ADVOCATE) AND:

1. . STATE OF KARNATAKA REVENUE DEPARTMENT BY ITS PRINCIPAL SECRETARY VIDHANA SOUDHA DR. B.R. AMBEDKAR VEEDHI BENGALURU - 560 001. 135 2 . MANJUANTH G S/O GOVINDAPPA AGED ABOUT29YEARS

RESIDENT OF GANDHINAGAR VILALGE, BHADRAVATHI TALUK - 577 302 SHIVAMOGGA DISTRICT. RESPONDENTS (BY SRI. PRABHILING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1; SRI. D. BASAVARAJU, ADVOCATE FOR R-2) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 AS UNCONSTITUTIONAL AND DECLARE THAT THERE HAS BEEN NO LAND GRABBING ON THE PART OF THE PETITIONERS IN RESPECT OF2ACRES OF AGRICULTURAL LAND IN SY. No.13/44/P70 O YAREHALLI VILLAGE AND A HOUSE SITE BEARING NO.152400103100501020 OF YAREHALLI VILLAGE. IN W.P. NO.28214/2018: BETWEEN: SRI. H.K. BASAVEGOWDA S/O KALASEGOWDA AGED ABOUT61YEARS RESIDING AT HONNALLI MAGUNDI VILLAGE NARASIMHARAJAPURA TALUK CHIKKAMAGALUR DISTRICT - 577 134. ...PETITIONER (BY SRI. VENUGOPAL M.S, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA136REPRESENTED BY ITS CHIEF SECRETARY VIDHANA SOUDHA BENGALURU - 560 001. 2 . THE PRINCIPAL SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT, M.S. BUILDING DR. B.R. AMBEDKAR VEEDHI BENGALURU - 560 001. 3 . THE RANGE FOREST OFFICER BALEHONNUR RANGE NARASIMHARAJAPURA TALUK CHIKKAMAGALUR DISTRICT - 577 134. RESPONDENTS (BY SRI. PRABHILING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE KARNATKAK LAND GRABBING PROHIBITION ACT 2011 AS UN CONSTITUTIONAL AND STRICKE DOWN THE SAME VIDE ANNEXURE-A. IN W.P. NO.28215/2018: BETWEEN: SMT. JANAKI W/O LATE KANTHU MUKHARI AGED ABOUT70YEARS RESIIDNG AT KUCHCHIGUDDE DARKHASTH HOUSE, DOOR NO118 SHIMANTHOORU VILLAGE, MULKI HOBLI, MANGALORE - 574 154. ...PETITIONER (BY SRI. VENUGOPAL M.S. ADVOCATE) 137 AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY VIDHANA SOUDHA BENGALURU - 560 001. 2 . THE PRINCIPAL SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT, M.S. BUILDING DR. B.R. AMBEDKAR VEEDHI BENGALURU - 560 001. 3 . THE SPECIAL THASILDAR MULKI , MANGALORE TALUK D.K. DISTRICT - 574 154. RESPONDENTS (BY SRI. PRABHILING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE KARNATAKA LAND GRABBING PROHIBITION ACT 2011 AS UN CONSTITUTIONAL AND STRIKE DOWN THE SAME VIDE ANNEX-A. IN W.P. NO.28637/2018: BETWEEN: SANGAMESHWARA COFFEE ESTATES LTD., A COMPANY INCORPORATED UNDER THE COMPANIES ACT1956 HAVING ITS REGISTERED AND ADMINISTRATIVE OFFICES138AT NO.1/8, ARTILLERY ROAD ULSOOR, BENGALURU - 560 008 REPRESENTED BY ITS MANAGING DIRECTOR, MR.S. APPADURAI AGED ABOUT50YEARS S/O MR. SRI. RAM. ...PETITIONER (BY SRI. APPAIAH P.B, ADVOCATE) AND:

1. . STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY VIDHANA SOUDHA DR. B.R. AMBEDKAR VEEDHI BENGALURU - 560 001. 2 . THE DEPUTY COMMISSIONER CHIKMAGALUR DISTRICT CHIKMAGALUR - 577 101. 3 . THE TAHSILDAR CHIKMAGALUR TALUK CHIKMAGALUR DISTRICT CHIKMAGALUR - 577 101. 4 . THE REVENUE INSPECTOR JAGRA HOBLI, CHIKMAGALUR TALUK, CHIKMAGALUR DISTRICT CHIKMAGALUR - 577 101. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 (KARNATAKA ACT NO.38 OF2014 IN UN-CONSTITUTIONAL AS IT VILATES THE PETITIONER'S RIGHT TO A FREE AND FAIR TRIAL139GUARANTEED UNDER ARTICLE21OF THE CONSTITUTION OF INDIA. IN W.P. NO.29281/2018: BETWEEN: ASHOK MADIVALA S/O MANJAPPA AGED ABOUT58YEARS VENOOR HOBLI & VILLAGE BELTHANGADY TALUK D.K. DISTRICT. ...PETITIONER (BY SRI. SHRIHARI K, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA DEPARTMENT OF REVENUE REPRESENTED BY ITS SECRETARY M.S. BUILDING, BANGALORE - 560 001 REPRESETED BY ITS SECRETARY. 2 . THE TAHASILDAR BELTHANGADY TALUK D.K. DISTRICT - 574 214. 3 . THE DEPUTY COMMISSIONER D.K. DISTRICT - 574 214. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1 TO3 THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT 2011 AS ULTRA VIRES THE CONSTITUTION OF INDIA. 140 IN W.P. NO.32121/2018: BETWEEN: SRI. SATHISH S/O LATE M. GURUSHANTAIAH AGED ABOUT38YEARS RESIDENT OF BEGUVALLI TUDUR POST, TIRTHAHALLI TALUK SHIVAMOGGA DISTRICT. ...PETITIONER (BY SRI. SAMMITH S, ADVOCATE FOR SRI. SHIVANANDA, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESETNED BY ITS PRINCIPAL SECRETARY REVENUE DEPARTMENT VIKASA SOUDHA BENGALURU - 560 001. 2 . THE RANGE FOREST OFFICER MANDAGADDE DIVISION/RANGE MANDAGADDE AT & POST - 577 220 THIRTHAHALLI TALUK SHIVAMOGGA DISTRICT RESPONDENTS (BY SRI. PRBHULING K. NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE PROCEEDINGS IN CASE No.LGC (G) 2284/2017 ON THE FILE OF THE HON'BLE SPECIAL COURT FOR PREVENTION OF LAND GRABBING, KANDAYA BHAVAN, BANGALORE PRODUCED AT ANNEXURE-G AS AGAINST THE PETITIONER HEREIN. 141 IN W.P. NO.33339/2018: BETWEEN:

1. . BORALINGAIAH S/O RAMAIAH AGED ABOUT48YEARS2. CHIKKANNA S/O RANGAPPA, AGED ABOUT52YEARS. 3 . NINGAPPA S/O HANUMANTHAPPA AGED ABOUT50YEARS. 4 . PATHAPPA S/O UGRAPPA, AGED ABOUT60YEARS. 5 . KENCHAMMA W/O LACHHAPPA, AGED ABOUT60YEARS. 6 . MOHAN S/O MANNANGATTAPPA, AGED ABOUT40YEARS. 7 . MARIMUTTU S/O MANNANGATTAPPA, AGED ABOUT55YEARS. 8 . GANGAJJI W/O LAXMIAH, AGED ABOUT75YEARS. 9 .

ANGAYAMMA D/O MARIYAPPA, AGED ABOUT70YEARS. ALL THE PETITIONERS ARE AGRICULTURIST R/A KATHEHOLE VILLAGE UDUVALLI POST, HIRIYUR TALUK, CHITRADURGA142DISTRICT - 577 598. ...PETITIONERS (BY SRI. VIRUPAKSHAIAH P.H, ADVOCATE) AND:

1. . STATE OF KARNATAKA REPRESENTED BY PRINCIPAL SECRETARY, REVENUE DEPATMENT M.S. BUILDING, BANGALORE - 560 001. 2 . THE DEPUTY COMMISSIONER CHITRADURGA DISTRICT CHITRADURGA - 577 501. 3 . THE ASSISTANT COMMISSIONER CHITRADUGA SUB-DIVISION, CHITRADURGA - 577 501. 4 . THE TAHSILDAR HIRYUR TALUK, HIRIYUR CHITRADURGA DISTRICT - 577 598. RESPONDENTS (BY SRI.PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 (KARNATAKA ACT38OF2014 AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATION OF ARTICLE14 20, 21 AND300A AND / OR IN THE ALTERNATIVE. IN W.P. NO.33741/2018: BETWEEN:

1. . NAGARAJ143S/O LATE BASAPPA RESIDING AT DASALU KUNTE VILLAGE, C.N. DURGA HOBLI KORATIKERE TALUK TUMKUR DISTRICT - 572 129. 2 . MANJUNATHA S/O NAGARAJ AGED ABOUT30YEARS. BOTH ARE RESIDING AT DASALU KUNTE VILLAGE C.N. DURGA HOBLI KORATIKERE TALUK TUMKUR DISTRICT - 572 129. ...PETITIONERS (BY SRI. SRIKANTH N.V, ADVOCATE) AND:

1. . STATE OF KARNATAKA DEPARTMENT OF REVENUE REPRESENTED BY ITS PRINCIPAL SECRETARY VIDHANA SOUDHA BENGALURU - 01. 2 . DEPUTY CONSERVATOR OF FOREST FOREST DEPARTMENT BHADRAVATHI DIVISION BHADRAVATHI, SHIMOGGA DISTRICT - 577 301. 3 . ASSISTANT CONSERVATOR OF FOREST, FOREST DEPARTMENT TARIKERE SUB DIVISION TARIKERE, CHIKMAGALORE DISTRICT - 577 528. 144 4 . THE RANGE FOREST OFFICER FOREST DEPARTMENT LAKKAVALLI RANGE TARIKERE TALUK, CHIKMAGALORE DISTRICT - 577 528.

RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE NOTICES DATED2203.2018 ISSUED BY THE SPECIAL COURT CONSTITUTED UNDER THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 INTIMATING THE PETITIONERS THAT THE SUIT IN O.S. NO.132/2016 PENDING ON THE IFLE OF CIVIL JUDGE, TARIKERE FILED BY THE PETITIONERS AGAINST THE R-2 TO4STANDS TRANSFERRED TO THE SPECIAL COURT CONSTITUTED UNDER SECTION20KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 AND NUMBERED AS L.G.C. (T)NO.1992/2017 AND THE PETITIONERS ARE REQUIRED TO APPEAR BEFORE THE SPECIAL COURT AS PER ANNEXURE-A AND B. IN W.P. NO.34292/2018: BETWEEN:

1. . SRI. MAHABOOB SAB S/O BELLARI VALISAB AGED ABOUT42YEARS. 2 . SRI. ZAKRIYA S/O ALLAHA BAKSHI, AGED ABOUT54YEARS. 3 . SRI. NOORULLA S/O ALLAHA BAKSHI, AGED ABOUT39YEARS. 145 4 . SRI. MAHABOOB SAB S/O ALLAHA BAKSHI, AGED ABOUT40YEARS. 5 . MUJEEBUR REHAMAN S/O JABBAR SAB AGED ABOUT44YEARS. 6 . NOOR AHMED S/O RASOOL SAB AGED ABOUT45YEARS. 7 . SRI. HAJI ASADULLA S/O KHASIM SAB AGED ABOUT52YEARS. 8 . SRI. IMTIYAZ S/O SHA KHAN AGED ABOUT50YEARS. 9 . SRI. ABDULLA S/O DODDA HONNUR SAB AGED ABOUT53YEARS. 10 . FAZULLA S/O ALLABAKSHI AGED ABOUT48YEARS. 11 . NOOR AHMED S/O ALLABAKSHI AGED ABOUT51YEARS. 12 . SRI SUBAN SAB S/O HUSEN SAB AGED ABOUT47YEARS. 13 MAMADI S/O NABI SAB AGED ABOUT38YEARS. 14 . NAHEEM S/O ABDUL REHAMAN AGED ABOUT45YEARS. 146 15 . KHADAR BASHA S/O ABBAS SAB AGED ABOUT49YEARS. 16 . HAJI LAL KHAJAHUSSAN S/O DODDA HUNNUR SAB AGED ABOUT52YEARS. 17 . SRI JEELAN S/O RASOOL SAB AGED ABOUT58YEARS. 18 . SRI JABI S/O BASAPUR RAZAK SAB AGED ABOUT48YEARS. 19 . MOHAMMED GHOUSE S/O ALLAHA BAKSHI AGED ABOUT57YEARS. PETITIONERS1TO19ARE R/AT SY. NO.32, RAMPUR VILLAGE, MOLAKALMURU TALUK, CHITRADURGA DISTRICT - 577 535. ...PETITIONERS (BY SRI. NAVEED AHMED, ADVOCATE) AND:

1. . STATE OF KARNATAKA REP. BY ITS CHIEF SECRETARY GOVERNMENT OF KARNATAKA VIDHANA SOUDHA BANGALORE - 560 001. 2 . THE TAHSILDAR MOLAKALMURU TALUK, CHITRADURGA DISTRICT - 577 535. 147 3 . THE PANCHAYAT DEVELOPMENT OFFICER (PDO), RAMPUR VILLAGE MOALAKALMUR TALUK CHITRADURGA - 577 535. 4 . DISTRICT WAKF OFFICER CHITRADURGA DISTRICT CHITRADURGA577501. 5 . ABDUL BASHEER S/O ABDUL AZEEZ R/AT BB ROAD, 2ND WARD RAMPUR VILLAGE, MOALAKALMUR TALUKK CHITRADURGA - 577 535. 6 . R. NISAR AHMED DEPUTY TAHSILDAR RAMPUR VILLAGE, MOLAKALMUR TALUK, CHITRADURGA DISTRICT - 57 535. 7 . BELLARI VALISAB S/O IBRAHIMSAB AGE NO KNOWN. 8 . MASTAN SAB S/O BELLARI VALISAB AGE NO KNOWN. 9 . SAIFULLA S/O MAHABOOB SAB AGE NO KNOWN. 10 . MUJEEBUR REHAMAN S/O JABBER SAB, AGE NOT KNOWN. 11 . RAMESHA S/O PARAMESHWARAPPA, AGE NOT KNOWN. 12 . AZAM148S/O ABDUL HAFEEZ, AGE NOT KNOWN. 13 . M D R DADU S/O DOULA SAB, AGE NOT KNOWN. 14 . MALLIKARJUNA AGE NOT KNOWN. 15 . ASLAM S/O RAHAMATH SAB, AGE NOT KNOWN. 16 . AKRAM BASHA S/O PESUMOM SAB, AGE NOT KNOWN. 17 . FAKRU S/O IMAN SAB, AGE NOT KNOWN. 18 . MAHABOOB BASHA HIREHAL S/O BASHA SAB, AGE NOT KNOWN. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1 & 2; SRI. M. ANAND KUMAR, ADVOCATE FOR R-5; SRI. ASHWINI B.N, ADVOCATE FOR R-4 R-3, R-6 TO R-18 NOTICE NOT

ORDER

ED) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 PASSED BY THE R- 1 AS THE SAME IS HIGHLY ILLEGAL VIOLATIVE OFARTICLE14 19, 20, 21 AND300A OF THE CONSTITUTION OF INDIA. 149 IN W.P. No.34675/2018: BETWEEN: MR. JAI KISHAN VIRWANI MANAGING DIRECTOR EMBASSY CLASSIC PRIVATE LIMITED NO.101/102, EMBASSY CHAMBER5VITTAL MALLYA ROAD, BENGALURU-560 001. ...PETITIONER (BY SRI. AJESH KUMAR S, ADVOCATE) AND:

1. . STATE OF KARNATAKA REPRESENTED BY ITS SECRETARY DEPARTMENT OF REVENUE VIDHANA SOUDHA, AMBEDKAR VEEDHI, BENGALURU-560 001. 2 . BRUHAT BENGALURU MAHANAGARA PALIKE REPRESENTED BY ITS COMMISSIONER N.R.CIRCLE, BENGALURU-560 002. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H.C., HCGP FOR R-1; BY SRI. I.G. GACHCHINAMATH, ADVOCATE FOR R-2) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE " SUO MOTU COMPLAINT INITIATED" AND THE IMPUGNED

ORDER
DATED2906.2018 PASSED BY THE HON'BLE KARNATAKA LAND GRABBBING PROHIBITION SPECIAL COURT. KANDAYA BHAVAN, BANGALORE-560 009 IN L.G.C(S) NO.855 OF 2017 AND ALL FURTHER PROCEEDINGS THEREAFTER PENDING BEFORE THE KARNATAKA150LAND GRABBING PROHIBITION SPECIAL COURT AS PER ANNEXURE-A AND ETC. IN W.P. NO.35489/2018: BETWEEN: ADARSH DEVELOPERS NO.10, VITTAL MALLYA ROAD BENGALURU-560001 REPRESENTED BY ITS PARTNER B. M. KARUNESH S/O LATE B MADAIAH AGED ABOUT54YEARS ...PETITIONER (BY SRI. K. SHASHIKIRAN SHETTY, SR.CL. FOR SMT. LATHA S. SHETTY, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTEMNT M. S. BUILDING BENGALURU-560001. 2 . THE TAHSILDAR BENGALURU NORTH (ADDITIONAL) TALUK, BENGALURU-560066 3 . K. H, CHANDRASHEKAR, S/O LATE HANUMANTHARAYAPPA, AGED ABOUT53YEARS, R/O KOLIPURA VILLAGE JALA HALI B. K. HALLI POST, BENGALURU NORTH(ADDL) TALUK BENGALURU-562149 4 . S. RAMACHANDRAIAH, S/O LATE S MUNISWAMAPPA AGED ABOUT55YEARS, R/O UTTANAHALLI VILLAGE151JALA HOBLI CHIKKAJALA POST BENGALURU NORTH(ADDL) TALUK BENGALURU-562157 5 . S. L. NATARAJ S/O S N LAKSHMINARAYANA DIXHIT SIR M VISVESWARAIAH HOUSE BUILDING CO-OPERATIVE SOCIETY LIMITED NO.35, FIRST FLOOR5H A CROSS A SECTOR, YELAHANAK NEW TOWN BENGALURU-560064 RESPONDENTS

(BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H C., HCGP FOR R-1 AND R-2; BY SRI. B.S. ANILKUMAR, ADVOCATE FOR R-3; R-4 SERVED) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE PROCEEDINGS PENDING BEFORE EHT LAND GRABBING SPECIAL COURT IN PROCEEDINGS No.LGC(P) NO.310/ 2017 AS AGAINST THE PETITIONER FOR OFFENCE PUNISHABLE UNDER SECTION43]. OF THE KARNATAKA LAND GRABBING PHOHIBITION ACT2011[ANNEXURE-B]. AND ETC. IN W.P. No.36459/2018: BETWEEN:

1. . SRI C. GOVARDHAN REDDY S/O. C. CHANDRA SEKHAR REDDY, AGRICULTURIST, AGED ABOUT42YEARS2. SRI C. JANARDHAN REDDY S/O. C. CHANDRA SEKHAR REDDY, AGRICULTURIST, AGED ABOUT44YEARS152BOTH ARE RESIDENTS OF KOLAGAL VILLAGE, BELLARY TALUK & DISTRICT-583 101 ...PETITIONERS (BY SRI. RAGHUPATHY T. N., ADVOCATE) AND:

1. . STATE OF KARNATAKA REPRESENTED BY ITS PRINCIPAL SECRETARY, RENENUE DEPARTMENT, VIDHANA SOUDHA, AMBEDKAR VEEDHI, BENGALURU-560 001. 2 . THE DEPUTY COMMISSIONER OFFICE OF THE DEPUTY COMMISSIONER, STATION ROAD, BELLARY-583 101. 3 . THE TAHSILDAR OFFICE OF THE TAHSILDAR, STATION ROAD, BELLARY-583 101. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE PROCEEDINGS IN No.LGC[T]. NO.319/2018 BEFORE THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT INITIATED AS PER ANNEXURE-F AND ETC. IN W.P. No.36539/2018: BETWEEN:

153. SMT.PARVATHI W/O LATE MUTHU MOGERTHI AGED ABOUT49YEARS, OCC: AGRICULTURE R/AT DEVALGUNDA VILLAGE, KUNDAPURA TALUK, UDUPI DISTRICT ...PETITIONER (BY SRI. VIGHNESHWAR S SHASTRI, ADVOCATE) AND:

1. . STATE OF KARNATAKA REPRESENTED BY ITS SECRETARY DEPARTMENT OF REVENUE, M S BUILDING, BANGALORE-560001 2 . DEPUTY COMMISSIONER UDUPI DISTRICT, UDUPI-576101 3 . TAHASILDAR KUNDAPURA TALUK UDUPI DISTRICT-576217 RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE PROCEEDINGS IN CASE No.LGC(G) No.1427/2017 AND

ORDER
DATED1807.2018 ON THE FILE OF THE HON'BLE SPECIAL COURT FOR PREVENTION OF LAND GRABBING, KANDAYA BHAVAN, BANGALORE, AS AGAINST THE PETITIONER HEREIN AS PER ANNEXURE-D AND ETC. 154 IN W.P. No.36737/2018: BETWEEN: N. B. POOVIAH S/O. BOPAIAH AGED43YEARS, KANDANGALA VILLAGE, VIRAJPET TALUK KODAGU DISTRICT-571 218 ...PETITIONER (BY SRI. BASAVARAJ S, ADVOCATE) AND:

1. . THE STATE OF KARANATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT M. S. BUILDING BENGALURU-560 001 2 . THE RANGE FOREST OFFICER, VIRAJPET, KODAGU DISTRICT MADIKERI-571 218 3 . DEPUTY CONSERVATOR OF FOREST KODAGU DISTRICT MADIKERI-571 218 4 . TAHSILDAR VIRAJPET TALUK KODAGU DISTRICT MADIKERI-571 218 RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA155PRAYING TO QUASH THE CRIMINAL PROCEEDINGS PENDING BEFORE THE LAND GRABBING SPECIAL COURT IN PROCEEDINGS2732018 AGAINST THE PETITIONER UNDER SECTION9OF THE KARNATAKA LAND GRABBING PROHIBITION ACT 2011 VIDE ANNX-B AND ETC. IN W.P. No.36863/2018: BETWEEN:

1. . SMT. PARVATHI NACHIAPPAN W/O LATE R NACHIAPPAN AGED ABOUT82YEARS OCCUPATION: HOUSEHOLD R/AT NO.7, ABHISHEK APARTMENTS GANGAI STREET, BESENT NAGAR, CHENNAI-600 090. (NOTE:

SENIOR CITIZEN BENEFIT NOT CLAIMED BY THE PETITIONER) 2 . SRI. NACHIAPPAN RAMANATHAN, S/O LATE RAMANATHAN NACHIAPPAN AGED ABOUT30YEARS, OCC: AGRICULTURE, R/AT KUMARAN ESTATE HAKATTHUR, MADIKERI TALUK, KODAGU DISTRICT-571 201. ...PETITIONERS (BY SRI. PRASANNA V. R., ADVOCATE) AND:

1. . STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY VIDHANA SOUDHA BENGALURU-560 001. 2 . THE PRINCIAL SECRETARY TO GOVERNMENT REVENUE DEPARTMENT, M S BUILDING, DR.B. R. AMBEDKAR VEEDHI, BENGALURU-560 001. 156 3 . THE TAHSILDAR MADIKERI TALUK, MADIKERI , KODAGU DISTRICT-571 201. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN CASE No.LGC(G) No.265/2018 ON THE FILE OF THE SPECIAL COURT-I, BENGALURU, AS NOTIFIED IN NOTIFICATION DATED1703.2018, VIDE ANNEXURE-B AND ETC. IN W.P. No.39179/2018: BETWEEN: SMT K. A. MUTHAVVA W/O LATE SRI K. M. ACHAIAH, AGED ABOUT76YEARS, W/O LATE K. M. ACHAIAH, R/OF BENGUR-IVOTHOKLU VILLAGE, MADIKERI TALUK, KODAGU DISTRICT, NOW RESIDING AT PENSION LANE, MADIKERI TOWN, KODAGU DISTRICT-571201 ...PETITIONER (BY SRI. C.R. GOPALASWAMY, ADVOCATE) AND:

1. . STATE OF KARNATAKA MINISTRY OF URBAN & RURAL DEVELOPMENT, REP BY ITS CHIEF SECRETARY, VIKASA SOUDHA, AMBEDKAR VEEDHI, BENGALURU-560001 157 2 . THE TAHSILDAR MADIKERI TALUK, KODAGU DISTRICT-571201 3 . THE COMMISSIONER CITY MUNCIPAL COUNCIL, MADIKERI, KODAGU DISTRICT-571201 RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED

ORDER

DATED2212.2017 PASSED BY THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURTS AT BENGALURU VIDE No.LGC (T) No.LGC(T) No.1235/ 2017, O.S. No.98/2014 PRODUCED AT ANNEXURE-B AND ETC. IN W.P. No.40311/2018: BETWEEN: SRI Y.N. PADMANABHA SON OF Y. D. NANJEGOWDA AGED ABOUT50YEARS, RESIDENT OF LINGAPURA VILLAGE AREHALLI HOBLI, BELUR TALUK - 573121. REPRESENTED BY GPA HOLDER SRI Y. N. MALLESHGOWDA SON OF Y. D. NANJEGOWDA AGED ABOUT60YEARS RESIDENT OF LINGAPURA VILLAGE AREHALLI HOBLI, BELUR TALUK - 573121 ...PETITIONER158(BY SRI. SAMMITH S, ADVOCATE FOR SRI. SHIVANANDA S, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS PRINCIPAL SECRETARY REVENUE DEPARTMENT, VIKASA SOUDHA BENGALURU - 560001 2 . THE DEPUTY COMMISSIONER HASSAN DISTRICT, HASSAN - 573219 3 . THE ASSISTANT COMMISSONER SAKALESHPURA SUB DIVISION SAKALESHPURA - 573134 4 . THE TAHSILDAR SAKALESHPURA TALUK SAKALESHPURA - 573134 RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE

ORDER
PASSED IN CASE No.LGC (T) 110/2018, DATED1007.2018 ON THE FILE OF THE HON'BLE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURTS AT BENGALURU AT ANNEX-G AND ETC. IN W.P. No.41277/2018: BETWEEN: SRI. KESHAVAMURTHY K. C. 159 S/O SRI. CHIKKAPUTTAPPA, R/AT NO.86, K.NARAYANAPURA, KOTHANUR POST, K.R.PURAM HOBLI, BENGALURU EAST TALUK, BENGALURU-560077 ...PETITIONER (BY SRI. H.R. ANANTHA KRISHNAMURTHY, ADVOCATE) AND: THE TAHASILDAR BENGALURU EAST TALUK, BENGALURU-560 077. RESPONDENT (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION PRAYING TO QUASH THE IMPUGNED NOTICE DATED2108.2017 ISSUED BY THE R-1 VIDE ANNX-A

AND ETC. IN W.P. No.43275/2018: BETWEEN: S.L. NATARAJ S/O S.N.LAKSHMINARAYANA DIXIT, AGED52YEARS, SRI M.VISVESWRAIAH HOUSE BUILDING CO-OPERATIVE SOCIETY LIMITED, NO.35, FIRST FLOOR, 5TH 'A' CROSS, 'A' SECTOR, YELAHANKA NEW TOWN, BANGALORE-64. ...PETITIONER (BY SRI. S. K. ACHARYA, ADVOCATE) 160 AND:

1. . STATE OF KARNATAKA, REP. BY ITS CHIEF SECRETARY, VIDHANA SOUDHA, BANGALORE-560001. 2 . THE PRINCIPAL SECRETARY TO GOVERNMENT REVENUE DEPARTMENT, M.S.BUILDING, DR.B.R.AMBEDKAR VEDHI, BANGALORE-560001. 3 . K. H. CHANDRASHEKAR S/O LATE HANUMANTHARAYAPPA, AGED ABOUT54YEARS, R/O KOLIPURA VILLAGE, JALA HOBLI, B.K.HALLI POST, BANGALORE NORTH (ADDL.) TALUK, BANGALORE-562149. 4 . S. RAMACHANDRAIAH S/O LATE S.MUNISWAMAPPA, AGED ABOUT56YEARS, R/O UTTANAHALLI VILLAGE, JALA HOBLI, CHIKKAJALA POST, BANGALORE NORTH (ADDL.) TALUK, BANGALORE-562157. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H C., HCGP FOR R1 AND R2; BY SRI. B.S. ANILKUMAR, ADVOCATE FOR R3; R4- SERVED) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION PRAYING TO QUASH THE IMPUGNED PROCESS/

ORDER
DATED0803.2018 PASSED IN LGC (P) 310/2017 ON THE FILE OF THE KARNATAKA LAND GRABBING PROHIBITION161SPECIAL COURT, BENGALURU VIDE ANNEXURE-B AND TO DECLARE THE SAME AS ILLEGAL AND ETC. IN W.P. No.43352/2018: BETWEEN: SRI PADMANABHAIAH @ PADMANABHACHARI S/O SRI NARAYANASWAMY, AGED ABOUT50YEARS, R/O MYLANAHALLI HOBLI, JALA HOBLI, BENGALURU NORTH (ADNL) TALUK-560064 ...PETITIONER (BY SRI. SAMPATH BAPAT, ADVOCATE) AND:

1. . STATE OF KARNATAKA DEPT. OF REVENUE, AMBEDKAR VEEDHI, VIDHANA SOUDHA, BENGALURU-560001. REP. BY ITS SECRETARY. 2 . THE DEPUTY COMMISSIONER BENGALURU URBAN DISTRICT, BENGALURU-560064. 3 . THE TAHSILDAR, BENGALURU NORTH (ADNL) TALUK, MINI

VIDHANA SOUDHA, BENGALURU URBAN DISTRICT. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION PRAYING TO QUASH THE PROCEEDINGS INITIATED AGAINST THE PETITIONER IN CASE NO.L.G.C.[G]. No.233/2018 162 DATED0501.2018 VIDE ANNEXURE-K PENDING ON THE FILE OF KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT AND ETC. IN W.P. NO.45660/2018: BETWEEN:

1. SRI D PUTTARAJU S/O LATE THIMME GOWDA @ UGRE GOWDA AGED ABOUT70YEARS2 SRI D T SHANMUKHE GOWDA S/O LATE THIMMEGOWDA @ UGRE GOWDA AGED ABOUT48YEARS3 SRI VENKATESH S/O LATE MUDDE GOWDA, AGED ABOUT50YEARS4 SRI SREENIVAS S/O LATE MUDDE GOWDA, AGED ABOUT60YEARS5 SRI NAGESH S/O LATE NANJE GOWDA, AGED ABOUT40YEARS6 SRI BALAKRISHNA S/O LATE NANJE GOWDA, AGED ABOUT50YEARS7 SRI DEVARAJ S/O KARIYAPPA AGED ABOUT50YEARS8 SRI UMESH S/O PUTTARAJU AGED ABOUT40YEARS PETITIONERS18 ARE ALL RESIDENTS OF DODDENAHALLI VILLAGE GONDANAHALLI POST163BINDIGANAVILE POST NAGAMANGALA TALUK MANDYA DISTRICT - 571 432.

9. SRI D T LINGARAME GOWDA S/O LATE THIMME GOWDA @ UGRE GOWDA, R/AT BALEMARANAHALLI VILLAGE NOW CALLED AS LAKSHMISAGARA VILLAGE, DODDAGUPPENAHALLI POST, KASABA HOBLI, BHADRAVATHI TALUK, SHIVAMOGGA DISTRICT-577 229. ...PETITIONERS (BY SRI. K.N. PUTTEGOWDA, ADVOCATE) AND:

1. STATE OF KARNATAKA REP. BY PRINCIPAL SECRETARY TO GOVERNMENT, DEPARTMENT OF REVENUE M S BUILDING, DR B.R.AMBEDKAR VEEDHI, BENGALURU - 560 001.

2. STATE OF KARNATAKA BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, DEPARTMENT OF ANIMAL HUSBANDRY M.S.BUILDING, DR.B.R AMBEDKAR VEEDHI, BENGALURU-560 001.

3. THE DEPUTY DIRECTOR AMRUTH MAHAL BREEDING CENTER, AJJAMPURA, TARIKERE TALUK, CHICKKAMAGALURU DISTRICT-577 228.

4. THE TAHSHILDAR NAGAMANGALA TALUK, NAGAMANGALA, MANDYA DISTRICT - 571 432. 164 .RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP FOR R-1 TO R-4) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 (KARNATAKA ACT, 38/2014) AS ULTRA VIRES OF THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLES14 20, 21 & 300-A; WHICH IS MARKED AS ANNEXURE-A. IN W.P. No.47066/2018: BETWEEN: SRI SHADAKSHARI MANAGING DIRECTOR, RAMANASHREE GROUP, RAJARAM MOHAN ROY ROAD, BENGALURU-25 ...PETITIONER (BY SRI. H. R. ANANTHAKRISHNAMURTHY, ADVOCATE) AND: THE ASSISTANT EXECUTIVE ENGINEER STROM WATER DRAIN SUB- DIVISION, YELAHANKA ZONE, BBMP, BENGALURU- 560 064 RESPONDENT (BY SRI. I.G. GACHCHINAMATH, ADVOCATE) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION PRAYING TO (i)QUASH THE CASE

ORDER
IN LGC(S) NO.30/2017 PENDING BEFORE THE HON'BLE LAND GRABBING SPECIAL COURT (CH-2) PRODUCED VIDE ANNEXURE- H; (ii) FOR COSTS AND ANY OTHER RELIEF AS THIS HON'BLE COURT MAY DEEM FIT AND ETC. 165 IN W.P. No.47540/2018: BETWEEN: SRI. BASAVARAJAPPA SON OF LATE SUBBANNA AGED ABOUT50YEARS RESIDING AT HANAGAWADI VILLAGE, SASVEHALLI HOBLI HONNALI TALUK DAVANAGERE DISRTRICT PIN CODE-577 224. ...PETITIONER (BY SRI. SIDDAMALLAPPA P. M., ADVOCATE) AND:

1. . STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY VIDHANA SOUDHA BENGALURU-560 001. 2 . THE PRINCIPAL SECRETARY TO GOVERNMENT REVENUE DEPARTMENT M S BUILDING DR B. R.

AMBEDKAR VEEDHI BENGALURU-560 001 3 . THE TAHSILDAR HONNALI TALUK DAVANAGERE DISTRICT, PIN CODE-577 201. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION PRAYING TO166QUASH THE ENTIRE PROCEEDING IN CASE No.LGC(G) No.837/2018 ON THE FILE OF THE SPECIAL COURT-I, BENGALURU AS SUMMONS NOTICE DATED0108.2018 VIDE ANNX-B AND ETC. IN W.P. No.47543/2018: BETWEEN: SRI. VEERESH RAO SON OF LATE LAKSHMANA RAO AGED ABOUT48YEARS RESIDING AT HANAGAWADI VILLAGE SASVEHALLI HOBLI HONNALI TALUK DAVANAGERE DISTRICT PIN CODE-577 224 ...PETITIONER (BY SRI. SIDDAMALLAPPA P. M., ADVOCATE) AND:

1. . STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY VIDHANA SOUDHA BENGALURU-560 001 2 . THE PRINCIPAL SECRETARY TO GOVERNMENT REVENUE DEPARTMENT M. S. BUILDING DR. B. R. AMBEDKAR VEEDHI BENGALURU-560 001 3 . THE TAHSILDAR HONNALI TALUK DAVANAGERE DISTRICT PIN CODE-577 201 RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H C., HCGP) 167 THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN CASE No.LGC [G]. No.835/2018 ON THE FILE OF THE SPECIAL COURT-I, BENGALURU AS SUMMONS NOTICE DTD:

01. 08.2018 VIDE ANNEXURE-B AND ETC. IN W.P. No.47827/2018: BETWEEN: NANJUNDAPPA S/O MALUR VENKATAPPA, AGED ABOUT58YEARS, R/AT RENUKALAHALLI VILLAGE, MANDIKAL HOBLI, CHIKKABALLAPURA TALUK, CHIKKABALLAPURA DISTRICT-562104 ...PETITIONER (BY SRI. SHARATH S GOWDA, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA DEPARTMENT OF REVENUE, M.S BUILDING, BANGALORE-560001 REPRESENTED BY ITS PRINCIPAL SECRETARY2. THE TAHSHILDAR CHIKKABALLAPURA TALUK, CHIKKABALLAPURA DISTRICT-562101 3 . MOHAMMED HUSSAIN S/O

FAKRUDDIN SAB, AGED ABOUT58YEARS, R/AT GUDIBANDE TOWN, 3RD WARD, 'A' BLOCK, VINAYAKA NAGAR, GUDIBANDE TALUK, CHIKKABALLAPURA DISTRICT-561209 RESPONDENTS168(BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H C., HCGP FOR R-1 & R-2; SRI. M. ASWATHANARAYANA REDDY, ADVOCATE FOR R-3) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION PRAYING TO QUASH THE PROCEEDINGS INITIATED BEFORE THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT IN LGC [P]. No.2132/2017 VIDE ANNEXURE-A AND ETC. IN W.P. No.47841/2018: BETWEEN: THE ADARSHA EDUCATION SOCIETY SAUNDATTI TALUK RAIBAGH BELAGAVI DISTRICT BY ITS CHAIRMAN IRAGOWDA PATIL S/O DHULA GOWDA PATIL ...PETITIONER (BY SRI. K. R. SREENIVASA PATAVARDHAN, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS SECRETARY REVENUE DEPARTMENT M. S. BUILDING, BENGALURU-560 001 2 . THE TAHSILDAR RAIBAGH RAIBAGH TALUK BELGAVI DISTRICT-590 001 RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND169SMT. KAVITHA H C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN LGC (G) No.2457/2017 PENDING BEFORE THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT AT BENGALURU, PRODUCED AS ANNEXURE-H AND ETC. IN W.P. No.49013/2018: BETWEEN: DORESWAMY S/O DODDAMANE NANJE GOWDA AGED ABOUT65YEARS RESIDING AT ANCHEBEERANAHALLI VILALGE KIKKERI, HOBLI K. R. PETE TALUK, MANDYA DISTRICT PIN-571 423 ...PETITIONER (BY SRI. SHARATH S GOWDA, ADVOCATE) AND:

1. . STATE OF KARNATAKA DEPARTMENT OF REVENUE M S BUILDING BANGALORE-560 001 REPRESENTED BY ITS PRINCIPAL SECRETARY2. THE DEPUTY COMMISSIONER MANDYA DISTRICT MANDYA PIN CODE-571 401 3 . THE TAHSHILDAR K. R. PET TALUK MANDYA DISTRICT MANDYA PIN-571 426 170 4 . NAGENDRAPPA S/O LATE HORATI NARASIMHE GOWDA AGED ABOUT49YEARS, RESIDING AT ANGOL VILLAGE K. R. PET TALUK PIN-571

426 5 . SRI. PUTTEGOWDA S/O LATE TALEGOWDA AGEDA BOUT72YEARS RESIDING AT ANCHEBEERANAHALLI VILLAGE KIKKERI, HOBLI K. R. PETE TALUK MANDYA DISTRICT PIN-571 423 RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H.C., HCGP FOR R-1 TO R-3; SMT. CHANNAMMA.S, ADVOCATE FOR R-4; R-5 SERVED) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE PROCEEDINGS INITIATED BEFORE THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT IN LGC(P) No.1234/2018, VIDE ANNEXURE-A DATED2206.2018 AND ETC. IN W.P. No.49786/2018: BETWEEN: C. T. NANAIAH S/O LATE THIMMAIAH AGE61YEARS, KANOOR VILLAGE & POST, SOUTH KODAGU-571 216 ...PETITIONER171(BY SRI. KARUMBAIAH T. A., ADVOCATE) AND:

1. . STATE OF KARNATAKA REP BY CHIEF SECRETARY TO GOVERNMENT OF KARNATAKA VIDHANA SOUDHA DR B. R. AMBEDKAR ROAD BANGALORE-01 2 . STATE OF KARNATAKA REVENUE DEPARTMENT, M. S. BUILDING DR. B. R. AMBEDKAR ROAD BANGALORE-01 REP BY PRINCIPAL SECRETARY3. THE DEPUTY COMMISSIONER KODAGU DISTRICT MADIKERI KODAGU-571201 4 . THE TAHSILDAR VIRAJPET TALUK VIRAJPET KODAGU DISTRICT KODAGU-571218 RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLE226OF THE CONSTITUTION OF INDIA PRAYING TO QUASH ANNEXURE-E THE PROCEEDINGS IN LGC[T]. 336/2018 BEFORE THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT NO.II, BANGALORE AND ALL THE FURTHER PROCEEDINGS IN LGC[T]. NO.336/2018 AND ETC. 172 IN W.P. No.50668/2018: BETWEEN: B. T. SANJEEVAIAH S/O LATE THIMMEGOWDA, AGED ABOUT65YEARS, RESIDING AT BILLINA KOTE VILLAGE, SOMPURA HOBLI, NELAMANGALA TALUK, BANGALORE RURAL DISTRICT-562123 ...PETITIONER (BY SRI. LOKESH S. G., ADVOCATE) AND:

1. . B S JAYARAM S/O LATE SOMEGOWDA, BILLINAKOTE SOMPURA HOBLI, NELAMANGALA TALUK, BANGALORE RURAL DISTRICT-562123 2 . THE

TAHASILDAR NELAMANGALA TALUK, BANGALORE RURAL DISTRICT-562123 3 . THE PANCHAYATH DEVELOPMENT OFFICER KULUVANAHALLI PANCHAYATH, NELAMANGALA TALUK, BANGALORE RURAL DISTRICT-562123 RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H.C., HCGP FOR R-2; SRI. AJAY M.D., ADVOCATE FOR R-1; R-3 SERVED) THIS WRIT PETITION IS FILED UNDER ARTICLE226OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED

ORDER
I.E.,

ORDER
DATED2310.2018 PASSED BY THE HON'BLE SPECIAL COURT FOR PROHIBITION OF KARNATAKA LAND GRABBING173(COURT HALL NO.1) BANGALORE VIDE ANNEXURE-A AND ETC. IN W.P. No.51528/2018: BETWEEN:

1. . SRI N. K. RAMANNA AGED ABOUT58YEARS S/O LATE N K KRISHNASWAMY RESIDING AT KOPPA TALUK CHIKKAMAGALURU DISTRICT WORKING AS DEPUTY TAHASILDAR KOPPA, CHIKKAMAGALURU-577 126. 2 . SRI A. P. GANEYANAIK, AGED65YEARS, S/O LATE PEEKA NAIK, VINAYAKANAGAR, TARIKERE CHIKKAMANGALURU DISTRICT-577 228 3 . SRI H. MALLAPPA, AGED ABOUT72YEARS, S/O LATE HOCHILAPPA R/AT RANGENAHALLI, TARIKERE TALUK, CHIKKAMAGALUR DISTRICT-577 144 PETITIONER NOS2AND3NOT CLAIMING THE BENEFIT OF SENIOR CITIZENS. ...PETITIONERS (BY SRI. G. R. MOHAN, ADVOCATE) AND:

1. . STATE OF KARNATAKA REVENUE DEPARTMENT BY ITS PRINCIPAL SECRETARY VIDHANA SOUDHA, BENGALURU-560 001 174 2 . STATION HOUSE OFFICER N R PURA CIRCLE POLICE N R PURA TALUK, CHIKKAMAGALUR DISTRICT-577 RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLE226OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED

ORDER

DATED1207.2018 AS PER ANNEXURE-E IN L.G.C.[G]. 691/17 PENDING BEFORE THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT BENGALURU AND ETC. IN W.P. No.52017/2018: BETWEEN: SMT. K. R. SHANTHA W/O. LATE SRI. K. P. SRINIVAS AND D/O. LATE SRI. K. C. RAMAIAH, AGED ABOUT78YEARS, RESIDING AT No.65/2, RAM IYENGAR ROAD, V.V. PURAM, BENGALURU-560 004. ...PETITIONER (BY SRI. B. K. CHANDRASHEKAR, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS REVENUE SECRETARY, REVENUE DEPARTMENT, MULTISTORIED BUILDING, DR. AMBEDKAR ROAD, BANGALORE-560 001. 175 2 . THE REGISTRAR SPECIAL COURT FOR KARNATAKA LAND GRABBING PROHIBITION, III FLOOR, KANDAYA BHAVANA, K.G. ROAD, BENGALURU-560 009. 3 . THE THASSILDAR MINI VIDHANA SOUDHA BUILDING, DEVANAHALLI, BENGALURU RURAL DISTRICT- 56197. 4 . THE DEPUTY THASSILDAR NADA KACHERI, KUNDANA, DEVANAHALLI TALUK, BENGALURU RURAL DISTRICT-56197. 5 . THE REVENUE INSPECTOR VISHWANATHAPURA CIRCLE, VISHWANATHAPURA, KUNDANA HOBLI, DEVANAHALLI TALUK, BENGALURU RURAL DISTRICT-56197. 6 . THE VILLAGE ACCOUNTANT VISHWANATHAPURA CIRCLE, VISHWANATHAPURA, KUNDANA HOBLI, DEVANAHALLI TALUK, BENGALURU RURAL DISTRICT-56197.

7. KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT KHADAYA BHAVAN3D FLOOR, K.G. ROAD BANGALORE-01. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H.C., HCGP FOR R-1, R-3 TO R-6; 176 R-2 AND R-7 ARE DELETED V/O DT:

17. 07.2019) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED

ORDER

AND THE PROCEEDINGS INITIATED AS PER ANNEXURE-B AND NOTICE ANNEXURE-B DECLARING THAT THE PROCEEDINGS INITIATED IN PURSUANCE OF THE KARNATAKA LAND GRABBING PROHIBITION ACT 2011 IS VIOLATION OF NATURAL JUSTICE AND ETC. IN W.P. No.52106/2018: BETWEEN: SRI. VENKATESH S/O LATE BETTEGOWDA AGED ABOUT50YEARS, R/A NO.3 7TH CROSS, 60 FEET ROAD, J.

C. NAGAR, MAHALAKSHMIPURAM, BANGALORE-560086 ...PETITIONER (BY SRI. K.V. NARASIMHAN, ADVOCATE) AND:

1. . STATE OF KARNATAKA DEPARTMENT OF REVENUE M.S. BUILDING, DR. AMBEDKAR ROAD, BANGALORE-560001 REPRESENTED BY ITS SECRETARY2. BRUHATH BANGALORE MAHANAGARA PALIKE, N. R. SQUARE, BANGALORE-560001 3 . SRI. MUNNEGOWDA, S/O LATE AKKALLAPPA R/AT NO.73, 7TH CROSS, 60 FEET ROAD, J.

C. NAGAR MAHALAKSHMIPURAM, 177 BANGALORE-560086 RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H.C., HCGP FOR R-1; BY SRI. I.G. GACHCHINAMATH, ADVOCATE FOR R-2; R-3 SERVED) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE PROCEEDINGS IN L.G.C.[P]. No.1532/2018 ON THE FILE OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT AT ANNEXURE- H AND J AND ETC. IN W.P. No.53025/2018: BETWEEN: SRI A. N. RAMASWAMY, S/O LATE. A. NAGAPPA NAIK AGED ABOUT62YEARS, R/AT KAGGA VILALGE, KASABA HOBLI BOMBALAPURA POST KOPPA TALUK-577120 CHIKMAGALUR DISTRICT ...PETITIONER (BY SMT. RAKSHITHA D.J., ADVOCATE) AND:

1. . STATE OF KARNATAKA REVENUE DEPARTMENT, M. S. BUILDING, 5TH FLOOR, DR. AMBEDKAR ROAD, BANGALORE-560 001 REP BY ITS SECRETARY1782 . THE RANGE FOREST OFFICER KOPPA RANGE KOPPA-577120 CHIKMAGALUR DISTRICT RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE

CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED

ORDER

DATED0604.2018 VIDE ANNEXURE -A ISSUED BY THE SPECIAL COURT CONSTITUTED UNDER KARNATAKA LAND GRABBING PROHIBITION ACT, 2011, IN L.G.C.(G) No.509/2018 AND ETC. IN W.P. No.53049/2018: BETWEEN: G.S. MAHADEV S/O SONNE GOWDA, AGED ABOUT40YEARS GONUR VILLAGE, NARAYANAPURA POST, VIJAYAPURA HOBLI, DEVANAHALLI TALUK, BANGALORE RURAL DISTRICT-562 135 ...PETITIONER (BY SRI. C.M. NAGABUSHANA, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REP BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF REVENUE, M.S.BUILDINGS, DR.AMBEDKAR VEEDHI, BANGALORE-560 001. 179 2 . DEPUTY COMMISSIONER BANGALORE RURAL DISTRICT, VISHWANATHAPURA, DEVANAHALLI TALUK, BANGALORE RURAL DISTRICT-562 110 3 . TAHSILDAR DEVANAHALLI TALUK, DEVANAHALLI, BANGALORE RURAL DISTRICT-562 110 4 . MUNIKEMPANNA AGED ABOUT75YEARS S/O LATE KEMPANNA, 5 . ANAND KUMAR AGED ABOUT42YEARS S/O PRASANNA KUMAR6. G.V.VENKATASWAMMY AGED ABOUT55YEARS, S/O VENKATAPPA, 7 . SRINIVAS GOWDA AGED ABOUT55YEARS S/O CHOWDEGOWDA, 8 . G.N.LOKESH AGED ABOUT75YEARS S/O NARAYANASWAMY, 9 . BASAPPA AGED ABOUT67YEARS S/O HANUMANTHAPPA, 10 . RAMANNA AGED ABOUT62YEARS S/O MUNISHAMAPPA, 11 . GANESH AGED ABOUT36YEARS S/O LATE KRISHANAPPA, 180 12 . R.MANJUNATH AGED ABOUT38YEARS S/O RAMANNA, 13 . ASWATH G.C. AGED ABOUT39YEARS S/O CHANNARAYAPPA, 14 . G.M.MANJUNATH AGED ABOUT40YEARS S/O MUNIYAPPA, ALL ARE RESIDENTS OF GONUR AND GOLLAHALLI VILLAGE, NARAYANAPURA POST, VIJAYAPAURA HOBLI, DEVANAHALLI TALUK, BANGALORE RURAL DISTRICT-562 135. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H.C., HCGP FOR R-1 TO R-3; SMT. K. SHEELA ANISH, ADVOCATE FOR R-4 TO R-10 & R-12 TO R-14; R-11 SERVED &) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA

PRAYING TO QUASH THE PROCEEDINGS INITIATED BEFORE THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT IN LGC(P) No.208/2017 DATED2806.2017 AT ANNEX-J.

IN W.P. No.53204/2018: BETWEEN: K. S. DAYANANDSHETTY AGED80YEARS S/O SEENAPPA SHETTY T.D. HALLI , AREHALLI HOBLI, 181 BELUR TALUK, HASSAN DISTRICT-573101. ...PETITIONER (BY SRI. GOUTHAM A. R., ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT, M.S. BUILDING, BENGALURU - 560001. 2 . THE DISTRICT COMMISSIONER, HASSAN DISTRICT - 573201. 3 . THE DEPUTY COMMISSIONER SAKLESHPUR, HASSAN DISTRICT - 573134. 4 . TAHSILDAR BELUR TALUK, HASSAN DISTRICT - 573115. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE CRIMINAL PROCEEDINGS PENDING BEFORE THE LAND GRABBING SPECIAL COURT IN PROCEEDINGS NO.1121/2018 AGAINST THE PETITIONER UNDER THE PROVISIONS OF THE KARNATAKA LAND GRABBING PROHIBITION ACT 2011 PRODUCED AND MARKED ANNEXURE-B DATED2609.2018 AND ETC. IN W.P. No.53534/2018: BETWEEN:

182. 1 . SMT A SHAKUNTALA W/O LATE MUNIVENKATAPPA AGED ABOUT86YEARS, 2 . D. M PADMANABHA S/O LATE MUNIVENKATAPPA AGED ABOUT67YEARS, 3 . MR M MOHANSUNDAR S/O LATE MUNIVENKATAPPA AGED ABOUT64YEARS, 4 . MR. M RAJASHEKAR S/O LATE H B MUNIVENKATAPPA AGED ABOUT63YEARS, 5 . DR. M CHANDRASHEKARA W/O LATE H. B MUNIVENKATAPPA AGED ABOUT60YEARS, ALL ARE R/A. NO.314 "DWARAKA" INNER CIRLCE, WHITE FIELD, NEAR K.R. PURAM HOBLI, BENGALURU SOUTH-560 056 PETITIONERS ARE REPRESENTED BY G.P.A. HOLDER, SRI M. MOHANSUNDAR S/O LATE MUNIVENKATAPPA AGED ABOUT64YEARS, R/A. NO.314 "DWARAKA" INNER CIRCLE WHITE FILED NEAR K. R. PURAM HOBLI

BENGALURU SOUTH -560 056 ...PETITIONERS (BY SRI. MANMOHAN P. N., ADVOCATE) AND:

1. . STATE OF KARNATAKA183DEPARTMENT OF REVENUE M. S. BUILDING BANGALORE-56001 REPRESENTED BY ITS SECRETARY2. THE ASSISTANT EXECUTIVE ENGINEER BANGALORE DEVELOPMENT AUTHORITY NO.4 EAST SUB DIVISION BDA COMPLEX, HSR LAYOUT BENGALURU-560075 RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H.C., HCGP FOR R-1; SRI. GOWTHAMDEV C ULLAL, ADVOCATE FOR R-2) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE

ORDER
DATED1212.2017 PASSED BY THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BANGALORE (PRODUCED AS ANNEXURE-V) AND QUASH THE ENTIRE PROCEEDINGS PENDING ON THE FILE OF KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BANGALORE (PRODUCED AS ANNEXURE-V) INCLUDING THE COMPLAINT DATED1611.2017 FILED BY THE R-2 (PRODUCED AS ANNEXURE-S) AND/OR IN THE ALTERNATIVE AND ETC. IN W.P. No.53830/2018: BETWEEN:

1. . SRI. VENKATESH, S/O RAMAIAH AGED ABOUT53YEARS, RESIDING AT NO.162 C.K.B. LAYOUT BEHIND BIRIYANI ZONE MARATHAHALLI BENGALURU-560 037. 184 2 . SRI. THYAGAPPA, S/O DODDA VENKATARAMAIAH, AGED ABOUT67YEARS, RESIDING AT NO.162 C.K.B. LAYOUT BEHIND BIRIYANI ZONE MARATHAHALLI BENGALURU-560 037 ...PETITIONERS (BY SRI. C.R. SUBRAMANYA, ADVOCATE) AND: M/S. GREEN APARTMENTS ' REPRESENTED BY ITS LAND DEVELOPER YESHWARDHANA REDDY, S/O. LATE U. L. REDDY AGED ABOUT48YEARS, RESIDING AT NO.36 LAKE SHORE HOMES KASAVANAHALLI SARJAPURA ROAD, BENGALURU-560 035 RESPONDENT (BY SRI. K. A. PRAKASH, ADVOCATE) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE

ORDER

DATED0711.2018 PASSED IN LGC[S]. NO/80/2017 BY THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT NO.1 BANGALORE AND ETC. IN W.P. No.54914/2018: BETWEEN: MANJAPPAGOWDA S/O SHRINVASA AGED ABOUT50YEARS R/AT HITTALUGADDE, MALLAPURA VILLAGE, 185 BAVIKAISERU POST, MANDAGADDE HOBLI, THIRTHAHALLI TALUK, SHIMOGA DISTRICT-577 220. ...PETITIONER (BY SRI. PRASAD B. S., ADVOCATE) AND:

1. . STATE OF KARNATAKA DEPARTMENT OF REVENUE, M.S.BUILDING, BANGALORE-560 001 REPRESENTED BY ITS PRINCIPAL SECRETARY2. RANGE FOREST OFFICER MANDAGADDE RANGE, THIRTHAHALLI TALUK, SHIMOGA DISTRICT-577 220 RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE PROCEEDINGS INITIATED BEFORE THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT LGC[G]. No.882/2018 BY THE R-2 VIDE ANNEXURE-A AND ETC. IN W.P. No.55172/2018: BETWEEN:

1. B. B. GIRIDHAR SHANBHOG S/O B BHIMASEN RAO, AGED ABOUT50YEARS R/O BOMMAGHATTA VILLAGE, SANDUR TALUK BALLARI DISTRICT - 583128 186 2. MANKARI GURURAJ S/O LATE SRI M VITTAL MURTHY, AGED ABOUT50YEARS R/O BOMMAGHATTA VILLAGE, SANDUR TALUK BALLARI DISTRICT - 583128 ...PETITIONERS (BY SMT. RAKSHITHA V.N, ADVOCATE FOR SRI. RAGHAVENDRA RAO K, ADVOCATE) AND:

1. STATE OF KARNATAKA DEPARTMENT OF REVENUE M S BUILDING BENGALURU - 560001 REP BY ITS PRINCIPAL SECRETARY2 THE DEPUTY COMMISSIONER BALLARI DISTRICT BALLARI - 583101

3. THE ASSISTANT COMMISSIONER BALLARI TALUK BALLARI - 583101

4. THE REGISTRAR KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT KANDAYA BHAVANA BENGALURU - 560001

5. G R HULIKUNTACHAR S/OLATE SRI RAMACHAR AGED ABOUT64YEARS R/O BOMMAGHATTA VILLAGE, SANDUR TALUK BALLRI DISTRICT - 583128

6. J.HANUMANTHAPPA S/O JOGAIAH AGED ABOUT62YEARS R/O BOMMAGHATTA VILLAGE, 187 SANDUR TALUK BALLARI DISTRICT - 583128

7. BASAVANNA.T S/O J HANUMANTHAPPA AGED ABOUT69YEARS R/AT NO79 DEVARAGUDDANAHALLI, BALLARI DISTRICT- 583103

8. K. BASAPPA S/O MOKKABASAPPA AGED ABOUT50YEARS R/O DEVARAGUDDANAHALLI BALLARI DISTRICT - 583103

9. N RAGHAVENDRA S/O HANUMANTHAPPA J AGED ABOUT36YEARS R/O BOMMAGHATTA VILLAGE, SANDUR TALUK BALLARI DISTRICT - 583128

10. G CHINNAPARIPPA GOWDA S/O THIPPANNA GOWDA AGED ABOUT66YEARS R/O BOMMAGHATTA VILLAGE, SANDUR TALUK BALLARI DISTRICT - 583128 RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP FOR R-1 TO R-3; SRI. S.N. BHAT, ADVOCATE R-5 TO R-10) THIS WRIT PETITION IS FILED UNDER ARTICLE226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT SEC. 9

(1) WITH REFERENCE TO CONFERRING THE JURISDICTION ON SPECIAL COURT UNDER THE ACT ON AN APPLICATION MADE BY ANY PERSON IS VIOLATIVE OF ARTICLE14OF THE CONSTITUTION OF INDIA AND ALSO SEC. 4

(3) AND SEC. 9

(5) (b) OF THE KARNATAKA ACT NO.38/2014 ARE VIOLATIVE OF ARTICLES20AND21OF THE CONSTITUTION OF INDIA. 188 IN W.P. No.55214/2018: BETWEEN: K. VENKATESH AGED ABOUT54YEARS S/O LATE KRISHNAPPA R/AT NO.27/2, 2ND MAIN ATTIGUPPE, VIJAYANAGAR,

BENGALURU-560 001 ...PETITIONER (BY SRI. C.M. NAGABHUSHANA, ADVOCATE) AND:

1. STATE OF KARNATAKA REPRESENTED BY ITS SECRETARY REVENUE DEPARTMENT M.S.BUILDING, VIDHANA SOUDHA DR.AMBEDKAR VEEDHI BENGALURU-560 001 2. THE TAHASILDAR BENGALURU SOUTH TALUK BENGALURU-560 009 3. HEMANTH RAJU MAJOR IN AGE S/O LATE MUNIRAJU NO.32, ESHWAR TEMPLE ROAD RAMOHALLI, KENGERI HOBLI BENGALURU SOUTH TALUK BENGALURU-560 074 RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP FOR R-1 & R-2) THIS WRIT PETITION IS FILED UNDER ARTICLE226AND227OF THE CONSTITUTION OF INDIA189PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITITION ACT2011(KARNATAKA ACT382014) AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATION OF ARTICLE14 20, 21 AND300 AND ETC. IN W.P. No.56168/2018: BETWEEN:

1. MR G PULLA REDDY AGED ABOUT53YEARS SON OF MR G NARAYANA REDDY RESIDING AT BHARGAVA TOWER1T FLOOR, PLOT NO.1 AND20DINNUR MAIN ROAD, R T NAGAR BANGALORE-560 032 2. SRI RAMESH KUMAR TAINWALA AGED ABOUT62YEARS SON OF LATE MAHABEER PRASAD TAINWALA3 SRI ABHISHEK TAINWALA AGED ABOUT22YEARS SON OF RAMESH KUMAR TAINWALA4 SRI ANIL KUMAR TAINWALA AGED ABOUT60YEARS SON OF LATE MAHABEER PRASAD TAINWALA5 SRI GAGAN TAINWALA AGED ABOUT21YEARS SON OF ANIL KUMAR TAINWALA6 SRI LALITH KISHORE TAINWALA AGED ABOUT58YEARS SON OF LATE MAHABEER PRASAD TAINWALA1907. SRI KUNAL TAINWALA AGED ABOUT23YEARS SON OF LALITH KISHORE TAINWALA8 SRI DEEPAK KUMAR TAINWALA AGED ABOUT50YEARS SON OF LATE MAHABEER PRASAD TAINWALA9 KUMARI SANGAMITRA AGED ABOUT20YEARS DAUGHTER OF DEEPAK KUMAR TAINWALA10 KUMARI NAYAN TARA AGED ABOUT18YEARS DAUGHTER OF DEEPAK KUMAR TAINWALA PETITIONER NO.2 TO10RESIDING AT NO.10/1M SUNDERS ROAD CLEVELAND TOWN BANGALORE-560 005 ...PETITIONERS (BY SRI.

JAYAKUMAR S PATIL, SR. COUNSEL FOR SRI. SHAHUL HAMEED, ADVOCATE) AND:

1. STATE OF KARNATAKA REVENUE DEPARTMENT M S BUILDING5H FLOOR DR AMBEDKAR ROAD BENGALURU-560 001 REPRESENTED BY ITS SECRETARY2 SHRI R ASHWATH SON OF LATE RAMAIAH AGED ABOUT49YEARS RESIDING AT NO.157 191 PILLEGOWDA GARDEN DARGAPURA WARD NO.07 DODDABALLAPUR TOWN-561 203 BANGALORE RURAL DISTRICT RESPONDENTS (BY SRI PRABHULING K NAVADAGI, AG A/W SRI.V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP FOR R-1; SRI. R.B. SADASIVAPPA, ADVOCATE FOR R-2) THIS WRIT PETITION IS FILED UNDER ARTICLE226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITITION ACT2011(KARNATAKA ACT382014) AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLES14 20, 21 AND300 AND/OR IN THE ALTERNATIVE AND ETC. IN W.P. No.56187/2018: BETWEEN: H M RAGHUNATH S/O H C MANAPPA GOWDA AGED ABOUT52YEARS, RESIDING AT HOLEKOPPA BASAVANI VILLAGE, MUTHUR HOBLI THIRTHAHALLI TALUK SHIVAMOGGA DISTRICT-577432 ...PETITIONER (BY SRI. PARAMESWARAPPA C, ADVOCATE) AND:

1. STATE OF KARNATAKA BY LAW AND PARLIAMENTARY AFFAIRS VIDHANA SOUDHA BANGALORE-560 001 REPRESENTED BY ITS CHIEF SECRETARY1922. STATE OF KARNATAKA BY SECRETARY TO GOVT DEPARTMENT OF REVENUE M S BUILDING BANGALORE-560 001 3. STATE OF KARNATAKA BY SECRETARY TO GOVT DEPARTMENT OF REVENUE M S BUILDING BANGALORE-560 001 4. RANGE FOREST OFFICER THIRTHAHALLI RANGE THIRTHAHALLI-577432 5. H O CHANDRASHEKAR S/O OBANNA GOWDA MAJOR6 H M RAVINDRA S/O MANJAPPA GOWDA MAJOR7 SURESH S/O RAMANAIKA MAJOR RESPONDENTS NO.5 TO7ARE RESIDENTS OF HOLEKOPPA BASAVANI POST, MUTHUR HOBLI THIRTHAHALLI TALUK SHIVAMOGA DISTRICT-577 432 8. C S POORNESH S/O SHESHAPPANAIAKA MAJOR CHITTAKALLU,BASAVANI POST MUTHUR HOBLI THIRTHHALLI TALUK SHIVAMIOGGA DISTRICT PIN-577432. 193 RESPONDENTS (BY

SRI.PRABHULING K.NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP FOR R-1 TO R-4) THIS WRIT PETITION IS FILED UNDER ARTICLE226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITITION ACT2011(KARNATAKA ACT382014) AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLES14 20, 21 AND300 AND/OR IN THE ALTERNATIVE AND ETC. IN W.P. No.56410/2018: BETWEEN:

1. SRI A RAMARAJU S/O LATE M. ASHWATHARAJU AGED ABOUT65YEARS R/AT NO.29/130 M1T CROSS, HENNUR MAIN ROAD, GRACE TOWN, KALYANAGAR, BANGALORE-560043 2. SRI.M. KRISHNA RAJU S/O LATE MUNIYAPPA, AGED ABOUT66YEARS R/AT NO.9, P.R. CIRCLE, B.K.STREET, BANGALORE-560053 ...PETITIONERS (BY SRI. H.C.SHIVARAMU, ADVOCATE FOR SRI. B. KESHAAMURTHY, ADVOCATE) AND:

1. THE STATE OF KARNATAKA BY THE PRINCIPAL SECRETARY, DEPARTMENT OF REVENUE, 194 M.S.BUILDING, DR. AMBEDKAR ROAD, BANGALORE-01 2. THE TAHASILDAR K.R.PURAM TALUK BANGALORE EAST TALUK-560016 3. SRI.S. KRISHNAPPA S/O LATE SRIRAMULU, AGED ABOUT60YEARS R/AT NO.192, 2ND CROSS, ANANTHARAMAIAH COMPOUND, AZAD NAGAR, BANGALORE-560018 RESPONDENTS (BY SRI.PRABHULING K.NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C., HCGP FOR R-1 & R-2) THIS WRIT PETITION IS FILED UNDER ARTICLE226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITITION ACT 2011 QUASH THE

ORDER
DATED2510.2018 PASSED BY THE KARNATAKA LAND GRABBING PROHIBITION, SPECIAL COURT, 3RD FLOOR, KANDAYA BHAVANA, KEMPEGOWDA ROAD, BANGALORE COURT HALL NO.1 THE PROCEEDINGS IN L.G.C. (P) NO.833/2017 AT ANNEX-A AND ETC. IN W.P. No.56539/2018: BETWEEN: M/S HIGHLAND ENTERPRISES A REGISTERED PARTNERSHIP FIRM REPRESENTED BY ITS GPA AGENT PRESTIGE ESTATES PROJECTS

PRIVATE LIMITED A COMPANY INCORPORATED UNDER THE COMPANIES ACT 1956 HAVING ITS REGISTERED OFFICE AT:

195. THE FALCON HOUSE, NO1 MAIN GUARD CROSS ROAD, BENGALURU - 560001 REPRESENTED BY ITS AUTHORIZED SIGNATORY MR ARVIND PAI ...PETITIONER (BY SRI. UDAY HOLLA, SR. CL. FOR SRI. M.B. ANIRUDH, ADVOCATE) AND:

1. STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY AMBEDKAR VEEDHI VIDHANAOSUDHA BENGALURU - 560001 2. ASSISTANT EXECUTIVE ENGINEER BANGALORE DEVELOPMENT AUTHORIYT T CHOWDAIAH ROAD, KUMARA PARK WEST BENGALURU - 560020 RESPONDENTS (BY SRI.PRABHULING K.NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP FOR R-1; SRI. ASHWINI S HALADY, ADVOCATE FOR R-2) THIS WRIT PETITION IS FILED UNDER ARTICLE226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITITION ACT2011(ANNEXURE-D) AND THE KARNATAKA LAND GRABBING PROHIBITION (SPECIAL COURT) REGULATIONS, 2017 (ANNEXURE-E) IS ILLEGAL, ARBITRARY AND ULTRA VIRES THE CONSTITUTION OF INDIA AND CONSEQUENTLY STRIKE DOWN THE KARNATAKA LAND GRABBING PROHIBATION ACT, 2011 AND THE KARNATAKA LAND196GRABBING PTOHIBITION (SPECIAL COURT) REGULATIONS, 2017 AND ETC. IN W.P. No.56542/2018: BETWEEN: PRESTIGE ESTATES PROJECTS PRIVATE LIMITED A COMPANY INCORPORATED UNDER THE COMPANIES ACT 1956 HAVING ITS REGISTERED OFFICE AT THE FALCON HOUSE,NO1 MAIN GUARD CROSS ROAD, BENGALURU - 560001 REPRESENTED BY ITS AUTHORIZED SIGNATORY MR ARVIND PAI ...PETITIONER (BY SRI. UDAY HOLLA, SR.CL., SRI.B.M.MOHAN KUMAR, ADVOCATE) AND:

1. STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY AMBEDKAR VEEDHI VIDHANAOSUDHA BENGALURU - 560001 2. ASSISTANT EXECUTIVE ENGINEER BANGALORE DEVELOPMENT AUTHORITY T CHOWDAIAH ROAD, KUMARA PARK WEST BENGALURU - 560020

RESPONDENTS (BY SRI.PRABHULING K.NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP FOR R-1; SRI. ASHWINI S HALADY, ADVOCATE FOR R-2) THIS WRIT PETITION IS FILED UNDER ARTICLE226AND227OF THE CONSTITUTION OF INDIA197PRAYING TO DECLARE THAT THE KARNATAKA LAND GRABBING PROHIBITITION ACT2011(ANNEXURE-D) AND THE KARNATAKA LAND GRABBING PROHIBITION (SPECIAL COURT) REGULATIONS, 2017 (ANNEXURE-E) IS ILLEGAL, ARBITRARY AND ULTRA VIRES THE CONSTITUTION OF INDIA AND CONSEQUENTLY STRIKE DOWN THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 AND THE KARNATAKA LAND GRABBING PROHIBITION (SPECIAL COURT) REGULATIONS, 2017 AND ETC. IN W.P. No.56545/2018: BETWEEN: VEERAPPA AGED ABOUT78YEARS S/O VEERABHADRAPPA R/O GOPALA BEERESHWARA VILLAGE LAKKAVALLI HOBLI, TARIKERE TALUK, CHIKKAMAGALURU DISTRICT57722. RESPRESENTED BY HIS GPA HOLDER H.V. GANAPATHI GOWDA AGED ABOUT67YEARS S/O VEERAPPA GOWDA R/O GOPALA BEERESHWARA VILLAGE LAKKAVALLI HOBLI, TARIKERE TALUK, CHIKKAMGALURU DISTRICT57722. ...PETITIONER (BY SRI. CHIDAMBARA G.S., ADVOCATE) AND:

1. THE RANGE FOREST OFFICER LAKKAVALLI RANGE TARIKERE TALUK, CHIKKAMAGALURU DISTRICT57722. 198

2. THE ASSISTANT CONSERVATOR OF FORESTS TARIKERE TALUK, CHIKKAMAGALURU DISTRICT PIN CODE:577228.

3. THE DEPUTY CONSERVATOR OF FORESTS BHADRAVATHI, SHIVAMOGGA DISTRICT57730.

4. THE CHIEF SECRETARY GOVERNMENT OF KARNATAKA VIDHANA SOUDHA, BENGALURU56000. RESPONDENTS (BY SRI.PRABHULING K.NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLE226AND227OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE

ORDER

DATED:

18. 11.2017, VIDE ANNEXURE-A PASSED BY THE COURT OF THE CIVIL JUDGE & ADDL. J.M.F.C., AT TARIKERE IN O.S.NO.98/2014 ON THE MEMO FILED BY THE RESPONDENTS AND THE

ORDER
DATED1611.2018, VIDE ANNEXURE-B PASSED BY THE SPECIAL COURT OF KARNATAKA LAND GRABBING PROHIBITION, BENGALURU IN L.G.C., (T) NO.912/2018 AND ETC. IN W.P. No.56630/2018: BETWEEN: SRI H B DEVARAJU S/O LATE K T BOBEGOWDA AGED55YEARS R/AT HONNALLI MAGUNDI VILLAGE NARASIMHARAJAPURA TALUK CHIKKAMAGALUR DISTRICT - 577 314. ...PETITIONER199(BY SRI. VENUGOPAL M.S., ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY, VIDHANASOUDHA BENGALURU - 560 001.

2. THE PRINCIPAL SECRETARY TO GOVERNMENT REVENUE DEPARTMENT M.S. BUILDING DR. B.R. AMBEDKAR VEEDHI BENGALURU - 560 001.

3. THE RANGE FOREST OFFICER BALEHONNUR RANGE NARASIMHARAJAPURA TALUK CHIKKAMAGALUR DISTRICT - 577 134. RESPONDENTS (BY SRI.PRABHULING K.NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP FOR R-1 TO R-3) THIS WRIT PETITION IS FILED UNDER ARTICLE226AND227OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR ENTIRE RECORDS OF PROCEEDINGS FROM THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BENGALURU CCH-1 AND ON PERUSAL OF THE SAME AND ETC. IN W.P. No.56631/2018: BETWEEN: SRI MANJUNATH GOWDA S/O KALASE GOWDA AGED57YEARS, RESIDING AT HONNALLI MAGUNDI VILLAGE, 200 NARASIMHARAJAPURA TALUK CHIKKAMAGALUR DISTRICT PIN-577134 ...PETITIONER (BY SRI. VENUGOPAL M.S., ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY, VIDHANASOUDHA BENGALURU - 560 001.

2. THE PRINCIPAL SECRETARY TO GOVERNMENT REVENUE DEPARTMENT M.S.BUILDING DR B.R.AMBEDKAR VEEDHI BENGALURU - 560 001.

3. THE RANGE FOREST OFFICER BALEHONNUR RANGE NARASIMHARAJAPURA TALUK CHIKKAMAGALUR DISTRICT - 577 134. RESPONDENTS (BY SRI.PRABHULING K.NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP FOR R-1 & R-3) THIS WRIT PETITION IS FILED UNDER ARTICLE226AND227OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR ENTIRE RECORDS OF PROCEEDINGS IN CASE NO.LGC (G) NO.294/2018 FROM THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BENGALURU CH-1 AND ON PERUSAL OF THE SAME AND ETC. IN W.P. No.56731/2018: BETWEEN:

201. MANJUNATHA S/O RAMANNA SHETTY AGED ABOUT45YEARS, R/AT HITTALUGADDE, HASANDURU VILLAGE MATTURU HOBLI THIRTHAHALLI TALUK SHIMOGA DISTRICT PIN-57720 ...PETITIONER (BY SRI. PRASAD B.S., ADVOCATE) AND:

1. STATE OF KARNATAKA DEPARTMENT OF REVENUE M S BUILDING, BANGALORE-5600 01 REPRESENTED BY ITS PRINCIPAL SECRETARY2 RANGE FOREST OFFICER MANDAGADDE RANGE THIRTHAHALLI TALUK SHIMOGA DISTRICT-577220 RESPONDENTS (BY SRI.PRABHULING K.NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLE226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT382014) AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATION OF ARTICLE14 20, 21 AND300 AND ETC. IN W.P. No.56988/2018: BETWEEN:

202. B YUVARAJ S/O. BASAPPA GOWDA, R/O. CHIKKAMANATI, PUNAJE GRAMA, HOSANAGARA TALUK577418. SHIVAMOGGA DISTRICT ...PETITIONER (BY SRI. PRUTHVI WODEYAR, ADVOCATE) AND:

1. THE STATE OF KARNATAKA GOVERNMENT OF KARNATAKA, M.S BUIILDING, BENGALURU56000. REP BY ITS CHIEF SECRETARY2 THE CHIEF CONSERVATOR OF FOREST SHIVAMOGGA DIVISION, SHIVAMOGGA577201 3. THE DEPUTY CONSERVATOR OF FOREST SHIVAMOGGA577201 4 . THE ASSISTANT CONSERVATOR OF FOREST HOSANAGARA SUB DIVISION, HOSANAGARA TALUK, SHIVAMOGGA DISTRICT-577 418 5. THE RANGE FOREST OFFICER MARUTHIPURA BRANCH, HOSANAGARA RANGE, HOSANAGARA SHIVAMOGGA DISTRICT- 577 418 6. THE TAHASILDAR HOSANAGARA TALUK, HOSANAGARA SHIVAMOGGA DISTRICT- 577 418 203 RESPONDENTS (BY SRI.PRABHULING K.NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLE226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT382014) AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATION OF ARTICLES14 20, 21 AND300 AND ETC. IN W.P. No.57174/2018: BETWEEN: SRI TOKAPPA GOWDA S/O LATE KOLURAPPA GOWDA, AGED ABOUT43YEARS, OCCUPATION:AGRICULTURIST, R/O MUGUDTHI VILLAGE, HUMCHA HOBLI, HOSANAGARA TALUK. ...PETITIONER (BY SRI. PRASHANTH H.S., ADVOCATE) AND:

1. THE STATE OF KARNATAKA BY ITS CHIEF SECRETARY, VIDHANA SOUDHA, BENGALURU-560001.

2. THE ASSISTANT COMMISSIONER SAGARA, SHIVAMOGGA-577201.

3. THE TAHASILDAR TALUK OFFICE OF HOSANAGARA, SHIVAMOGGA-577401. 204 RESPONDENTS (BY SRI.PRABHULING K.NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP FOR R-1 TO R-3) THIS WRIT PETITION IS FILED UNDER ARTICLE226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT3582014) AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATION OF ARTICLES14 20, 21 AND300 AND ETC. IN W.P. NO.302/2019: BETWEEN: K. MUGILESHWARI

W/O SUBRAMANI NAIDU AGED ABOUT53YEARS AGRICULTURIST, R/O GOPALA VILLAGE, LAKKAVALLI HOBLI, TARIKERE TALUK, CHIKKAMAGALURU DISTRICT-577 228. ...PETITIONER (BY SRI. S.V. PRAKASH, ADVOCATE) AND:

1. . THE CHIEF SECRETARY GOVERNMENT OF KARNATAKA, VIDHANA SOUDHA DR. B.R. AMBEDKAR VEEDHI, BENGALURU-560001 2 . THE DEPUTY COMMISSIONER CHIKKAMAGALURU DISTRICT, CHIKKAMAGALURU-577101 205 3 . THE TAHASILDAR, TARIKERE TALUK, TARIKERE-577228 CHIKKAMAGALURU DISTRICT4. SECRETARY, THE COMMITTEE FOR REGULARIZATION OF UNAUTHORIZED CULTIVATION OF GOVERNMENT LANDS, TARIKERE TALUK, TARIKERE-577228 CHIKKAMAGALURU DISTRICT5. REVENUE INSPECTOR LAKAVALI HOBLI, TARIKERE TALUK, TARIKERE-577228 CHIKKAMAGALURU DISTRICT6. VILLAGE ACCOUNTANT LAKAVALI HOBLI, TARIKERE TALUK, TARIKERE-577228 CHIKKAMAGALURU DISTRICT RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1 TO3R-5 & R-6) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO QUASH THE

ORDER
DATED3011.2018 PASSED BY THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BENGALURU IN PROCEEDINGS NO.LGCT(T)1987/2017 (O.S.NO.236/2014) VIDE ANNEXURE-F. IN W.P. NO.1660/2019: BETWEEN: PADMAVATI & MEENAKSHI CHOULTRIES OF206SRI THIRUCHI SWAMIGAL CHARITABLE TRUST, A PUBLIC TRUST , RAJARAJESHWARI NAGAR BENGALURU-560098 REPRESENTED BY ITS MANAGING TRUSTEE SRI JAYENDRAPURI SWAMI ...PETITIONER (BY SRI. K. SHASHIKIRAN SHETTY, SR. COUNSEL FOR SMT. LATHA S SHETTY, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT M S BUILDING BENGALURU-560001 2 . THE

ASSISTANT EXECUTIVE ENGINEER STORM WATER DRAIN BRUHAT BANGALORE MAHANAGARA PALIKE R.R. NAGAR, BANGALORE-560098. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1; SRI. S.N PRASHANTH CHANDRA, ADVOCATE FOR R-2) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS OF THE KARNATAKA LAND GRABBING PROHIBITION ACT, IS UNCONSTITUTIONAL AND ULTRA VIRES ARTICLES14 19, 21 AND300 OF THE CONSTITUTIONAL OF INDIA AT ANNEXRE-A; QUASH THE CRIMINAL PROCEEDINGS PENDING BEFORE THE LAND GRABBING SPECIAL COURT IN PROCEEDINGS No.LGC(G) 1444/2017 AS AGAINST THE PETITIONER FOR OFFENCE PUNISHABLE UNDER SECTION43) R/W SECTION5OF THE207KARNATAKA LAND GRABBING PROHIBITION ACT 2011 AT ANNEXURE-B. IN W.P. NO.1680/2019: BETWEEN:

1. . SMT. LAXMIDEVAMMA W/O LATE SRI. ANATHARAM AGED ABOUT69YEARS2. SRI. M.A. SRIDHAR S/O LATE SRI. ANANTHARAM AGED ABOUT51YEARS, BOTH ARE RESIDING AT NO.200, R.V. ROAD, BASAVANAGUDI, BENAGUDI, BENGALURU560004. ...PETITIONERS (BY SRI. PRASHANTH H.S, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA BY ITS CHIEF SECRETARY, VIDHANA SOUDHA, BENGALURU560001. 2 . THE DEPUTY CONSERVATOR OF FORESTS KOPPA DIVISION, KOPPA, CHIKKAMAGALURU-577 101. 3 . THE DIVSIIONAL FOREST OFFICER CHIKKAMAGALURU DIVISION, NARASIMHARAJAPURA TALUK, CHIKKAMAGALURU DISTRICT-577 101. 4 . THE TAHASILDAR TALUK OFFICE OF NARASIMHARAJAPURA, CHIKKAMAGALUR-577 101. RESPONDENTS208(BY SRI. PRBHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 (KARNATAKA ACT38OF2014 AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATION OF ARTICLES14 20, 21 AND300; DECLARE THAT THE KARNATAKA LAND

GRABBING PROHIBITION ACT2011(KARNATAKA ACT38OF2014 IS NOT APPLICABLE TO THE FACTS AND CIRCUMSTANCES OF THE PETITIONERS CASE IN NO.LGC (G) NO.597/2018 BEFORE THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BENGALURU AND CONSEQUENTLY QUASH THE PROCEEDINGS THEREUNDER; SET ASIDE THE ARREST WARRANT DATED1808.2018 ISSUED BY THE SPECIAL COURT UNDER THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 (KARANTAKA ACT38OF2014 VIDE ANNEXURE-A. IN W.P. NO.2960/2019: BETWEEN: SRI. SRINIVAS V S/O LATE VENKATESHSPPA AGED ABOUT40YEARS RESIDING AT GANTAGANAHALLI VILLAGE SINGANAYAKANAHALLI POST, YELAHANKA HOBLI BENGALURU-560064 ...PETITIONER (BY SRI. HARSHA D. JOSHI, ADVOCATE) AND:

1. . THE TAHSILDAR MINI VIDHANASOUDHA BENGALRU NORTH TALUK209(ADDITIONAL), YELAHANKA, BENGALURU - 560 064. 2 . THE REVENUE INSPECTOR MINI VIDHANASOUDHA BENGALURU NORTH TALUK (ADDITIONAL), YELAHANKA, BENGALURU-560 064. 3 . THE VILLAGE ACCOUNTANT COMPUTER PHANI ISSUING CENTRE, MINI VIDHANASOUDHA BENGALURU NORTH (ADDL) TALUK, YELAHANKA BENGALURU-560 064. 4 . SRI LAKSHMIAIAH S/O LATE KEMPAIAH MAJOR5. SRI SIDDARAMAIAH S/O LATE ERAPPA MAJOR6. SRI LINGAPPA S/O LATE MUNISHAMAPPA MAJOR7. SRI VARADARAJ S/O LATE MUNISHAMAPPA MAJOR, 8 . SRI A MURTHY S/O LATE ANJANPPA MAJOR9. SRI MUNIYAPPA S/O LATE HANUMAIAH MAJOR ALL ARE RESIDING AT SINGAPUR VILLAGE210VIDYARANYAPUR POST, BENGALURU-560097. RESPONDENTS (BY SRI.PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP FOR R-1 TO R-3; SRI. R.P. SOMASHEKARAIAH, ADVOCATE FOR R-4 TO R-8; R-9 SERVED) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO QUASH THE OREDER DATE2707.2018 IN LGC(S) NO.825/2018 PASSED BY THE KARNATAKA LAND GRABBING PROHIBITION SPCIAL COURT, BENGALURU VIDE ANNEXURES-J AND K ARE AT PAGE142TO155& 156 TO164RESPECTIVELY AND CONSEQUENTLY ALLOW LGC(S)NO.825/2018 AS PRAYED FOR. IN W.P. NO.3463/2019: BETWEEN: M.C. RAMEGOWDA S/O

CHIKKEGOWDA, RESIDING AT MAKAVALLI VILLAGE, KASABA HOBLI, K.R.PET TALUK, MANDYA DISTRICT-571423. ...PETITIONER (BY SRI. SHARATH S GOWDA, ADVOCATE) AND:

1. . STATE OF KARNATAKA DEPARTMENT OF REVENUE, M.S.BUILDING, BANGALORE-560001. REPRESENTED BY ITS PRINCIPAL SECRETARY. 2 . THE DEPUTY COMMISSIONER MANDYA DISTRICT, MANDYA-571401. 211 3 . THE TAHSILDAR K.R.PET TALUK, MANDYA DISTRICT-571426. 4 . EXECUTIVE ENGINEER HEMAVATHI IRRIGATION DEPARTMENT, SUB-DIVISION, KRISHNARAJPET, MANDYA DISTRICT, MANDYA-571426. RESPONDENTS (BY SRI.PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT38OF2014 AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATION OF ARTICLE14 20, 21 AND300. QUASH THE IMPUGNED

ORDER
DATED2709.2018 PASSED BY KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT AT BENGALURU, IN LGC(T) 1064/2018 VIDE ANNEXURE-A. IN W.P. NO.3484/2019: BETWEEN: MR. JOSEPH P. CHERIAN S/O P.J.MAMMAN AGED ABOUT63YEARS RESIDING AT VESHNAL PALTHAJE HOUSE KADABA HOBLI, PUTTUR TALUK SOUTH CANARA DISTRICT-574 201. ...PETITIONER (BY SRI. SIDDAMALLAPPA P.M, ADVOCATE) AND:

1. . STATE OF KARNATAKA212REPRESENTED BY ITS CHIEF SECRETARY, VIDHANA SOUDHA BENGALURU-560001. 2 . THE PRINCIPAL SECRETARY TO GOVERNMENT REVENUE DEPARTMENT, M.S.BUILDING DR. B.R.AMBEDKAR VEEDHI BENGALURU-560 001 3 . THE TAHSILDAR PUTTUR TALUK, SOUTH CANARA DISTRICT-577 201. RESPONDENTS (BY SRI.PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H.C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO DIRECT DECLARE THAT SECTIONS4AND5OF THE KARNATAKA LAND GRABBING

PROHIBITION ACT 2011 ARE UN-CONSTITUTIONAL AND STRIKE IT OUT AS UNCONSTITUTIONAL COPY OF WHICH IS PRODUCED AT ANNEXURE-A. QUASH THE

ORDER
DATED118.2017 PASSED IN CASE NO.1378/2017 ON THE FILE OF THE SPECIAL COURT-I, BENGALURU ANNEXURE-C. IN W.P. NO.5393/2019 : BETWEEN: B. KRISHNA REDDY S/O BHADRA REDDY AGED ABOUT65YEARS R/O YARANDAHALLI VILLAGE JIGANI HOBLI, ANEKAL TALUK BENGALURU DISTRICT. ...PETITIONER (BY SRI. SRINIVAS.V, ADVOCATE) 213 AND: STATE OF KARNATAKA BY BMTF POLICE STATION BENGALURU-560001. REPRESENTED BY STATE PUBLIC PROSECUTOR HIGH COURT OF KARNATAKA BENGALURU. RESPONDENT (BY SRI PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA AND SMT. KAVITHA H C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO QUASH THE

ORDER
DATED2301.2019 PASSED IN LCG(T) NO.925/2017 ON THE FILE OF KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT AT BENGALURU VIDE ANNEXURE-E TO THE WRIT PETITION. IN W.P. NO.5576/2019 : BETWEEN:

1. . SHRI. CHANAPPA SON OF LATE RAMAIAH AGED ABOUT65YEARS, RESIDING AT NO5398, SHREE LAKSHMIVENAKTESHWARA NILAYA ANJANAPPA LAYOUT, DHODABOMSANDRA POST BENGALURU - 560097. 2 . SHRI. K.G. CHANDRASHEKAR SON OF K.K. GANAPATHI AGED ABOUT67YEARS RESIDING AT NO12 DHODABOMASANDRA POST ANJANAPPA LAYOUT, VIDYARANYAPURA BENGALURU - 560097 214 3 . SHRI. SRINIVAS SON OF R. VENKATARAMAIAH AGED ABOUT50YEARS NO13 LAKSHMIVENAKTESHWARA NILAYA ANJANAPPA LAYOUT, DODDA BOMMASANDRA BENGALURU - 560097. ...PETITIONERS (BY SRI. RAJENDRA.S, ADVOCATE) AND:

1. . STATE OF KARNATAKA REVENUE DEPARTMENT M.S. BUILDING, 5TH FLOOR, DR. AMBEDKAR ROAD, BENGALURU - 560001 REPRESENTED BY ITS SECRETARY2. THASILDHAR BANGALORE NORTH (ADDITIONAL) YELAHANKA, BENGALURU. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO QUASH THE ENTIRE PROCEEDINGS PENDING ON THE FILE OF THE SPECIAL COURT FOR KARNATAKA LAND GRABBING PROHIBITION IN CASE NO.LGC(S)NO.243/2017 MARKED AS ANNEXURE-A. IN W.P. NO.7440/2019: BETWEEN: SRI RAVI S/O SHANMUKAPPA AGED ABOUT35YEARS215R/AT JAMBALLI VILLAGE DEDDARIPURA POST HOSANAGARA TALUK SHIVAMOGGA DISTRICT-577 346. ...PETITIONER (BY SRI. PRASHANTH H.S., ADVOCATE) AND:

1. . THE STATE OF KARNATAKA BY ITS CHIEF SECRETARY, VIDHANA SOUDHA, BENGALURU-560 001 2 . THE ASSISTANT COMMISSIONER SAGARA, SHIVAMOGGA-577 201 3 . THE TAHASILDAR TALUK OFFICE OF HOSANAGARA SHIVAMOGGA-577 401 4 . THE RANGE FOREST OFFICER HOSANAGARA RANGE, HOSANAGARA TALUK, SHIVAMOGGA DISTRICT-577 418. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA H C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT38OF2014 IS NOT APPLICABLE TO THE FACTS AND CIRCUMSTANCES OF THE PETITIONERS CASE IN NO.LGC(G) NO.1244/2017 BEFORE THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BENGALURU AND CONSEQUENTLY QUASH THE PROCEEDINGS THEREUNDER VIDE ANNEXURE-D. 216 IN W.P. NO.7844/2019 : BETWEEN: SRI K.R. KRISHNAM RAJU S/O LATE K.RANGARAJU, AGED ABOUT73YEARS R/AT NO.144, 12TH CROSS J.P.NAGAR, 2ND STAGE, BANGALORE-560 078. ...PETITIONER (BY SRI. JAYAKUMAR S PATIL, SR.CL. FOR SRI. DAYANAND S PATIL, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA DEPARTMENT OF REVENUE, BY ITS SECRETARY, M.S.BUILDING, BANGALORE-560 001. 2 . THE JOINT COMMISSIONER (SOUTH) BBMP, 2ND FLOOR, JAYANAGAR SHOPPING COMPLEX, JAYANAGAR, BANGALORE-560 041. 3 . THE TAHASILDAR BANGALORE SOUTH TALUK, BANGALORE-566 001. 4 . SIR.SRINIVAS Y S/O LATE M.C.YOGANARASIMAIAH AGE MAJOR, R/AT NO.141/1, 24TH MAIN, 2ND CROSS MARENAHALLI, J.P.NAGAR, 2ND STAGE, BANGALORE-560 078. 5 . SRI.ROLAND SOANS.A S/O AGUSTIN SOANS.F AGE MAJOR, R/AT NO.110, 2ND MAIN, 2ND CROSS, ADUGODI POST, VINAYAKANAGARA BANGALORE-560 030. 217 RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA, AND SMT. KAVITHA H C, HCGP FOR R1 TO R3; SMT. TEJASWINI. S, ADVOCATE FOR R4 & R5) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO QUASH THE PROCEEDINGS PENDING BEFORE THE LAND GRABBING SPECIAL COURT, BENGALURU, (COURT NO.2) IN PROCEEDINGS NO.LGC (P) NO.2637/2017 AGAINST THE PETITIONER FOR OFFENCE PUNISHABLE UNDER SECTION43) OF THE KARNATAKA LAND GRABBING PROHIBITION ACT 2011 VIDE ANNEXURE-D. IN W.P. NO.8176/2019: BETWEEN:

1. SRI. GURUPRASAD AGED ABOUT50YEARS S/O SRI. B.C.PRASAD MANAGING DIRECTOR M/S CHAITHANYA PROJECTS PRIVATE LIMITED.

2. SRI BRAHMA CHAITHANYA PRASAD AGED ABOUT73YEARS S/O RAMASHESHAIAH CHAIRMAN M/S CHAITHANYA PROJECTS PRIVATE LIMITED.

3. SRI. JAGADISH PRASAD AGED ABOUT48YEARS S/O SRI. B.C.PRASAD DIRECTOR M/S CHAITHANYA PROJECTS PRIVATE LIMITED. PETITIONERS (1) TO (3) ALL C/O M/S. CHAITHANYA PROJECTS PRIVATE LIMITED HAVING ITS REGISTERED OFFICE AT NO.104, PRESTIGE OMEGA3D FLOOR, EPIP ZONE, WHITEFIELD218BENGALURU - 560 066. ...PETITIONERS (BY SRI. H.S. DWARAKANATH, ADVOCATE) AND:

1. GOVERNMENT OF KARNATAKA DEPARTMENT OF PARLIAMENTARY AFFAIRS, VIDHANA SOUDHA DR. B.R. AMBEDKAR VEEDHI BENGALURU -

560 001. REPRESENTED BY ITS SECRETARY.

2. TAHASILDAR BANGALORE EAST TALUK KRISHNARAJAPURAM BANGALORE - 566 016.

3. SRI. BASAVARAJ CHANNABASAVAIAH KANTIMAT AGE MAJOR FATHER'S NAME NOT KNOWN TO THE PETITIONERS, AT HOTEL SHARAVATHI NEAR NEW BUS STOP, SAUDATTI DISTRICT, SAUDATTI TALUK BELAGAVI - 591 126.

4. SRI. NARAYANASWAMY AGE MAJOR S/O CHANDRASHEKAR NO.160, 3RD MAIN ROAD AMBEDKAR NAGAR WHITEFILED POST BANGALORE - 560 066. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA H C, HCGP FOR R-1 & R-2 SRI. B.N. PUTTALINGAIAH FOR R-3 & R-4) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO QUASH SECTIONS43), 9, 4(2), 9(5)(B), 9(7), 9(5)(C), 9(8), 11, 20 OF THE KARNATAKA LAND GRABBING (PROHIBITION) ACT OF 2011 AS ULTRA VIRES TO THE CONSTITUTION OF INDIA AND CONSEQUENTLY, TO QUASH THE PROCEEDINGS IN (1)LGC(P).NO.1464/2017 219 REGARDING SY.NO.161/1 AND SY.NO.161/2, (2)LGC(P).NO.1465/2017 REGARDING SY.NO.155 AND SY. NO.156 AND (3)LGC(P).NO.1466/2017 REGARDING SY.NO.146/1, SY.NO.146/2 AND SY.NO.146/3, BEFORE THE SPECIAL COURT FOR PROHIBITION OF LAND GRABBING (COURT HALL NO.2) BENGLAURU, KANDAYA BHAVAN, K.G.ROAD, BENGALURU AT ANNEXRUE-A1 TO A3. IN W.P. NO.8298/2019 : BETWEEN:

1. . SRI. SRIDHAR NAIDU S/O.R.G.S.NAIDU, AGED ABOUT66YEARS, MANAGING PARTNER, M/S.R.S.ROCK SAND, A PARTNERSHIP CONCERN, HAVING ITS REGISTERED OFFICE AT NO.301, CENTINI PLAZA, VASAVI LAYOUT, CHALLAGHATTA, BENGALURU-560037. 2 . SRI R RAJESH @ RAJESH NAIDU S/O SRI SIRIDHAR NAIDU, AGED ABOUT36YEARS, MANAGING PARTNER, M/S..R.S.ROCK SAND, A PARTNERSHIP CONCERN, HAVING ITS REGISTERED OFFICE AT NO.301, CENTINI PLAZA, VASAVI LAYOUT, CHALLAGHATTA, BENGALURU-560037. ...PETITIONERS (BY SRI. A

MADHUSUDHANA RAO, ADVOCATE) AND:

1. . STATE OF KARNATAKA REPRESENTED BY ITS SECRETARY, GOVERNMENT OF KARNATAKA, 220 REVENUE DEPARTMENT, M.S.BUILDING, BENGLURU-56001. 2 . THE DEPUTY COMMISISONER KOLAR DISTRICT, KOLAR-563 101 3 . SRI VIJAYANNA THE TAHASILDAR, KOLAR TALUK, KOLAR-563 101. 4 . SRI. V.M. RAMESH S/O V M MUNIYAPPA, MAJOR, B-1ST BLOCK, VEMAGAL VILLAGE AND POST, KOLAR TALUK AND DISTRICT-563 101. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA H C, HCGP FOR R1 TO R3) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT38OF2014 IS NOT APPLICABLE TO THE PETITIONERS [PRODUCED AS ANNEXURE-U].; TO QUASH THE IMPUNGED SUMMONS DATED2912.2018 ISSUED BY THE REGISTRAR OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, IN CASE NO.LGC(P) NO.141/2018 [PRODUCED AS ANNEXURES-R AND S].. IN W.P. NO.8821/2019 : BETWEEN:

1. . AKADADA LAKSHMAPPA S/O DODDAPPA AGED ABOUT63YEARS, 2 . KARIGANURU GUTHYAPPA221S/O NANDYAVVA AGED ABOUT43YEARS, 3 . PAMENAHALLI NAGENDRAPPA S/O HANUMAPPA AGED ABOUT53YEARS, 4 . SRI SALYAKKI RUDRAPPA S/O BHEEMAPPA AGED ABOUT53YEARS, 5 . HADADI KAMALAPPA S/O BHEEMAPPA AGED ABOUT53YEARS, PETITIONER NOS.1 TO5ARE RESIDENT OF BELALAGERE VILLAGE CHENNAGIRI TALUK DAVANAGERE DISTRICT-577 213. 6 . NARAYANA NAIKA S/O KIRIYA NAYAKA AGED ABOUT59YEARS, 7 . MUKESH NAIKA S/O TOLACHA NAIKA AGED ABOUT29YEARS, PETITIONER NOS. 6 AND7ARE RESIDENT OF KAVALITHANDA VILLAGE CHENNAGIRI TALUK DAVANAGERE DISTRICT-577 213. 8 . KURKI SIDDAPPA S/O OBALAPPA AGED ABOUT63YEARS, 9 . KURKI THIUPPESHAPPA S/O HANUMANTHAPPA AGED ABOUT33YEARS, 10 . THIMMENAHALLI THIPPESHAPPA222S/O CHENNABASAPPA AGED ABOUT42YEARS, OCC:FARMER11. MATTI ANJANAPPA S/O CHANNABASAPPA AGED ABOUT45YEARS, OCC:FARMER12. DODDAPPA

S/O HANUMANTHAPPA AGED ABOUT51YEARS, OCC:FARMER13. CHANDRAPPA S/O THIMMENAHALLI CHENNABASAPPA (B5) AGED ABOUT45YEARS, 14 . ANNAPPA @ KENGA DODDAPPARA ANNAPPA OCC:FARMER AGED ABOUT27YEARS15. KANNI DODDAPPA S/O BHEEMAPPA (B9) AGED ABOUT58YEARS, 16 . KOLENAHALLI SRINIVASA S/O BHEEMAPPA (C1), AGED ABOUT35YEARS, PETITIONER NOS. 8 TO16ARE RESIDENT OF BELALAGERE VILLAGE CHENNAGIRI TALUK DAVANAGERE DISTRICT-577 213. ...PETITIONERS (BY SRI. KALEEMULLAH SHARIFF, ADVOCATE) AND:

1. . THE PRINCIPAL SECRETARY223DEPARTMENT OF REVENUE GOVERNMENT OF KARNATAKA M.S. BUILDING, BENGALURU-560 001. 2 . THE DEPUTY COMMISSIONER DAVANAGERE-577001. 3 . THE TAHSILDAR CHENNAGIRI TALUK DAVANAGERE DISTRICT-577213. 4 . THE SENIOR FARM SUPERINTENDENT AGRICULTURAL RESEARCH STATION KATHALAGERE-577 219 CHANNAGIRI TALUK DAVANAGERE DISTRICT. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA H C, HCGP FOR R1 TO R3 R-4 SERVED AND) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO QUASH THE PROCEEDINGS PENDING BEFORE THE KARNATAKA LAND GRABBING SPECIAL COURT, BENGALURU IN LGC(T) NO.2414/2017 PRODUCED AT ANNEXURE-G AND LGC(T) NO.2415/2017 PRODUCED AT ANNEXURE-G1 BY ISSUING A WRIT OF CERTIORARI. IN W.P. NO.8852/2019 : BETWEEN:

1. . SMT. K.N. NAGARATHNAMMA AGED ABOUT65YEARS, W/O LATE ASHWATH NARAYANAGOWDA SANTHEHALLI VILLAGE, MALUR TALUK, KOLAR DISTRICT. 2 . S.R. VENKATEGOWDA224AGED ABOUT73YEARS, S/O LATE RAMACHNDREGOWDA SANTHEHALLI VILLAGE, MALUR TALUK. KOLAR DISTRICT. 3 . S.R. VENKATARAMANAGOWDA AGED ABOUT70YEARS, S/O LATE RAMACHANDREGOWDA SANTHEHALLI VILLAGE, MALUR TALUK, KOLAR DISTRICT. 4 . SMT. INDIRAMMA W/O LATE S.L. NANDAKUAMR AGED ABOUT50YEARS, SANTHEHALLI VILLAGE, MALUR TALUK. KOLAR DISTRICT. 5 . S.R. SAMPANGIRAMEGOWDA AGED

ABOUT75YEARS, S/O RAMACHANDREGOWDA SANTHEHALLI VILLGE, MALUR TALUK, KOLAR DISTRICT. ...PETITIONERS (BY SRI. SHIVANNA A. G., ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT M.S. BUILDING, BENGALURU-560001. 2 . THE DEPUTY COMMISSIONER KOLAR DISTRICT KOLAR-563 101. 3 . THE TAHASILDAR MALUR TALUK KOLAR DISTRICT-563 130. 4 . ASSISTANT DIRECTOR OF LAND RECORDS MALUR TALUK KOLAR DISTRICT-563 130. RESPONDENTS225(BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA H C, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS OF THE KARNATAKA LAND GRABBING PROHIBITION ACT 2011 AS UNCONSTITUTIONAL AND ULTRA VIRES OF ARTICLES14 19 21 AND300 OF THE CONSTITUTION OF INDIA AS PER ANNEXURE-A; QUASH THE CRIMINAL PROCEEDINGS PENDING BEFORE THE LAND GRABBING SPECIAL COURT BENGALURU IN PROCEEDINGS LGC(P) NO.2237/2017 AGAINST THE PETITIONERS FOR OFFENCES PUNISHABLE UNDER SECTION43) OF THE KARNATAKA LAND BRABBING PROHIBITION ACT 2011 AS PER ANNEXURE-B. IN W.P. NO.9158/2019: BETWEEN:

1. . SRI. B.K. VENUGOPAL S/O LATE B.T. KEMPANNA AGED ABOUT75YEARS. 2 . SMT. SABITHA VENUGOPAL W/O SRI. B.K. VENUGOPAL AGED ABOUT66YEARS. BOTH ARE R/O HOUSE NO.17/1 SRI. SAMPANGI RAMASWAMY TEMPLE STREET, CUNNINGHAM ROAD, BANGALORE - 560 052. ...PETITIONERS (BY SRI. SREEPADA H.R, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA DEPARTMENT OF REVENUE M.S. BUILDING226BENGALURU - 560 001 REP BY ITS PRINCIPAL SECRETARY. 2 . THE SPECIAL DEPUTY COMMISSIONER BENGALURU URBAN DISTRICT D.C. COMPOUND, BEHIND KANDAYA BHAVAN, K.G. ROAD BENGALURU - 560 009. 3 . THE ASSISTANT COMMISSIONER BENGALURU SOUTH SUB DIVISION KANDAYA BHAVAN, K.G. ROAD BENGALURU URBAN DISTRICT. 4 .

THE TAHSILDAR BENGALURU SOUTH TALUK KANDAYA BHAVAN, K.G. ROAD BENGALURU - 560 009. 5 . THE SPECIAL TAHSILDAR BENGALURU SOUTH TALUK KANDAYA BHAVAN, K.G. ROAD BENGALURU - 560 009. 6 . SRI HEMANTHRAJU S/O LATE MUNIRAJU AGE MAJOR, R/A NO32 ESHWAR TEMPLE ROAD, RAMOHALLI KENGERI TALUK, BANGALORE SOUTH TALUK BANGALURU - 560 074. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP FOR R-1 TO R-5; R-6 SERVED AND) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA227PRAYING TO DECLARE THAT THE PROVISIONS OF THE KARNATAKA LAND GRABBING PROHIBITION ACT (KARNATAKAK ACT No.38/2014), IN UNCONSTITUTIONAL AND ULTRA VIRES ARTICLE14 19, 21 AND300A OF THE CONSTITUTION OF INDIA VIDE ANNEXURE-A. IN W.P. NO.10906/2019: BETWEEN: D.N. KUMAR S/O NANJUNDEGOWDA AGED ABOUT56YEARS DEVEGPWDAMALPALU VILLAGE HULIKERE POST, KASABA HOBLI NAGAMANGALA TQ - 571 432. ...PETITIONER (BY SRI. R.S. RAVI, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REP BY ITS SECRETARY DEPARTMENT OF REVENUE M.S. BUILDING DR.AMBEDKAR VEEDHI BENGALURU - 560 001. 2 . THE STATE OF KARNATAKA REP BY ITS SECRETARY DEPARTMENT OF ANIMAL HUSBANDRY, M.S. BUILDING DR. AMBEDKAR VEEDHI BENGALURU - 560 001. 3 . THE DEPUTY DIRECTOR AMRUTH MAHAL BREEDING CENTER AJJAMPURA, ARIKERE TALUK CHICKMANGALURU DISTRICT - 577 228. 228 4 . THE TAHSILDAR NAGAMANGAL TALUK NAGAMANGALA MANDYA DISTRICT - 571 432. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 (KARNATAKA ACT, 38/2014) AS ULTRA VIRES OF CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLES14 20, 21 AND300A VIDE ANNX-A. IN W.P. NO.11090/2019: BETWEEN: SRI. M.R. LAKSHMANAPPA S/O LATE RAMAIAH AGED ABOUT69YEARS RESIDING AT NO.130/4 80 FEET RAOD, KHB COLONY BASAVESHWARA NAGARA BENGALURU - 560 079. ...PETITIONER (BY SRI. T. SHESHAGIRI RAO,

ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY VIDHANA SOUDHA BENGALURU - 560 001. 229 2 . THE STATE OF KARNATAKA DEPARTMENT OF REVENUE REPRESENTED BY ITS SECRETARY VIDHANA SOUDHA BEGNALURU - 560 001. 3 . THE DEPUTY COMMISSIONER BENGALURU URBAN DISTRICT K.G. ROAD, BENGALURU - 560 001. 4 . THE TAHSILDAR BENGALURU SOUTH TALUK KANDAYA BHAVAN BUILDING K.G. ROAD, BENGALURU - 560 001. 5 . THE REGISTRAR OFFICE OF THE SPECIAL COURT FOR KARNATAKA LAND GRABBING PROHIBIITON, K.G. ROAD BENGALURU - 560 001. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP FOR R-1 TO R-4) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH OF THE ENTIRE IMPUGNED PROCEEDINGS INITIATED BY THE SPECIAL COURT FOR KARNATAKA LAND GRABBING ACT, 2011 IN CASE No.L.G.C. (S) 66/2017 VIRTUE OF THE ISSUANCE NOTICE/SUMMONS DATED0402.2017 WHICH IS FOUND AT ANNEXURE-Q TO THE WRIT PETITION. IN W.P. NO.11091/2019: BETWEEN SMT. PARVATHAMMA230W/O M.R. LAKSHMANAPPA R/AT NO.130/4, 80 FEET ROAD KHB COLONY, BASAVESHWARA NAGARA, BENGALURU - 560 079. ...PETITIONER (BY SRI. T. SHESHAGIRI RAO, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY VIDHANA SOUDHA BENGALURU - 560 001. 2 . THE STATE OF KARNATAKA DEPARTMENT OF REVENUE, REPRESENTED BY ITS SECRETARY VIDHANA SOUDHA BENGALURU - 560 001. 3 . THE DEPUTY COMMISSIONER BENGALURU URBAN DISTRICT K.G.ROAD, BENGALURU - 560 001. 4 . THE TAHSILDAR BENGALURU SOUTH TALUK KANDAYA BHAVAN BUILDING K.G.ROAD, BENGALURU - 560 001. 5 . THE REGISTRAR OFFICE OF THE SPECIAL COURT FOR KARNATAKA LAND GRABBING PROHIBITION, K.G. ROAD BENGALURU-560 001. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA, And SMT. KAVITHA H.C, HCGP FOR R-1 TO R-4) 231 THIS WRIT PETITION IS FILED UNDER

ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ENTIRE IMPUGNED PROCEEDINGS INITIATED BY THE SPECIAL COURT FOR KARNATAKA LAND GRABBING ACT, 2011 IN CASE No.L.G.C. (S) 67/2017 VIRTUE OF THE NOTICE DATED0402.2017 VIDE ANNX-G TO THE WP. IN W.P. NO.12900/2019: BETWEEN: SRI. SANJEEVA K SHETTY S/O LATE KORAGA SHETTY HARISAGAR MADRA GUTTHU SHIMANTHOOR VILLAGE MANGALORE TALUK - 574 215. ...PETITIONER (BY SRI. DHANANJAY KUMAR, ADVOCATE) AND:

1. . STATE OF KARNATAKA DEPARTMENT OF REVENUE REP. BY ITS CHIEF SECRETARY VIDHANA SOUDHA, DR. AMBEDKAR ROAD, BANGALORE - 560 001. 2 . THE DEPUTY COMMISSIONER D.K. DISTRICT, MANGALORE TALUK - 575 001. 3 . THE ASSISTANT COMMISSIONER D.K. DISTRICT, MANGALORE TALUK - 575 001. 4 . THE TAHSILDAR MULKI, MANGALORE TALUK D.K. DISTRICT - 575 121. 232 5 . THE P.D.O. KILPADY GRAM PANCHAYATH MULKI, D.K. DISTRICT - 574 144. 6 . NARSU MUKARI S/O AITHA MUKHARI AGED MAJOR R/AT SHIMANTHUR VILLAGE, MULKI HOBLI MANGALORE TALUK - 574 144. 7 . KANTHU MUKHARI S/O BAIRA MUKHARI AGED MAJOR R/AT SHIMANTHUR VILLAGE MULKI HOBLI MANGALORE TALUK. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP FOR R-1 TO R-4) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE R-2 AND5TO CONSIDER THE REPRESENTATION DATED2011.2014, 24.06.2014, 16.02.2015 AND2109.2016 MADE BY THE PETITIONER VIDE ANNX-A TO A-3. IN W.P. NO.12974/2019: BETWEEN: P.D. PONNAPPA S/O LATE DEVAIAH AGED ABOUT65YEARS R/AT PALANGALA VILLAGE KARADA POST, VIRAJPET TALUK KODAGU DISTRICT - 571 212. ...PETITIONER233(BY SRI. KARUBAIAH T.A, ADVOCATE) AND:

1. . STATE OF KARNATAKA BY ITS CHIEF SECRETARY VIDHANA SOUDHA DR. B.R. AMBEDKAR ROAD BANGALORE - 1. 2 . STATE OF KARNATAKA REVENUE DEPARTMENT VIKAS SOUDHA DR. B.R. AMBEDKAR ROAD, BANGALORE - 1 BY ITS SECRETARY. 3 . TAHSILDAR VIRAJPET TALUK

VIRAJPET, KODAGU DISTRICT - 571 218. 4 . P.A. POOVAIAH S/O LATE AIYAPPA PALANGALA VILLAGE KARADA POST, VIRAJPET TALUK, KODAGU DISTRICT - 571 212. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP; SRI. N.V. PRAKASH, ADVOCATE FOR R-1 TO R-3; SRI. N.V. PRAKASH, ADVOCATE FOR R-4) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH ANNEXURE-E THE PROCEEDINGS IN LGC (P) 1534/2018 DATED2709.2018 PENDING ON THE FILE OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT-A, BANGALORE. 234 IN W.P. NO.12975/2019: BETWEEN: P.D. PONNAPPA S/O LATE DEVAIAH AGED ABOUT65YEARS R/AT PALANGALA VILLAGE KARADA POST, VIRAJPET TALUK KODAGU DISTRICT - 571 212. ...PETITIONER (BY SRI. KARUBAIAH T.A, ADVOCATE) AND:

1. . STATE OF KARNATAKA BY ITS CHIEF SECRETARY VIDHANA SOUDHA DR. B.R. AMBEDKAR ROAD BANGALORE - 1. 2 . STATE OF KARNATAKA REVENUE DEPARTMENT VIKAS SOUDHA DR. B.R. AMBEDKAR ROAD BANGALORE - 1 BY ITS SECRETARY. 3 . TAHSILDAR VIRAJPET TALUK VIRAJPET, KODAGU DISTRICT - 571 218. 4 . P.A. POOVAIAH S/O LATE AIYAPPA PALANGALA VILLAGE KARADA POST, VIRAJPET TALUK, KODAGU DISTRICT - 571 212. RESPONDENTS235(BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP FOR R-1 TO R-3; SRI. N.V. PRAKASH, ADVOCATE FOR R-4) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH ANNEXURE-D THE PROCEEDING SIN LGC (P) 1537/2018 DATED2709.2018 PENDING ON THE IFLE OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT-1, BANGALORE. IN W.P. NO.13029/2019: BETWEEN: MOOSAVEER @ IBRAHIM SAB S/O SULEMAN SAB AGED ABOUT46YEARS R/O MUNDAGALI HARA, KUNDUR POST MUDIGERE TALUK CHIKKAMAGALURU - 577 132. ...PETITIONER (BY SRI. LOHITASWA BANAKAR, ADVOCATE) AND:

1. . STATE OF KARNATAKA BY LAW AND PARLIAMENTARY AFFAIRS, VIDHANA SOUDHA BANGALORE - 560 001 REP BY ITS CHIEF SECRETARY. 2

. STATE OF KARNATAKA BY SECRETARY TO GOVT. DEPARTMENT OF REVENUE M.S. BUILDING, BANGALORE - 560 001. 3 . THE RANGE FOREST OFFICER236ALDUR DIVISION ALDUR, MUDIGERE TALUK CHIKKMAGALUR - 577 132. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION AC T2011 AS ULTRA VIRES, THE CONSTITUTION OF INDIA. IN W.P. NO.13280/2019: BETWEEN:

1. . SMT. YASHODHAMMA W/O LATE MUNISWAMAPPA AGED ABOUT83YEARS R/AT NO.122, MUNESHWARA SWAMY TEMPLE STREET, KODIHALLI BANGALORE - 08. 2 . SRI. M. RAJAPPA S/O LATE MUNISWAMAPPA AGED ABOUT63YEARS R/AT NO.122, MUNESHWARA SWAMY TEMPLE STREET, KODIHALLI BANGALORE - 08. 3 . SRI. M. RAMACHANDRA S/O LATE MUNISWAMAPPA AGED ABOUT58YEARS R/AT NO.122, MUNESHWARA SWAMY TEMPLE STREET KODIHALLI, BANGALORE - 08. 4 . SRI. M. VENUGOPAL237S/O LATE MUNISWAMAPPA AGED ABOUT49YEARS R/AT NO.122, MUNESHWARA SWAMY TEMPLE STREET, KODIHALLI BANGALORE - 08. ...PETITIONERS (BY SRI. BASAVANNA M.D, ADVOCATE) AND: THE COMMISSIONER BANGALORE DEVELOPMENT AUTHORITY, BELLARY ROAD BANGALORE - 560 020. RESPONDENT (BY SRI. BIPIN HEGDE, ADVOCATE) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED

ORDER

PASSED IN LGC (T) No.1503/2018 DATED0502.2019 ON THE FILE OF KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT AT BANGALORE PRODUCE AT ANNEXURE-N. IN W.P. NO.13405/2019: BETWEEN: B.S. BIDDAPPA S/O B.T. SUNNY AGED ABOUT46YEARS RESIDING AT KANDANGALA VILLAGE, VIRAJPETE TALUK KODAGU DISTRICT - 571 218. ...PETITIONER (BY SRI. HARISH G, ADVOCATE) AND:

238. 1 . THE STATE OF KARNATAKA REPRESENTED BY PRINCIPAL SECRETARY REVENUE DEPARTMENT M.S. BUILDING BANGALORE - 560 001. 2 . THE DEPUTY COMMISSIONER KODAGU DISTRICT MADIKERI - 571 201. 3 . THE ASSISTANT COMMISSIONER VIRAJPET TALUK KODAGU DISTRICT - 571 218. 4 . THE TAHASILDAR VIRAJPET TALUK KODAGU DISTRICT - 571 218. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 (KARNATAKA ACT38OF2014 AS ULTRA VIRUS THE CONSTITUTION OF INDIA BEING VOILATIVE FO ARTICLE14 20, 21 AND300A AND/OR IN THE ALTERNATIVE. IN W.P. NO.13737/2019: BETWEEN: SRI Y M TRIBHUVAN SATHWIK S/O Y N MALLESHGOWDA AGED ABOUT31YEARS RESIDENT OF LINGAPURA VILLAGE AREHALLI HOBLI BELUR TALUK239HASSAN DISTRICT-573 121. REPRESENTED BY HIS GPA HOLDER SRI Y N MALLESHGOWDA AGED ABOUT65YEARS RESIDENT OF LINGAPURA VILLAGE AREHALLI HOBLI BELUR TALUK HASSAN DISTRICT-573 121. ...PETITIONER (BY SRI. S. SAMMITH, ADVOCATE FOR SRI. SHIVANANDA S, ADVCOATE) AND:

1. THE STATE OF KARNATAKA REP. BY ITS PRINCIPAL SECRETARY REVENUE DEPARTMENT VIKASA SOUDHA BENGALURU-560 001.

2. THE DEPUTY COMMISSIONER HASSAN DISTRICT HASSAN-573 121.

3. THE TAHSILDAR BELUR TALUK HASSAN DISTRICT HASSAN-573 121. .RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITIONJ ACT2011(KARNATAKA ACT38OF2014 IS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLES14 20, 21 AND300A OF THE240CONSTITUTION OF INDIA AS CONTAINED IN ANNEXURE-A. IN W.P. NO.14457/2019: BETWEEN: SRI. A.M. PRAKASH AGED ABOUT59YEARS S/O

LATE. MUTHAPPA NALVOTHOKLUL VILLAGE AMMATHI HOBLI, VIRAJPET TALUK - 571 218 KODAGU DISTRICT. ...PETITIONER (BY SRI. N. RAVINDRANATH KAMATH, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REVENUE DEPARTMENT5H FLOOR, M.S. BUILDING DR. AMBEDKAR ROAD BENGALURU - 560 001 REP BY ITS SECRETARY. 2 . THE TAHSILDAR VIRAJPET TALUK VIRAJPET - 571 218 KODAGU DISTRICT. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V. SREENIDHI, AGA, AND SMT. KAVITHA H.C, HCGP) THIS PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 (KARNATAKA ACT38OF2014 AS ULTRA VIRES AND BEING VIOLATIVE OF ARTICLES14 20, 21 & 300-A OF CONSTITUTION OF INDIA AND ETC. IN W.P. NO.18151/2019: BETWEEN:

1. SRI. PURUSHOTHAMA BHARATHI PEETADHIPATHI241SREE SRINGERI SHIVAGANGA SHARAD MUTT, SHIVAGANGA, NELAMANGALA TALUK, BENGALURU RURAL DISTRICT.

2. SRI. S. S. SRINIVAS RAO S/O. S. L. SEETHARAM RAO, AGED ABOUT41YEARS, ADMINISTRATOR, SREE SRINGERI SHIVAGANGA SHARADA MUTT, ADVOCATE, PARTNER, HARANAHALLI LAW PARTNERS, NO.160, R.T. NAGAR MAIN ROAD, BENGALURU-560 032. ...PETITIONERS (BY SRI P.N.MANMOHAN, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS SECRETARY, FOREST DEPARTMENT, M.S. BUILDING, BENGALURU-560 001, REPRESENTED BY ITS SECRETARY.

2. T. R. ANAND S/O. T. S. RANGANATH, AGED ABOUT53YEARS, R/AT3D CROSS, SRIRAMPURAM, BENGALURU-560 021. RESPONDENTS (BY SRI.PRABHULING K.NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP FOR R-1; SRI. S. NAGARAJA, ADVOCATE FOR R-2) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE KARNATAKA

LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT24238/2014) IS ULTRA VIRES THE CONSTITUTION OF INDIA IN ALTERNATIVE ISSUE A DECLARATION THAT THE KARNATAKA LAND GRABBING PROHIBITION ACT-2011 IS NOT APPLICABLE TO THE PETITIONER (PRODUCED AS ANNEXURE-N) AND ETC. IN W.P. NO.20311/2019 BETWEEN: SRI HARISH S/O PUTTANNA GOWDA AGED ABOUT44YEARS, RESIDING AT JADDA GADDA MAJARE TRIAYAMBHAKAPURA GRAMA, AGRAHARA HOBLI THIRTHAHALLI TALUQ, SHIVAMOGGA DISTRICT PIN-577432 ...PETITIONER (BY SRI. B. KESHAVAMURTHY, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY VIDHANA SOUDHA BENGALURU-560001 2. THE PRINCIPAL SECRETARY TO GOVERNMENT REVENUE DEPARTMENT, M S BUILDING, DR B R AMBEDKAR VEEDHI BENGALURU-560001 3. THE TAHASILDAR THIRTHAHALLI TALUK SHIVAMOGGA DISTRICT PIN-577432 RESPONDENTS (BY SRI.PRABHULING K.NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP) 243 THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR ENTIRE RECORDS OF PROCEEDINGS IN CAS NO.LGC (S) NO.1160/2018 FROM THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BENGALURU CH-1 AND ON PERUSAL OF THE SAME AND ETC. IN W.P. NO.20312/2019 BETWEEN: SRI DUGGAPPA GOWDA S/O VENKATAIAH GOWDA RESIDING AT JADD GADDE MAJARE TRIAYAMBHAKAPURA GRAMA AGRAHARA HOBLI THIRTHAHALLI TALUQ SHIVAMOGGA DISTRICT PIN57743 ...PETITIONER (BY SRI B.KESHAVAMURTHY, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY VIDHANA SOUDHA BENGALURU-560001 2. THE PRINCIPAL SECRETARY TO GOVERNMENT REVENUE DEPARTMENT, M.S. BUILDING DR B R AMBEDKAR VEEDHI BENGALURU-560001 3. THE TAHASHILDAR THIRTHAHALLI TALUK SHIVAMOGGA DISTRICT PIN:

57743. RESPONDENTS244(BY SRI.PRABHULING K.NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR ENTIRE RECORDS OF PROCEEDINGS IN CAS NO.LGC (S) NO.1161/2018 FROM THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BENGALURU CH-1 AND ON PERUSAL OF THE SAME AND ETC. IN W.P. NO.20313/2019 BETWEEN: SRI SATISHA S/O BACHANAIKA AGED ABOUT45YEARS, RESIDING AT JADDA GADDE MAJARE TRIAYAMBHAKAPURA GRAMA AGRAHARA HOBLI, THIRTHAHALLI TALUK SHIVAMOGGA DISTRICT PIN - 577432 ...PETITIONER (BY SRI B.KESHAVAMURTHY, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY VIDHANA SOUDHA BENGALURU- 560001 2. THE PRINCIPAL SECRETARY TO GOVERNMENT REVENUE DEPARTMENT M S BUILDING DR BR AMBEDKAR VEEDHI BENGALURU - 560001 3. THE TAHASILDAR THIRTHAHALLI TALUK SHIVAMOGGA DISTRICT PIN - 577432 RESPONDENTS245(BY SRI.PRABHULING K.NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR ENTIRE RECORDS OF PROCEEDINGS IN CAS NO.LGC (S) NO.1156/2018 FROM THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BENGALURU CH-2 AND ON PERUSAL OF THE SAME AND ETC. IN W.P. NO.20314/2019 BETWEEN: SRI SUDHAKAR S/O VENKATAIAH GOWDA AGED ABOUT44YEARS, RESIDING AT JADDA GADDE MAJARE TRIAYAMBHAKAPURA GRAMA, AGRAHARA HOBLI THIRTHAHALLI TALUQ SHIVAMOGGA DISTRICT PIN-577432 ...PETITIONER (BY SRI B.KESHAVAMURTHY, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY VIDHANA SOUDHA BENGALURU- 560001 2. THE PRINCIPAL SECRETARY TO GOVERNMENT REVENUE DEPARTMENT M S BUILDING, DR BR AMBEDKAR VEEDHI BENGALURU - 560001 3. THE TAHASILDAR246THIRTHAHALLI TALUK SHIVAMOGGA DISTRICT PIN - 577432 RESPONDENTS (BY

SRI.PRABHULING K.NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR ENTIRE RECORDS OF PROCEEDINGS IN CASE NO.LGC (S) NO.1159/2018 FROM THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BENGALURU CH-1 AND ON PERUSAL OF THE SAME AND ETC. IN W.P. NO.20315/2019: BETWEEN: SRI BHASKARA S/O BACHANAIKA AGED ABOUT45YEARS, RESIDING AT JADDA GADDE MAJARE TRIAYAMBHAKAPURA GRAMA, AGRAHARA HOBLI THIRTHAHALLI TALUQ SHIVAMOGGA DISTRICT PIN-577432 ...PETITIONER (BY SRI B. KESHAVAMURTHY, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY VIDHANA SOUDHA BENGALURU- 560001 2. THE PRINCIPAL SECRETARY TO GOVERNMENT REVENUE DEPARTMENT M S BUILDING, DR BR AMBEDKAR VEEDHI247BENGALURU - 560001 3. THE TAHASILDAR THIRTHAHALLI TALUK SHIVAMOGGA DISTRICT PIN - 577432 RESPONDENTS (BY SRI.PRABHULING K.NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR ENTIRE RECORDS OF PROCEEDINGS IN CASE NO.LGC (S) NO.1157/2018 FROM THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BENGALURU CH-1 AND ON PERUSAL OF THE SAME AND ETC. IN W.P. NO.20316/2019 BETWEEN: SRI JAYARAM S/O PTTANNA GOWDA AGED ABOUT45YEARS, RESIDING AT JADDAGADDE MAJARE TRIAYAMBHAKAPURA GRAMA, AGRAHARA HOBLI THIRTHAHALLI TALUQ SHIVAMOGGA DISTRICT PIN-577432 ...PETITIONER (BY SRI B.KESHAVAMURTHY, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY VIDHANA SOUDHA BENGALURU- 560001 2. THE PRINCIPAL SECRETARY TO GOVERNMENT248REVENUE DEPARTMENT M S BUILDING, DR BR AMBEDKAR VEEDHI BENGALURU - 560001 3. THE TAHASILDAR THIRTHAHALLI TALUK SHIVAMOGGA DISTRICT PIN - 577432

RESPONDENTS (BY SRI.PRABHULING K.NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP FOR R-1 TO R-3) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR ENTIRE RECORDS OF PROCEEDINGS IN CASE NO.LGC (S) NO.1158/2018 FROM THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BENGALURU CH-1 AND ON PERUSAL OF THE SAME AND ETC. IN W.P. No.22667/2019: BETWEEN: N. SANTHOSH KUMAR S/O K. NARAYANA REDDY AGED ABOUT35YEARS R/A NO.141/7/8,4TH MAIN KATHRIGUPPA EAST, BANASHANKARI3D STAGE BENGALURU-560085 REP BY ITS SPECIAL POWER OF ATTORNEY HOLDER K. NARAYANA REDDY S/O LATE KONNAPPA REDDY AGED ABOUT62YEARS, R/A NO.141/7/8, 4TH MAIN, KATHRIGUPPA EAST, BANASHANKARI3D STAGE BENGALURU-560085 ...PETITIONER249(BY SRI. RAHUL S REDDY, ADVOCATE) AND: THE STATE OF KARNATAKA REPD BY ITS SECRETARY DEPARTMENT OF REVENUE VIDHANA SOUDHA BENGALURU-560001. RESPONDENT (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTICE VIDE ANNEXURE-A ISSUED BY THE SPECIAL COURT CONSTITUTED UNDER THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 IN CASE No.LGC(T). 1350/2018 DTD:

25. 10.2018 AND ETC IN W.P. No.22678/2019: BETWEEN:

1. . KRISHNA S/O THIMMANNA, AGED ABOUT55YEARS EMPLOYEE IN SURVEY DEPARTMENT, R/O IRRIGATION DEPARTMENT QUARTERS, MUDUGODU VILLAGE-577144 LAKKAVALLI HOBLI, TARIKERE TALUK CHICKMAGALUR DISTRICT-577101 2 . R MANJUNATHA S/O RANGAPPA, 250 AGED ABOUT63YEARS RETIRED EMPLOYEE, WATERMAN, MUDUGODU GRAMA PANCHAYATI R/O IRRIGATION DEPARTMENT QUARTERS, MUDUGODU VILLAGE-577144 LAKKAVALLI HOBLI, TARIKERE TALUK CHICKMAGALUR DISTRICT-577101. 3 . SMT. SHARADAMMA W/O THIMMANAIKA, AGED ABOUT53YEARS EMPLOYEE, HEALTH DEPARTMENT, R/O IRRIGATION DEPARTMENT QUARTERS, MUDUGODU VILLAGE-577144

LAKKAVALLI HOBLI, TARIKERE TALUK CHICKMAGALUR DISTRICT-577101. 4 . SHIVAJI NAIKA S/O ESHWAR NAIKA AGED ABOUT45YEARS EMPLOYEE, LINEMAN, MESCO R/O IRRIGATION DEPARTMENT QUARTERS, MUDUGODU VILLAGE-577144 LAKKAVALLI HOBLI, TARIKERE TALUK CHICKMAGALUR DISTRICT-577101 5 . SMT. K. PADMA W/O LATE VITTALA RAO AGED ABOUT65YEARS, HOUSEHOLD WORK R/O IRRIGATION DEPARTMENT QUARTERS, MUDUGODU VILLAGE-577144 LAKKAVALLI HOBLI, TARIKERE TALUK CHICKMAGALUR DISTRICT-577101 6 . NATRAJ S/O H.KARIYAPPA, AGED ABOUT59YEARS, 251 TEACHER, EDUCATION DEPARTMENT R/O IRRIGATION DEPARTMENT QUARTERS, MUDUGODU VILLAGE-577144 LAKKAVALLI HOBLI, TARIKERE TALUK CHICKMAGALUR DISTRICT-577101 7 . M.C.RENUKARADHYA S/O CHANDRASHEKARAIAH, AGED ABOUT59YEARS, EMPLOYEE, EDUCATION DEPARTMENT R/O IRRIGATION DEPARTMENT QUARTERS, MUDUGODU VILLAGE-577144 LAKKAVALLI HOBLI, TARIKERE TALUK CHICKMAGALUR DISTRICT-577101 8 . R.V. VENKATESHAPPA S/O LATE VENKATAIAH AGED ABOUT80YEARS AGRICULTURIST R/O IRRIGATION DEPARTMENT QUARTERS, MUDUGODU VILLAGE-577144 LAKKAVALLI HOBLI, TARIKERE TALUK CHICKMAGALUR DISTRICT-577101 9 . MAHADEVAPPA S/O LATE BHYRAIAH AGED ABOUT70YEARS RETIRED EMPLOYEE R/O IRRIGATION DEPARTMENT QUARTERS, MUDUGODU VILLAGE-577144 LAKKAVALLI HOBLI, TARIKERE TALUK CHICKMAGALUR DISTRICT-577101 ...PETITIONERS (BY SRI. YATHISH J NADIGA, ADVOCATE) AND:

252. 1 . THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY, VIDHANA SOUDHA, BANGALORE-560001 2 . THE PANCHAYATH DEVELOPMENT OFFICER MUDUGODU GRAMA PANCHAYATI, MUDUGODU-577144 LAKKAVALLI HOBLI, TARIKERE TALUK CHICKMAGALUR DISTRICT-577101 3 . SURESHA S/O LATE SEETHARAMAIAH, AGED ABOUT45YEARS, EMPLOYEE, IRRIGATION DEPARTMENT, R/O IRRIGATION DEPARTMENT QUARTERS, MUDUGODU VILLAGE-577144 LAKKAVALLI HOBLI, TARIKERE TALUK CHICKMAGALUR DISTRICT-577101 4 . KUMARARADHYA S/O CHANDRASHEKARAIAH, AGED ABOUT70YEARS, RETIRED TEACHER R/O IRRIGATION DEPARTMENT QUARTERS,

MUDUGODU VILLAGE-577144 LAKKAVALLI HOBLI, TARIKERE TALUK CHICKMAGALUR DISTRICT-577101 5 . SMT. MALLIGA D/O KRISHNAPPA, AGED ABOUT45YEARS ANGGANAVADI TEACHER, C.D.P.O DEPARTMENT, R/O IRRIGATION DEPARTMENT QUARTERS, MUDUGODU VILLAGE-577144 LAKKAVALLI HOBLI, TARIKERE TALUK253CHICKMAGALUR DISTRICT-577101 RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H.C., HCGP FOR R1; R2, R3 & R5-SERVED &) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE

ORDER
DATED2604.2019 PASSED BY THE HON'BLE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, COURT HALL NO.2, AT BANGALORE IN LGC(T) NO.883/2018 IN O.S.NO.373/2014 PRODUCED HEREWITH ANNEXURE-A AND ETC. IN W.P. No.22935/2019: BETWEEN: SRI. S BAGHIRATHA S/O LATE H SADASHIVAIAH, AGED ABOUT48YEARS, RESIDING AT KADABAGERE VILLAGE, DASANAPURA HOBLI56216, BENGALURU NORTH TALUK ...PETITIONER (BY SRI. JEEVAN KUMAR B. S., ADVOCATE) AND:

1. . THE PRINCIPAL SECRETARY REVENUE DEPARTMENT, VIDHANA SOUDHA, BENGALURU-560001 2 . THE TAHSILDAR BENGALURU SOUTH TALUK, 254 KHANDAYA BHAWAN, KEMPEGOWDA ROAD, BENGALURU-560009 RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE

ORDER
DATED2501.2019 IN PETITION LGC(S) 15/2016 AND PETITION No.LGC(S)44/2016 (ANNX-A AND B) IS IN VIOLATION OF THE UNDERLYING STATUTE, IN GROSS VIOLATION OF ARTICLE21OF THE CONSTITUTION AND OPPOSED TO PRINCIPLES OF NATURAL JUSTICE. IN W.P. No.22988/2019: BETWEEN: A C SOMANNA S/O CHEEYANNA AGED

ABOUT68YEARS RESIDENT OF HAKATHUR VILLAGE & POST KODAGU-571252 ...PETITIONER (BY SRI. BOJANNA K. J., ADVOCATE) AND:

1. . STATE OF KARNATAKA REP. BY CHIEF SECRETARY TO GOVERNMENT OF KARNATAKA VIDHANA SOUDHA DR. B. R. AMBEDKAR ROAD BENGALURU-560001 2 . STATE OF KARNATAKA255REVENUE DEPARTMENT M. S. BUILDING DR. B. R. AMBEDKAR ROAD BENGALURU-560001 REP. BY PRINCIPAL SECRETARY3. THE DEPUTY COMMISSIONER KODAGU DISTRICT MADIKERI KODAGU-571201 4 . THE TAHSILDAR MADIKERI TALUK MADIKERI KODAGU DISTRICT KODAGU-571218 RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H.C., HCGP FOR R1 TO R4) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE CRIMINAL PROCEEDINGS PENDING BEFORE THE LAND GRABBING SPECIAL COURT IN PROCEEDINGS2632018 AGAINST THE PETITIONER U/S9OF THE KARNATAKA LAND GRABBING PROHIBITION ACT2011 PRODUCED AND MARKED ANNEXURE-D AND ETC. IN W.P. No.23515/2019: BETWEEN:

1. . SMT BHAGYAMMA W/O MUNIRAJU, AGED ABOUT39YEARS, R/AT NO.15/4, 1ST MAIN ROAD MARENAHALLI, VIJAYANAGARA256BENGALURU-560 040. 2 . SRI.D.SIDDARAJU S/O LATE C.K.DODDAIAH, AGED ABOUT61YEARS3. SRI.D.HANUMANTHAIAH S/O LATE C.K.DODDAIAH, AGED ABOUT62YEARS4. SRI.D.KRISHNA RAJU S/O LATE C.K.DODDAIAH, AGED ABOUT56YEARS5. SRI.D.SHANKARAPPA S/O LATE C.K.DODDAIAH, AGED ABOUT59YEARS6. SRI.DHANANJAYA S/O LATE C.K.DODDAIAH, AGED ABOUT51YEARS PETITIONERS NO.2 TO6ARE RESIDING AT CHOLANAYAKANAHALLI VILLAGE, TAVAREKERE HOBLI, BENGALURU SOUTH TALUK-562 130 7 . SRI.S.T.KUBERA SWAMY S/O THAMMANNA GOWDA, AGED ABOUT49YEARS8. SRI.S.T.RAMESH S/O THAMMANNA GOWDA, AGED ABOUT47YEARS PETITIONER NO.7 AND8ARE RESIDING AT DEVAMACHOHALLI VILLAGE, TAVAREKERE HOBLI & POST BENGALURU SOUTH TALUK. 9 . SRI.J.N.SOMESHWARA257S/O LATE J.B.NINGAPPA, AGED ABOUT62YEARS10. SMT.R.SUJATHA W/O J.N.SOMESHWARA AGED

ABOUT58YEARS11. SMT. DIVYA S.GOWDA W/O S.V.VIKRAM, AGED ABOUT32YEARS, PETITIONERS NO.10 & 11 ARE REPRESENTED BY THEIR GPA HOLDER. SRI.J.N.SOMESHWARA S/O LATE J.B.NINGAPPA, AGED ABOUT62YEARS PETITIONER NO.9,10 & 11 ARE R/AT NO.91/41, 15TH CROSS, 11TH MAIN, PADMANABHANAGAR, BENGALURU-560 070. ...PETITIONERS (BY SRI. CHANDRAKANTH R GOULAY, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REP BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, VIDHANA SOUDHA, BENGALURU-560 001. 2 . THE TAHSILDAR BENGALURU SOUTH TALUK, KHANDAYA BHAWAN, KEMPEGOWDA ROAD, BENGALURU-560 009. RESPONDENTS258(BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS OF THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 IS UNCONSTITUTIONAL AND ULTRA VIRES TO ARTICLE14 ARTICLE19AND ARTICLE21AND ARTICLE 2001 OF THE CONSTITUTION OF INDIA AS ANNX-C AND ETC. IN W.P. No.23573/2019: BETWEEN:

1. . B.V. PARSHWANTH PRAKASH AGED ABOUT61YEARS2. B. V. SHANTHI PRASAD AGED ABOUT58YEARS3. B. V. AMITH KUMAR AGED ABOUT56YEARS4. B. V. AJITH PRASAD AGED ABOUT50YEARS SONS OF LATE B. S. VASUDEVA JAIN ALL ARE R/O AMBEDKAR COLONY ROAD, BELLUR VILLAGE AND HOBLI, NAGAMANGALA TALUK PIN - 571418 ...PETITIONERS (BY SRI. N. SUKUMAR JAIN, ADVOCATE) AND:

1. . STATE OF KARNATAKA REVENUE DEPARTMENT259M. S. BUILDINGS5H FLOOR, DR AMBEDKAR ROAD, BENGALURU - 560001 BY ITS SECRETARY2. PANCHAYAT DEVELOPMENT OFFICER GRAM PANCHAYAT BELLUR, BELLUR VILLAGE AND HOBLI, NAGAMANGALA TALUK PIN - 571418 3 . TAHSILDAR OFFICE OF TAHSILDAR NAGAMANGALA TALUK & TOWN PIN - 571418 4 . ASSISTANT COMMISSIONER OFFICE OF ASSISTANT COMMISSIONER SUB-DIVISION OF PANDAVAPURA MANDYA DISTRICT PIN -

571434 5 . DEPUTY COMMISSIONER OFFICE OF DEPUTY COMMISSIONER MANDYA DISTRICT PIN - 571401 6 . B. S. GOWDAYA BIN LATE H. L. SHIVARAMAYYA, AGED66YEARS BELLUR VILLAGE AND HOBLI, NAGAMANGALA TALUK MANDYA DISTRICT PIN - 571418 RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H.C., HCGP FOR R1, R3 TO R5; R2 & R6 ARE SERVED & UNREPRESENTED) 260 THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING QUASH THE IMPUGNED

ORDER
DATED0811.2017- ANNX-"A" ISSUED BY THE SPECIAL COURT CONSTITUTED UNDER THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 IN CASE No.LGC (P):

166. 2017 AND ETC. IN W.P. No.27336/2019: BETWEEN: GOPALARAJU M L S/O LATE LAKSHMANARAJU AGED51YEARS, MYLANAHALLI VILLAGE, JHALA HOBLI BENGALURU NORTH (ADDITIONAL) TALUK BENGALURU NORTH DISTRICT-562 149 ...PETITIONER (BY SRI. S. V. SHASTRI, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA DEPARTMENT OF REVENUE AMBEDKAR VEEDHI VIDHANA SOUDHA BENGALURU-560001 REP. BY ITS SECRETARY2. DEPUTY COMMISSIONER BENGALURU URBAN DISTRICT BENGALURU-560001 3 . THE TAHSILDAR BENGALURU NORTH (ADDITIONAL) TALUK BENGALURU URBAN DISTRICT BENGALURU-560001 RESPONDENTS261(BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING QUASH THE PROCEEDINGS INITIATED AGAINST THE PETITIONER IN CASE NO.L.G.C.(G) NO.217/2018 VIDE ANNEXURE-H PENDING ON THE FILE OF KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT AND ETC. IN W.P. No.27597/2019: BETWEEN: SRI VASANTH KUMAR S/O MURGESHAPPA AGED ABOUT58YEARS RESIDENT OF BHAGAVALLI VILLAGE TARIKERE

TALUK CHIKKAMAGALUR DISTRICT-577201 ...PETITIONER (BY SRI. CHANDRAKANTH R GOULAY, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REP BY ITS SECRETARY DEPARTMENT OF REVENUE M S BUILDING DR AMBEDKAR VEEDHI BENGALURU-560 001 2 . THE DEPUTY COMMISSIONER CHIKKAMAGALUR DISTRICT CHIKKAMAGALUR-577201 3 . THE TAHSILDAR262TARIKERE TALUK CHIKKAMAGALUR DISTRICT-577201 4 . THE SUB INSPECTOR OF POLICE AJAMPUR POLICE STATION TARIKERE TALUK CHIKKAMAGALUR DISTRICT-577201 RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING QUASH THE ENTIRE PROCEEDINGS IN LGC [T]. NO.2048/2017 ON THE FILE OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT AS PER ANNEXURE-D, AS WITHOUT COMPETENCE AND JURISDICTION AND OTHERWISE BEING ARBITRARY, ILLEGAL AND VOID AND ETC. IN W.P. No.27625/2019: BETWEEN:

1. . RAMA S/O LATE HANUMANTHA RAMA NAIK, AGED ABOUT55YEARS OCC: AGRICULTURE (COOLIE) R/AT HIREBAIL VILLAGE POST MUTTA, HONAVAR TALUK-581334 UTTARA KANNADA DISTRICT2. KRISHNA S/O HANUMANTHA NAIK AGED ABOUT48YEARS OCC: AGRICULTURE (COOLIE) R/AT HIREBAIL VILLAGE POST MUTTA, HONAVAR TALUK-581334 UTTARA KANNADA DISTRICT3. SMT. LAKSHMI ESHWAR NAIK263W/O LATE ESHWAR NAIK AGED ABOUT55YEARS OCC: AGRICULTURE (COOLIE) R/AT HIREBAIL VILLAGE POST MUTTA, HONAVAR TALUK-581334 UTTARA KANNADA DISTRICT ...PETITIONERS (BY SRI. VIGHNESHWAR S SHASTRI, ADVOCATE) AND:

1. . STATE OF KARNATAKA REPRESENTED BY ITS SECRETARY, DEPARTMENT OF REVENUE, M.S.BUILDING, BANGALORE-560 001 2 . DEPUTY COMMISSIONER KARWAR, UTTARA KANNADA DISTRICT-581301 3 . TAHASILDAR HONAVARA TALUK, UTTARA KANNADA DISTRICT-581334 4 . THE REVENUE INSPECTOR MAVINKURVA, HONAVARA TALUK, UTTARA

KANNADA DISTRICT-581334 RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING QUASH THE COMPLAINT, FIR AND CHARGESHEET FILED IN C.C.NO.390/2015 ON THE FILE OF ADDITIONAL CIVIL JUDGE AND JMFC264HONVARA NOW CONTINUE IN PROCEEDINGS AS PER ANNEXURE-A, B AND C RESPECTIVELY. IN W.P. No.27680/2019: BETWEEN: B T KANTHARAJ S/O THAMMAYYA GOWDA AGED ABOUT58YEARS R/AT SALUR VILLAGE NARASIMHARAJAPURA TALUK CHIKKAMAGALURU DISTRICT ...PETITIONER (BY SRI. PRUTHVI WODEYAR, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REVENUE DEPARTMENT M S BUILDING BENGALURU-560 001 REPRESENTED BY ITS SECRETARY2. THE CHIEF CONSERVATOR OF FOREST CHIKKAMAGALURU DIVISION CHIKKAMAGALURU-577101 3 . DEPUTY FOREST OFFICER KOPPA DIVISION KOPPA CHIKKAMAGALURU DISTRICT-577126 4 . ASSISTANT FOREST OFFICER KOPPA DIVISION KOPPA CHIKKAMAGALURU DISTRICT-577126 5 . REGIONAL FOREST OFFICER265NARASIMHARAJA REGION NARASIMHARAJAPURA-577134 CHIKKAMAGALURU DISTRICT6. THE TAHASILDAR NARASIMHARAJAPURA TALUK NARASIMHARAJAPURA CHIKKAMAGALURU DISTRICT-577134 7 . B. T. PRAKASH S/O THAMMAYYA GOWDA AGED ABOUT45YEARS AGRICULTURIST R/AT HANTHUVANE HONNEKODIGE VILALGE HONNEKODIGE POST NARASIMHARAJAPURA TALUK CHIKKAMAGALURU DISTRICT-577134 RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI.V SREENIDHI, AGA AND SMT. KAVITHA H.C., HCGP FOR R1 TO R6; R7 - SERVED) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING QUASH THE ENTIRE PROCEEDINGS ON THE FILE OF KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT-II BENGALURU, VIDE ANNEXURE-J.

IN W.P. NO.27730/2019: BETWEEN: SRI M.PHILIP S/O C.P.MATTAI AGED ABUT74YEARS RETIRED EMPLOYEE (DRIVER IN PWD) R/O. HOUSE NO.7/A,

WARD NO.32, OPP. TO BLOCK EDUCATION266OFFICE STAFF ROAD FORT, MAIN ROAD BELLARY-583 101. ...PETITIONER (BY SRI. HALESHA R.G., ADVOCATE) AND:

1. STATE OF KARNATAKA REPRESENTED BY THE DEPUTY COMMISSIONER BELLARY-583 101.

2. THE CHIEF SECRETARY ZILLA PANCHAYATH, FORT, BELLARY-583 101. RESPONDENTS (BY SRI. PRABHULING K. NAVADAGI, AG A/W SRI V.SREENIDHI, AGA; SMT.KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLE226OF CONSTITUTION OF INDIA PRAYING TO QUASH THE

ORDER
DATED225.2019 PASSED BY THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT AT BENGALURU IN L.G.C.(T) NO.890/2018 (OS NO.159/2015) VIDE ANNEXURE-E. IN W.P. NO.27921/2019: BETWEEN:

1. HANUMANTHAPPA S/O BASAPPA TALAVAR AGED ABUT58YEARS2 NINGAPPA S/O BASAPPA TALAVAR AGED ABOUT55YEARS BOTH ARE R/O. HAYA VILLAGE SORABA TALUK SHIVAMOGGA DISTRICT-577 429. 267 ...PETITIONERS (BY SRI. CHIDAMBARA G.S., ADVOCATE) AND:

1. THE STATE OF KARNATAKA DEPARTMENT OF FOREST M.S.BUILDING, DR.B.R.AMBEDKAR VEEDHI BENGALURU-560 001 RERESEMTED BY ITS SECRETARY.

2. THE RANGE FOREST OFFICER ANAVATTI RANGE, ANAVATTI, SORABA TALUK SHIVAMOGGA DISTRICT-577 413. RESPONDENTS (BY SRI. PRABHULING K. NAVADAGI, AG A/W SRI V.SREENIDHI, AGA; SMT.KAVITHA H.C., HCGP FOR R1 AND R2) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THERE HAS BEEN NO LAND GRABBING ON THE PART OF HE PETITIONES IN RESPECT OF LAND IN QUESTION OF RESPECT OF2ACRES EACH OF LAND IN SY NO.18 OF HAYA VILLAGE, SORABA TALUK. TO QUASH

THE PROCEEDINGS IN L.G.C.(G)662/2018 PENDING ON THE FILE OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BENGALURU VIDE ANNEXURE-M AND ALLOW THIS WRIT PETITION. IN W.P. NO.28421/2019: BETWEEN: JAGADISHA S/O DYAVE GOWDA268AGED ABOUT48YEARS IDALLI VILLAGE KANATHI POST CHIKMAGALUR TALUK CHIKMAGALUR DISTRICT-577 111. ...PETITIONER (BY SRI. N.R.RAVIKUMAR, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT, M.S.BUILDING BENGALURU-560 001.

2. THE RANGE FOREST OFFICER ALDUR RANGE, CHIKMAGALUR DISTRICT-577 111 RESPONDENTS (BY SRI. PRABHULING K. NAVADAGI, AG A/W SRI V.SREENIDHI, AGA; SMT.KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS OF THE KARNATAKA LAND GRABBING PROHIBITION ACT, IS UNCONSTITUTIONAL AND ULTRA-VIRES ARTICLES14 19, 21 AND300 OF THE CONSTITUTION OF INDIA (ANNEXURE-A); QUASH THE CRIMINAL PROCEEDINGS PENDING BEFORE THE KARANATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BENGALURU IN PROCEEDINGS DATED1611.1997 AS AGAINST THE PETITIONER FOR OFFENCE PUNISHABLE UNDER SECTIONS33AND73KARNATAKA FOREST ACT, 1963, RULE25 42, 43 KARNATAKA FOREST RULES, 1969, COLUMN NO.2 THE FOREST CONSERVATION ACT 1980 AND SECTIONS4AND5OF KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 (ANNEXURE-B). IN W.P. NO.28900/2019:

269. BETWEEN: C.T.NANAIAH S/O LATE THIMMAIAH AGED ABOUT61YEARS KANOOR VILLAGE & POST SOUTH KODAGU-571 216. ...PETITIONER (BY SRI. T.A.KARUMBAIAH, ADVOCATE) AND:

1. STATE OF KARNATAKA REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT OF KARNATAKA VIDHANA SOUDHA DR.B.R.AMBEDKAR ROAD BENGALURU-560 001.

2. STATE OF KARNATAKA REVENUE DEPARTMENT M.S.BUILDING DR.B.R.AMBEDKAR ROAD BENGALURU-01 REPRESENTED BY PRINCIPAL SECRETARY3 THE DEPURTY COMMISSIONER KODAGU DISTRICT, MADIKERI KODAGU-571 201.

4. THE TAHSILDAR VIRAJPET TALUK VIRAJPET, KODAGU DISTRICT KODAGU-571 218. RESPONDENTS (BY SRI. PRABHULING K. NAVADAGI, AG A/W SRI V.SREENIDHI, AGA; SMT.KAVITHA H.C., HCGP) 270 THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO QUASH ANNEXURE-E THE PROCEEDINGS IN LGC(T) NO.303/2018 ON THE FILE OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT NO.I, BENGALURU; DECLARE THAT SECTIONS3 4, 6, 7, 8 AND9OF KARNATAKA LAND GRABBING PROHIBITION ACT OF 2011 AS UNCONSTITUTIONAL. IN W.P. NO.29471/2019: BETWEEN: PALEKANDA JYOTHI POOVAIAH W/O LATE POOVAIAH AGED ABOUT54YEARS KANNANGALA VILLAGE VIRAJPET TALUK KODAGU DISTRICT-571 218. ...PETITIONER (BY SRI. T.A.KARUMBAIAH, ADVOCATE) AND:

1. STATE OF KARNATAKA REPRESENTED BY CHIEF SECRETARY VIDHANA SOUDHA BENGALURU-560 001.

2. THE DEPUTY COMMISSIONER KODAGU DISTRICT MADIKERI, KODAGU-571 201.

3. THE TAHSILDAR VIRAJPET TALUK, VIRAJPET, KODAGU DISTRICT KODAGU-571 218. RESPONDENTS (BY SRI. PRABHULING K. NAVADAGI, AG A/W SRI V.SREENIDHI, AGA; SMT.KAVITHA H.C., HCGP) 271 THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO DECLARE THAT SECTIONS4 5, 6, 7, 8, 9 AND10OF KARNATAKA LAND GRABBING PROHIBITION ACT OF 2011 AS UNCONSTITUTIONAL AND STRIKE DOWN THE SAID PROVISIONS. TO QUASH ANNEXURE-B THE PROCEEDINGS IN LGC(G) NO.1939/2017 ON THE FILE OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT-I, BENGALURU. IN W.P. NO.29604/2019: BETWEEN: SRI SURYANARAYANA

S/O LATE SRI SRINIVASA GOWDA AGED ABOUT65YEARS GUBBIBAIL, JAYAPURA POST KOPPA TALUK CHIKMAGALUR DISTRICT-577 123. ...PETITIONER (BY SRI. SHAMANNA B.H., ADVOCATE) AND:

1. STATE OF KARNATAKA DEPARTMENT OF REVENUE M.S.BUILDING DR.AMBEDKAR ROAD BENGALURU-560 001 REPRESENTED BY ITS SECRETARY2 THE TAHSILDAR KOPPA, KOPPA TALUK CHIKMAGALUR DISTRICT-577 126. RESPONDENTS (BY SRI. PRABHULING K. NAVADAGI, AG A/W SRI V.SREENIDHI, AGA; SMT.KAVITHA H.C., HCGP FOR R1) 272 THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE KARNATAKA LAND GRABBING PROHIBITION ACT OF2011(KARNATAKA ACT38OF2014 AS ULTRAVIRES THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLES14 20, 21 AND300 AND/OR IN THE ALTERNATIVE; DECLARING THAT THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 (KARNATAKA ACT38OF2014 IS NOT APPLICABLE TO THE FACTS AND CIRCUMSTANCES OF THE PETITIONERS CASE IN L.G.C.(G) NO.279/2019. IN W.P. NO.29668/2019: BETWEEN: SRI SANTOSH A SHETTY S/O ANAND SHETTY AGED ABOUT34YEARS OCC: AGRICULTURIST RESIDING OF CHIKKA AGRAHARA POST MEGHARAMAKKI N.R.PURA TALUK CHIKKAMAGALUR DISTRICT-567 201. ...PETITIONER (BY SRI. CHANDRAKANTH R. GOULAY, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REP. BY ITS SECRETARY DEPARTMENT OF REVENUE M.S.BUILDING, DR.AMBEDKAR VEEDHI BENGALURU-560 001.

2. THE DEPUTY CONSERVATOR OF FOREST CHIKKAMAGALUR DISTRICT CHIKKAMAGALUR-567 201.

3. THE RANGE FOREST OFFICER CHIKKAAGRAHARA RANGE273N.R.PURA TALUK CHIKKAMAGALUR DISTRICT-567 201. RESPONDENTS (BY SRI. PRABHULING K. NAVADAGI, AG A/W SRI V.SREENIDHI, AGA; SMT.KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN LGC(T) NO.140/2018 ON THE FILE OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT AS PER ANNEXURE-H, AS WITHOUT

COMPETENCE AND JURISDICTION AND OTHERWISE BEING ARBITRARY, ILLEGAL AND VOID; DECLARE THAT THE PROVISIONS OF THE KARNATAKA LAND GRABBING PROHIBITION ACT 2011 IS UNCONSTITUTIONAL AND ULTRA VIRUS TO ARTICLES14 19, 21 AND300 OF THE CONSTITUTION OF INDIA AS ANNEXURE-J.

IN W.P. NO.30073/2019: BETWEEN:

1. MR.K.SHAMANNA S/O LATE KEMPANNA AGED ABOUT69YEARS2 MR. K.RAMMANNA AGED ABOUT52YEARS S/O LATE KEMPANNA ...PETITIONERS (BY SRI. BHARADWAJ K.R., ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY VIDHANA SOUDHA BENGALURU-560 001. 274

2. THE PRINCIPAL SECRETARY TO GOVERNEMTN REVENUE DEPARTMENT M.S.BUILDING, DR.B.R.AMBEDKAR VEEDHI BENGALURU-560 001.

3. THE TAHSILDAR BANGALORE NORTH ADDL. TALUK BANGALORE-560 001. RESPONDENTS (BY SRI. PRABHULING K. NAVADAGI, AG A/W SRI V.SREENIDHI, AGA; SMT.KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO QUASH THE PROCEEDINGS PENDING ON THE FILE OF THE KARNATAKA LAND GRABBING AND PROHIBITION, SPECIAL COURT, KANDAYA BHAVAN AT BENGALURU IN CASE NO.LGC(S) NO.170/2017 PENDING IN COURT VIDE ANNEXURE-B. IN W.P. NO.30187/2019: BETWEEN: K.K.CHANNAKESHAVA S/O SRI KALASAPPA NAIK AGED ABOUT50YEARS R/O KOCHUVALLI VILLAGE KASABA HOBLI SHRINGERI TALUK CHIKKAMAGALUR DISTRICT-577 139. ...PETITIONER (BY SRI. PRADEEP NAIK K., ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY275REVENUE DEPARTMENT M.S.BUILDING, BENGALURU-560 001.

2. THE RANGE FOREST OFFICER SHRINGERI RANGE CHIKKAMAGALUR DISTRICT-577 139. RESPONDENTS (BY SRI. PRABHULING K. NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP FOR R1 AND R2) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO QUASH THE CRIMINAL PROCEEDINGS PENDING BEFORE THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BENGALURU IN LGC(G) NO.535/2018 AS AGAINST THE PETITIONER FOR OFFENCES PUNISHABLE UNDER SECTIONS4AND5OF THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(ANNEXURE-B). IN W.P. NO.31106/2019: BETWEEN: SRI A.H. SUNDARESH S/O HALA NAIKA AGED ABOUT48YEARS R/A SHEDGAR KULLUNDE VILLAGE MANDAGADDE HOBLI THIRTHAHALLI TALUK SHIVAMOGGA DISTRICT-577 220. ...PETITIONER (BY SRI. SUNIL KUMAR B.N., ADVOCATE) AND:

1. THE STATE OF KARNATAKA BY ITS CHIEF SECRETARY276VIDHANA SOUDHA BENGALURU-560 001.

2. THE ASSISTANT COMMISSIONER SAGARA, SHIVAMOGGA-577 201.

3. THE TAHASILDAR TALUK OFFICE OF HOSANAGARA SHIVAMOGGA-577 401.

4. THE RANGE FOREST OFFICER MANDAGADDE RANGE MANDAGADDE POST THIRTHAHALLI TALUK SHIVAMOGGA DISTRICT-577 220. RESPONDENTS (BY SRI. PRABHULING K. NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO A WRIT DECLARING THAT THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT38OF2014 IS NOT APPLICABLE TO THE FACTS AND CIRCUMSTANCES OF THE PETITIONERS CASE IN LGC(G) NO.2290/2017 BEFORE THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, COURT HALL NO.1 BENGALURU AND CONSEQUENTLY QUASH THE PROCEEDINGS VIDE ANNEXURE-B THEREUNDER. IN W.P. NO.31107/2019: BETWEEN: SRI HARIYAPPA NAIKA S/O KRISHNA NAIKA

AGED ABOUT64YEARS R/A BAVIGADDE KULLUNDE VILLAGE MANDAGADDE HOBLI277THIRTHAHALLI TALUK SHIVAMOGGA DISTRICT-577 220. ...PETITIONER (BY SRI. SUNIL KUMAR B.N. ADVOCATE) AND:

1. THE STATE OF KARNATAKA BY ITS CHIEF SECRETARY VIDHANA SOUDHA BENGALURU-560 001.

2. THE ASSISTANT COMMISSIONER SAGARA, SHIVAMOGGA-577 201.

3. THE TAHASILDAR TALUK OFFICE OF HOSANAGARA SHIVAMOGGA-577 401.

4. THE RANGE FOREST OFFICER MANDAGADDE RANGE MANDAGADDE POST THIRTHAHALLI TALUK SHIVAMOGGA DISTRICT-577 220. RESPONDENTS (BY SRI. PRABHULING K. NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO A WRIT DECLARING THAT THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT38OF2014 IS NOT APPLICABLE TO THE FACTS AND CIRCUMSTANCES OF THE PETITIONERS CASE IN LGC(G) NO.2291/2017 ANNEXURE-B BEFORE THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, COURT HALL NO.1 BENGALURU AND CONSEQUENTLY QUASH THE PROCEEDINGS VIDE ANNEXURE-B. THERE UNDER. 278 IN W.P. NO.31322/2019: BETWEEN: SMT.B.C.DHARMA D/O LATE CHINNAPPA GOWDA AGED ABOUT56YEARS R/AT PETEMUTTA, BHOGARAKOPPA GRAMA KASABA HOBLI, THIRTHAHALLI (T) SHIVAMOGGA-577 418. ...PETITIONER (BY SRI. HARISH KUMAR M.S., ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS SECRETARY REVENUE DEPARTMENT M.S.BUILDING BENGALURU-560 001.

2. THE TAHASILDAR THIRTHHALLI TALUK, THIRTHAHALLI SHIVAMOGGA-577 432. RESPONDENTS (BY SRI. PRABHULING K. NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP) THIS WRIT PETITION IS

FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO QUASH THE PROCEEDING PENDING BEFORE THE LAND GRABBING SPECIAL COURT, BENGALURU (COURT NO.2) IN PROCEEDINGS IN LGC(G)NO.1153/2018 AGAINST THE PETITIONER FOR OFFENCE PUNISHABLE UNDER SECTION43) OF THE KARNATAKA LAND GRABBING PROHIBITION ACT 2011 VIDE ANNEXURE-C. 279 IN W.P. NO.31349/2019: BETWEEN:

1. SRI ERAPPA SHETTY S/O SIDDA SHETTY AGED ABOUT77YEARS2 SRI DEVARAJ S/O RAMA SHETTY AGED ABOUT55YEARS BOTH ARE RESIDING AT KOGARAVALLI VILLAGE KABBINAGADDE DAKHLE HALEBELURU POST SAKALESHAPURA TALUK HASSAN-573 127. ...PETITIONERS (BY SRI. NAGAIAH, ADVOCATE) AND:

1. THE CHIEF SECRETARY GOVERNMENT OF KARNATAKA VIDHANA SOUDHA BENGALURU-560 001.

2. THE DEPUTY COMMISSIONER HASSAN DISTRICT HASSAN-571 231.

3. THE CHIEF EXECUTIVE OFFICER ZILLA PANCHAYAT HASSAN-571 231.

4. THE TAHASILDAR SAKALESHAPURA TALUK SAKALESHAPURA HASSAN-573 127. 280

5. THE EXECUTIVE OFFICER TALUK PANCHAYAT SAKALESHAPURA HASSAN-573 127.

6. THE PANCHAYAT DEVELOPMENT OFFICER MALALI GRAMA PANCHAYAT MALALI, KASABA HOBLI SAKALESHAPURA TALUK HASSAN-573 127.

7. THE SECRETARY MALALI GRAMA PANCHAYAT MALALI, KASABA HOBLI SAKALESHAPURA TALUK HASSAN-573 127 RESPONDENTS (BY SRI. PRABHULING K. NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP FOR R1 TO R5; SRI A. NAGARAJAPPA, ADVOCATE FOR R6 AND R7) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO DECLARE

THAT THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 (KARNATAKA ACT38OF2014 IS NOT APPLICABLE TO THE FACTS AND CIRCUMSTANCES OF THE PETITIONERS CASE NO.LGC(T) NO.1373/2018 BEFORE THE SPECIAL COURT BENGALURU (ANNEXURE-E). IN W.P. NO.31350/2019: BETWEEN:

1. SRI RAMA SHETTY S/O VENKATA SHETTY AGED ABOUT77YEARS2 SMT. RATHNA D/O RAMA SHETTY281AGED ABOUT45YEARS BOTH ARE RESIDING AT KOGARAVALLI VILLAGE KABBINAGADDE DAKHLE HALEBELURU POST SAKALESHAPURA TALUK HASSAN-573 127. ...PETITIONERS (BY SRI. NAGAIAH, ADVOCATE) AND:

1. THE CHIEF SECRETARY GOVERNMENT OF KARNATAKA VIDHANA SOUDHA BENGALURU-560 001.

2. THE DEPUTY COMMISSIONER HASSAN DISTRICT HASSAN-571 231.

3. THE CHIEF EXECUTIVE OFFICER ZILLA PANCHAYAT HASSAN-571 231.

4. THE TAHASILDAR SAKALESHAPURA TALUK SAKALESHAPURA HASSAN-573 127.

5. THE EXECUTIVE OFFICER TALUK PANCHAYAT SAKALESHAPURA HASSAN-573 127.

6. THE PANCHAYAT DEVELOPMENT OFFICER MALALI GRAMA PANCHAYAT MALALI, KASABA HOBLI SAKALESHAPURA TALUK HASSAN-573 127. 282

7. THE SECRETARY MALALI GRAMA PANCHAYAT MALALI, KASABA HOBLI SAKALESHAPURA TALUK HASSAN-573 127 RESPONDENTS (BY SRI. PRABHULING K. NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP FOR R1 TO R4; SRI A.NAGARAJAPPA, ADVOCATE R5 TO R7) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT38OF2014 IS NOT APPLICABLE TO THE FACTS AND CIRCUMSTANCES OF THE

PETITIONERSCAS IN CASE NO.LGC(T) NO.1374/2108 BEFORE THE SPECIAL COURT BENGALURU (ANNEXURE-F). IN W.P. NO.32184/2019: BETWEEN: SMT. SHARADAMMA W/O LATE DAYANADA A.N. AGED ABOUT61YEARS R/AT UMAPATHI TEMPLE ROAD JAYANAGAR, SALAGERI, HOSANAGAR (T) SHIVAMOGGA-577 418. ...PETITIONER (BY SRI. HARISH KUMAR M.S., ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS SECRETARY REVENUE DEPARTMENT M.S.BUILDING283BENGALURU-560 001.

2. FOREST RANGE OFFICER HOSANAGARA, HOSANAGAR (T) SHIVAMOGGA-577 418. RESPONDENTS (BY SRI. PRABHULING K. NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO QUASH THE PROCEEDINGS PENDING BEFORE THE LAND GRABBING SPECIAL COURT, BENGALURU (COURT NO.2) IN PROCEEDINGS NO.LGC(G) NO.1575/2018 AGAINST THE PETITIONER FOR OFFENCE PUNISHABLE UNDER SECTION43) OF THE KARNATAKA LAND GRABBING PROHIBITION ACT 2011 VIDE ANNEXURE-C. IN W.P. NO.33249/2019: BETWEEN: SRI ASHWATHANARAYANA S/O LATE KEMPAIAH AGED ABOUT59YEARS RESIDING AT NO.1836, 5TH MAIN, RPC LAYOUT, VIJAYANGAR BENGALURU-560 040. ...PETITIONER (BY SRI. D.R.RAVISHANKAR, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY THE PRINCIPAL SECRETARY REVENUE DEPARTMENT M.S.BUILDING284BENGALURU-560 001.

2. SMT. H.S.KAVYASHREE W/O DR.DEEPAK AGED ABOUT34YEARS RESIDING AT NO.858, 8TH CROSS8H MAIN, KAMAKSHI HOSPITAL ROAD SARASWATHIPURAM MYSURU-577 001. RESPONDENTS (BY SRI. PRABHULING K. NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP FOR R1; SRI B.S.NAGARAJA, ADVOCATE FOR R2) THIS WRIT PETITION IS FILED UNDER ARTICLE226OF CONSTITUTION OF INDIA PRAYING TO QUASH THE PROCEEDINGS PENDING ENTIRE

KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT IN PROCEEDINGS NO.LGC(P) NO.437/2018 AS PER ANNEXURE-C AND PASS SUCH OTHER

ORDER

, AS DEEMED AND APPROPRAITE . IN W.P. NO.33262/2019: BETWEEN: SRI PAPU GOWDA S/O RUDRAPPA GOWDA AGED ABOUT54YEARS R/AT BATTEMALLAPPA ALAGERE MANDRI VILLAGE HARIDRAVATHI (POST) HOSANAGAR (T) SHIVAMOGGA-577 418. ...PETITIONER (BY SRI. ADVOCATE) AND:

1. THE STATE OF KARNATAKA285REPRESENTED BY ITS SECRETARY REVENUE DEPARTMENT M.S.BUILDING BENGALURU-560 001.

2. FOREST RANGE OFFICER HOSANAGAR HOSANAGARA (T) SHIVAMOGGA-577 418 RESPONDENTS (BY SRI. PRABHULING K. NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP FOR R1) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO QUASH THE PROCEEDINGS PENDING BEFORE THE LAND GRABBING SPECIAL COURT, BENGALURU (COURT NO.2) IN PROCEEDINGS AGAINST THE PETITIONER FOR OFFENCE PUNISHABLE UNDER SECTION43) OF THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 VIDE ANNEXURE-C. IN W.P. NO.34572/2019: BETWEEN: MR. RAGHAVENDRA S/O MR. SURENDRA HEGDE AGED ABOUT36YEARS R/AT KOCHUVALLI VILLAGE KASABA HOBLI, SHRINGERI TALUK CHIKKAMANGALUR-577 193. ...PETITIONER (BY SRI. RAJASHEKAR S, ADVOCATE) AND:

1. THE STATE OF KARNATAKA BY THE RINCIPAL SECRETARY286REVENUE DEPARTMENT M.S.BUILDING, DR. AMBEDKAR VEEDHI BENGALURU-560 001.

2. THE FOREST RANGE OFFICER SHRINGERI REGION, SHRINGERI TALUK CHIKKAMANGALUR-577 139. RESPONDENTS (BY SRI. PRABHULING K. NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO QUASH THE SECTION43) OF KARNATAKA LAND GRABBING (PROBIHIBTION) ACT 2011 AND CONSEQUENTLY QUASH THE

ORDER
DATED206.2019 PASSED BY KARNATAKA LAND GRABBING, SPECIAL COURT IN LGC(G) NO.622/2018 VIDE ANNEXURE-A. IN W.P. NO.35277/2019: BETWEEN: SMT. PRIYADARSHINI W/O SRI M.KRISHNAPPA AGED ABOUT55YEARS RESIDING AT NO.2938/B, SERVICE ROAD, II STAGE VIJAYANAGAR, BENGAURU-560 040. ...PETITIONER (BY SRI. K. SHASHIKIRAN SHETTY, SR. COUNSEL FOR SMT. LATHA S SHETTY, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT287M.S.BUILDING, BENGALURU-560 001.

2. HEMANTHARAJU S/O LATE MUNIRAJU NO.32, ESHWARA TEMPLE ROAD RAMOHALLI, KENGERI HOBLI BENGALURU SOUTH TALUK BENGALURU-560 074 3. THE TAHSILDAR BENGALURU SOUTH TALUK BENGALURU RESPONDENTS (BY SRI. PRABHULING K. NAVADAGI, AG A/W SRI V.SREENIDHI, AGA AND SMT.KAVITHA H.C., HCGP FOR R1 & R-3) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF CONSTITUTION OF INDIA PRAYING TO QUASH THE PROCEEDINGS PENDING BEFORE THE LAND GRABBING SPECIAL COURT IN LGC(G) NO.62/2017 AS AGAINST THE PETITIONER FOR OFFENCE PUNISHABLE UNDER SECTION43) OF THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 AND CHAPTER14 OF THE KARNATAKA LAND REVENUE ACT1964(ANNEXURE-B). IN W.P. NO.35575/2019: BETWEEN: SRI. K.C. MAHESHA S/O CHINNAIAH HEGADE AGED ABOUT44YEARS R/OF KOCHAVALLI VILLAGE TEKKU POST, SRINGERI TALUK, CHIKMAGALUR DISTRICT - 577 139. ...PETITIONER288(BY SRI. V.D. RAVIRAJ, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT M.S. BUILDING BENGALURU - 560 001. 2 . RANGE

FOREST OFFICER SRIGERI SUB DIVISION SRINGERI CHIKKAMAGALURU - 577 139. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS OF THE KANATAKA LAND GRABBING PROHIBITION ACT, IS UNCONSTITUTIONAL AND ULTRA VIRES TO ARTICLE14 19, 21 AND300A OF THE CONSTITUTION OF INDIA (ANNEXURE-) IN W.P. NO.35579/2019: BETWEEN: MUNEER SAB AGED ABOUT48YEARS S/O TAJU SAB R/O HAYA VILLAGE SORABA TALUK, SHIVAMOGGA DISTRICT - 577 429. ...PETITIONER (BY SRI. CHIDHAMBARA G.S, ADVOCATE) 289 AND:

1. . THE STATE OF KARNATAKA DEPARTMENT OF FOREST M.S. BUILDING, DR. B.R. AMBEDKAR BEEDI, BENGALURU - 560 001 REPRESENTED BY ITS SECRETARY. 2 . THE RANGE FOREST OFFICER ANVATTI RANGE ANAVATTI, SORABA TALUK SHIVAMOGGA DISTRICT - 577 413. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 AS UNCONSTITUTIONAL AND DECLARE THAT THERE HAS BEEN NO LAND GRABBING ON THE PART OF THE PETITIONERS IN RESPECT OF LAND IN QUESTION IN RESPECT OF1ACRE28GUNTAS OF LAND IN SY. NO.18 OF HAYA VILLAGE, SORABA TALUK, SHIVAMOGGA DISTRICT. IN W.P. NO.36127/2019: BETWEEN: SRI FRANCIS GEORGE S/O SRI. C.M. VAKRI AGED ABOUT49YEARS R/O JOYE ESTATE HENGAVALLI VILLAGE KUNDAPURA TLAUK, UDUPI DISTRICT - 576 201. ...PETITIONER290(BY SRI. K. PRASANNA SHETTY, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETRY REVENUE DEPARTMENT M.S. BUILDING, BENGALURU - 560 001. 2 . THE DEPUTY COMMISIONER UDUPI DISTRICT, RAJATHADRI MANIPAL, UDUPI DISTRICT - 576 104. 3 . THE ASSISTANT COMMISSIONER KUNDAPURA TALUK UDUPI DISTRICT - 577 201. 4 . THE TAHASILDAR KUNDAPURA TALUK

UDUPI DISTRICT - 577 201. 5 . STATION HOUSE OFFICER SHANKARANARAYANA POLICE STATION, KUNDAPUR CIRCLE UDUPI DISTRICT - 576 282. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP FOR NO.1 TO5 THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS OF THE KARNATAKA LAND GRABBING PROHIBITION ACT, IS UNCONSTITUTIONAL AND ULTRA VIRES ARTICLE14 19, 21 AND300A OF THE CONSTITUTION OF INIDA (ANNEXURE-G). IN W.P. NO.38110/2019: BETWEEN:

291. SURESH GOWDA S/O SUBBE GOWDA BASANI VILLAGE, MATHIKATTE POST, MUDIGERE TALUK CHIKKAMAGALUR DIST - 577 132. ...PETITIONER (BY SRI. RAVIKUMAR N.R, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REP BY THE CHIEF SECRETARY REVENUE DEPARTMENT M.S. BUILDING, BENGALURU - 560 001. 2 . THE RANGE FOREST OFFICER MUDIGERE RANGE CHIKKAMAGALUR DISTRICT - 577 132. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS OF THE KARNATAKA LAND GRABBING PROHIBITION ACT, IS UNCONSTITUTIONAL AND ULTRA-VIRES ARTICLE14 19, 21 AND300A OF THE CONSTITUTION OF INDIA (ANNEXURE-A). IN W.P. NO.38701/2019: BETWEEN: SRI T KRISHNA S/O ERAPPA AGED ABOUT54YEARS, R/A THRUPALYA VILLAGE JIGANI HOBLI, ANEKAL292TALUK, BENGALURU - 562 106. ...PETITIONER (BY SRI. RAHUL S REDDY, ADVOCATE) AND:

1. . STATE OF KARNATAKA REP BY ITS SECRETARY DEPARTMENT OF REVENUE VIDHANA SOUDHA BENGALURU - 560 001. 2 . THE TAHSILDHAR ANEKAL TALUK ANEKAL, BENGALURU - 562 106. 3 . THE ASSISTANT COMMISSIONER BANGALORE SOUTH DIVISION BANGALORE. 4 . THE SPECIAL DEPUTY COMMISSONER BANGALORE URBAN DISTRICT

BANGALORE. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO A WRIT DECLARING THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT38OF2014 AS ULTRA VIRES THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLES1420, 21 & 300-A. IN W.P. NO.38895/2019: BETWEEN: SRI. MUNITHIRUMALLALPPA293S/O LATE YARRAPPA RESIDING AT NO.43/1 HOSAPALYA, HONGASANDRA VILLAGE, BOMMANAHALLI POST, BENGALURU - 560 068. ...PETITIONER (BY SRI. MANJUNATH HEGDE, ADVOCATE FOR SRI. T. SHESHAGIRI RAO, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY VIDHANA SOUDHA BENGALURU - 560 001. 2 . THE STATE OF KARNATAKA DEPARTMENT OF REVENUE REPRESENTED BY ITS SECRETARY VIDHANA SOUDHA BENGALURU - 560 001. 3 . THE DEPUTY COMMISSIONER BENGALURU URBAN DISTRICT K.G. ROAD, BENGALURU - 560 001. 4 . THE TASHIDLAR BENGALURU SOUTH TALUK KANDAYA BHAVAN BUILDING K.G. ROAD, BENGALURU - 560 001. 5 . THE REGISTRAR OFFICE OF THE SPECIAL COURT FOR KARNATAKA LAND GRABBING PROHIBITION K.G. ROAD, BENGALURU - 560 001. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP) 294 THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED

ORDER

DATED3107.2019 ONE PASSED BY THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BENGALURU (CH-2) IN CASE FOUND AT ANNEXURE-X TO THE WRIT PETITION. IN W.P. NO.40447/2019: BETWEEN: BOMMANAHALLI RAVI S/O. LAKSHMANAPPA, AGED ABOUT38YEARS RESIDING AT MAJIRE SIRINAYAKANAKOPPA NEGAVADI VILLAGE KUPPAGADDE HOBLI SORABA TALUK SHIVAMOGGA DISTRICT. ...PETITIONER (BY SRI. KALYAN KUMAR H.S, ADVOCATE) AND:

1. . STATE OF KARNATAKA REP. BY ITS SECRETARY, DEPARTMENT OF FOREST VIDHANA SOUDHA BENGALURU - 560 001. 2 . RANGE FOREST OFFICER ANAVATTI RANGE SORABA TALUK, SHIVAMOGGA DISTRICT. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND295SMT. KAVITHA HC, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED

ORDER
DATED0208.2019 IN No.LGC (G) NO.715/2018 FROM THE COURT OF KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT AT BENGALURU AT ANNX-D. IN W.P. NO.40448/2019: BETWEEN: EERAPPA S/O HANUMANTHAPPA AGED ABOUT60YEARS RESIDING AT MAJIRE SIRINAYAKANAKOPPA NEGAVADI VILLAGE, KUPPAGADDE HOBLI SORABA TALUK SHIVAMOGGA DISTRICT. ...PETITIONER (BY SRI. KALYAN KUMAR H.S, ADVOCATE) AND1. STATE OF KARNATAKA REP BY ITS SECRETARY DEPARTMENT OF FOREST VIDHANA SOUDHA BENGALURU - 560 001. 2 . RANGE FOREST OFFICER ANAVATTI RANGE SORABA TALUK SHIVAMOGGA DISTRICT. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND296SMT. KAVITHA HC, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED

ORDER
DATED0208.2019 IN CASE No.LGC (G) NO.718/2018 FROM THE COURT OF KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT ART BENGALURU AT ANNX-D. IN W.P. NO.40450/2019: BETWEEN: RAMAPPA GODNAR S/O.BASAVANAYAPAP RESIDING AT MAJIRE SIRINAYAKANAKOPPA NEGAVADI VILALGE KUPPAGADDE HOBLI SORABA TALUK SHIVAMOGGA DISTRICT. ...PETITIONER (BY SRI. KALYAN KUMAR H.S, ADVOCATE) AND:

1. . STATE OF KARNATAKA REP. BY ITS SECRERARY DEPARTMENT OF FOREST VIDHANA SOUDHA BENGALURU - 560 001. 2 . RANGE FOREST

OFFICER ANAVATTI RANGE SORABA TALUK SHIVAMOGGA DISTRICT. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND297SMT. KAVITHA HC, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED

ORDER
DATED0208.2019 IN CASE No.LGC (G) NO.720/2018 BY THE COURT OF KARNATAKA LNAD GRABBING PROHIBITION SPECIAL COURT AT BENGALURU AT ANNEXURE-D. IN W.P. NO.41715/2019: BETWEEN: MR. D.B. KRISHNEGOWDA S/O BASAVEGOWDA AGED ABOUT51YEARS R/AT DEVEGOWDANAKOPPALU VILALGE, HULIKERE POST NAGAMANGALA TALUK MANDYA DISTRICT. ...PETITIONER (BY SRI. SIDHARTH B. MUCHANDI, ADVOCATE) AND:

1. . THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT III FLOOR KANDAYA BHAVAN K.G. ROAD, BANGALORE - 560 009 REPRESENTED BY IS REGISTRAR. 2 . TAHSILDHAR NAGAMANGALA TALUK MANDYA DISTRICT - 577 101. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP, 298 R-1 IS DELETED VIDER

ORDER
DATED2510.2019) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH ENTIRE PROCEEDINGS IN LGC (G) 1113/2017 BY KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT VIDE ANNEXURE-A. IN W.P. NO.41716/2019: BETWEEN:

1. . MRS K.T. KAMAKSHAMMA W/O D V KRISHNEGOWDA AGED ABOUT48YEARS. 2 . MR D B KRISHNEGOWDA S/O BASAVEGOWDA, AGED ABOUT53YEARS. BOTH ARE RESIDING AT R/AT DEVEGOWDANAKOPPALU VILLAGE, HULIKERE POST KASABA HOBLI, NAGAMANGALA TALUK, MANDYA DISTRICT. ...PETITIONERS (BY SRI. SIDHARTH B. MUCHANDI, ADVOCATE) AND: TAHSILDHAR NAGAMANGALA TALUK MANDYA DISTRICT

- 577 101. RESPONDENT (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP) 299 THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH ENTIRE PROCEEDINGS VIDE ANNEXURE-A. IN W.P. NO.42273/2019: BETWEEN: SMT. SEETHAVVA W/O T N SOMAIAH AGED ABOUT48YEARS R/O KONGANA VILLAGE VIRAJPET TALUK SOUTH KODAGU. ...PETITIONER (BY SRI. RANJAN KUMAR K, ADVOCATE) AND:

1. . THE TAHSILDAR VIRAJPET TALUK MADIKERI - 571 218. 2 . THE DEPUTY COMMISSIONER KODAGU DISTRICT MADIKERI - 571 201. 3 . THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY GOVERNMENT OF KARNATAKA REVENUE DEPARTMENT101 1ST FLOOR, VIKAS SOUDHA DR.AMBEDKAR VEEDHI BENGALURU - 560 001. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND300SMT. KAVITHA HC, HCGP FOR R-1 TO R-3) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS OF THE KARNATAKA LAND GRABBING PROHIBITION ACT IS UNCONSTITUTIONAL AND ULTRA VIRES ARTICLE14 ARTICLE19 ARTICLE21AND ARTICLE300A OF THE CONSTITUTION OF INDIAL (ANNX-A). IN W.P. NO.45583/2019: BETWEEN: SRI. K.R. CHANDRE GOWDA AGED ABOUT58YEARS S/O. RAME GOWDA R/AT KEMMANNU GADDE DEVAGODU VILLAGE MEGUNDA HOBLI, KOPPA TALUK CHIKKAMAGALUR - 577 112. ...PETITIONER (BY SRI. P.P. HEGDE, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY THE UNDER SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT, VIDHANA SOUDHA BENGALURU - 560 001. 2 . THE TAHSILDAR KOPPA TALUK, CHIKKAMAGALURU DISTRICT - 577 126 NOS.1 AND2ARE REPRESENTED BY THE STATE PUBLIC PROSECUTOR HIGH COURT OF KARNATAKA BENGALURU - 560 001. RESPONDENTS301(BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS

OF THE KARNATAKA LAND GRABBING PROHIBITION ACT IS UNCONSTITUTIONAL AND ULTRA VIRES ARTICLE14 ARTICLE19 ARTICLE21AND ARTICLE300A OF THE CONSTITUTION OF INDIAL (ANNX-A). IN W.P. NO.50244/2019: BETWEEN:

1. . ADARSH DEVELOPERS A REGISTERED PARTNERSHIP FIRM NO.10, VITTAL MALLAYA ROAD, BENGALURU-560 001, REPRESENTED BY ITS MANAGING PARTNER B.M. JAYESHANKAR S/O LATE B. M. MADAIAH AGED ABOUT64YEARS. 2 . B.M. JAYESHANKAR S/O LATE B.M. MADAIAH AGED ABOUT63YEARS OFFICE AT No.10 VITTAL MALLYA ROAD BENGALURU - 560 001. 3 . B.M. KARUNESH S/O LATE B. MADIAH AGED ABOUT54YEARS, OFFICE AT No.10, VITTAL MALLYA ROAD, BENGALURU - 560 001. ...PETITIONERS (BY SRI. K. SHASHIKIRAN SHETTY, SR. COUNSEL FOR302SMT. LATHA S SHETTY, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT M.S. BUILDING BENGALURU - 560 001. 2 . CAPTAIN RAJESH PATRO S/O. DEVENDRA PATRO, AGED ABOUT45YEARS, R/AT F-004, TOWER-4, ADARSH PALM RETREAT CONDOMINIUMS BANGALORE - 560 103. 3 . ASHWIN KULASHEKAR S/O KULASEKHAR KARKARLA AGED ABOUT39YEARS C-301, TOWER NO.4 ADARSH PALM RETREAT CONDOMINIUMS BANGALORE - 560 103. 4 . R. MURALIDHARA REDDY S/O. LATE V RANGA REDDY AGED ABOUT53EYARS RESIDING AT LOTUS-303 TOWER6 ADARSH PALM RETREAT CONDOMINIUMS BANGALORE - 560 103. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP FOR R-1; SMT. S. PADMINI, ADVOCATE FOR R-2 TO R-4) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA303PRAYING TO DECLARE THAT THE PROVISIONS OF THE KARNATAKA LAND GRABBING PROHIBITION ACT, IS UNCONSTITUTIONAL AND ULTRA VIRES ARTICLE14 19 AND21AND300A OF TH ECONSTITUTION OF INDIA (ANNEXURE-A) IN W.P. NO.50781/2019: BETWEEN: S.V. SUBRAMANYA S/O LATE SRI. S.S. VENKATAPPA GOWDA, AGED ABOUT63YEARS RESIDING AT KASKE MANE JANAGADDE POST,

CHIKMAGALUR TALUK, CHIKKAMAGALUR DISTRICT. ...PETITIONER (BY SRI. CHANDRAKANTH R GOULAY, ADVOCATE) AND:

1. . STATE OF KARNATAKA REP BY ITS SECRETARY DEPARTMENT OF REVENUE M.S. BUILDING, DR. AMBEDKAR VEEDHI, BENGALURU - 560 001. 2 . THE DEPUTY CONSERVATOR OF FOREST CHIKKAMAGALUR DISTRICT CHIKKAMAGALUR - 577 101. 3 . THE CHIEF CONSERVATOR OF FOREST CHIKKAMAGALUR DISTRICT CHIKKAMAGALUR577101. 4 . THE RANGE FOREST OFFICER BALEHONNUR RANGE CHIKKAMAGALUR, CHIKKAMAGALUR304DISTRICT - 577 101. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN LGC (G) NO.1885/2017 ON THE FILE OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT AS PER ANNEXURE-G IN RESPECT OF THE LANDS IN QUESTION, AS WITHOUT COMPETENCE AND JURISDICTION AND OTHERWISE BEING ARBITRARY, ILLEGAL AND VOID. IN W.P. NO.50828/2019: BETWEEN: K.T. THIPPERUDRAPPA S/O K THIPPESWAMI AGED ABOUT55YEARS R/AT NO.251, K K PURA ROAD RAMPURA, MOLAKALMUR TALUK CHITRADURGA DISTRICT - 577 540. ...PETITIONER (BY SMT. RAKSHITHA V.N, ADVOCATE FOR SRI. K. RAGHAVENDRA RAO, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA DEPARTMENT OF REVENUE, M.S. BUILDING, BENGALURU - 560 001. REP. BY ITS PRINCIPAL SECRETARY. 2 . THE DEPUTY COMMISSIONER305CHITRADURGA DISTRICT CHITRADURGA - 577 701. 3 . THE ASSISTANT COMMISSIONER CHITRADURGA SUB-DIVISION CHITRADURGA - 577 701. 4 . THE TAHSILDAR MOLAKALMUR, CHITRADURGA DISTRICT - 577 701. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT KARNATAKA ACT NO.38 OF 2014 IS ULTRA VIRUS THE CONSTITUTION OF INDIA, THE SUBSTANTIAL PROVISIONS BEING VIOLATIVE FO ARTICLE14ARTICLE20

ARTICLE21AND ARTICLE300A FO THE CONSTITUTION OF INDIA. IN W.P. NO.50955/2019: BETWEEN:

1. . RAJAPPA S/O KEREYAPPA AGED ABOUT47YEARS OCC-AGRICULTURE NAADAMANCHALE VILLAGE SAGARA TALUK SHIMOGA - 577 423. 2 . GOVINDAPPA S/OKEREYAPPA AGED ABOUT45YEARS OCC- AGRICULTURE NAADAMANCHALE VILLAGE SAGARA TALUK SHIMOGA - 577 423. 306 3 . GOPALA S/O VENKATA AGED ABOUT43YEARS OCC-AGRICULTURE KANUTHOTA VILLAGE EDUVAANI POST SAGARA TALUK SHIMOGA - 577 421. ...PETITIONERS (BY SRI. PRAVEEN KUMAR G.S, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT M.S.BUILDING, BENGALURU - 560 001. 2 . DEPUTY CONSERVATOR OF FOREST SHIMGOA, SHIMOGA DISTRICT - 577 101. 3 . THE RANGE FOREST OFFICER SAGAR RANGE, SHIMOGGA DISTRICT - 577 101. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS OF THE KARNATAKA LAND GRABBING PROHIBITION ACT, AS UNCONSTITUTIONAL AND ULTRA VIRES ARTICLE14 19 AND21AND300A OF THE CONSTITUTION OF INDIA. IN W.P. NO.50956/2019:

307. BETWEEN:

1. SHEKARAPPA S/O KALAPPA, AGED50YEARS, OCC-AGRICULTURE, BELHANDHURU VILLAGE, SAGARA TALUK, SHIVAMOGGA - 577 426.

2. MALLADA HONNAPPA S/O ERAPPA, AGED ABOUT56YEARS, OCC-AGRICULTURE, BELHANDHURU VILLAGE, SAGARA TALUK, SHIVAMOGGA - 577 426.

3. JAYARAM S/O KARIYAPPA, AGED ABOUT40YEARS OCC-AGRIULTURE, BELHANDHURU VILLAGE, SAGARA TALUK, SHIVAMOGGA DISTRICT.-577 426. ...PETITIONERS (BY SRI. MAHAVEER. K. JAIN, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY, REVENUE DEPARTMENT, M.S.BUILDING, BENGALURU-560 001.

2. DEPUTY CONSERVATOR OF FOREST SHIMOGA, SHIVAMOGGA DISTRICT - 577 426.

3. THE RANGE FOREST OFFICER AMBLIGOLA SHIVAMOGGA DISTRICT - 577 426. ..RESPONDENTS308(BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS OF THE KARNATAKA LAND GRABBING PROHIBITION ACT, AS UNCONSTITUTIONAL AND ULTRA VIRUS ARTICLE14 19, 21 AND300A OF THE CONSTITUTION OF INDIA. IN W.P. NO.51043/2019: BETWEEN:

1. T B RAMESHA S/O BIMAPPA KALAKRADI, AGED ABOUT58YEARS, OCC-AGRICULTURE, TALAGUPPA VILLAGE, GENDLA POST, SORABA TALUK, SHIVAMOGGA - 577 419.

2. HIRANYAPPA S/O VEERABADRAPPA, AGED ABOUT60YEARS OCC-AGRICULTURE, TALAGUPPA VILLAGE, GENDLA POST, SORABA TALUK, SHIVAMOGGA - 577 419.

3. ONKARAPPA S/O BANGARAPPA, AGED45YEARS, OCC-AGRICULTURE, TALAGUPPA VILLAGE, GENDLA POST, SORABA TALUK, SHIVAMOGGA - 577 419.

4. MAALATHESH S/O BALINDRAPPA, AGED ABOUT30EARS, OCC-AGRICULTURE, 309 PUTTANAHALLI VILLAGE, DYAVANAHALLI POST, SORABA TALUK, SHIVAMOGGA -577 419.

5. SRIDHARA S/O KALLAPPA, AGED40YEARS, OCC-AGRICULTURE, TALAGUPPA VILLAGE, GENDLA POST, SORABA TALUK, SHIVAMOGGA - 577 419.

6. CHANDRAPPA MULIMANE S/O CHENNABASAPPA AGED ABOUT50YEARS, OCC-AGRICULTURE, PUTTANAHALLI VILLAGE, DYAVANAHALLI POST, SORABA TALUK SHIVAMOGGA - 577 419. ...PETITIONERS (BY SRI. MAHAVEER. K. JAIN, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECREARY, REVENUE DEPARTMENT, M.S.BUILDING, BENGALURU-560 001.

2. DEPUTY CONSERVATOR OF FOREST SHIMOGA, SHIVAMOGGA DISTRICT - 577 419.

3. THE RANGE FOREST OFFICER ANAVATTI RANGE, SHIVAMOGGA DISTRICT - 577 419. ..RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP) 310 THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS OF THE KARNATAKA LAND GRABBING PROHIBITION ACT, AS UNCONSTITUTIONAL AND ULTRA VIRUS ARTICLE14 19, 21 AND ARTICLE300A OF THE CONSTITUTION OF INDIA. IN W.P. NO.51101/2019: BETWEEN: SMT. MEENA POOJARTHI W/O RAVI SHETTY AGED ABOUT61YEARS RESIDING AT DEMAND REGISTER NO.686/419 SIDDESHWAR LAYOUT SURLIBALEBAILU VILLAGE KASABA HOBLI THIRTHAHALLI TQ. SHIVAMOGGA DISTRICT - 577 448. ...PETITIONER (BY SRI. RAJENDRA K R., ADVOCATE) AND:

1. STATE OF KARNATAKA REPRESENTED BY PRINCIPAL SECRETARY, HOUSING DEPARTMENT M S BUILDING DR. AMBEDKAR ROAD BENGALURU - 560 001.

2. THE DEPUTY COMMISSIONER SHIVAMOGGA DISTRICT SHIVAMOGGA - 577 422.

3. THE ENQUIRY OFFICER311AND RANGE FOREST OFFICER THIRTHAHALLI TALUK SHIVAMOGGA DISTRICT - 577 422. .RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP) THIS WRIT PETITION IS FILED UNDER

ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN LGC(G) No.22 OF 2019 ON THE FILE OF KARNATAKA LAND GRABBING SPECIAL COURT, BENGALURU A COPY OF WHICH IS PRODUCED AT ANNEXURE-L1 FIR IN No.TTH FOC542016-17 BEFORE ENQUIRY OFFICER AND RANGE FOREST OFFICER, THIRTHAHALLI , COPY OF WHICH IS PRODUCED AT ANNEXURE-H AND FURTHER DIRECT THE RESPONDENTS TO REGULARIZE THE HOUSE PROPERTY BEARING DEMAND REGISTER No.686 /419 OR SIDDESHWAR LAYOUT, SURULIBALEBAILU VILLAGE, KASABA HOBLI, THIRTHAHALLI TALUK, SHIVAMOGGA DISTRICT. IN W.P. NO.51638/2019: BETWEEN: ANAND S/O MANJEGOWDA AGED ABOUT63YEARS, BANAKAL VILLAGE AND POST, MUDIGERE TALUK, CHIKKAMAGALUR DISTRICT - 577 132. ...PETITIONER (BY SRI. RAVIKUMAR N R, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT, M.S.BUIDLING, BENGALURU-560 001. 312

2. THE RANGE FOREST OFFICER MUDIGERE RANGE, CHIKKAMAGALURU DISTRICT - 577 132. .RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS OF THE KARNATAKA LAND GRABBING PROHIBITION ACT, IS UNCONSTITUTIONAL AND ULTRA VIRUS ARTICLE14 19, 21 AND ARTICLE300A OF THE CONSTITUTION OF INDIA (ANNEXURE-A) IN W.P. NO.51710/2019: BETWEEN:

1. SMT K N NAGARATHNAMMA AGED ABOUT65YEARS, W/O LATE ASHWATH NARAYANAGOWDA SANTHEHALLI VILLAGE, MALUR TALUK KOLAR DISTRICT - 563 130.

2. SUGREEVA GOWDAG AGED ABOUT68YEARS, S/O LATE RAMACHANDREGOWDA SANTHEHALLI VILLAGE, MALUR TALUK KOLAR DISTRICT - 563 130.

3. NARAYANA GOWDA AGED ABOUT55YEARS, S/O LATE RAMACHANDREGOWDA SANTHEHALLI VILLAGE, MALUR TALUK KOLAR DISTRICT - 563 130.

4. MUNI NARAYANA GOWDA AGED ABOUT58YEARS S/O LATE LAKSHMINARAYANAGOWDA313SANTHEHALLI VILLAGE, MALUR TALUK KOLAR DISTRICT - 563 130.

5. SATHYANARAYANA GOWDA AGED ABOUT42YEARS, S/O RAMACHANDREGOWDA SANTHEHALLI VILLAGE, MALUR TALUK KOLAR DISTRICT - 563 130.

6. SMT. CHOWDAMMA AGED ABOUT43YEARS, W/O LATE VIJI KUMAR SANTHEHALLI VILLAGE, MALUR TALUK KOLAR DISTRICT - 563 130.

7. MANJUNATH GOWDA AGED ABOUT45YEARS, S/O GOPAL GOWDA, SANTHEHALLI VILLAGE, MALUR TALUK KOLAR DISTRICT - 563 130.

8. VENKATARAMANAPPA AGED ABOUT51YEARS, S/O LATE PAPANNA, SANTHEHALLI VILLAGE, MALUR TALUK KOLAR DISTRICT - 563 130. ...PETITIONERS (BY SRI. SHIVANNA A G, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT M.S.BUILDING BENGALURU - 560 001.

2. THE DEPUTY COMMISSIONER KOLAR DISTRICT, KOLAR - 563 102 3. THE TAHASILDAR314MALUR TALUK, KOLAR DISTRICT - 563 130.

4. ASSISTANT DIRECTOR OF LAND RECORDS MALUR TALUK KOLAR DISTRICT - 563 130. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS OF THE KARNATAKA LAND GRABBING PROHIBITION ACT2011 AS UNCONSTITUTIONAL AND ULTRA VIRUS ARTICLE14 19, 21 AND300A OF THE CONSTITUTION OF INDIA ANNEXURE-A. IN W.P. NO.51830/2019: BETWEEN: MR. IRFAN RAZACK AGED

ABOUT67YEARS SON OF LATE MR. S RAZACK HAVING OFFICE AT THE FALCON HOUSE NO.1, MAIN GUARD CROSS ROAD, BENGALURU-560 001. ...PETITIONER (BY SRI. UDAY HOLLA, SR.CL., FOR SRI. M.B. ANIRUDH, ADVOCATE) AND:

1. STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY AMBEDKAR VEEDHI, VIDHANA SOUDHA, BENGALURU-560 001. 315

2. NARAYANA SWAMY SON OF CHANDRASHEKAR NO.160, 3RD MAIN RAOD, AMBEDKAR NAGAR, WHITEFIELD, BENGALURU-560 066. .RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP FOR R-1) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 ANNEXURE-D AND THE KARNATAKA LAND GRABBING PROHIBITION (SPECIAL COURT) REGULATIONS, 2017 ANNEXURE-E ARE ILLEGAL, ARBITRARY AND ULTRA VIRUS THE CONSTITUTION OF INDIA AND CONSEQUENTLY STRIKE DOWN THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 AND THE KARNATAKA LAND GRABBING PROHIBITION (SPECIAL COURT) REGULATIONS, 2017. IN W.P. NO.51878/2019: BETWEEN:

1. SRI M GOVINDAPPA S/O SRI MUNIYAPPA, AGED ABOUT40YEARS, R/AT APPASANDRA VILLAGE, JADIGENAHALLI HOBLI, HOSAKOTE TALUK.

2. SMT. MUNIAKKAYAMMA W/O SRI MUNIYAPPA, AGED ABOUT60YEARS, R/AT APPASANDRA VILLAGE JADIGENAHALLI HOBLI, HOSAKOTE TALUK.

3. SRI M NARAYANASWAMY316S/O SRI MUNIYAPPA, AGED ABOUT60YEARS, R/AT APPASANDRA VILLAGE JADIGENAHALLI HOBLI, HOSAKOTE TALUK. ...PETITIONERS (BY SRI. VIJAYA KUMAR BHAT A., ADVOCATE) AND:

1. STATE OF KARNATAKA REP. BY ITS CHIEF SECRETARY, VIDHANA SOUDHA, BENGALURU - 560 001.

2. THE PRINCIPAL SECRETARY TO GOVERNMENT REVENUE DEPARTMENT, M.S. BUILDING, DR. B. R. AMBEDKAR VEEDHI, BENGALURU - 560 001.

3. SMT. MALLAMMA W/O M. GOPAL, AGED ABOUT45YEARS, 4. SRI. VENKATESH S/O NARAYANAPPA, AGED ABOUT45YEARS, 5. SRI. DEVRAJ S/O. APPAYAPPA, AGED ABOUT40YEARS, 6. SRI. M. GOPAL S/O MUNIYAPPA, AGED ABOUT50YEARS, 7. SRI. KARIYAPPA S/O. MUNIYAPPA, AGED ABOUT65YEARS, ALL ARE RESIDING AT APPASANDRA VILLAGE, JADIGENAHALLI HOBLI, 317 HOSAKOTE TALUK, HOSKOTE - 562 114, BENGALURU RURAL DISTRICT. .RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP FOR R-1& R-2 SRI. B M HALASWAMY FOR R-3 TO R-7)) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO CALL FOR ENTIRE RECORDS PERTAINING TO IMPUGNED

ORDER
IN CASE No.LGC(P) No.297/2019 VIDE ANNEXURE-B DATED1810.2019 FROM THE FILE OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT AT BENGALURU AND ON PERUSAL OF THE SAME. IN W.P. NO.51879/2019: BETWEEN: SMT. M MAMATHA W/O NARAYANASWAMY M AGED ABOUR45YEARS, R/AT APPASANDRA VILLAGE, JADIGENAHALLI HOBLI, HOSAKOTE TALUK. ...PETITIONER (BY SRI. VIJAYA KUMAR BHAT A., ADVOCATE) AND:

1. STATE OF KARNATAKA REP. BY ITS CHIEF SECRETARY, VIDHANA SOUDHA, BENGALURU - 560 001.

2. THE PRINCIPAL SECRETARY TO GOVERNMENT318REVENUE DEPARTMENT, M.S. BUILDING, DR. B. R. AMBEDKAR VEEDHI, BENGALURU - 560 001.

3. SMT. MALLAMMA W/O M. GOPAL, AGED ABOUT45YEARS, 4. SRI. VENKATESH S/O NARAYANAPPA, AGED ABOUT45YEARS, 5. SRI. DEVRAJ S/O. APPAYAPPA, AGED ABOUT40YEARS, 6. SRI. M. GOPAL S/O

MUNIYAPPA, AGED ABOUT50YEARS, 7. SRI. KARIYAPPA S/O. MUNIYAPPA, AGED ABOUT65YEARS, ALL ARE RESIDING AT APPASANDRA VILLAGE, JADIGENAHALLI HOBLI, HOSAKOTE TALUK, HOSKOTE - 562 114, BENGALURU RURAL DISTRICT. .RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP FOR R-1& R-2 SRI. B M HALASWAMY FOR R-3 TO R-7)) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO CALL FOR ENTIRE RECORDS PERTAINING TO IMPUGNED

ORDER

IN CASE No.LGC(P) No.297/2019 VIDE ANNEXURE-B DATED1810.2019 FROM THE FILE319OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT AT BENGALURU AND ON PERUSAL OF THE SAME. IN W.P. NO.51926/2019: BETWEEN: SRI. YALIYAPPA S/O. NANJAPPA, AGED ABOUT65YEARS, R/AT APPASANDRA VILLAGE, JADIGENAHALLI HOBLI, HOSAKOTE TALUK, ...PETITIONER (BY SRI. VIJAYA KUMAR BHAT.A, ADVOCATE) AND:

1. STATE OF KARNATAKA REP. BY ITS CHIEF SECRETARY, VIDHANA SOUDHA, BENGALURU - 560 001.

2. THE PRINCIPAL SECRETARY TO GOVERNMENT REVENUE DEPARTMENT, M.S. BUILDING, DR. B. R. AMBEDKAR VEEDHI, BENGALURU - 560 001.

3. SMT. MALLAMMA W/O M. GOPAL, AGED ABOUT45YEARS, 4. SRI. VENKATESH S/O NARAYANAPPA, AGED ABOUT45YEARS, 5. SRI. DEVRAJ S/O. APPAYAPPA, AGED ABOUT40YEARS, 320 6. SRI. M. GOPAL S/O MUNIYAPPA, AGED ABOUT50YEARS, 7. SRI. KARIYAPPA S/O. MUNIYAPPA, AGED ABOUT65YEARS, ALL ARE RESIDING AT APPASANDRA VILLAGE, JADIGENAHALLI HOBLI, HOSAKOTE TALUK, HOSKOTE - 562 114, BENGALURU RURAL DISTRICT. .RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP FOR R-1 & R-2; SRI. B.M. HALASWAMAY, ADVOCATE FOR R-3 TO R-7) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF

INDIA PRAYING TO CALL FOR ENTIRE RECORDS PERTAINING TO IMPUGNED

ORDER

IN CASE No.LGC(P) No.297/2019 VIDE ANNEXURE-B DATED1810.2019 FROM THE FILE OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT AT BENGALURU AND ON PERUSAL OF THE SAME. IN W.P. NO.51941/2019: BETWEEN: G BASAVARAJA S/O G GANGAREDDY AGED ABOUT35YEARS R/AT KEREKONDAPURA VILLAGE RAMPURA POST MOLAKALMUR TALUK CHITRADURGA DISTRICT - 577 540. ...PETITIONER (BY SMT. RAKSHITHA V N, FOR321SRI. RAGHAVENDRA RAO K, ADVOCATE) AND:

1. THE STATE OF KARNATAKA DEPARTMENT OF REVENUE, M.S.BUILDING, BENGALURU-560 001, REP. BY ITS PRINCIPAL SECRETARY2 THE DEPUTY COMMISSIONER CHITRADURGA DISTRICT, CHITRADURGA - 577 701.

3. THE ASSISTANT COMMISSIONER CHITRADURGA SUB-DIVISION CHITRADURGA - 577 701.

4. THE TAHSILDAR MOLAKALMUR, CHITRADURGA DISTRICT - 577 701. .RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO DECLARE THAT KARNATAKA ACT No.38 OF 2014 IS ULTRA VIRUS THE CONSTITUTION OF INDIA, THE SUBSTANTIAL PROVISIONS BEING VIOLATIVE OF ARTICLE14 20, 21 OF THE CONSTITUTION OF INDIA. IN W.P. NO.51944/2019: BETWEEN: T M VIRUPAKSHAIAH S/O T.M.SIDDARAMAIAH, AGED ABOUT59YEARS, R/AT NEAR OMKARASWAMY MATHA, KUBER NAGAR, KK.PURA ROAD, 322 RAMPURA, MOLAKALMUR TALUK, CHITRADURGA DISTRICT - 577 540. ...PETITIONER (BY SMT. RAKSHITHA V N, FOR SRI. RAGHAVENDRA RAO K, ADVOCATE) AND:

1. THE STATE OF KARNATAKA DEPARTMENT OF REVENUE, M.S.BUILDING, BENGALURU-560 001, REP. BY ITS PRINCIPAL SECRETARY2 THE DEPUTY

COMMISSIONER CHITRADURGA DISTRICT, CHITRADURGA - 577 701.

3. THE ASSISTANT COMMISSIONER CHITRADURGA SUB-DIVISION CHITRADURGA - 577 701.

4. THE TAHSILDAR MOLAKALMUR, CHITRADURGA DISTRICT - 577 701. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP FOR R-1 TO R-4) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO DECLARE THAT KARNATAKA ACT No.38 OF 2014 IS ULTRA VIRUS THE CONSTITUTION OF INDIA, THE SUBSTANTIAL PROVISIONS BEING VIOLATIVE OF ARTICLE14 20, 21 AND ARTICLE300A OF THE CONSTITUTION OF INDIA. IN W.P. NO.51945/2019: BETWEEN:

323. H KUMARASWAMY S/O HANUMANTHAPPA AGED ABOUT63YEARS R/A KUBER NAGAR K K PURA ROAD, RAMPURA MOLAKALMUR TALUK CHITRADURGA DISTRICT - 577 540. ...PETITIONER (BY SMT. RAKSHITHA V N FOR SRI. RAGHAVENDRA RAO K, ADVOCATE) AND:

1. THE STATE OF KARNATAKA DEPARTMENT OF REVENUE M S BUILDING BENGALURU - 560 001. REP. BY ITS PRINCIPAL SECRETARY2 THE DEPUTY COMMISSIONER CHITRADURGA DISTRICT CHITRADURGA - 577 701.

3. THE ASSISTANT COMMISSIONER CHITRADURGA SUB DIVISION CHITRADURGA - 577 701.

4. THE TAHSILDAR MOLAKALMUR CHITRADURGA DISTRICT - 577 701. .RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP FOR R-1 TO R-4) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO DECLARE THAT KARNATAKA ACT NO.38 OF 2014 IS ULTRA VIRUS THE CONSTITUTION OF INDIA, THE SUBSTANTIAL PROVISIONS BEING VIOLATIVE OF ARTICLE14 20, 21 AND ARTICLE300A OF THE CONSTITUTION OF INDIA. 324 IN W.P. NO.51961/2019: BETWEEN:

1. BYRAREDDY S/O MUNISHAMI REDDY AGED ABOUT50YEARS R/A POMBARAHALLI VILLAGE DUGGASANDRA HOBLI MULABAGAL TALUK KOLAR DISTRICT - 963 125.

2. SMT. ASHWATHAMMA W/O P M GOVINDAREDDY AGED ABOUT65YEARS R/A POMBARAHALLI VILLAGE DUGGASANDRA HOBLI MULABAGAL TALUK KOLAR DISTRICT - 963 125.

3. SRI. VENKATASWAMAPPA S/O LATE MUNISWAMY AGED ABOUT70YEARS R/A POMBARAHALLI VILLAGE DUGGASANDRA HOBLI MULABAGAL TALUK KOLAR DISTRICT - 963 125.

4. SRI. CHIKKA VENKATASWAMAPPA S/O LATE RAMAIAH AGED ABOUT65YEARS R/A POMBARAHALLI VILLAGE DUGGASANDRA HOBLI MULABAGAL TALUK KOLAR DISTRICT - 963 125.

5. SRI VENKATA RAMANA REDDY S/O LATE RAMAPPA AGED ABOUT37YEARS R/A POMBARAHALLI VILLAGE DUGGASANDRA HOBLI325MULABAGAL TALUK KOLAR DISTRICT - 963 125.

6. SRI P M GOVINDA REDDY S/O MUNISWAMAPPA AGED ABOUT75YEARS R/A POMBARAHALLI VILLAGE DUGGASANDRA HOBLI MULABAGAL TALUK KOLAR DISTRICT - 963 125. ...PETITIONERS (BY SRI. NARAYANA SWAMY P M, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REVENUE DEPARTMENT M S BUILDING, 5TH FLOOR DR. AMBEDKAR ROAD BENGALURU - 560 001. REP. BY ITS SECRETARY2 THE TAHASILDAR MULBAGAL TLAUK KOLAR DISTRICT - 963 125.

3. THE REVENUE INSPECTOR DUGGASANDRA HOBLI MULABAGAL TALUK KOLAR DISTRICT - 963 125.

4. SRI HANUMAPPA S/O PAPANNA AGED ABOUT40YEARS R/A POMBARAHALLI VILLAGE DUGGASANDRA HOBLI MULABAGAL TALUK KOLAR DISTRICT - 963 125. RESPONDENTS (BY SRI. PRABHULING K

NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND326SMT. KAVITHA HC, HCGP FOR R-1 TO R-3; SRI. P B RAJU, ADVOCATE FOR R-4) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT38OF2014 AS ULTRA VIRUS THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLE14 20, 21 AND300A AND OR IN THE ALTERNATIVE. IN W.P. NO.52011/2019: BETWEEN: SRI K SHANKRAPPA S/O. KEMPANNA, AGED ABOUT40YEARS, R/AT APPASANDRA VILLAGE, JADIGENAHALLI HOBLI, HOSAKOTE TALUK. ...PETITIONER (BY SRI. VIJAY KUMAR BHAT A, ADVOCATE) AND:

1. STATE OF KARNATAKA REP. BY ITS CHIEF SECRETARY, VIDHANA SOUDHA, BENGALURU -560 001.

2. THE PRINCIPAL SECRETARY TO GOVERNMENT REVENUE DEPARTMENT, M.S. BUILDING, DR. B. R. AMBEDKAR VEEDHI, BENGALURU - 560 001.

3. SMT. MALLAMMA W/O. M. GOPAL, AGED ABOUT45YEARS, 4. SRI. VENKATESH327S/O. NARAYANAPPA, AGED ABOUT45YEARS, 5. SRI. DEVRAJ S/O. APPAYAPPA, AGED ABOUT40YEARS, 6. SRI. M. GOPAL S/O. MUNIYAPPA, AGED ABOUT50YEARS, 7. SRI. KARIYAPPA S/O. MUNIYAPPA, AGED ABOUT65YEARS, ALL ARE RESIDING AT APPASANDRA VILLAGE, JADIGENAHALLI HOBLI, HOSAKOTE TALUK, HOSKOTE - 562 114 BENGALURU RURAL DISTRICT. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP FOR R-1 AND R-2; SRI. B.M. HALASWAMY, ADVOCATE FOR R-3 TO R-7) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO CALL FOR ENTIRE RECORDS PERTAINING TO IMPUGNED

ORDER

IN CASE NO.LGC(P) No.297/2019 VIDE ANNEXURE-B FROM THE FILE OF THE KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT AT BENGALURU AND ON PERUSAL OF THE SAME. IN W.P. NO.52032/2019:

BETWEEN: SRI. KESHAVAMURTHY G.B328S/O BADRAIAH GOWDA AGED ABOUT46YEARS R/AT HEBBARIGE VILLAGE AND POST, SAGARA TALUK SHIVAMOGGA DISTRICT - 577 401. ...PETITIONER (BY SRI. PATIL DAYANAND SUBRAYAGOUDA, ADVOCATE) AND:

1. . THE STATE OF KARNATAKA DEPARTMENT OF REVENUE M.S. BUILDING BANGALORE - 560 001 REPRESENTED BY ITS SECRETARY. 2 . TAHASILDAR SAGARA TALUK SAGARA SHIVAMOGGA DISTRICT - 577 401. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP FOR R-1 & R-2) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS OF THE KARNATAKA LAND GRABBING PROHIBITION ACT2011 IS UNCONSTITUTIONAL AND ULTRA VIRES ARTICLE14 ARTICLE19 ARTICLE21AND ARITCLE3001 OF THE CONSTITUTION OF INDIA. IN W.P. NO.52134/2019: BETWEEN: M/S FERNS BUILDERS AND DEVELOPERS RAINBOW DRIVE LAYOUT, SARJAPURA MAIN ROAD BENGALURU - 560 035 REPRESENTED BY ITS CHAIRMAN/PARTNER . 329 SRI AUSTIN ROACH S/O LATE MR. P A ROACH AGED ABOUT66YEARS TIARA, FIRST FLOOR, RESIDING AT682 BINNAMANGALA1T STAGE, 9TH A MAIN ROAD, INDIRANAGAR, BENGALURU - 560 038. ...PETITIONER (BY SRI. S. SAMMITH, ADVOCATE FOR SRI. S SHIVANANDA, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REP. BY ITS PRINCIPAL SECRETARY REVENUE DEPARTMENT VIKASA SOUDHA BENGALURU - 560 001.

2. THE DEPUTY COMMISSIONER BENGALURU DISTRICT, BENGALURU - 560 001.

3. THE TAHSILDAR BENGALURU EAST TALUK KRISHNARAJAPURA BENGALURU - 560 016. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO DECLARE THE KARNATAKA LAND GRABBING PROHIBITION ACT2011(KARNATAKA ACT382014) IS ULTRA VIRUS THE CONSTITUTION OF INDIA BEING VIOLATIVE OF ARTICLES14 20, 21, AND300A OF THE

CONSTITUTION OF INDIA AS CONTAINED IN ANNEXURE-A. IN W.P. NO.52566/2019:

330. BETWEEN:

1. SMT. PUSHPAVATHI W/O SHIVAMALLU AGED ABOUT40YEARS, R/O MUDDAIAHNAPALYA VILLAGE TAVAREKERE HOBLI BENGALURU SOUTH TALUK.

2. SRI. CHANDRASHEKARAIAH S/O BETTASWAMAIAH, AGED ABOUT49YEARS, R/O MUDDAIAHNAPALYA VILLAGE TAVAREKERE HOBLI BENGALURU SOUTH TALUK ...PETITIONERS (BY SRI. RANGASWAMY B, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS SECRETARY TO GOVERNMENT DEPARTMENT OF REVENUE M.S.BUILDING DR B.R.AMBEDKAR VEEDHI BENGALURU - 560 001.

2. THE STATE OF KARNATAKA BY SUB INSPECTOR OF POLICE BMTF POLICE STATION BENGALURU - 560 001.

3. THE DEPUTY COMMISSIONER BENGALURU URBAN DISTRICT, KANDAYA BHAVAN K.G.ROAD, BENGALURU - 9.

4. THE TAHSILDAR BENGALURU SOUTH TALUK KANDAYA BHAVAN K.G.ROAD, BENGALURU - 560 009. .RESPONDENTS331(BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO DIRECTION AND TO DECLARE THE PROVISIONS OF KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 AS UNCONSTITUTIONAL AND ULTRA VIRUS TO ARTICLES14 19 AND21OF THE CONSTITUTION OF INDIA, VIDE ANNEXURE-A. IN W.P. NO.52609/2019: BETWEEN:

1. ADARSH PALM RETREAT CONDOMINIUMS PHASE3OWNERS ASSOCIATION AN ASSOICIATION REGISTERED UNDER THE KARNATAKA

APARTMENT OWNERSHIP ACT, 1972 CLUB HOUSE BLOCK ADARSH PALM RETREAT CONDOMINIUMS PHASE3 DEVERABISANAHALLI BELLANDUR , BENGALURU - 560 103. REPRESENTED BY ITS PRESIDENT2 ALOKANANDA SENGUPTA W/O PRADIP KUMAR SENGUPTA AGED68YEARS L002, HIBISCUS, TOWER-6 ADARSH PALM RETREAT CONDOMINIUMS PHASE3 DEVARABISANAHALLI BELLANDUR, BENGALURU - 560 103.

3. RAJKUMAR PINNISETTI S/O P LAKSHMANA RAO AGED51YEARS LOTUS102 TOWER6ADARSH PALM RETREAT CONDOMINIUMS PHASE3 DEVERABISANAHALLI BELLANDUR, BENGALURU - 560 103.

4. DEBASHISH DAS332S/O SUSHINDRA NARAYANA DAS AGED ABOUT49YEARS U203, TOWER5ADARSH PALM RETREAT CONDOMINIUMS PHASE3 DEVERABISANAHALLI BELLANDUR, BENGALURU - 560 103.

5. KUMAR VIKAS S/O KRISHNA BIHARI DAS AGED40YEARS N1001, MAYFLOWER,TOWER7ADARSH PALM RETREAT CONDOMINIUMS PHASE3 DEVERABISANAHALLI BELLANDUR, BENGALURU - 560 103.

6. VIVEK MOTWANI S/O GANSHYAM DAS MOTWANI AGED42YEARS C1002, BOUGAINVILLEA,TOWER4ADARSH PALM RETREAT CONDOMINIUMS PHASE3 DEVERABISANAHALLI BELLANDUR, BENGALURU - 560 103.

7. PUNEET AGARWAL S/O UMESH CHANDRA AGARWAL AGED ABOUT40YEARS C-601, DAFFODILS TOWER3ADARSH PALM RETREAT CONDOMINIUMS PHASE3 DEVERABISANAHALLI BELLANDUR, BENGALURU-560 103.

8. ANAND ARCHAK S/O A N SRINIVAS AGED ABOUT42YEARS P103 TOWER7ADARSH PALM RETREAT CONDOMINIUMS PHASE3 DEVERABISANAHALLI BELLANDUR, BENGALURU - 560 103.

9. AVNISH TYAGI S/O R P TYAGI AGED ABOUT43YEARS333B-204, TOWER6ADARSH PALM RETREAT CONDOMINIUMS PHASE3 DEVARABISANAHALLI BELLANDUR, BENGALURU - 560 103.

10. GAJANANA GARUDA S/O KORAGA BHANDARY AGED ABOUT41YEARS B-804, BOUGAINVILLEA, TOWER4ADARSH PALM RETREAT CONDOMINIUMS PHASE3 DEVERABISANAHALLI BELLANDUR, BENGALURU - 560 103.

11. GAURAV BHATNAGAR S/O RAKESH KUMAR BHATNAGAR AGED ABOUT40YEARS B1004 DAFFODILS, TOWER3ADARSH PALM RETREAT CONDOMINIUMS PHASE3 DEVARABISANAHALLI BELLANDUR, BENGALURU - 560 103.

12. GAURAV SHAH S/O REOTI LAL SHAH AGED ABOUT56YEARS B-802, JACARANDA, TOWER6ADARSH PALM RETREAT CONDOMINIUMS PHASE3 DEVARABISANAHALLI BELLANDUR, BENGALURU - 560 103.

13. MANISH BATRA S/O SURESH BATRA AGED ABOUT49YEARS K-1004, JACARANDA, TOWER6ADARSH PALM RETREAT CONDOMINIUMS PHASE3 DEVARABISANAHALLI BELLANDUR, BENGALURU - 560 103.

14. RAJEEV KRISHNAN S/O SRINIVASARAMANUJAM KRISHNAN AGED ABOUT47YEARS V-004, JASMINE, TOWER5ADARSH PALM RETREAT CONDOMINIUMS334PHASE3 DEVARABISANAHALLI BELLANDUR, BENGALURU - 560 103.

15. RAJESH SRINIVASAN S/O SRINIVASAN S S AGED ABOUT45YEARS S-302, MAYFLOWER, TOWER7ADARSH PALM RETREAT CONDOMINIUMS PHASE3 DEVARABISANAHALLI BELLANDUR, BENGALURU - 560 103.

16. SAURABH MISRA S/O KAMLESH CHANDRA MISRA AGED ABOUT43YEARS C-804, BOUGAINVILLEA, TOWER-4 ADARSH PALM RETREAT CONDOMINIUMS PHASE3 DEVARABISANAHALLI BELLANDUR, BENGALURU - 560 103. ...PETITIONERS (BY SRI. IAN ISIDORE PRAKASH LEWIS, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REPRESENTED BY ITS CHIEF SECRETARY REVENUE DEPARTMENT M S BUILDING BENGALURU - 560 001.

2. RAJESH PATRO S/O DEVENDRA PATRO AGED ABOUT45YEARS F-004, TOWER4ADARSH PALM RETREAT CONDOMINIUMS BENGALURU - 560 103.

3. ASHWIN KULASHEKAR S/O KULASHEKAR KARKALA AGED ABOUT39YEARS C-301 TOWER4ADARSH PALM RETREAT CONDOMINIUMS BENGALURU - 560 103. 335

4. R. MURALIDHARA REDDY S/O V RANGA REDDY AGED ABOUT53YEARS LOTUS303 TOWR6ADARSH PALM RETREAT CONDOMINIUMS BENGALURU - 560 103.

5. ADARSH DEVELOPERS A REGISTERED PARTNERSHIP FIRM NO.10, VITTAL MALLYA ROAD BENGALURU - 560 001. REPRESENTED BY ITS PARTNERS, BM JAYESHANKAR AND BM KARUNESH6 BM JAYESHANKAR S/O B M MADAIAH AGED ABOUT58YEARS NO.10, VITTAL MALLYA ROAD BENGALURU - 560 001.

7. B.M KARUNESH S/O B M MADAIAH AGED ABOUT54YEARS NO.10, VITTAL MALLYA ROAD BENGALURU - 560 001. .RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP FOR R-1 SMT. S. PADMINI, ADVOCATE FOR R-2 TO R-4; SMT. S. LATHA S SHETTY, ADVOCATE FOR R-5 TO R-7) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS OF THE KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 IS UNCONSTITUTIONAL AND ULTRA VIRUS ARTICLE14 19, 20, 21 AND300A OF THE CONSTITUTION OF INDIA UNDER ANNEXURE-A. IN W.P. NO.220/2020:

336. BETWEEN: SUNDAR PUJARI S/O. BABU PUJARI, AGED ABOUT63YEARS NAYINADY, MALNAD GRAMA, NEMMARU POST, SRINGERI TALUK, CHIKKAMAGALURU DISTRICT - 577 139. ...PETITIONER (BY SRI. JAGADEESH M L, ADVOCATE) AND:

1. THE GOVERNMENT OF KARNATAKA REP. BY ITS CHIEF SECRETARY, VIDHANA SOUDHA, AMBEDKAR ROAD, BENGALURU - 560 001.

2. THE RANGE FOREST OFFICER SRINGERI RANGE, SRINGERI, CHIKKAMAGALURU - 577 139. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP FOR R-1 AND R-2) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS OF THE KARNATAKA LAND GRABBING PROHIBITION ACT, IS UNCONSTITUTIONAL AND ULTRA VIRUS TO ARTICLE14 19, 21 AND300A OF CONSTITUTION OF INDIA (ANNEXURE-A) AND ETC. IN W.P. NO.3190/2020: BETWEEN K.M. SHIVALINGE GOWDA337S/O MANJE GOWDA AGED ABOUT70YEARS MEMBER OF LEGISLATIVE ASSEMBLY, ARSIKERE CONSTITUENCY RESIDING AT MARUTINAGAR ARASIKERE TOWN, HASSAN DISTRICT. ...PETITIONER (BY SRI. HASHMATH PASHA, SR. COUNSEL FOR SRI. NASIR ALI, ADVOCATE) AND:

1. . STATE OF KARNATAKA DEPARTMENT OF URBAN DEVELOPMENT AND TOWN PLANNING, REPRESENTED BY ITS SECRETARY VIDHANA SOUDHA BANGALORE - 560 001. 2 . DEPUTY COMMISSIONER HASSAN DISTRICT HASSAN - 573 201. 3 . COMMISSIONER TOWN MUNICIPALITY ARASIKERE, HASSAN DISTRICT - 573 103. THE RESPONDENT NO.1 TO3ARE REPRESENTED BY THE LEARNED GOVERNMENT ADVOCATE HIGH COURT OF KARNATAKA BENGALURU. 4 . SRI. H.G. VEERABHADRAPPA S/O GANGADHARAPPA AGED ABOUT68YEARS RESIDING AT HOSEKARAHALLI338VILLGE, MADULU POST KANAKATTE HOBLI, ARSIKERE TALUK, HASSAN DISTRICT - 573 211. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP FOR R-1 TO R-3; SRI. VIJAYAKRISHNA BHAT M, ADVOCATE R-4) THIS WRIT PETITION IS FILED UNDER ARTICLES226AND227OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE PROCEEDINGS INITIATED IN CASE NO.L.G.C (P) NO.86/2018 ON THE FILE OF TH ESPECIAL COURT UNDER THE KARNATAKA LAND GRABBING PROHIBITION ACT AS AN ABUSE OF PROCESS OF LAW IN ANNEXURE-B. IN W.P.NO.9647/2020 BETWEEN: MR. H.T. BYREGOWDA S/O LATE THAMMANNA GOWDA, AGED ABOUT85YEARS, R/AT YELAGUDIGE VILLAGE, ALDUR POST, CHIKKAMAGALUR - 577 111. ...PETITIONER (BY SRI. RAGHAVENDRA

PRASAD M S, ADVOCATE) AND:

1. THE STATE OF KARNATAKA REP. BY ITS CHIEF SECRETARY REVENUE DEPARTMENT, M.S.BUILDING, 5TH FLOOR, BENGALURU - 560 001. 339

2. THE RANGE FOREST OFFICER ALDUR RANGE, ALDUR - 577 111. CHIKKAMAGALUR DISTRICT. RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO QUASH THE PROCEEDINGS IN LGC(G) No.75 OF 2018 IN KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, KANDAYA BHAVANA, BANGALORE (THE SPECIAL COURT) VIDE ANNESURE-F, IN SO FAR AS THE PETITIONER IS CONCERNED AND AWARD COSTS OF THE PETITION. IN W.P.NO.12647/2020 BETWEEN: THE KARNATAKA INCOME TAX DEPARTMENT HOUSE BUILDING CO OPERATIVE SOCIETY LTD., A SOCIETY REGISTERED UNDER THE PROVISIONS OF THE KARNATAKA CO-OPERATIVE SOCIETIES ACT 1959 HAVING ITS OFFICE AT, 1ST FLOOR C R BUILDING ANNEXE, QUEEN'S ROAD BENGALURU -560 001, KARNATAKA REPRESENTED BY ITS SECRETARY MR K E RAJAN. ...PETITIONER (BY SRI. K R KRISHNAMOORTHY, ADVOCATE) AND:

1. THE STATE OF KARNATAKA AMBEDKAR VEEDHI VIDHANASOUDHA340BENGALURU - 560 001. REPRESENTED BY THE CHIEF SECRETARY2 THE RANGE FOREST OFFICER KAGGALIPURA ZONE KAGGALIPURA BENGALURU SOUTH TALUK BENGALURU - 560 082.

3. THE DEPUTY CONSERVATOR OF FOREST KAGGALIPURA ZONE KAGGALIPURA BENGALURU SOUTH TALUK BENGALURU - 560 082.

4. THE TAHSILDAR BENGALURU SOUTH TALUK BENGALURU - 560 082. .RESPONDENTS (BY SRI. PRABHULING K NAVADAGI, AG A/W SRI. V SREENIDHI, AGA AND SMT. KAVITHA HC, HCGP FOR R-1 TO R-4) THIS WRIT PETITION IS FILED UNDER ARTICLE226& 227 OF CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PROVISIONS OF THE IMPUGNED ACT KARNATAKA LAND GRABBING PROHIBITION ACT, 2011 (AT ANNEXURE-A)

AS UNCONSTITUTIONAL, AND ULTRA VIRUS THE PROVISIONS OF ARTICLES14 19, 20, 21 AND300A OF THE CONSTITUTION OF INDIA. THESE PETITIONS BEING HEARD AND RESERVED, COMING ON FOR PRONOUNCEMENT OF

ORDER
S THIS DAY, ARAVIND KUMAR J, PASSED THE FOLLOWING:

341.

ORDER

In these batch of writ petitions, the constitutional validity of Karnataka Land Grabbing Prohibition Act, 2011, which has come into force with effect from 20.10.2014 by Karnataka 38/2014 (for short 'KLGP Act-2011') has been challenged. ADVOCATES FOR PETITIONERS2 We have heard Sriyuths Ashok Harnahalli for P N Manmohan, G.Krishnamurthy for Aparna N, K.Chandrakanth Patil and R.Purushotham, D.N.Nanjunda Reddy for Prakash.T.Hebbar, N.Devhadass for M.Veerabhadraiah, Uday Holla for Mohumed Sadiqh B.A., M.B. Anirudh, B.M.Mohan Kumar, K.Shashikiran Shetty for Latha S. Shetty, P.S.Rajagopal for R.Badrinath, Jayakumar.S.Patil for Shahul Hameed and Vikar Ahmed, Ian Issidore Prakash Lewis, Dayanand.S.Patil, Hashmath Pasha for Nasir Ali, K.G.Raghavan for Dua Associates, learned Senior Advocates appearing for petitioners; 342 Sriyuths S. Ajesh kumar, J.M. Rajanna Setty, D.R.Ravishankar. B.Amarnath, M.R.Rajagopal, Sunil Rao for T.Sheshagiri Rao, Siddharth.B.Muchandi, Prakash.T.Hebbar, B.R.Krishna, Sreeshail Navalgund, R Bhadrinath. S.G.Bhagavan, Narayana Swamy P.M., Harish H.V., Kumar J.C., M.Shivaparaksh, Ajith P.B., B.S.Radhanandan, Suresh Desai.K., Badri Vishal, H.Srinivas Rao, Ganapathy Bhat Vajralli, Dhananjay Kumar, V.Vishwanath Shetty, Sahul Hameed, N.Ravindranath Kamath, B.V.Mallareddy, C.M.Poonacha, Ajith Kalyan, N.Shankara Narayana Bhat, P.N.Manmohan, V.Vinod Reddy, K.G.Shivanna, Chandrakanth R.Goulay, S.Sudarsan, Shanmukhappa, A.Keshava Bhat, Rajendra Kumar Sungai, Rahul S.Reddy, D.R.Ravishankar for N.Shivakumar, S.Shaker Shetty, R.Badrinath, B.S.Sachin, T.N.Raghupathy, Rameshchandra, D.Hemanth Kumar, Nayanatara for G.L.Vishwanath,

V.B.Siddaramaiah, D.C.Srinivasa, K.Jeevan, 343 G.R.Mohan, V.Sanjay Krishna, S.Basavaraj, A.Abhinav Ramanand, Akki Manjunatha Gowda, Y.T.Abhinay a/w Byregowda, M.V.Hiremath, Pundikai Ishwar Bhat, K.Chandan, P.H.Virupakashaiah, K.Ranajan Kumar, Venugopal M.S., Aruna Shyam M., a/w Suyog, S.V.Prakash, P.B.Appaiah, K.Srihari, Sammit.S. for S.Shivananda, N.V.Srikanth, Naveed Ahmed, Vigneshwar S.Shsastri, V.R.Prasanna, C.R.Gopalaswamy, H.R.Anantha Krishna Murthy, S.K.Acharya, Sampat Bapat, K.N.Puttegowda, P.M.Siddamallappa, Sharath S.Gowda, K.R.Srinivasa Patavardhan, T.A.Karumbiah, Lokesh .S.G., B.K.Chandrashekar, Nitish for K.V.Narasimhan, D.J.Rakshitha, C.M.Nagabhushana, A.R.Goutham, C.R.Subramanya, B.S.Prasad, V.N.Rakshitha & V.Vidya for K.Raghavendra Rao, C.Parameshwarappa, H.C.Shivaramu for B.Keshavamurthy, G.S.Chidambara, Pruthvi Wodeyar, H.S.Prashanth, Harsha.D.Joshi, V.Srenivas, S.Rajendra, H.S.Prashanth, 344 H.S.Dwarakanath, A.Madhusudhana Rao, Kaleemullah Sheriff, A.G.Shivanna, Sreepada H.R. and B.R.Prasanna, Lohitaswa Banakar, M.D.Basavanna, G.Harish, B.Keshava Murthy and G.R.Prasanna, K.R.Ramesh, Yathish.J.Nadiga, B.S.Jeevan Kumar, K.J.Bhojanna, N.Sukumar Jain, S.V.Shastri, Halesha.R.G, Ravikumar.N.R., B.H.Shamanna, K.R.Bharadwaj, K.Pradeep Naik, B.N.Sunil Kumar, M.S. Harish Kumar, Nagiah, S.Rajashekar, V.D.Raviraj, H.S.Kalyan Kumar, P.P.Hegde, G.S.Praveen Kumar, Mahaveer.K.Jain a/w Nandish Patil, K.R.Rajendra, George Joseph for Dua Assts, A.Vijay Kumar Bhat, Patil Dayananda Subraya Gouda, B.Ranga Swamy.B., M.L.Jagadeesh, M.S Raghavendra Prasad, K.R.Krishnamurthy, Aditya Kumar H.R., for Dayananda S.Patil, learned Advocates appearing for petitioners. ADVOCATES FOR RESPONDENTS:

3. We have heard Sriyuths Prabhuling K. Navadgi, learned Advocate General a/w V. Sreenidhi, 345 Additional Government Advocate and H.C.Kavitha, HCGP - M.V.Thanuja, Vivek Yavagal, N.R.Jagadeeswara, Kempanna, B.S.Manjunath, H. Shanthi Bhushan, H. Sridhara, B.R.Satish, N.Subba Shastry, Pradeep J.S., D.Mallikarjuna Swamy, K. Hanumantharayappa, Manu Kulkarni A/W. Srushti Widge for Poovayya & CO., Chokka Reddy, Vivek Holla, Chethan Kumar, J.

Anil Kumar, B.R.Viswanath, Punith, B.S. Anil Kumar, M.S.Parthasarathi, R.S.Prasanna Kumar, B.S.Basavaraju, K. Suresh Desai, P. Mahadevaswamy and S. Krishnamurthy, K.M. Somashekar, H. Jayakar Shetty, Ashwin S. Halady, K.B.S.Manian, R.Kothwal, L.Sreekanta Rao & B.S.Krishna, Rajesh Shetty, V. Raghunath, C.R. Krishnappa, P. Srinath, A.V. Gangadharappa, Ravi Shankar. S., T.P.Mali Patil, R. Ramachandran, S.N. Prashanth Chandra, Showri H.R., Jayaprakash, N.R. Jagadeeswara, Sandesh A.S., Ashwini B.N., I.G.Gachchinamath, M. Aswathnarayana Reddy, Chennamma, K.N.Putte 346 Gowda, K. Sheela Anish, Gowthamdev C Ullal, K.A. Prakash, S.N. Bhat, R.B.Sadasivappa, K. Sheelavathi, R.P. Somashekaraiah, Tejaswini S. & Praveen Kumar N.K., M.C. Nagashree, B.N. Puttalingaiah, S. Chandrashekaraiah, N.V.Prakash and B.V. Sudhindra, Bipin Hegde, T.R. Ananda party-in- person, S. Nagaraja, Hanumanthappa B. Haravigoudar, A. Nagarajappa, B.S. Nagaraja, R. Madhusudan Reddy, S. Padmini and Vijaya Raghavan, B.M.Halaswamy, P.B. Raju, M. Vijayakrishna Bhat, learned Advocates appearing for respondents. Sri. Chandrashekar.V, party-in-person. CONTENTIONS RAISED BY LEARNED ADVOCATES APPEARING FOR THE PETITIONERS:

4. The learned Senior Advocates along with other Advocates appearing for petitioners have made elaborate submissions on the constitutional validity of the KLGP Act-2011. The sum and substance of the arguments canvassed by them can be condensed as under:

347. 4.1 It is contended that the offence created under the Act namely, Section 3 declares land grabbing or any activity connected with or arising out of land grabbing unlawful; Section 4(1) prohibits land grabbing; section 4(2) holds a person who "on or after the commencement of this Act continues to be in occupation of the grabbed land"; and Section 5 criminalises offences in connection with land grabbing. It is contended that land grabbing as defined under section 2(f) consists of several activities and it is committed once for all and therefore, it is not a continuing offence. It is further contended that the activities relating to land grabbing are illegally taking possession, entering into and creating tenancies, leases, licences, constructing unauthorised structures for sale or hire, giving grabbed land to any person for rent, lease, licence, for construction, use,

occupation of unauthorised structures. It is contended that land grabber is one who commits or committed the offence land grabbing 348 prior to Act and Section 9(1) and Section 2(e) makes the offence under Section 4(1) retrospective operation and Article 21 of the Constitution of India prohibits any person to be convicted of any offence if the same is not in violation of a law which was not in force at the time of commission of the offence. Hence, it is contended that Sections 2(e), 3, 4(1) and 9(1) operate retrospectively and not being continuing offences, it is in clear violation of Article 21 of the Constitution of India. It is also contended that Section 5 ought to be construed as operating prospectively, whereas, Section 9(1) empowers the Special Court to take cognizance of all offences under the Act whether or before the commencement of the Act, thereby making Section 5 retrospective in operation which violates Article 21 of the Constitution of India. 4.2 It is also contended that the Hon'ble Apex Court in SHREYA SINGHAL vs UNION OF INDIA reported in (2015)5 SCC1has held that a section which creates an offence and which is vague must be 349 struck down as arbitrary and unreasonable. Applying the said principle, petitioners are contending that Section 3 does not define or indicate the activities connected with or arising out of land grabbing and Section 3 being in precise, for sheer vagueness, it is to be struck down. 4.3 It is also contended that the Special procedure contemplated under the Act lays down substantially different procedure for trial of offences than that is laid down in general law namely, Code of Criminal Procedure (for short 'Cr.P.C.') and on account of said departure, Section 9 is liable to be struck down as it violates Article 14. It is contended that right of revision provide under Section 397 Cr.P.C. and right of appeal provide under Section 374 Cr.P.C. is taken away by virtue of Section 9(3) as the orders of the Special Court are final. Hence, it is contended that right of appeal in a criminal case being a fundamental right, same cannot be taken away. 350

4.4 Further contention with regard to procedure as prescribed under Section 9 of KLGP Act-2011 is attacked on the ground that same provides for summary trial and under Section 262 of Cr.P.C., no sentence of imprisonment exceeding three months shall be passed in case of conviction under Chapter XX of Cr.P.C. Whereas, Section 10 of the KLGP Act-2011 prescribes that Cr.P.C. will apply to act so long as it is not inconsistent with the Act. Hence, it is contended that on

account of KLGP Act- 2011 provides for only summary trial, the Act prevails over the Code. It is contended that for offences under the KLGP Act, it ought to be tried as warrant case as otherwise, the accused would be deprived of procedure for discharge; liberty to summon witnesses in support of defence is curtailed; and compensation for accusation without a reasonable cause as prescribed under Section 250 Cr.P.C. would be lost. 351

4.5 It is also contended that the procedure prescribed under the KLGP Act-2011 is manifestly arbitrary as Section 9(5)(b) of the Act provides that offences would be tried summarily and procedure for criminal trial is not set out. It is also contended that complex question of title cannot be tried summarily and therefore, Act is manifestly arbitrary. 4.6 By referring to Section 9(4) it is contended that civil and criminal proceedings in respect of same facts and between same person will be heard in the same forum and Special Court having unguided discretion to determine the order in which civil and criminal liability will be decided and as such, it is liable to be struck down. 4.7 It is further contended that Section 9(1) of the KLGP Act-2011 empowers the Special Court to take cognizance even when a private person initiates the same and this unguided discretion is manifestly arbitrary. It is contended that innocent persons would be roped in and definition prescribed under 352 Section 2(e) criminalises actions of successors in interest of grabbed land and such innocent persons lacking requisite mens rea and they can only be held responsible for civil consequences flowing from such acts and they cannot be held criminally liable. 4.8 Learned Advocates have drawn the attention of the Court to Section 11 of the Act to contend that reverse onus clause has been passed namely, evidentiary burden on the accused to establish that he/she is not guilty of the offence of land grabbing. It is contended that reverse onus clause as it stands applies only to class of offenders under the Act, inasmuch as, Section 11 only prescribes its application to land owned by the Government by excluding the land belonging to other authorities as prescribed under Section 2(d)(i). It is also contended that reverse onus clause under the Act violates the right of the accused who is presumed to be innocent. It is contended that the reverse onus clause as formulated in SHAIKH ZAHID MUKHTAR vs 353 STATE AND OTHERS reported in (2017)2 ABR40prescribes four fold tests to determine the constitutional validity of a reverse onus clause and the Act does not satisfy the said four fold tests and

as such, it is to be struck down as violative of Article 14 and 21 of the Constitution of India. 4.9 Further submission relates to wrongful exclusion of mens rea. It is contended that a crime is said to be committed only when criminalized actus reus is accompanied by mens rea. Contending that members of the general public are not directly affected by the offence of land grabbing and as such, it cannot be construed as having deleterious consequences on public welfare. Hence, contending that exclusion of mens rea affects liberty of the accused guaranteed under Article 21 of the Constitution of India. 4.10 It is also contended that Section 16 violates the doctrine of separation of powers, by usurping judicial function and the well settled law 354 that legislation can be invalidated on the ground that it violates the basic structure of the constitution. 4.11 It is further contended that land grabbing does not fall under Article 323B(2) of the Constitution of India and as such, for lack of legislative competence to constitute Special Court, the KLGP Act-2011 is liable to be struck down. It is also contended that there is no classification found and nexus between object of the Act to be achieved and there is no intelligible differentia. It is contended that impugned Act makes certain class of persons a distinct class and affords them with inordinate protection, whilst cleaning out protection to private person and therefore there is unjust classification making ordinary private title suits amenable to the jurisdiction of civil courts. 4.12 Referring to Section 9 as being manifestly error and contending that State has abdicated its power to make an application to Special Court being 355 delegated to any person or suo motu without any limitations is liable to be struck down. 4.13 It is also contended that there is no statutory responsibility to pass a reasoned prima- facie order before taking cognizance which affects the right of a party and Section 20 also does not deal with order of transfer requiring reasoned order. Elaborating on the sequencing of procedure as arbitrary and discriminatory, it is contended that Section 9(4) allows for sequencing at the whims and fancies of the Chairman of the Special Court and as such, said provision is liable to be struck down. 4.14 It is argued that Section 7(10) provides a blanket protection even if there is defect in the constitution of the Special Court and Section 7(9) does not compulsorily state that a quorum to be valid, there should be presence of one Judicial member and one Revenue member and therefore, between Section 7(8) and 7(9) there is inherent contradiction. 356

4.15 Right to fair trial being an important facet of Article 21 and resting their oars on this Article, it is contended that Section 8 of the impugned Act authorises an officer to initiate legal action without defining legal action and therefore, on the basis of purely subjective opinion of the officer, Special Court may take cognizance without regard to due process being followed by the officer. Expressing that there may be unconscious bias on the part of the Chairman on account of discretion granted to him under Section 9(4), 9(5) and 8(c) and (d), petitioners are seeking for said provisions being struck down as violative of Article 21 of the Constitution of India. 4.16 It is also contended that Section 9 of the Act by virtue of Doctrine of Reference has virtually incorporated the offence envisaged under Section 192-A of the Karnataka Land Revenue Act, 1964 (for short KLR Act) and Section 9 cannot have overriding effect vis- a-vis Section 192-A. 357

4.17 It is the submission of petitioners that Section 9(4) of the Act is inconsistent with Sections 40 and 43 of the Indian Evidence Act and same has been engrafted in total violation of standard of proofs required in a civil and criminal trial. 4.18 It is also contended by the learned Advocates appearing for the petitioners in some of the writ petitions are in possession of the lands as morefully described in the petition from long number of years and have filed applications under the KLR Act, Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 seeking regularization and during the pendency of the said applications they cannot be prosecuted for the offence prescribed under the KLGP Act-2011. It is also contended that in some of the cases petitioners have been in continuous and uninterrupted possession of government land beyond 30 years and being in possession of the land would not amount to land grabbing, particularly when the 358 revenue authorities have themselves recognized the possession of petitioners over such lands, it cannot be construed that it is an act of land grabbing. 4.19 It is also contended that in respect of the grants made in favour of the petitioners or their predecessor in title, are being reopened after long number of years when the applicants seek for mutating the revenue records in the changed circumstances like seeking entry on the death of the grantee, holder or owner of the land and in such circumstances the revenue entries which have been in existence from time immemorial is sought to be doubted and under that pretext the proceedings under the KLGP Act-2011 is being initiated by terming the

applicants as land grabbers. Hence, the settled issues cannot be unsettled after long number of years and on the ground of impugned Act being onerous, it is liable to be struck down. 4.20 It is also contended that the provisions of the KLGP Act-2011 are inconsistent with the 359 provisions of Limitation Act, 1963 and as such the Act as whole is liable to be struck down as unconstitutional. 4.21 It is contended that the provisions of KLGP Act-2011/2014 is inconsistent with existing laws like Karnataka Land Revenue Act or Karnataka Land Reforms Act or Transfer of Property Act, since Section 2(d) of the impugned enactment is pre-fixed with the name of the title holder Government/Wakf/Hindu religious and religious institutions and charitable endowments, local authorities or other statutory or non-statutory bodies owned or controlled or managed by the Government. Hence, it is contended that prior to commencement of proceedings under the impugned Act, two conditions ought to have been included under the impugned enactment namely, a court or tribunal or authority of competent jurisdiction should have determined that the subject land is owned by such authority and in other words, there should be no determination by a 360 court or tribunal or other authority that subject land is in the ownership of a private party. It is also contended that under Section 4(2) of the impugned Act, the proceedings can be commenced before the Special Court overlooking the limitation and contrary to Section 27 of the Limitation Act, 1963, where the right to a property gets extinguished if a suit for possession is not instituted within the time stipulated. The attention of the Court is drawn to Article 64, 65 and 111 of the Schedule to the Limitation Act, 1963 which provide for the period of limitation by which, a suit has to be filed. 4.22 It is further contended that even in case where a final determination either under Section 67 of the Karnataka Land Revenue Act or Section 48-A of Karnataka Land Reforms Act or there being a judgment/decree determining title pursuant to proceedings initiated before competent jurisdiction, even then, by virtue of Section 16 of the impugned 361 Act, same can be ignored and this amounts to usurpation of the judicial power. In support of their submissions, they have relied upon the following judgments:

1. (2010) 11 SCC1 UNION OF INDIA Vs. R. GANDHI, PRESIDENT, MADARAS BAR ASSOCIATION.

2. ILR 2007 KAR259 THE STATE OF KARNATAKA BY ITS SECRETARY REVENUE DEPARMENT AND OTHERS Vs. HOLEYAPPA AND OTHERS.

3. (2007) 15 SCC744 STATE OF KARNATAKA AND OTHERS Vs. I.S. NIRVANE GOWDA AND OTHERS.

4. AIR 1961 SC1425 DAFEDAR NIRANJAN SINGH AND ANOTHER Vs. CUSTODIAN, EVACUEE PROPERTY (PB) AND ANOTHER.

5. (1974) 2 SCC402 MAGANLAL CHHAGANLAL (P) LIMITED Vs. MUNICIPAL CORPORATION OF GREATER BOMBAY AND OTHERS AND CONNECTED MATTERS.

6. (2016) 7 SCC703 CELLULAR OPERATORS ASSOCIATION OF INDIA AND OTHERS VS. TELECOM REGULATORY AUTHORITY OF INDIA AND OTHERS. 362

7. (1996) 3 SCC709 STATE OF A.P. AND OTHERS Vs. MCDOWELL & CO. AND OTHERS.

8. (1968) 3 SCR662 AIR 1969 SC78 22 STC416: DHULABHAI Vs. STATE OF M.P.

9. (1982) 2 SCC134 GOVERNMENT OF ANDHRA PRADESH VS. THUMMALA KRISHNA RAO AND ANOTHER. 10.(2017) 13 SCC661 M. SANKARANARAYANAN Vs. DEPUTY COMMISSIONER, BANGALORE. 11.(1989) 4 SCC630 SHAN SUNDER AND OTHERS Vs. STATE OF HARYANA. 12.(1998) 5 SCC343 STATE OF HARYANA Vs. BRIJ LAL MUTTAL AND OTHERS. 13.(2008) 5 SCC662 S.K. ALAGH Vs. STATE OF UTTAR PRADESH AND OTHERS. 14.(2008) 17 SCC285 TAMIL NADU ELECTRICITY BOARD Vs. RASIPURAM TEXTILE PRIVATE LIMITED AND OTHERS. 15.(2005) 8 SCC89 S.M.S. PHARMACEUTICALS LTD. Vs. NEETA BHALLA AND ANOTHER. 16.(2011) 1 SCC176 PEPSICO INDIA HOLDINGS PRIVATE363LIMITED VS. FOOD INSPECTOR AND ANOTHER. 17.(2014) 16 SCC : POOJA RAVINDER DEVIDASANI Vs. STATE OF MAHARASHTRA AND ANOTHER. 18.(2018) 2 GAUHATI LAW REPORTS313 STATE OF ASSAM, IN RE. 19.1981 (SUPP)

SCC87 S.P. GUPTA Vs. UNION OF INDIA AND ANOTHER AND CONNECTED MATTERS. 20.(2004) 7 SCC398 GOUNI SATYA REDDI Vs. GOVT. OF A.P AND OTHERS. 21.(2010) 5 SCC382 STATE OF ANDHARA PRADESH Vs. HYDERABAD POTTERIES PRIVATE LIMITED. 22.W.P. No.16633/2004 (D.D.11.03.2005): MOHD. SIDDIQ ALI KHAN Vs. SHAHSUN FINANCE LIMITED. 23.1997 SCC ONLINE AP268 J.V. SARMA AND OTHERS Vs. SPECIAL COURT UNDER A.P. LAND GRABBING (PROHIBITION) ACT, 1982, HYD. AND OTHERS. 24.(2011) 3 SCC351 HARSHENDRA KUMAR D Vs. REDBATILATA KOLEY AND OTHERS. 364

25.CIVIL APPEAL No.7764 OF 2014 AND SPECIAL LEAVE PETITION (CIVIL) NOS. 8332-8333 OF2014(D.D.07.08.2019): RAVINDER KAUR GREWAL AND OTHERS Vs. MANJIT KAUR AND OTHERS. 26.AIR 2004 SC456 PEOPLE'S UNION FOR CIVIL LIBERTIES AND ANOTHER Vs. UNION OF INDIA. 27.W.P. (CIVIL) NO.210/2012 (D.D.12.09.2012): NAMIT SHARMA Vs. UNION OF INDIA. 28.CIVIL APPEALS NOS. 71 TO76OF1953(D.D. 29.05.1953) : K.C. GAJAPATI NARAYAN DEO AND OTHERS Vs. THE STATE OF ORISSA. 29.W.P. NOS. 1118/1979 AND CONNECTED (D.D.13.11.1980) : AJAY HASIA AND OTHERS Vs. KHALID MUJIB SEHRAVARDI AND OTHERS. 30.CRL.A. NOS.446-449/2004 AND CONNECTED MATTERS (D.D. 08.03.2006) : ZAHIRA HABIBULLAH SHEIKH AND ANOTHER Vs. STATE OF GUJARAJ AND OTHERS. 31.(1998) 2 SCC1: MALPE VISHWANATH ACHARYA AND OTHERS Vs. STATE OF MAHARASHTRA AND ANOTHER. 365

32.(2011) 9 SCC1: K.T. PLANTATION PRIVATE LIMITED AND ANOTHER Vs. STATE OF KARNATAKA. 33.CIVIL APPEAL No.1948/1968 (D.D. 23.11.1968) : M. MANIKLAL Vs. STATE OF MYSORE. 34.RSA NO.867/2011 (D.D. 29.09.2015): V. NARAYANASWAMY Vs. CITY MUNICIPAL COUNCIL AND OTHERS. 35.AIR 2001 SC2472 SHYAM SUNDAR AND OTHERS Vs. RAM KUMAR AND ANOTHER. 36.L.G.C. (P) NO.1425/2017 (D.D. 31.01.218) : SRI. VENKATESH M Vs. SRI. MARANNA S/O MARAPPA AND OTHERS. 37.ILR 2015 KAR701 IYNANDA K. CHINNAPPA AND OTHERS Vs. BALACHANDA M. THAMMAIAH AND ANOTHER. 38.CIVIL APPEAL NOS.4534- 4535/1999 AND CONNECTED (D.D. 2303.2006) : N. SRINIVASA RAO Vs. SPL. COURT UNDER A.P. LAND

GRABBING (PROHIBITION) ACT, & OTHERS. 39.W.P.NOS. 107303/2019 AND CONNECTED MATTERS (D.D. 25.06.2019) : PUNDLIKA Vs. THE TAHASILDAR ALIYAL. 366

40.AIR 1952 SC75: THE STATE OF W.B Vs. ANWAR ALI SARKAR AND ANOTHER. 41.AIR 1982 SC1081 GOVT. OF A.P Vs. THUMMALA KRISHNA RAO AND ANOTHER. 42.AIR 1966 SC43 NATHULAL Vs. STATE OF M.P. 43.(2004) 1 SC CASES597 COLLECTOR OF CENTRAL EXCISE Vs. ORIENT FABRICS (P) LTD. 44.(2005) 7 SC CASES203 STAR INDIA (P). LTD. Vs. COMMISSIONER OF CENTRAL EXCISE, MUMBAI & GOA. 45.AIR 1975 SC149 MITTHULAL AND ANOTHER Vs. THE STATE OF M.P. 46.(2009) 6 SCC498 SANTOSH KUMAR SATHISHBHUSHAN BARIYAR Vs. STATE OF MAHARASHTRA. 47.(2015) 5 SCC: SHREYA SINGHAL Vs. UNION OF INDIA. 48.AIR 1978 SC597 SMT. MANEKA GANDHI Vs. UNION OF INDIA AND ANOTHER. 49.(2007) 6 SCC528 DILIP S. DAHANUKAR Vs. KOTAK MAHINDRA CO. LTD. AND ANOTHER. 367

50.(1987) 3 SCC544 MADHAV AYAWADANRAO HOSKOT Vs. STATE OF MAHARASHTRA. 51.(2014) 10 SCC1 MADRAS BAR ASSOCIATION Vs. UNION OF INDIA AND ANOTHER. 52.AIR 1970 SC192 SHRI. PRITHVI COTTON MILLS LTD, ETC Vs. BROACH BOROUGH MUNICIPALITY AND OTHERS. 53.AIR 1957 SC628: R.M.D. CHAMARBAUGWALLA AND ANOTHER Vs. UNION OF INDIA AND ANOTHER. 54.(2017) 9 SCC1 SHAYARA BANO Vs. UNION OF INDIA AND OTHERS. 55.WRIT PETITION(CIVIL) No.1047 OF2019 HINDUSTAN CONSTRUCTION COMPANY LIMITED & ANR. Vs. UNION OF INDIA & OTHERS. 56.(2001) 4 SCC262 KULWANT KAUR AND OTHERS Vs. GURDIAL SINGH MANN (DEAD) BY LRS. AND OTHERS. 57.(1998) 7 SUPREME COURT CASES66 NATIONAL BUILDINGS CONSTRUCTION CORPORATION Vs. S. RAGHUNATHAN AND OTHERS. 58.(2002) 3 SCC258 KONDA LAKSHMANA BAPUJI Vs. GOVT. OF A.P. AND OTHERS. 368

59.AIR 2014 SC2407 STATE OF TAMIL NADU Vs. STATE OF KERALA AND ANOTHER. 60.(2011) 9 SCC354 DELHI AIRTECH SERVICES PRIVATE LIMITED AND ANOTHER Vs. STATE OF UTTAR PRADESH AND ANOTHER.

61.(2013) 1 SCC353 TUKARAM KANA JOSHI AND OTHERS Vs. MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION AND OTHERS. 62.(2016) 1 SCC762 K. NANJAPPA (DEAD) BY LEGAL Vs. R.A. HAMEED ALIAS AMEERSAV (DEAD) BY LEGAL REPRESENTATIVES AND ANOTHER. 63.SPECIAL LAND GRABBING CASE No.15 OF2015 STATE Vs. SHRIMATI JAMUNA BARUAH KONWAR. 64.(2002) 3 SCC258 KONDA LAKSHMANA BAPUJI Vs. GOVT. OF A.P. AND OTHERS. 65.(2007) 6 SCC236 GREATER BOMBAY COOP. BANK LTD. Vs. UNITED YARN TEX(P) LTD. AND OTHERS. 66.W.P. No.3969 OF 2007 AND CONNECTED MATTERS -D.D. 22.09.2008: SMT. LALITHA SASTRY Vs. STATE OF KARNATAKA. 369

67.CRIMINAL PETITION No.3141/2012- D.D. 21.01.2013: SRI. RAMU Vs. STATE OF KARNATAKA. 68.CRIMINAL PETITION No.1479/2013- D.D. 12.08.2013: SMT. T.S. VANI Vs. SRI. VISHWABRAHMACHAR. 69.REPORTED CASE W.P.No.107303/2019 AND CONNECTED CASES- D.D. 25.06.2019: PUNDLIKA Vs. THE TAHASILDAR.

70. AIR1953 SC394 RAO SHIV BAHADUR SINGH AND ANOTHER Vs. STATE OF VINDHYA PRADESH. 71.(1985) 3 SCC545 OLGA TELLIS AND OTHERS Vs. BOMBAY MUNICIPAL CORPORATION AND OTHERS. 72.W.P.(CIVIL) NOS. 1074, 1276, 1310 OF2019 HINDUSTAN CONSTRUCTION COMPANY LIMITED AND ORS. Vs. UNION OF INDIA (UOI) AND ORS. 73.(1998) 5 SCC749 1998 SCC(CRI) 1400: PEPSI FOODS LTD. AND ANOTHER Vs. SPECIAL JUDICIAL MAGISTRATE AND OTHERS. 74.CIVIL APPEAL NOS. 6520, 6521- 6537 AND 6538 OF2003 K.T. PLANTATION PVT. LTD. AND ORS. Vs. STATE OF KARNATAKA. 370

75.(2015) 3 SCC695 JOINT COLLECTOR RANGA REDDY DISTRICT AND ANOTHER Vs. D. NARSING RAO AND OTHERS. 76.W.P.No.50704/2019 : SRI. ARAVINDA KUMAR Vs. THE STATE OF KARNATAKA. 77.(2002) 8 SCC182 KAISER-I- HIND PVT. LTD. AND ANOTHER Vs.NATIONAL TEXTILE CORPN. (MAHARASHTRA NORTH) LTD. AND OTHERS. 78.(2009) 5 SCC342 GRAND KAKATIYA SHERATION HOTEL AND TOWERS EMPLOYEES AND WORKERS UNION Vs. SRINIVASA RESORTS LIMITED AND OTHERS. 79.(2019) 8 SCC729

RAVINDER KAUR GREWAL AND OTHERS Vs. MANJIT KAUR AND OTHERS. 80.WRIT PETITION NOS. 36354 TO36357OF1999 D.K. ABDUL KHADER AND ORS. Vs. UNION OF INDIA AND ORS. 81.CIVIL APPEAL NOS. 3067 OF 2004 AND3717OF2005 UNION OF INDIA (UOI) Vs. R. GANDHI AND ORS. 82.CRIMINAL APPEAL NOS. 251 AND252OF2017 RAJIV KUMAR AND ORS. Vs. STATE OF U.P. AND ORS. 83.WRIT PETITION (CIVIL) NOS. 38 OF 1997 AND21OF2004 SUBRAMANIAN SWAMY AND ORS. 371 Vs. DIRECTOR, CENTRAL BUREAU OF INVESTIGATION AND ORS. 84.(2010) 10 SCC744 COMPETITION COMMISSION OF INDIA Vs. STEEL AUTHORITY OF INDIA LIMITED AND ANOTHER. 85.CRIMINAL APPEAL No.1500 OF2010 KISHNAN SINGH (D) THROUGH LRS. Vs. GURPAL SINGH AND ORS. 86.WRIT PETITION No.6889 OF1979 BLAZE AND CENTRAL (P.) LTD Vs. UNION OF INDIA AND ORS. 87.CIVIL APPEAL No.8588 OF2019 ROJER MATHEW Vs. SOUTH INDIAN BANK LTD. AND OTHERS. 88.CRIMINAL APPEAL NOS. 223 AND458OF2008 RATTIRAM AND ORS. Vs. STATE OF M.P. THROUGH INSPECTOR OF POLICE. 89.CRIMINAL APPEAL No.1293 OF2006 KALYANI BASKAR Vs. M.S. SAMPORNAM. 90.AIR 1957 SC540 GARIKAPATI VEERAYA Vs. N. SUBBIAH CHOUDHRY AND OTHER911993 SUPP(1) SCC962) : IN MATTER OF: CAUVERY WATER DISPUTES TRIBUNAL37292.(2019) 13 SCC185 MEDICAL COUNCIL OF INDIA Vs. STATE OF KERALA AND OTHERS93(1978) 1 SCC248 MRS. MANEKA GANDHI Vs. UNION OF INDIA AND ANOTHER94(2016) 8 SCC509 ANITHA KUSHWAHA Vs. PUSHAP SUDAN. 95.(2012) 2 SCC584 MOHD. HUSSAIN ALIAS ZULFIKAR ALI Vs. STATE (GOVERNMENT OF NCT OF DELHI) 96.(2012) 5 SCC1 RAMLILA MAIDAN INCIDENT, IN RE SUO MOTU WP(CRL.) No.122 OF2011 DECIDED ON2302.2012. 97.(2015) 5 SCC1 SHREYA SINGHAL Vs. UNION OF INDIA. 98.AIR 1986 SC180 OLGA TELLIS AND OTHERS Vs. BOMBAY MUNICIPAL CORPORATION AND OTHERS99AIR 2017 SC5500: NIKESH TARACHAND SHAH Vs. UNION OF INDIA AND ANR. CONTENTIONS RAISED BY LEARNED ADVOCATE GENERAL:

5. By reiterating what has been urged in the statement of objections, the learned Advocate General 373 has contended that there is a presumption in favour of constitutionality of a statute and judicial review of legislation being struck down as ultra-vires of constitution can be under three

(3) circumstances namely,

(1) if the legislation is ultra-vires on account of legislative competence;

(2) if the impugned legistation is ultra-vires on account of violation of any of the fundamental rights specified in Part-III of the Constitution; and

(3) if there is manifest arbitrariness. 5.1 He would contend that impugned Act provides for measures to curb organized attempts to grab lands, whether belonging to the Government, Wakf or the Hindu Religious Institutions and Charitable Endowments, local authorities or other statutory and non statutory bodies owned or controlled or managed by the Government. 5.2 He would contend that several persons, group of person are indulging in large scale, unprecedented and fraudulent sale of lands which 374 had been grabbed resulting in large accumulation of unaccounted wealth and quick money to land grabbers and thereby adversely affecting public order. Hence, the appropriate Government found that it was necessary and expedient to curb such unlawful activity of land grabbing immediately and the impugned Act came into being after a joint legislature committee submitted its report identifying large and vast tracts of government land having been usurped by unscrupulous persons. It is also contended that said enactment has been duly passed by the legislature interalia under Entry 18 and 64 of List II of the Seventh Schedule of the Constitution of India and for implementation and enforcement of the impugned Act the Special Courts have been constituted, which has resulted in recovery of 952.32 acres as on date. 5.3 Elaborating his submission he would contend that during the pendency of the present writ petitions, the State felt the need of amendment to be 375 brought in to allay the apprehensions expressed by the petitioners and in view of the said amendment having been brought by Act 30 of 2020, issue relating to trial of cases as warrant cases if felt necessary would clearly indicate that apprehensions are ill- founded. He would contend that amended Act 30 of 2020 has provided sufficient safeguard for dismissal of complaint at preliminary stage and if deemed fit the Special Court can try a complaint as warrant cases instead of summons cases. He would contend that once the chapter of summons case is accepted, the gravity of the case does not matter. It is not a matter of summary

trial and the provisions of Cr.P.C. would be applicable. 5.4 He would further elaborate his contentions by contending that initial burden is upon the Government to prove that lands belongs to the Government and then the Special Court presumes that person who is alleged is a land grabber. He would contend that in modern trend of legislations, 376 the burden of proof would be on the accused and the impugned legislation having been enacted to protect the public properties, the reverse onus cast on the accused cannot be held as unconstitutional. He would draw the attention of the Court to the expression "prima-facie" found in Section 11 of the impugned Act to contend that initial burden is upon the State and only on discharge of the said burden, it shifts on the accused. 5.5 He would contend that contention of the petitioners that provisions under Section 4(2), 9(1) and Section 20 of the KLGP Act-2011 being retrospective in nature, renders them unconstitutional is erroneous as offences sought to be punished under the impugned Act is continuous in nature or in other words, a continuing offence and as such, contention of the petitioners are untenable. 5.6 He would submit that insofar as the issue of limitation raised, would not be a substantive right and there is no limitation to be followed and draws 377 the attention of the Court to Section 10 of the Limitation Act, 1963 to contend that the issue of limitation cannot be raised in respect of property having been vested in a Trust comprising of religious or charitable endowment. 5.7 Insofar as contention regarding unbridled power being vested with the Special Court under Section 9(1), he would contend that the said provision is not unregulated and a procedure has been prescribed under Regulation 29 of the Karnataka Land Grabbing Prohibition (Special Court) Regulations, 2017, whereunder, procedure has been prescribed for taking suo motu cognizance. Hence, he contends that it cannot be canvassed that the power vested under Section 9(1) of the Act is without any procedure. He would further submit that Special Court is headed for the present by a retired Judge of this Hon'ble Court and as such, it cannot be said 378 that power of taking suo motu cognizance would not be exercised cautiously. 5.8 He would contend that in order to remedy/curb the grabbing of the Government lands and the general public may be sceptical and hesitant to lodge complaints being fearful of any repercussions against them by a powerful land grabbers, if there were publicly seen as whistle blowers or informants, the suo motu cognizance power has been given to the

Special Court. He would also contend that lands involved being public lands, it was deemed fit to introduce the provision regarding taking suo motu cognizance in view of the "public wrong" against an indeterminate number of people. He would submit that the Act in question being a penal legislation, the kind of provisions mentioned therein are very much necessary for effective implementation of the Act. 5.9 He would also contend that contention of wrongful exclusion of mens rea under the KLGP Act- 2011 is not a valid contention and draws the 379 attention of this Court to NDPS Act, whereunder possessing of contraband articles is to be read as "possession" with culpable state of mind, in view of the object and intent of the said Act. Drawing analogy from the said Act, he would contend that the intent of the present Act is to reclaim and recover public lands and the occupation/act of grabbing by the alleged land grabber is to be read as "conscious possession" of the act of land grabbing. 5.10 He would also submit that the legislation in question being a penal legislation, Section 16 has been incorporated as individual hardship caused due to the enactment of the statute has to give way to the larger public interest which is intended to be protected by this legislation. Hence, he has prayed for dismissal of the writ petitions. 5.11 He would also hasten to add that in the event of this Court were to arrive at the conclusion that any of the provisions are unworkable or loosely worded, this court is empowered to read down such 380 of the provisions by ironing out the creases, if any, in the legislation and it would not warrant striking down the legislation. In support of his submissions, he has relied upon the following judgments:

1. AIR 1951 SC467 HARLA Vs. THE STATE OF RAJASTHAN.

2. (1997) 2 SCC453 STATE OF BIHAR AND OTHERS Vs. BIHAR DISTILLERY LTD AND OTHERS.

3. (2010) 12 SCC1: BHANUMATI AND OTHERS Vs. STATE OF UTTAR PRADESH THROUGH ITS PRINCIPAL SECRETARY AND OTHERS.

4. (1996) 3 SCC709: STATE OF A.P. AND OTHERS Vs. MCDOWELL & CO. AND OTHERS.

5. (1959) SCR279: AIR 1958 SC538: SHRI RAM KRISHNA DALMIA AND OTHERS Vs. SHRI JUSTICE S.R. TENDOLKAR AND OTHERS.

6. 1959 SCR629: AIR 1958 SC731: MOHD. HANIF QUARESHI AND OTHERS Vs. STATE OF BIHAR AND OTHERS. 381

7. (2012) 6 SCC312: STATE OF MADHYA PRADESH Vs. REKESH KOHLI AND ANOTHER.

8. (1980) 2 SCC665: V.C. SHUKLA AND OTHERS Vs. STATE (DELHI ADMINISTRATION) AND OTHERS.

9. 1952 SCR435: AIR 1952 SC123:

1952. CRI LJ805: KATHI RANING RAWAT Vs. STATE OF SAURASHTRA. 10.(1979) 1 SUPREME COURT CASES380: IN RE THE SPECIAL COURTS BILL, 1978.

11. (2015) 6 SCC222 MOHAN LAL Vs. STATE OF RAJASTHAN.

12. S.L.P. (C) 19030/2002 (D.D. 17.04.2003) : SHIV SHAKTI COOPERATIVE HOUSING SOCIETY, NAGPUR Vs. M/S SWARAJ DEVELOPERS AND OTHERS.

13. (2012) 8 SCC243: BAR COUNCIL OF INDIA Vs. UNION OF INDIA.

14. 1995 SUPP (2) SCC187: P.N. KRISHNA LAL AND OTHERS Vs. GOVT. OF KERALA AND ANOTHER.

15. (1994) 5 SCC410: SANJAY DUTT Vs. STATE THROUGH C.B.I., BOMBAY (II).

16. (2013) 1 SCC745: NAMIT SHARMA Vs. UNION OF INDIA. 382

17. W.P. No.52972-73/2017 : BHANDARKARS ARTS & SCIENCE COLLEGE AND ANOTHER Vs. THE STATE AND OTHERS.

18. (1996) 3 SCC709 STATE OF A.P. AND OTHERS Vs. MCDOWELL & CO. AND OTHERS19 (1996) 3 SCC741 MAHE BEACH TRADING CO. AND OTHERS

Vs. UNION TERRITORY OF PONDICHERRY AND OTHERS20 (2008) 4 SCC720 GOVERNMENT OF ANDRA PRADESH AND OTHERS Vs. P. LAXMI DEVI(SMT) 21. 2009 AIR SCW3930 M. RATHINASWAMI AND ORS.ETC Vs. STATE OF T.N. AND ORS. ETC22 AIR 2007 SC2599 UDAI SINGH DAGAR AND ORS Vs. UNION OF INDIA AND ORS.

23. 2006 AIR SCW6446 RAGHUNATH RAI BAREJA AND ANR Vs. PUNJAB NATIONAL BANK AND ORS.

24. (2002) 3 SCC258: KONDA LAKSHMANA BAPUJI Vs. GOVT. OF A.P. AND OTHERS25 WRIT PETITION NOS. 32134- 371/2017 : SRI. G.H. NAGARAJ & ORS. Vs. STATE OF KARNATAKA & ORS. 383

26. 1995 SUPP(4) SCC684 MOHAN LAL Vs. KARTAR SINGH AND OTHERS27 (1998) 6 SCC288 EMPLOYEE'S STATE INSURANCE CORPORATION Vs. S.K. AGGARWAL AND OTHERS28 (2004) 4 SCC158 ZAHIRA HABIBULLA H. SHEIKH AND ANOTHER Vs. STATE OF GUJARAT AND OTHERS. 29.WRIT PETITION No.3879 OF2012:2013 SCC BOM833: SHRI.A.G. SAWANT Vs. SHRI. SANJAY D. BERDE30 AIR 1953 SC394: RAO SHIV BAHADUR SINGH AND ANOTHER Vs. STATE OF VINDHYA PRADESH. 31.(1994) 3 SCC569 KARTAR SINGH Vs. STATE OF PUNJAB. 32.1926 SCC ONLINE US SC9 269 US385(1926):

46. S.CT. 126:

70. L.ED.322:CONNALLY, COMMISSIONER OF LABOR OF OKLAHOMA, ETC . Vs. GENERAL CONST.CO.

33. AIR 1962 SC316 COLLECTOR OF CUSTOMS, MADRAS Vs. NATHELLA SAMPATHU CHETTY AND ANR.

34. (2015) 9 SCC502: VIKRAM SINGH ALIAS VICKY AND384ANOTHER Vs. UNION OF INDIA AND OTHERS35 (2008) 1 S.C.R. 96, 2008 SCC6: MICHAEL ESTY FERGUSON Vs. HER MAJESY THE QUEEN36(2009) 5 SCC478 V. LAXMINARASAMMA Vs. A. YADAIAH (DEAD) AND OTHERS. 37.(2008) 5 SCC580 SEEMA SILK AND SAREES AND ANOTHER Vs. DIRECTORATE OF

ENFORCEMENT AND OTHERS38(1994) 4 SCC468 GUJARAT AGRO INDUSTRIES CO. LTD. Vs. MUNICIPAL CORPORATION OF THE CITY OF AHMEDABAD AND OTHERS.

39. (1978) 3 SCC544 MADHAV HAYAWADANRAO HOSKOT Vs. STATE OF MAHARASHTRA.

40. (1997) 3 SCC261 L. CHANDRA KUMAR Vs. UNION OF INDIA AND OTHERS. CONTENTIONS RAISED BY LEARNED ADVOCATES APPEARING FOR RESPONDENTS SUPPORTING THE CONSTITUTIONAL VALIDITY OF THE ENACTMENT.

6. Smt. Chennamma, learned Advocate appearing for respondent No.4 in W.P.No.49013/2018 and Smt.Shristi Widge, learned 385 Advocate appearing on behalf of M/s.Poovaiah and company have supported the learned Advocate General and have contended that impugned legislation would clear the test of constitutional validity. Smt.Chennamma, learned Advocate has drawn our attention to the judgment of Hon'ble Apex Court in the case of E.P.RAYAPPA vs STATE OF TAMIL NADU reported in AIR 1974 SC55to support her contention that impugned Act passes the test of reasonability. She would contend that by the impugned legislation, the public property or the property belonging to the Government which has been usurped or grabbed is sought to be remedied not only by prosecuting such persons who have indulged in such acts but also reclaim or recover such properties. She would contend that unscrupulous persons who have knocked off the property of the State cannot pick loopholes in the procedural law and she has contended that impugned legislation does not suffer from any vice of 386 being discriminatory or arbitrary for being struck down. Hence, she has prayed for dismissal of the writ petitions. In support of her submissions, she has relied upon the following judgments: (1) E.P.ROYAPPA vs STATE OF TAMIL NADU (AIR 1974 SC555 (2) SRI RAMAKRISHNA DALMIYA vs SRI JUSTICE S.R.TENDOLKAR AND OTHERS (AIR 1958 SC538 (3) M.C.MEHTA vs UNION OF INDIA (AIR 1987 SC1086 (4) NUPUR TALWAR vs C.B.I. (2012)11 SCC4657. Having heard the learned Advocates appearing for parties, on perusal of pleadings and on bestowing our careful and anxious consideration to the rival contentions

raised at the bar, we are of the considered view that following point would arise for our consideration:

"Whether the Karnataka Land Grabbing Prohibition Act, 2011 (Karnataka Act 38 of 387 2014) and Amendment Act 30 of 2020 or any of its provision requires to be struck down on the ground of same being violative of the Constitution of India?."
DISCUSSION AND FINDINGS:

8. The Karnataka Legislature constituted a joint Legislative Committee during 17.06.2006 to examine the issue relating to encroachment of Government land in and around Bengaluru and to submit a report. Said Committee was headed by then member of Legislative Assembly Sri.A.T.Ramaswamy as Chairman, which submitted an interim report on 01.02.2007 depicting large scale of encroachment of Government lands. Another report also came to be submitted by the Joint Legislature Committee during July, 2007. In July, 2009 the Government constituted a Task Force for recovery and protection of public lands with the object of identifying the encroached lands and removal of such 388 encroachment. The said Task Force was headed by Sri.V.Balasubramanyam, IAS (Retd), who submitted a report stating that thousands of acres of Government land had been encroached across the State by unscrupulous elements. 8.1 Above said two reports had highlighted the urgent need for a comprehensive legislation to tackle the wide spread encroachment of Government lands, perforced the Government of Karnataka to bring in the legislation of KLGP Act-2011, to prevent illegal and unlawful encroachment of Government lands and to proceed against such persons who had encroached Government lands, by initiating civil and criminal proceedings. 8.2 The statement of reasons and the object of said enactment would indicate that large scale of land grabbing have been going on in and around Bangalore and also in the State of Karnataka and thousands of acres of Government lands were being 389 encroached and usurped by unscrupulous persons and there was an urgent need to bring in a legislation. 8.3 The said enactment has been passed by the Legislature under Entry 18 and 64 of List II of the VII Schedule of the Constitution of India and had received the assent of the President on 09.10.2014 and as already observed herein above, it has been brought into effect from 20.10.2014. 8.4 The object sought to be achieved by the

said enactment and reasons for said enactment being brought into force have been elaborated in the Statement of Objects and Reasons. It reads:

"It has come to the notice of the Government that there are organised attempts on the part of certain lawless persons operating individually and in groups to grab either by force or by deceit or otherwise lands belonging to the Government, a local authority, a religious or charitable institution or endowment, including a wakf. The land grabbers are forming bogus co- operative housing societies or setting up fictitious claims and indulging in 390 large scale and unprecedented and fradulent sales of land through unscrupulous real estate dealers or otherwise in favour of certain sections of people, resulting in large scale accumulation of the unaccounted wealth. As public order is adversely affected by such lawful activities of land grabbers in the State, particularly in respect of urban and urbanisable lands, the State Government has felt that it is necessary to curb such unlawful activities immediately by enacting a special law in this regard. Hence, the State Government of Karnataka with a view to prohibit the activities of land grabbing and to provide for matters connected therewith has proposed to bring the Karnataka Land Grabbing (Prohibition) Act into force. Apart from declaring land grabbing as unlawful, the State Government desires to prohibit land grabbing. Therefore, it is proposed to provide for penalty for offences in connection with land grabbing to effectively implement this Act and for the purpose of providing speedy enquiry into an alleged act of land grabbing and trial of cases in respect of the ownership and title to, or lawful possession of the land grabbed by Notification constitute a Special Court. It is felt that the State Government will be able to curb the illegal land grabbing by enforcing the proposed legislation. Accordingly, the Karnataka Bhu Kabalike (Nishedha) Vidheyaka, 391 2007 as passed by both the houses the Stat Legislature was sent to Government of India to obtain the assent of the President. The Government of India in its letter No.17/20/2007- Judl and PP dated 16/20.8.2007, on the suggestion made by the Ministry of Corporate Affairs had suggested modification to the Karnataka Bhu kabalike (Nisheda) Vidyeyaka 2007. Accordingly clause 6 of the Bill has been modified by incorporating Explanation for the word Company and Director. The Government of India vide letter No.17/20/2007- Judl & PP dated:18-06-2010, had suggested modifications to sub-clause (2) of clause 2 of the Bill on th suggestions made by the Ministry of Minority

Affairs and also to the sub-clause (2) of clause 1 of the Bill on th suggestion made by the Department of Legal Affairs. Accordingly the State Government vide its letter No.DPAL22SHASHANA2007 dated 7.9.2020 Communicated its acceptance to make the said modification by amending the Bill, by extending the provisions to the lands belonging to the Wakfs, Hindu Religious Institutions and Charitable Endowments and requested the Government of India to obtain the assent of the President to the said Bill and also to obtain previous instructions to the modifications to be issued in the form of an Ordinance. 392 The Government of India vide its letter No.17/20/2007-Judl & PP dated:03-03-2010/2011 has directed the State Government to consider withdrawing the present Bill (LA Bill No.27 of 2007) and submit a modified Bill instead of concurrent promulgation of any amendment Ordinance. Hence the Bill."

RE: CONSTITUTIONALITY OF A STATUTE - ANALYSIS9 The courts strongly lean against the construction, which reduces the statute to a futility. A statute or a provision in the statute would be read to make it effective and operative on the principle expressed in the maxim ut res magis valeat quam pereat viz. that the thing may avail rather than perish; that the transaction may be valid rather than invalid. While pronouncing upon the constitutionality of a statute the courts would start with a presumption in favour of constitutionality and prefer the construction which keep the statute within the competence of legislature. 393

10. A statute is designed to be workable, and the interpretation thereof by a court should be to secure that object, unless crucial omission or clear direction makes that end unattainable. In the matter of FAWCETT PROPERTIES LTD. vs. BUCKINGHAM COUNTY COUNCIL reported in (1960) 3 ALL ER503 Lord Denning approving Farewell J stated the principle thus:

"But when a statute has some meaning even though it obscure, or several meanings, even though it is little to choose between them, the courts have to say what meaning the statute is to bear, rather than reject it as a nullity.

11. The Courts would therefore reject that construction which will defeat the plain intention of the legislature even though there may be some inexactitude in the language used.

12. The doctrine of purposive interpretation may be taken recourse for the purpose of giving full effect to the statutory provisions, and the courts 394 would state what meaning the statute should bear rather than rendering the statute a nullity.

13. When the words of a statute are clear, plain or unambiguous i.e., they are reasonably susceptible to only one meaning, the courts would give effect to that meaning irrespective of consequences.

14. The Hon'ble Supreme Court in the case of STATE OF UTTAR PARDESH vs. VIJAY ANAND MAHARAJ reported in AIR 1963 SC946has held, when a language is plain and unambiguous and admits of only one meaning, no question of construction of statute arises, for the act speaks for itself. In KANAI LAL SUR vs. PARAMNIDHI SADHUKHAN reported in AIR 1957 SC907Apex Court has held that "if the words used or capable of one construction only then it would not be open to the courts to adopt any other hypothetical construction on 395 the ground that such construction is more consistent with the alleged object and policy of the act".

15. If one interpretation leads to conflict and another leads for harmonious construction, latter should prevail as held by the Apex Court in the case P.S SATHAPPAN (DEAD) BY LRs vs. ANDHRA BANK LIMITED reported in AIR 2004 SC5152 16. The Hon'ble Apex Court in the case of STATE OF BIHAR & OTHERS vs. BIHAR DISTILLERY LTD. & OTHERS reported in (1997) 2 SCC453has held that courts should strike down an enactment only when it is not possible to sustain it and courts would not approach in examining the enactment with a view to pick holes or to search for defects of drafting and any defects of drafting should be ironed out as part of the attempt to sustain the validity of the enactment. It has been further held:

"17. Now coming to the reasoning in the impugned judgment, we must say with all respect that we have not been able to appreciate it. 396 The approach of the Court, while examining the challenge to the constitutionality of an enactment, is to start with the presumption of constitutionality. The Court should try to sustain its validity to the extent possible. It should strike down the enactment only when it is not possible to sustain it. The Court should not approach the enactment with a

view to pick holes or to search for defects of drafting, much less inexactitude of language employed. Indeed, any such defects of drafting should be ironed out as part of the attempt to sustain the validity/constitutionality of the enactment. After all, an Act made by the Legislature represents the will of the people and that cannot be lightly interfered with. The unconstitutionality must be plainly and clearly established before an enactment is declared as void. The same approach holds good while ascertaining the intent and purpose of an enactment or its scope and application. Now, the result of the impugned judgment is that the Amending Act has become an exercise in futility - a purposeless piece of Legislation. And this result has been arrived at by pointing out some drafting errors and some imperfection in the language employed. If only the High Court had looked into the minutes of the meeting dated 15-12-1989 and the two letters of the Commissioner aforementioned, it would have become clear that the Amending Act was doing no more than repeating contents of the said letters 397 and placing the legislative imprimatur on them. As the impugned judgment itself suggests, part of the imperfection of language is perhaps attributable to translation from Hindi to English. Indeed, it is surprising that the Court has not even referred to the long preamble to the Act which clearly sets out the context and purpose of the said enactment. It was put in at such length only with a view to aid the interpretation of its provisions. It was not done without a purpose. To call the entire exercise a mere waste is, to say the least, most unwarranted besides being uncharitable. The Court must recognize the fundamental nature and importance of legislative process and accord due regard and deference to it, just as the Legislature and the Executive are expected to show due regard and deference to the judiciary. It cannot also be forgotten that our Constitution recognizes and gives effect to the concept of equality between the three wings of the State and the concept of `checks and balances' inherent in such scheme.

17. It is a trite law that while deciding the validity of a statute, the endeavour of the court is to find out the intention of the legislature, upon considering the various reasons, which gave rise to its birth and the mischief which the enactment is sought to remedy. Apex Court in the matter of 398 BHANUMATI AND OTHERS vs. STATE OF UTTAR PRADESH, THROUGH ITS PRINCIPAL SECRETARY AND OTHERS reported in (2010) 12 SCC1has held:

"82. In STATE OF BIHAR vs. BIHAR DISTILLERY LTD. this Court in SCC para 17 at p. 466: JT para 18 at pp. 865-66 of the Report laid down certain principles on how to judge the constitutionality of an enactment. This Court held that in this exercise the Court should: (a) try to sustain validity of the impugned law to the extent possible. It can strike down the enactment only when it is impossible to sustain it; (b) the Court should not approach the enactment with a view to pick holes or to search for defects of drafting or for the language employed; (c) the Court should consider that the Act made by the legislature represents the will of the people and that cannot be lightly interfered with; (d) the Court should strike down the Act only when the unconstitutionality is plainly and clearly established; (e) the Court must recognize the fundamental nature and importance of legislative process and accord due regard and deference to it. This Court abstracted those principles from various judgments of this Court.

83. In State of Bihar, this Court also considered the observations of Lord Denning in Seaford Court Estates Ltd. vs. Asher and highlighted that the job of 399 a judge in construing a statute must proceed on the constructive task of finding the intention of Parliament and this must be done (a) not only from the language of the statute but also (b) upon consideration of the social conditions which gave rise to it (c) and also of the mischief to remedy which the statute was passed and if necessary (d) the judge must supplement the written word so as to give "force and life" to the intention of the legislature. According to Lord Denning these are the principles laid down in Heydon case and is considered one of the safest guides today. This Court also accepted those principles. (See Bihar Distillery Ltd. case, SCC para 20 at p. 468: JT para 21 at p. 867 of the Report.) 84. Reliance was also placed on another decision of this Court in Dharam Dutt vs. Union of India. This judgment is relevant in order to deal with the argument of the learned counsel for the appellants that in reducing the period for bringing the no-confidence motion from "two years" to "one year" and then in reducing the required majority from 2/3rd to simple majority, the legislature was guided by the sinister motive of some influential Ministers to get rid of a local leader who, as a Pradhan of Panchayat, may have become very powerful and competitor of the Minister in the State.

85. In Dharam Dutt this Court held that if the legislature is competent to pass a particular law, the motives which impelled it to act are really irrelevant. If the legislature has competence, the question of motive does not arise at all and any inquiry into the motive which 400 persuaded Parliament into passing the Act would be of no use at all. (See SCC p.730, para 16 of the Report).

86. Reliance was also placed on the Constitution Bench judgment of this Court in State of Gujarat vs. Mirzapur Moti Kureshi Kassab Jamat. Lahoti, C.J.

speaking for the Bench laid down in SC p. 562, para 39 of the Report that the legislature is in the best position to understand and appreciate the needs of the people as enjoined in the Constitution. The Court will interfere in legislative process only when the statute is clearly violative of the right conferred on a citizen under Part III or when the Act is beyond the legislative competence of the legislature. Of course the Court must always recognize the presumption in favour of the constitutionality of the statutes and the onus to prove its invalidity lies heavily on the party which assails it.

87. Lahoti, C.J.

also laid down several parameters in considering the constitutional validity of a statute at pp. 562-563 of the Report. One of the parameters which is relevant in this case is, however important the right of citizen or an individual may be, it has to yield to the larger interests of the country or the community.

88. Considering all these aspects, this Court sees no reason to take a view different from the one taken by the Honble High Court."

401 18. Any law made by legislature can be struck down on two grounds namely, (a) lack of legislative competence; and (b) violation of any of the fundamental rights guaranteed under the constitution or any other constitutional provision.

19. The Hon'ble Apex Court in the case of SHREYA SINGHAL vs. UNION OF INDIA reported in (2015) 2 SCC (Crl.) 449 has held that a statutory provision can also be invalidated on the ground of vagueness, too, which is once again traceable to arbitrariness resulting in violation of Article 14 or Article 20 of the Constitution. It

has been further held:

"55. The U.S. Supreme Court has repeatedly held in a series of judgments that where no reasonable standards are laid down to define guilt in a Section which creates an offence, and where no clear guidance is given to either law abiding citizens or to authorities and courts, a Section which creates an offence and which is vague must be struck down as being arbitrary and unreasonable. Thus, in Musser v. Utah a Utah statute which 402 outlawed conspiracy to commit acts injurious to public morals was struck down.

56. In Winters v. New York, a New York Penal Law read as follows: (L Ed p. 846)

"1141. Obscene prints and articles.-.(1) A person.....who, (2) Prints, utters, publishes, sells, lends, gives away, distributes or shows, or has in his possession with intent to sell, lend, give away, distribute or show, or otherwise offers for sale, loan, gift or distribution, any book, pamphlet, magazine, newspaper or other printed paper devoted to the publication, and principally made up of criminal news, police reports, or accounts of criminal deeds, or pictures, or stories of deeds of bloodshed, lust or crime; Is guilty of a misdemeanor, ...'" The court in striking down the said statute held: (L Ed. pp. 851-52) "The impossibility of defining the precise line between permissible uncertainty in statutes caused by describing crimes by words well understood through long use in the criminal law - obscene, lewd, lascivious, filthy, indecent or disgusting-and the unconstitutional vagueness that leaves a person uncertain as to the kind of prohibited conduct-massing stories to incite 403 crime-has resulted in three arguments of this case in this Court. The legislative bodies in draftsmanship obviously have the same difficulty as do the judicial in interpretation. Nevertheless despite the difficulties, courts must do their best to determine whether or not the vagueness is of such a character 'that men of common intelligence must necessarily guess at its meaning.' Connally v. General Construction Co., U.S. p.391; S.Ct. p.127. The entire text of the statute or the subjects dealt with may furnish an adequate standard. The present case as to a vague statute abridging free speech involves the circulation of only vulgar magazines. The next may call for decision as to free expression of political views in the light of a statute intended to punish subversive activities. The sub-section of

the New York Penal Law, as now interpreted by the Court of Appeals prohibits distribution of a magazine principally made up of criminal news or stories of deeds of bloodshed, or lust, so massed as to become vehicles for inciting violent and depraved crimes against the person. But even considering the gloss put upon the literal meaning by the Court of Appeals' restriction of the statute to collections of stories 'so massed as to become vehicles for inciting violent and depraved crimes against the person not necessarily . sexual passion', we find the specification of publications, prohibited from distribution, too uncertain and indefinite to justify the conviction of this petitioner. Even 404 though all detective tales and treatises on criminology are not forbidden, and though publications made up of criminal deeds not characterized by bloodshed or lust are omitted from the interpretation of the Court of Appeals, we think fair use of collections of pictures and stories would be interdicted because of the utter impossibility of the actor or the trier to know where this new standard of guilt would draw the line between the allowable and the forbidden publications. No intent or purpose is required-no indecency or obscenity in any sense heretofore known to the law. 'So massed as to incite to crime' can become meaningful only by concrete instances. This one example is not enough. The clause proposes to punish the printing and circulation of publications that courts or juries may think influence generally persons to commit crime of violence against the person. No conspiracy to commit a crime is required. See Musser v. State of Utah, this Term. It is not an effective notice of new crime. The clause has no technical or common law meaning. Nor can light as to the meaning be gained from the section as a whole or the Article of the Penal Law under which it appears. As said in the Cohen Grocery Co. case, (US at p. 89: S.Ct at p. 300): (L.Ed p.520) '.. It leaves open, therefore, the widest conceivable inquiry, the scope of which no one can foresee and the result of which no one can foreshadow or adequately guard against.' 405 The statute as construed by the Court of Appeals does not limit punishment to the indecent and obscene, as formerly understood. When stories of deeds of bloodshed, such as many in the accused magazines, are massed so as to incite to violent crimes, the statute is violated. It does not seem to us that an honest distributor of publications could know when he might be held to have ignored such a prohibition. Collections of tales of war horrors, otherwise unexceptionable, might well be found to be 'massed' so as to become 'vehicles for

inciting violent and depraved crimes'. Where a statute is so vague as to make criminal an innocent act, a conviction under it cannot be sustained. Herndon v. Lowry, US p. 259: S Ct p.739.

57. In Burstyn v. Wilson, sacrilegious writings and utterances were outlawed. Here again, the US Supreme Court stepped in to strike down the offending Section stating:(L Ed p.1121) ". It is not a sufficient answer to say that 'sacrilegious' is definite, because all subjects that in any way might be interpreted as offending the religious beliefs of any one of the 300 sects of the United States are banned in New York. To allow such vague, undefinable powers of censorship to be exercised is bound to have stultifying consequences on the creative process of literature and art-for the films are derived largely from literature. History does not encourage reliance on the wisdom and moderation of the censor as a safeguard in the exercise of such 406 drastic power over the minds of men. We not only do not know but cannot know what is condemnable by 'sacrilegious.' And if we cannot tell, how are those to be governed by the statute to tell?.

58. In of Chicago v. Morales, a Chicago Gang Congregation Ordinance prohibited criminal street gang members from loitering with one another or with other persons in any public place for no apparent purpose. The Court referred to an earlier judgment in United States v. Reese, US at p. 221 in which it was stated that the Constitution does not permit a legislature to set a net large enough to catch all possible offenders and leave it to the Court to step in and say who could be rightfully detained and who should be set at liberty. It was held that the broad sweep of the Ordinance violated the requirement that a legislature needs to meet: to establish minimum guidelines to govern law enforcement. As the impugned Ordinance did not have any such guidelines, a substantial amount of innocent conduct would also be brought within its net, leading to its unconstitutionality.

59. It was further held that a penal law is void for vagueness if it fails to define the criminal offence with sufficient definiteness. Ordinary people should be able to understand what conduct is prohibited and what is permitted. Also, those who administer the law must know what offence has been committed so that arbitrary and discriminatory 407 enforcement of the law does not take place.

60. Similarly, in Grayned v. Rockford, the State of Illinois provided in an anti-noise Ordinance as follows:

"'[N].o person, while on public or private grounds adjacent to any building in which a school or any class thereof is in session, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace or good order of such school session or class thereof. . . .' Code of Ordinances, c 28, 19.2(a)."

The law on the subject of vagueness was clearly stated thus: (Grained case, L Ed pp.227 -28) "It is a basic principle of due process that an enactment is void for vagueness if its prohibitions are not clearly defined. Vague laws offend several important values. First, because we assume that man is free to steer between lawful and unlawful conduct, we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws may trap the innocent by not providing fair warning. Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates basic policy matters to policemen, 408 judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory application. Third, but related, where a vague statute 'abut(s) upon sensitive areas of basic First Amendment freedoms,' it 'operates to inhibit the exercise of (those) freedoms'. Uncertain meanings inevitably lead citizens to '"steer far wider of the unlawful zone" .... than if the boundaries of the forbidden areas were clearly marked.'

61. The anti-noise ordinance was upheld on facts in that case because it fixed the time at which noise disrupts school activity - while the school is in session - and at a fixed place - "adjacent" to the school.

62. Secondly, there had to be demonstrated a causality between disturbance that occurs and the noise or diversion. Thirdly, acts have to be wilfully done. It is important to notice that the Supreme Court specifically held that "undesirables" or their "annoying conduct" may not be punished. It is only on these limited grounds that the said Ordinance was considered not to be impermissibly vague.

63. In Reno, v. American Civil Liberties Union, two provisions of the Communications Decency Act, 1996 which sought to protect minors from harmful material on the internet were adjudged unconstitutional. This judgment is a little important for two 409 basic reasons - that it deals with a penal offence created for persons who use the internet as also for the reason that the statute which was adjudged unconstitutional uses the expression "patently offensive" which comes extremely close to the expression "grossly offensive" used by the impugned Section 66-A. Section 223(d), which was adjudged unconstitutional, is set out hereinbelow: (US p.860)

"22. (d) Whoever-

"1. in interstate or foreign communications knowingly- (A) uses an interactive computer service to send to a specific person or persons under 18 years of age, or (B) uses any interactive computer service to display in a manner available to a person under 18 years of age, 'any comment, request, suggestion, proposal, image, or other communication that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs, regardless of whether the user of such service placed the call or initiated the communication; or (2) knowingly permits any telecommunications facility under such person's control to be used for an activity prohibited by paragraph (1) with the intent that it be used for such activity, 410 shall be fined under Title 18, or imprisoned not more than two years, or both."

Interestingly, the District Court Judge writing of the internet said:

"[I].t is no exaggeration to conclude that the Internet has achieved, and continues to achieve, the most participatory marketplace of mass speech that this country - and indeed the world - as yet seen. The plaintiffs in these actions correctly describe the 'democratizing' effects of Internet communication: individual citizens of limited means can speak to a worldwide audience on issues of concern to them. Federalists and Anti- federalists may debate the structure of their government nightly, but these debates occur in newsgroups or chat rooms rather than in pamphlets. Modern-day Luthers still post their theses, but to electronic bulletins boards rather than the door of the Wittenberg Schlosskirche. More mundane (but

from a constitutional perspective, equally important) dialogue occurs between aspiring artists, or French cooks, or dog lovers, or fly fishermen."

American Civil Liberties Union v. Reno, F Supp at p.881. (at p.425).

64. The Supreme Court held that the impugned statute lacked the precision that the first amendment required when a statute regulates the content of speech. In order to deny minors access to potentially harmful 411 speech, the impugned Act effectively suppresses a large amount of speech that adults have a constitutional right to receive and to address to one another.

65. Such a burden on adult speech is unacceptable if less restrictive alternatives would be as effective in achieving the legitimate purpose that the statute was enacted to serve. It was held that the general undefined term "patently offensive" covers large amounts of non-pornographic material with serious educational or other value and was both vague and over broad. It was, thus, held that the impugned statute was not narrowly tailored and would fall foul of the first amendment.

66. In Federal Communications Commission v. Fox Television Stations Inc., it was held: (S Ct p.2317) "A fundamental principle in our legal system is that laws which regulate persons or entities must give fair notice of conduct that is forbidden or required. See Connally v. General Construction Co., US391("[A]. statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application, violates the first essential of due process of law"); Papachristou v. Jacksonville, US. 162 ("Living under a rule of law entails various suppositions, one of which is that '[all persons]. are entitled to be informed as to what the State commands or forbids'" (quoting Lanzetta v. New Jersey, US412453 (alteration in original))). This requirement of clarity in regulation is essential to the protections provided by the Due Process Clause of the Fifth Amendment. See United States v. Williams, US304 It requires the invalidation of laws that are impermissibly vague. A conviction or punishment fails to comply with due process if the statute or regulation under which it is obtained "fails to provide a person of ordinary intelligence fair notice of what is prohibited, or is so standardless that it authorizes

or encourages seriously discriminatory enforcement."

Ibid. As this Court has explained, a regulation is not vague because it may at times be difficult to prove an incriminating fact but rather because it is unclear as to what fact must be proved. See id., at 306. Even when speech is not at issue, the void for vagueness doctrine addresses at least two connected but discrete due process concerns: first, that regulated parties should know what is required of them so they may act accordingly; second, precision and guidance are necessary so that those enforcing the law do not act in an arbitrary or discriminatory way. See Grayned v. Rockford, US108109. When speech is involved, rigorous adherence to those requirements is necessary to ensure that ambiguity does not chill protected speech.

67. Coming to this Court's judgments, in State of M.P. v. Baldeo Prasad, an inclusive definition of the word "goonda" was held to be vague 413 and the offence created by Section 4-A of the Goondas Act was, therefore, violative of Article 19(1)(d) and (e) of the Constitution. It was stated: (SCR pp. 979-80 : AIR pp. 297-98, paras 9-

10) "Incidentally it would also be relevant to point out that the definition of the word "goonda" affords no assistance in deciding which citizen can be put under that category. It is an inclusive definition and it does not indicate which tests have to be applied in deciding whether a person falls in the first part of the definition. Recourse to the dictionary meaning of the word would hardly be of any assistance in this matter. After all it must be borne in mind that the Act authorises the District Magistrate to deprive a citizen of his fundamental right under Articles 19(1)(d) and (e), and though the object of the Act and its purpose would undoubtedly attract the provisions of Article 19(5) care must always be taken in passing such Acts that they provide sufficient safeguards against casual, capricious or even malicious exercise of the powers conferred by them. It is well known that the relevant provisions of the Act are initially put in motion against a person at a lower level than the District magistrate, and so it is always necessary that sufficient safeguards should be provided by the Act to protect the fundamental rights of innocent citizens and to save them from unnecessary harassment. That is why we

think the definition of the word 'goonda' should have given necessary assistance to the District 414 Magistrate in deciding whether a particular citizen falls under the category of goonda or not; that is another infirmity in the Act. As we have already pointed out s. 4-A suffers from the same infirmities as s.

4. Having regard to the two infirmities in Sections 4, 4-A respectively we do not think it would be possible to accede to the argument of the Learned Advocate-General that the operative portion of the Act can fall under Article 19(5) of the Constitution. The person against whom action can be taken under the Act is not entitled to know the source of the information received by the District Magistrate; he is only told about his prejudicial activities on which the satisfaction of the District Magistrate is based that action should be taken against him under s.4 or s. 4-A. In such a case it is absolutely essential that the Act must clearly indicate by a proper definition or otherwise when and under what circumstances a person can be called a goonda, and it must impose an obligation on the District Magistrate to apply his mind to the question as to whether the person against whom complaints are received is such a goonda or not. It has been urged before us that such an obligation is implicit in Sections 4 and 4-A. We are, however, not impressed by this argument. Where a statute empowers the specified authorities to take preventive action against the citizens it is essential that it should expressly make it a part of the duty of the said authorities to satisfy themselves about the existence of what the statute 415 regards as conditions precedent to the exercise of the said authority. If the statute is silent in respect of one of such conditions precedent it undoubtedly constitutes a serious infirmity which would inevitably take it out of the provisions of Article 19(5). The result of this infirmity is that it has left to the unguided and unfettered discretion of the authority concerned to treat any citizen as a goonda. In other words, the restrictions which it allows to be imposed on the exercise of the fundamental right of a citizen guaranteed by Article 19(1)(d) and (e) must in the circumstances be held to be unreasonable. That is the view taken by the High court and we see no reason to differ from it.

68. At one time this Court seemed to suggest that the doctrine of vagueness was no part of the Constitutional Law of India. That was dispelled in no uncertain terms in K.A. Abbas v. Union of India: (SCC pp.798- 99 paras 44-46: SCR pp. 469-71)

"44. This brings us to the manner of the exercise of control and restriction by the directions. Here the argument is that most of the regulations are vague and further that they leave no scope for the exercise of creative genius in the field of art. This poses the first question before us whether the 'void for vagueness' doctrine is applicable. Reliance in this connection is placed on Municipal Committee, Amritsar v. State of Punjab. In that case a Division 416 Bench of this Court lays down that an Indian Act cannot be declared invalid on the ground that it violates the due process clause or that it is vague....."

"These observations which are clearly obiter are apt to be too generally applied and need to be explained. While it is true that the principles evolved by the Supreme Court of the United States of America in the application of the Fourteenth Amendment were eschewed in our Constitution and instead the limits of restrictions on each fundamental right were indicated in the clauses that follow the first clause of the nineteenth article, it cannot be said as an absolute principle that no law will be considered bad for sheer vagueness. There is ample authority for the proposition that a law affecting fundamental rights may be so considered. A very pertinent example is to be found in State of M.P. v. Baldeo Prasad, where the Central Provinces and Berar Goondas Act, 1946 was declared void for uncertainty. The condition for the application of Sections 4 and 4-A was that the person sought to be proceeded against must be a goonda but the definition of goonda in the Act indicated no tests for deciding which person fell within the definition. The provisions were therefore held to be uncertain and vague. 417 The real rule is that if a law is vague or appears to be so, the court must try to construe it, as far as may be, and language permitting, the construction sought to be placed on it, must be in accordance with the intention of the legislature. Thus if the law is open to diverse construction, that construction which accords best with the intention of the legislature and advances the purpose of legislation, is to be preferred. Where however the law admits of no such construction and the persons applying it are in a boundless sea of uncertainty and the law prima facie takes away a guaranteed freedom, the law must be held to offend the Constitution as was done in the case of the Goonda Act. This is not application of the doctrine of due process. The invalidity arises from the probability of the misuse of the law to the detriment of the individual. If possible, the Court instead of striking down the law may itself draw

the line of demarcation where possible but this effort should be sparingly made and only in the clearest of cases.

20. Essentially, in all these petitions, as already noted herein above, the constitutional validity of KLGP Act-2011 has been challenged. During the pendency of these writ petitions, the State amended 418 the Act by Act 30 of 2020 whereunder, certain provisions of the KLGP Act-2011 came to be amended. An interlocutory application for amendment of the pleadings and additional prayer seeking the amended provisions also being struck down has been raised in W.P.No.11975/2018.

21. It would be necessary to have a look at the provisions of KLGP Act-2011/2014 in order to appreciate and adjudicate upon the points canvassed by the learned Advocates appearing for parties whereunder they have sought for striking down the Act both on the ground of same being violative of Articles 14, 21 of the Constitution of India and arbitrariness being writ large in the said enactment.

22. For the purposes of convenience, this court has broadly categorised these writ petitions under the following heads for the purposes of convenience and they are illustrative only and not exhaustive. 419 I. The land claimed to be owned or purchased or converted from agricultural to non-agricultural purposes: Sl.No.Writ Petitions 1 W.P.No.47747/2017 2 W.P.No.433/2017 3 W.P.No.10728/2017 4 W.P.No.15532/2017 5 W.P.No.32134/2017 6 W.P.No.34202/2017 7 W.P.No.36760/2017 8 W.P.No.37713/2017 9 W.P.No.235/2018 10 W.P.No.777/2018 11 W.P.No.1348/2018 12 W.P.No.1395/2018 13 W.P.No.5704/2018 14 W.P.No.6330/2018 15 W.P.No.6376/2018 16 W.P.No.6583/2018 17 W.P.No.7868/2018 18 W.P.No.11029/2018 19 W.P.No.14390/2018 20 W.P.No.15257/2018 21 W.P.No.18646/2018 22 W.P.No.23435/2018 23 W.P.No.23437/2018 24 W.P.No.23819/2018 25 W.P.No.50668/2018 26 W.P.No.52106/2018 27 W.P.No.55214/2018 28 W.P.No.56168/2018 29 W.P.No.56539/2018 30 W.P.No.56542/2018 31 W.P.No.57174/2018 32 W.P.No.8852/2019 33 W.P.No.11090/2019 34 W.P.No.11091/2019 35 W.P.No.13029/2019 420 36 W.P.No.13737/2019 37 W.P.No.22667/2019 38 W.P.No.23573/2019 39 W.P.No.27597/2019 40

W.P.No.27625/2019 41 W.P.No.29604/2019 42 W.P.No.33249/2019 43 W.P.No.35277/2019 44 W.P.No.38895/2019 45 W.P.No.50828/2019 46 W.P.No.51944/2019 47 W.P.No.51945/2019 48 W.P.No.11767/2019 49 W.P.No.50244/2019 50 W.P.No.52609/2018 51 W.P.No.3190/2020 II. The lands which has been granted under the provisions of Karnataka Land Reforms Act, 1961, Karnataka Land Revenue Act, 1964, Karnataka Land Grant Rules and/or other Act, Rule or Regulation, etc. Sl.No.Writ petitions 1 W.P.No.16281/2017 2 W.P.No.25219/2017 3 W.P.No.45114/2017 4 W.P.No.52972/2017 5 W.P.No.54081/2017 6 W.P.No.54082/2017 7 W.P.No.55683/2017 8 W.P.No.4729/2018 9 W.P.No.6061/2018 10 W.P.No.6960/2018 11 W.P.No.8585/2018 12 W.P.No.9116/2018 421 13 W.P.No.9117/2018 14 W.P.No.14215/2018 15 W.P.No.22817/2018 16 W.P.No.25761/2018 17 W.P.No.25768/2018 18 W.P.No.27912/2018 19 W.P.No.32121/2018 20 W.P.No.36539/2018 21 W.P.No.47841/2018 22 W.P.No.49013/2018 23 W.P.No.51638/2019 24 W.P.No.53049/2018 25 W.P.No.53534/2018 26 W.P.No.56545/2018 27 W.P.No.9158/2019 28 W.P.No.13029/2019 29 W.P.No.18151/2019 30 W.P.No.23515/2019 31 W.P.No.28421/2019 32 W.P.No.29668/2019 33 W.P.No.52134/2019 34 W.P.No.51926/2019 III. Where the land encroached is said to be Government land/Gomal land/Forest land by the authorities: Sl.No Writ petitions 1 W.P.No.17180/2017 2 W.P.No.21279/2017 3 W.P.No.23095/2017 4 W.P.No.23800/2017 5 W.P.No.27573/2017 6 W.P.No.32849/2017 7 W.P.No.51160/2017 8 W.P.No.463/2018 9 W.P.No.3032/2018 (PIL) 422 10 W.P.No.3641/2018 11 W.P.No.5389/2018 12 W.P.No.5390/2018 13 W.P.No.5391/2018 14 W.P.No.8210/2018 15 W.P.No.11306/2018 16 W.P.No.18327/2018 17 W.P.No.18329/2018 18 W.P.No.26481/2018 19 W.P.No.28214/2018 20 W.P.No.28215/2018 21 W.P.No.28637/2018 22 W.P.No.33741/2018 23 W.P.No.34292/2018 24 W.P.No.35489/2018 25 W.P.No.36459/2018 26 W.P.No.36863/2018 27 W.P.No.40311/2018 28 W.P.No.41277/2018 29 W.P.No.43275/2018 30 W.P.No.47540/2018 31 W.P.No.47543/2018 32 W.P.No.47827/2018 33 W.P.No.53025/2018 34 W.P.No.53204/2018 35 W.P.No.54914/2018 36 W.P.No.56187/2018 37 W.P.No.56410/2018 38 W.P.No.56630/2018 39 W.P.No.56631/2018 40 W.P.No.56731/2018 41 W.P.No.56988/2018 42

W.P.No.1680/2019 43 W.P.No.2960/2019 44 W.P.No.7448/2019 45 W.P.No.7844/2019 46 W.P.No.10906/2019 47 W.P.No.12900/2019 48 W.P.No.12975/2019 49 W.P.No.13405/2019 50 W.P.No.20311/2019 423 51 W.P.No.20312/2019 52 W.P.No.20313/2019 53 W.P.No.20314/2019 54 W.P.No.20315/2019 55 W.P.No.20316/2019 56 W.P.No.22678/2019 57 W.P.No.27680/2019 58 W.P.No.27730/2019 59 W.P.No.30187/2019 60 W.P.No.31106/2019 61 W.P.No.31107/209 62 W.P.No.31322/2019 63 W.P.No.31349/2019 64 W.P.No.31350/2019 65 W.P.No.32184/2019 66 W.P.no.33262/2019 67 W.P.No.34572/2019 68 W.P.No.36127/2019 69 W.P.No.38110/2019 70 W.P.No.38701/2019 71 W.P.No.40447/2019 72 W.P.No.40448/2019 73 W.P.No.40450/2019 74 W.P.No.41715/2019 75 W.P.No.41716/2019 76 W.P.No.50781/2019 77 W.P.No.50955/2019 78 W.P.No.50956/2019 79 W.P.No.51043/2019 80 W.P.No.51101/2019 81 W.P.No.51710/2019 82 W.P.No.51830/2019 83 W.P.No.51941/2019 84 W.P.No.51961/2019 85 W.P.No.45660/2018 86 W.P.No.13737/2019 87 W.P.No.52032/2019 88 W.P.No.9647/2020 89 W.P.No.12647/2020 424 IV. Where applications have been filed by the applicants for regularisation of land under different enactments and same is pending before the revenue authorities; Sl.No.Writ petitions 1 W.P.No.27437/2017 2 W.P.No.56296/2017 3 W.P.No.9194/2018 4 W.P.No.22025/2018 5 W.P.No.26054/2018 6 W.P.No.26545/2018 7 W.P.No.26546/2018 8 W.P.NO.29281/2018 9 W.P.No.33339/2018 10 W.P.No.36737/2018 11 W.P.No.39179/2018 12 W.P.No.43352/2018 13 W.P.No.49786/2018 14 W.P.No.51528/2018 15 W.P.No.55172/2018 16 W.P.No.302/2019 17 W.P.No.3463/2019 18 W.P.No.3484/2019 19 W.P.No.5393/2019 20 W.P.No.8821/2019 21 W.P.No.12974/2019 22 W.P.No.22988/2019 23 W.P.No.27336/2019 24 W.P.No.27921/2019 25 W.P.No.28900/2019 26 W.P.No.29471/2019 27 W.P.No.35575/2019 28 W.P.No.35579/2019 29 W.P.No.42273/2019 30 W.P.No.51878/2019 31 W.P.No.51879/2019 32 W.P.No.52011/2019 33 W.P.No.52566/2019 425 34 W.P.No.45583/2019 35 W.P.No.220/2020 V. Where the applicants are claiming the lands having been granted to them or to their ancestors/predecessors in title. (tenancy lands) Sl.No.Writ petitions 1 W.P.33085/2017 2 W.P.No.12264/2018 3 W.P.No.12614/2018 4

W.P.No.15270/2018 5 W.P.No.19761/2018 VI. Suo motu proceedings having been initiated on the ground of encroachment of Government lands. Sl.No.Writ petitions 1 W.P.No.35384/2017 2 W.P.No.36324/2017 3 W.P.No.36610/2017 4 W.P.No.36640/2017 5 W.P.No.36690/2017 6 W.P.No.40597/2017 7 W.P.No.41593/2017 8 W.P.No.42959/2017 9 W.P.No.43059/2017 10 W.P.No.43227/2017 11 W.P.No.44273/2017 12 W.P.No.44687/2017 13 W.P.No.47887/2017 14 W.P.No.50674/2017 15 W.P.No.53008/2017 16 W.P.No.54035/2017 426 17 W.P.No.8035/2018 18 W.P.No.8186/2018 19 W.P.No.8187/2018 20 W.P.No.8189/2018 21 W.P.No.8190/2018 22 W.P.No.8191/2018 23 W.P.No.11973/2018 24 W.P.No.11975/2018 25 W.P.No.13112/2018 26 W.P.No.19751/2018 27 W.P.No.22837/2018 28 W.P.No.34675/2018 29 W.P.No.47066/2018 30 W.P.No.52017/2018 31 W.P.No.53830/2018 32 W.P.No.1660/2019 33 W.P.No.5576/2019 34 W.P.No.7844/2019 35 W.P.No.8298/2019 36 W.P.No.22935/2019 37 W.P.No.30073/2019 23. The main thrust of the argument of the learned Advocates appearing for the parties as noticed herein above, can be sub-divided under the following heads namely, the impugned legislation is bad, since: (1) it is made applicable retrospectively; (2) arbitrariness is writ large; 427 (3) right of appeal and revision not being available, takes away the right of an aggrieved person; (4) reverse onus clause or burden of proof is erroneous and opposed to cannons of criminal jurisprudence; (5) KLGP ACT-2011 provides for criminal trial before the Special Court to be summary trial, whereas punishment to be imposed under Section 4 of the Act being not less than one year and which may extend to three years would be contrary to Section 262 of Cr.P.C. (6) Section 9 of KLGP Act-2011 is hit by Articles 14 and 21 of the Constitution of India as procedure prescribed is unworkable. (7) vicarious liability is fixed on a Director of company; (8) absence of mens rea; 428 (9) transfer of cases from Civil Court to Special Court under Section 20 takes away jurisdiction of Civil Court; (10) though Section 7 mandates constitution of Additional Benches across the State, same have not been constituted; (11) amendment Act provided for abatement of proceedings only in respect of two enactments and it is discriminatory.

24. Before embarking upon the journey of discussion on the above points, it would be necessary to analyse the provisions of the Act 38 of 2014 and Act 30 of 2020.

The definition of certain expression as found in KLGP Act-2011 would be relevant for the purposes of our discussion and to record finding on the aforesaid points, it would be necessary to take note of the provisions of the KLGP Act-2011 which has bearing on our discussion. Hence, the relevant provisions are extracted hereinbelow:

429. /p>

"2. Definitions.- In this Act, unless the context otherwise requires,- (a) xxx (b) xxx (c) xxx (d)Land includes,- (i) land belonging to the Government, Wakf or the Hindu Religious Institutions and Charitable Endowments, a local authority, a statutory or non statutory body owned, controlled or managed by the Government; (ii) rights in or over land, benefits to arise out of land, and buildings, structures and other things attached to the earth or permanently fastened to anything attached to the earth; (e)land grabber means a person or group of persons or a Society, who commits or has committed land grabbing and includes any person who gives financial aid to any person for taking illegal possession of lands or for construction of unauthorised structures thereon, or who collects or attempts to collect from any occupiers of such lands rent, compensation and other charges by criminal intimidation, or who abets the doing of any of the above mentioned acts; and also includes the successors in interest; (f)land grabbing means every activity of grabbing of any land, without any lawful entitlement and with a view to illegally taking possession of such land, or enter into or create illegal tenancies or lease and licences 430 agreements construct unauthorised structures thereon for sale or hire, or give such lands to any person on rental or lease and license basis for construction, or use and occupation, of unauthorised structures; and the term to grab land shall be construed accordingly; 3. Land grabbing to be unlawful.- Land grabbing in any form is hereby prohibited and declared unlawful and any activity connected with or arising out of land grabbing shall be an offence punishable under this Act.

4. Prohibition of land grabbing.- (1) No person shall commit or cause to be committed land grabbing, by himself or through any other person. (2) Any person who, on or after the commencement of this Act, continue to be in occupation,

otherwise than as a lawful tenant, of a grabbed land belonging to the Government, Wakf, Hindu Religious Institution and Charitable Endowments, local authority, statutory or non-statutory body owned, controlled or managed by the State Government shall be guilty of an offence under this Act. (3) Whoever contravenes the provisions of sub-section (1) or sub-section (2) shall on conviction, be punished with imprisonment for a term which shall not be less than one year but which may extend to three years, and with fine which may extend to twenty five thousand rupees. 431

5. Penalty for other offences in connection with land grabbing.- Whoever, with a view to grabbing land in contravention of the provisions of this Act or in connection with any such land grabbing,- (a) sells or allots, or offers or advertises for sale or allotment, or has in is possession for the purpose of sale or allotment any land grabbed; (b) instigates or incites any person to commit land grabbing; (c) uses any land grabbed or causes or permits knowingly to be used for purposes, connected with sale or allotment; or (d) enters into an agreement for construction of any structure or buildings on such land; (e) causes or procures or attempts to procure any person to do any of above mentioned acts; shall, on conviction, be punished with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine which may extend to twenty five thousand rupees.

6. Offences by companies.- (1) Where an offence against any of the provisions of this Act or any rule made thereunder has been committed by a company, every person who at the time of the offence was committed, was in charge of and was responsible to the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the 432 offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of the such offence. (2) Notwithstanding anything contained in sub-section (1), where any such offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on

the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation.- For the purposes of this section:- (a) company, trust, firm, society means respectively a company defined under the Companies Act, 1956 (Act No.1 of 1956), trust defined under the Indian Trust Act, 1882 (Act No.2 of 1882), firm defined in the Indian Partnership Act, 1932 (Act No.9 of 1932), Society defined in the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960) or other association of individuals; and (b) director in relation to:- 433 (i) a company means the director as defined in sub-section (13) of section 2 of the Companies Act, 1956 and partner means a partner in the firm; (ii) a society, a trust or other association of individuals, means the person who is entrusted under the relevant provisions of the Act or rules of the society, trust or other association with management of the affairs of the society, trust or other association, as the case may be.

7. Constitution of Special Courts.- (1) The Government may, for the purpose of providing speedy enquiry into any alleged act of land grabbing, and trial of cases in respect of the ownership and title to, or lawful possession of, the land grabbed and those offences specified in Chapter XIV-A of the Karnataka Land Revenue Act, 1964, by notification, constitute a Special Court. (2) A Special Court shall initially consist of a Chairman and four other members, to be appointed by the Government. (3) The Chairman shall be a person who is or was a judge of a High Court and of the other four members, two shall be persons who are or were District Judges (hereinafter referred to as Judicial Members) and the other two members shall be persons who hold or have held a post not below the rank of a Deputy Commissioner of the District (hereinafter referred to as Revenue Members):

434. Provided that the appointment of a person who was a Judge of a High Court as the Chairman of the Special Court shall be made after consultation with the Chief Justice of the High Court. (4) The Government, if, it is of the opinion that Additional Bench of the Special Court is necessary for trial of such cases, may likewise constitute Additional Bench of Special Court, by notification, in respect of

such area, as may be specified therein. (5) Such Additional Bench shall consist of one Judicial member and one Revenue member with a qualification specified in sub-section (3). (6) The Government from time to time likewise, by notification, reconstitute the Special Court constituted under sub-section (1). (7) The Chairman or other member shall hold office as such for a term of three years from the date on which he enters upon his office, or until the Special Court is reconstituted whichever is later. (8) (a) Subject to the other provisions of this Act, the jurisdiction, powers and authority of the Special Court may be exercised by benches thereof one comprising of the Chairman, a judicial member and a Revenue member and the other comprising of a Judicial Member and a Revenue member. 435 (b) Where the bench comprises of the Chairman, he shall be the Presiding Officer of such a bench and where the bench consists of two members, the Judicial Member shall be the Presiding Officer. (c) It shall be competent for the Chairman either suo-moto or on a reference made to him to withdraw any case pending before the bench comprising of two members and dispose of the same or to transfer any case from one bench to another bench. (d) Where it is reasonably apprehended that the trial of Civil liability of a person accused of an offence under this Act, is likely to take considerable time, it shall be competent for the Chairman to entrust the trial of the criminal liability of such offender to another bench in the interest of speedy disposal of the case. (e) Where a case under this Act is heard by a bench consisting of two members and the members thereof are divided in opinion, the case with their opinions shall be laid before another judicial member or the Chairman and that member or Chairman, as the case may be after such hearing as he thinks fit, shall deliver his opinion and the decision or order shall follow that opinion. (9) The quorum to constitute a meeting of any bench of the Special Court shall be two. (10) No act or proceeding of the Special Court shall be deemed to be invalid by reason only of the existence 436 of any vacancy among its members or any defect in the constitution or re- constitution thereof.

9. Procedure and powers of the Special Courts.- (1) The Special Court may, either suo-moto or on application made by any person, officer or authority take cognizance of and try every case arising out of any alleged act of land grabbing or with respect to the ownership and title to, or lawful possession of, the land grabbed or offences specified in Chapter XIV-A of the Karnataka Land Revenue Act, 1964

whether before or after the commencement of this Act, and pass such orders including orders by way of interim directions as it deems fit. (2) The Special Court shall for the purpose of taking cognizance of the case, consider the location, or extent or value of the land alleged to have been grabbed or of the substantial nature of the evil involved or in the interest of justice required or any other relevant matter. (3) In respect of an alleged act of land grabbing or the determination of questions of title and ownership to, or lawful possession of any land grabbed under this Act and offences specified in Chapter XIV-A of the Karnataka Land Revenue Act, 1964, shall be tried only in a Special Court constituted for the area in which the land grabbed is situated; and the decision of the Special Court shall be final: Provided that if, in the opinion of the Special Court, any application filed before it, is prima facie frivolous or 437 vexatious, it shall reject the same without any further enquiry. (4) The Special Court shall determine the order in which the civil and criminal liability against a land grabber be initiated. It shall be within the discretion of the Special Court whether or not to deliver its decision or order until both civil and criminal proceedings are completed. The evidence admitted during the criminal proceeding may be made use of while trying the civil liability. But additional evidence, if any adduced in the civil proceedings shall not be considered by the Special Court while determining the criminal liability. Any person accused of land grabbing or the abetment thereof before the Special Court shall be a competent witness for the defence and may give evidence on oath in disproof of the charge made against him or any person charged together with him in the criminal proceeding: Provided that he shall not be called as a witness except on his own request in writing or his failure to give evidence shall be made the subject of any comment by any of the parties or the Special Court or give rise to any presumption against himself or any person charged together with him at the same proceeding. (5)(a) The Special Court shall, while deciding the civil liability of a person shall follow its own procedure which is not inconsistent with the provisions of the Code of Civil Procedure, 1908. 438 (b) Every offence punishable under this Act shall be tried summarily. (c) When a person is convicted of an offence of land grabbing attended by criminal force or show of force or by Criminal intimidation, and it appears to the Special Court that, by such force or show of force or intimidation, the land has been grabbed, the Special Court may if it thinks fit, order

that possession of the same be restored after evicting by force, if necessary. (6) Every case under sub-section (1) shall be disposed of finally by the Special Court, as far as possible, within a period of six months from the date of institution of the case before it. (7) Every finding of the Special Court with regard to any alleged act of land grabbing shall be conclusive proof of the fact of land grabbing and of the persons who committed such land grabbing, and every judgment of the Special Court with regard to the determination of title and ownership to, or lawful possession of; any land grabbed shall be binding on all persons having interest in such land: Provided that the Special Court shall, by notification specify the fact of taking cognizance of the case under this Act. Such notification shall state that any objection which may be received by the Special Court from any person including the custodian of evacuee property within the period specified therein shall be considered by it:

439. Provided further that where the custodian of evacuee property objects to the Special Court taking cognizance of the case, the Special Court shall not proceed further with the case in regard to such property: Provided also that the Special Court shall cause a notice of taking cognizance of the case under the Act, served on any person known or believed to be interested in the land, after a summary enquiry to satisfy itself about the persons likely to be interested in the land. (8) It shall be lawful for the Special Court to pass such order as it may deem fit to advance the cause of justice. It may award compensation in terms of money for wrongful possession of the land grabbed which shall not be less than the amount equivalent to the market value of the land grabbed as on the date of the order and profits accrued from the land payable by the land gabber to the owner of the grabbed land and may direct re- delivery of the grabbed land to its rightful owner. The amount of compensation and profits, so awarded and costs of re-delivery, if any, shall be recovered as an arrear of land revenue in case the Government is the owner, or as a decree of a Civil Court, in any case to be executed by the Special Court: Provided that, the Special Court shall, before passing an order under this sub-section, give to the land grabber an opportunity of making his representation or of adducing evidence, if any, in this regard, and consider 440 every such representation and evidence.

11. Burden of proof.- Where in any proceedings under this Act prima facie proved to be the land owned by the Government, the Special Court shall presume that the person who is alleged to have grabbed the land is a land-grabber and the burden of proving that the land has not been grabbed by him shall be of such person.

18. Power to make rules.- (1) The Government may, by notification, after previous publication make rules for carrying out the purposes of this Act. (2) Every rule made under this section shall, immediately after it is made, be laid before each House of the State Legislature if it is in session and if it is not in session in the session immediately following, for a total period of fourteen days which may be comprised in one session, or in two successive sessions and if before the expiration of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. 441

19. Power to make regulations.- (1) The Special Court may, by notification, with the concurrence of the Government, make regulations not inconsistent with the provisions of this Act or the rules made thereunder relating to the procedure to be followed for the conduct of the cases and for regulating the manner of taking decisions. (2) The Special Court may cause a public notice of the substance of such regulations for the information of the general public. (3) Every regulation made under this section shall, immediately after it is made, be laid before such House of the Legislature of the Sate if it is in session, and if it is not in session in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiration of the session in which it is so laid or the session immediately following the State Legislature agrees in making any modifications in the regulation or in the annulment of the regulation, the regulation shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be; so however, that any such modification or annulments shall be without prejudice to the validity of anything previously done

under that regulation. 442 25. In the light of amendment having been brought about to the KLGP Act-2011 by KLGP Act 38/2014, as noticed hereinabove, it would be useful to have a comparative statement of these two enactments insofar as the provisions which came to be amended and it reads: SL. ACT382014 ACT NO.30/2020 No.1. 2(d):

"Land" includes- In Section 2 of the Act (i) Land belonging to 38/2014 after Clause (d), the Government, Wakf following proviso is or the Hindu Religious inserted: Institutions and "Provided that 'land' shall Charitable not include lands in Endowments, a local respect of which authority, a statutory applications for grant are or non statutory body pending on the date of owned, controlled or commencement of this managed by the Act,- Government; (a) under Section 94A, (ii) rights in or over 94B, 94C and 94CC of land, benefits to arise the Karnataka Land out of land and Revenue Act, 1964 buildings, structures (Karnataka Ac t12 of and other things 1964); attached to the earth or permanently fastended (b) under the Schedule to anything attached to Tribes and other the earth; Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Central Act 2 of 2007) 2. Section 9(3): In respect In Section 9 of Act of an alleged act of land 38/2014, 443 grabbing or the (i) for sub-section (3), the determination of following shall be questions of title and substituted, namely- ownership to, or lawful possession of any land (3) All alleged acts of land grabbed under this Act grabbing shall be tried and offences specified only by the Special Court in Chapter XIV-A of the constituted for the area in Karnataka Land which the land is Revenue Act, 1964, situated, or where there shall be tried only in a are more Special Courts Special Court than one for such area, constituted for the area by such one of them as in which the land may be specified in this gabbed is situated; and behalf by the the decision of the Government". Special Court shall be final: Provided that if, in the opinion of the Special Court, any application filed before it, is prima facie frivolous or vexations, it shall reject the same without any further enquiry.

3. Section 9(5) clause The following shall be (b): Every offence substituted in sub-punishable under this section (5), for clause (b):- Act shall be tried summarily. "(b) the Special Court may, if it thinks fit, try in a summary manner any offence under this Act: Provided that, if the Special Court in of the opinion that there are no

sufficient grounds for proceedings, the Court shall dismiss the complaint or drop further 444 proceedings and in every such case it shall briefly records reasons. Provided further that, the course of the trial of summons case relating to an offence under this Act, it appears to the Special Court that in the interests of justice, the offence shall be tried in accordance with the procedure for trial of warrant cases, the Special Court may proceed to re-hear the case in the manner provided by the code of Criminal Procedure, 1973 (Central Act 2 of 1974) for the trial of warrant-cases and may recall any witness who may have been examined:.

4. Nil Insertion of New Section 10-A and 10-B,- After Section 10 of the Principal Act, the following and give its decision in writing to each of the parties to the dispute".

5. Nil Insertion of new Section 17-A.- After Section 17 of the principal Act, the following is inserted, namely:- "17-A. Appeals.- (1) An 445 appeal against any final order by the Special Court determining the civil liability of the parties shall lie to the High Court, if the High Court is satisfied that the case involved a substantial question of law,- (i) in an appeal under this sub section the memorandum of appeal shall precisely state the substantial question of law involved in the appeal; and (ii) the appeal shall be heard on the question so formulated and the respondent shall, at the hearing of the appeal be allowed to argue that the case does not involve any such question: Provided that, appeal shall be filed before the High court within thirty days from the dated of the order. Provided further that, if the appeal is appeal is filed beyond the period of thirty days, the High Court shall condone the same, on sufficient cause being shown, but not beyond a period of sixty days. (2) Any appeal against 446 order of acquittal or conviction determining any criminal liability under this Act shall lie to the High Court. The High Court may exercise, so far as may be applicable, all the powers conferred by the chapters XXIX and XXX of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) on a High Court as if, the Special Court were a Court of sessions trying cases within the local limits of the jurisdictions of the High Court".

6. Nil Insertion of new Section 22. After Section 21 of the Principal Act, the following is inserted, namely:-

"22. Abatement.- All proceedings pending and contemplated with respect to land as excluded under the proviso to sub-clause (d) of Section 2 of this Act, on the date of commencement of the Karnataka Land Grabbing Prohibition (Amendment) Act, 2020 shall stand abated".

7. Nil 7. Repeal and Savings:- (1) The Karnataka Land Grabbing Prohibition 447 (Amendment) Ordinance, 2020 (Karnataka Ordinance No.6 of 2020) is hereby repealed. (2) Notwithstanding such repeal anything done or any action taken under the Principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under Principal Act, as amended by this Act. ANALYSIS OF THE PROVISIONS OF KLGP ACT- 2011/2020:

26. Section 2 of KLGP Act-2011 has 13 definitions. The words Land, Land grabber, Land grabbing, Local authority, Special Court etc., have been defined under Section 2. Definition of Land as found in Section 2(d) of the Act is an inclusive definition.

27. A plain reading of Section 2(d) would clearly indicate that such of the 'land' belonging to the Government, WAKF or Hindu Religious Institutions and Charitable Endowments, local 448 authority, statutory or non statutory body owned, controlled or managed by the Government has been included within the definition of the 'land'. It also includes rights in and over such land, benefits arising out of such land, and buildings, structures and other things attached to the earth or permanently fastened to anything attached to the earth would also include within the definition of the expression "land". 27.1 A 'land grabber' as defined under Section 2(e) would include a person, group of persons or a Society, who commits or has committed the land grabbing and includes any person who gives financial aid to such person for taking illegal possession of lands or for construction of unauthorised structures thereon, or who collects or attempts to collect from any occupiers of such lands rent, compensation and other charges by criminal intimidation, or who abets the doing of any of these acts and it would also include the successors in interest. Section 2(f) 449 defines " land grabbing" as Every activity of grabbing of any land without any lawful entitlement and with a view to illegally take possession of such land or enter into or create illegal tenancies or

lease and licence agreements, would fall within the mischief of land grabbing. Allowing construction of unauthorised structures on such land as defined under Section 2(d) or allow use and occupation of such land or permit unauthorised structures would also fall within the definition of the term 'to grab land'. 27.2 Sections 2(e) and 2(f) are similar to Sections 2(d) and 2(e) as defined under Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (Act 12 of 1982). Said provisions of Andhra Pradesh Act, 1982 had come up for consideration before Hon'ble Apex Court in the matter of KONDA LAKSHMANA BAPUJI vs GOVERNMENT OF ANDHRA PRADESH & OTHERS reported in (2002)3 SCC258and same has been interpreted as:

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"30. A perusal of clause (d) shows that the expression "land grabber" takes in its fold : (1) a person or a group of persons who commits land grabbing; (2) a person who gives financial aid to any person for (a) taking illegal possession of the lands, or (b) construction of unauthorised structures thereon; (3) a person who collects or attempts to collect from any occupiers of such lands rent, compensation and other charges by criminal intimidation; (4) a person who abets the doing of any of the above mentioned acts; and (5) the successors-in-interest of such a person. Among these five categories, the first category is relevant for the present discussion -- a person or a group of persons who commits land grabbing.

31. Clause (e) of Section 2, quoted above, defines the expression "land grabbing" to mean : (1) every activity of grabbing of any land (whether belonging to the Government, a local authority, a religious or charitable institution or endowment, including a wakf, or any other private person) by a person or group of persons; (2) such grabbing must be : (i) without any lawful entitlement and (ii) with a view to : (a) illegally taking possession of such lands; or (b) to enter into or create illegal tenancies, lease and licences agreements or any other illegal agreements in respect of such lands; or (c) to construct unauthorised structures thereon 451 for sale or hire; or (d) to give such lands to any person on (i) rental or (ii) lease and licence basis for construction, or (iii) use and occupation of unauthorised structures.

32. Inasmuch as the aforementioned expressions are defined employing the term "grabbing", it is necessary to ascertain the import of that term. It is not defined in the Act. It is not a technical term or a term of art so it has to be understood in its ordinary common meaning.

33. The meaning of the term "grab" in the New International Webster's Comprehensive Dictionary of the English Language, is given as follows :

"To grasp or seize forcibly or suddenly; to take possession of violently or dishonestly; to make a sudden grasp. See synonyms under grasp - (i) The act of grabbing, or that which is grabbed. (ii) A dishonest or unlawful taking possession or acquisition (iii) An apparatus for grappling.

34. In Words and Phrases, permanent edition, Vol.18, the meaning of "grab" is noted as under :

"The word "grab" means an act or practice of appropriating unscrupulously, as in politics. Smith v. Pure Oil Co., 128 S.W.2d 931, 933, 278 Ky.430. 452 The word "grab" means a seizure or acquisition by violent or unscrupulous means. Smith v. Pure Oil Co., 128 S.W.2d 931, 933, 278 Ky.430. The word "grab" means to seize, grasp, or snatch forcibly or suddenly with the hand, hence to take possession of suddenly, violently, or dishonestly. Smith v. Pure Oil Co., 128 S.W.2d 931, 933, 278 Ky.430.

35. Corpus Juris Secundum, Volume 38, records the meaning of the term "grab" thus :

"As a verb, to seize, grasp or snatch forcibly or suddenly with the hand, hence to take possession of suddenly, violently, or dishonestly.

36. In Concise Oxford Dictionary, the following meanings of the word "grab" are noted :

"A seize suddenly; capture, arrest; take greedily or unfairly; attract the attention of, impress; make a sudden snatch at; intr. (of the brakes of a motor vehicle) act harshly or jerkily.-. n. (i) a sudden clutch or attempt to seize; (ii)a mechanical

device for clutching.

38. A combined reading of clauses (d) and (e) would suggest that to bring a person within the meaning of the expression "land grabber" it must be shown that : (i) (a) he has taken unauthorisedly, unfairly, 453 greedily, snatched forcibly, violently or unscrupulously any land belonging to government or a local authority, a religious or charitable institution or endowment, including a wakf, or any other private person; (b) without any lawful entitlement; and (c) with a view to illegally taking possession of such lands, or enter or create illegal tenancies or lease and licences agreements or any other illegal agreements in respect of such lands or to construct unauthorised structures thereon for sale or hire, or give such lands to any person on rental or lease and licence basis for construction, or use and occupation of unauthorised structures; or (ii) he has given financial aid to any person for taking illegal possession of lands or for construction of unauthorised structures thereon; or (iii) he is collecting or attempting to collect from any occupiers of such lands rent, compensation and other charges by criminal intimation; or (iv) he is abetting the doing of any of the above- mentioned acts; or (v) that he is the successor-in- interest of any such persons.

39. It must be borne in mind that for purposes of taking cognizance of a case under the Act existence of an allegation of any act of land grabbing is the sine qua non and not the truth or otherwise of such an allegation. But to hold that a person is a 454 land grabber it is necessary to find that the allegations satisfying the requirements of land grabbing are proved.

40. To make out a case in a civil case that the appellant is a land grabber the first respondent must aver and prove both the ingredients -- the factum as well as the intention -- that the appellant falls in the categories of the persons, mentioned above (clause (d) of Section 2 of the Act), has occupied the land in dispute, which belonged to the first respondent, without any lawful entitlement and with a view to or with the intention of illegally taking possession of such land or entering into the land for any of the purposes mentioned in clause (e) of Section 2 of the Act, summarised above.

27.3 Section 3 of KLGP Act-2011 states that 'land grabbing' in any form is prohibited and is declared unlawful and any activity connected with or arising out of land grabbing to be an offence, which would be punishable under the Act. 27.4 Section 4 of KLGP Act-2011 states that land grabbing by any person would be unlawful and sub-section (2) of Section 4 would also take within its 455 sweep that a person who after commencement of the Act, continue to be in occupation of such grabbed land otherwise than a lawful tenant to fall within the definition of "prohibition of land grabbing". Sub- section (3) of Section 4 provides for punishment with imprisonment for a term of not less than one (1) year and which may extend upto 3 years and with fine upto Rs.25,000/- for contravention of sub-section (1) or sub-section (2) of Section 4. 27.5 Section 5 of the KLGP Act-2011 specifically contemplates for levy of penalty for other offences in connection with land grabbing and clauses (a) to (e) would indicate that on conviction of such person for contravention of the provisions of the Act or in connection with any such land grabbing, same would be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine which may extend to Rs.25,000/-. 456

27.6 Section 6 speaks about offences by the Companies. Sub-section

(1) would indicate that where an offence under the Act or Rule made thereunder have been committed by the Company, every such person who at the time of the offence was committed, was incharge of and was responsible to the company for the conduct of business of the company, as well as the company, would be deemed to be guilty of the offence and can be proceeded accordingly. However, if such person proves that offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence, sub-section

(1) would not be attracted in such circumstances. Sub-section

(2) would indicate that where any such offence has been committed by a company and it has been proved that the offence has been committed with consent or connivance of or is attributable to any neglect on the part of any Director, Manager, Secretary or other officer of the company, then such 457 person would

be deemed to be guilty of that offence and shall be proceeded accordingly. 27.7 Section 7 of the KLGP Act-2011 is an exhaustive section which speaks about the constitution of Special Courts not only to enquire into alleged act of land grabbing and speedy enquiry into any alleged act of land grabbing, trial of cases in respect of the ownership and title to or lawful possession of the land grabbed but also about offences specified in Chapter XIV-A of the Karnataka Land Revenue Act, 1964. It also enables the Government to constitute a Special Court and sub-section

(2) indicates that it would consist of a Chairman and four other members to be appointed by the Government. The Chairman shall be a person who is or was a Judge of the High Court and out of four other members, two persons would be District Judges either sitting or retired to act as Judicial Members; the other two members would be not below the rank of Deputy Commissioner of a District. 458 A holistic reading of Section 7 would indicate the manner in which the Special Courts are to be constituted including the additional Benches of the Special Court and the composition of Benches, the powers of the Chairman, quorum for constitution of any Bench and the like matters. 27.8 Section 9 speaks about procedure and power of the Special Courts. It has eight

(8) sub- sections. A plain reading of sub-section

(1) of Section 9 would indicate that Special Court either suo motu or on an application can take cognizance of and try every case arising out of an alleged act of land grabbing or with respect to the ownership and title to, or lawful possession of the land grabbed or offences specified in Chapter XIV - A of the Karnataka Land Grabbing Act either before or after the commencement of the Act and pass such orders as it deems fit. Sub-section

(2) has vested the Special Court to take note of the location or the value of the land alleged to have been grabbed or the substantial 459 nature of the evil involved for the purposes of taking cognizance. Pre-amendment sub-section

(3) states that only the Special Court constituted for the area in which the land grabbed situated alone is competent to take cognizance in respect of the offence

of land grabbing or determination of questions of title and ownership or lawful possession of any land grabbed under this Act and offences specified in Chapter XIV- A of the Karnataka Land Revenue Act, 1964. It further mandates that the decision of Special Court shall be final. The Special Court also has power to reject any case instituted before it, if, in the opinion of the Special Court, any application filed before it is primafacie frivolous or vexatious. 27.9 Sub-section

(4) of Section 9 empowers the Special Court to determine the order in which the civil and criminal liability is to be tried. It also enables the said court whether or not to deliver its decision or order until both the proceedings are completed. It further states the manner in which the 460 evidence in either of the proceedings can be admitted or rejected. It further provides that a person accused of land grabbing or abetment thereof to be a competent witness for the defence to disprove the charges made against him or any person charged with him of the offence of land grabbing in criminal proceedings. Proviso thereto enables such person alleged of land grabbing not to be called as a witness except on his own request in writing and failure to give evidence should not be made the subject of any comment by any of the parties and it would not give rise to any presumptions against himself or any person charged together with him at the same proceedings. 27.10 Sub-section (5)(a) to (c) of Section 9 mandates that Special Court while deciding the civil liability of a person shall follow its own procedure which is not inconsistent with the provisions of Code of Civil Procedure; to try the offence summarily if necessary; and to take possession of such grabbed 461 land. Sub-section

(6) stipulates the time limit of six months within which the case initiated before it under sub-section

(1) of Section 9 is to be disposed of. Plain reading of sub-section

(7) of Section 9 would indicate that finding recorded by the Special Court shall be conclusive proof of the fact of land grabbing and the persons who had committed the same and the binding effect of said judgment with regard to the determination of title and ownership to, or lawful possession of any land grabbed shall be binding on all persons having interest in such land. The three provisos thereto provides for the manner in which possession of the land grabbed being taken. 27.11 Sub-

section

(8) of Section 9 enables the Special Court to award compensation in terms of money for wrongful possession of land grabbed and said compensation should not be less than the amount equivalent to the market value of the land grabbed as on the date of the order along with profits accrued from the land payable by the land grabber to 462 the owner of the grabbed land and it can direct re- delivery of possession to its rightful owner. The amount of compensation and profits so awarded and costs of re-delivery could be recovered as arrears of land revenue in case the Government is the owner. Of course, the Special Court has to give an opportunity to the land grabber of being heard and to make his representation or to adduce evidence if any, in this regard and such representation will have to be considered before passing an order under sub-section (8). 27.12 Section 10 states that the Special Court has the powers of Civil Court and Court of Sessions as it deals with determination of title to the land grabbed and also the offence with regard to land grabbing. Therefore, the Special Court is deemed to be a Civil Court insofar as it relates to determination of title and Court of Sessions insofar as it relates to offence of land grabbing. The person conducting a 463 prosecution before the Special Court is deemed to be a Public Prosecutor. 27.13 Section 11 speaks about burden of proof. If in any proceedings under this Act, prima-facie, it is proved to be the land owned by the Government, the Special Court would presume that the person who is alleged to have grabbed the land is a land grabber and the burden of proving that land has not been grabbed by him would be on such person. 27.14 Section 16 of the KLGP Act-2011 would indicate the provisions of the said Act would have overriding effect, not withstanding anything inconsistent contained in any other law which is in force or custom, usage or agreement or decree or order of a court or any other tribunal or authority. 27.15 Section 17 of the Act enables the Special Court to review its judgment or order passed under Section 9 to prevent miscarriage of justice. However, such review power is not required to be 464 exercised or prayer sought for should be entertained, except where such order which is sought to be reviewed had been passed under mistake of fact, ignorance of any material fact or error apparent on the face of the record. First proviso thereto enables the Special Court to admit or reject review petition by circulation even without hearing the petitioner. However, where review is to be

made, then, necessarily the parties affected are required to be heard to meet the principles of natural justice. 27.16 Section 20 of the KLGP Act-2011 speaks that where any proceeding before any court or authority, immediately before the constitution of a Special Court is pending, same is to be transferred to the Special Court and the deeming provision of cause of action on which such suit or proceeding is based is deemed to have been arisen as if the cause of action had arisen before the Special Court. 465

28. When these writ petitions were pending before this court for consideration and the arguments were being advanced, State brought about amendment to the KLGP Act-2011 (Karnataka Act 38/2014) by Karnataka Act 30/2020, whereunder amendment to Sections 2 and 9 was brought about. Sections 10-A, 10-B, 17-A and 22 were inserted. Hence, it would be necessary and appropriate to analyse these amended provisions also.

29. After clause (d) of Section 2, a proviso has been inserted whereunder, claims relating to the land made by persons which are pending before said authorities on the date of commencement of the Act, would be excluded from the purview of the Act, namely, where applications have been filed under Section 94A, 94B, 94C and 94CC of the Karnataka Land Revenue Act, 1964 as well as the applications filed under Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 are pending, proceedings if already initiated 466 before the Special Court, such proceedings stands abated.

30. Sub-section (3) of Section 9 has been substituted by Act 30/2020. A plain reading of the amended provision, would indicate that all alleged acts of land grabbing should be tried by the Special Court constituted for the area in which the land is situated or where there are more than one Special Courts than one for such area, by such one of them as may be specified in that behalf. Proviso which was existing prior to Act 30 of 2014 has been deleted.

31. Under the Principal Act i.e, KLGP Act- 2011, the offence punishable under the Act was required to be tried summarily. However, under the amended Act namely, clause (b) of sub-section (5) of Section 9 having been substituted, it has now empowered the Special Court to try an offence under the Act in a summary

manner only if it thinks fit. First proviso thereunder would indicate that offence 467 under the Act can also be tried as a warrant case if in the opinion of the Special Court it requires to be tried as a warrant case. Two provisos have been incorporated to clause (b) by Act 30 of 2020 and same would clearly indicate that the Special Court is empowered to dismiss the complaint or drop further proceedings by recording the reasons in brief, in the event Special Court forming an opinion that there are no sufficient grounds to proceed further. Whereas, second proviso would indicate that Special Court is empowered to adopt the procedure adopted for a trial of a warrant case for the offence under the Act and the Special Court is empowered to recall any witness who have been examined.

32. A perusal of Sections 10-A and 10-B which have been incorporated would indicate that jurisdiction of civil court is barred to try a suit or other legal proceedings relating to any Government land and which is required to be determined by the Special Court under the KLGP Act, 2011. Section 468 10-B mandates the proceedings initiated under the Act is to be completed within six months and give its decision in writing to each of the parties to the dispute.

33. Section 17-A(1) which has been newly incorporated would provide for an appeal to be filed against any order passed by the Special Court determining the civil liability of the parties and the High Court would be empowered to entertain such appeal on being satisfied that the case involves the substantial question of law. The proviso thereto stipulates the time limit for filing an appeal as well as power to condone the delay by the appellate court for sufficient cause, where the appeal is filed beyond the period of 30 days. Sub-section (2) of Section 17-A enables the aggrieved person to file an appeal against an order of acquittal or conviction as the case may be. It also provides for the powers to be exercised by the High Court would be the powers conferred by 469 Chapter XXIX and XXX of Code of Criminal Procedure, 1903.

34. By amendment Act 30/2020, Section 22-A has been incorporated, by which applications filed under Sections 94A, 94B, 94C and 94CC of the Karnataka Land Revenue Act, 1964 are pending on the date of the commencement of the Act would stand abated.

35. Though a valiant attempt has been made by some of the learned Advocates appearing for the petitioners to contend that State lack legislative competence to enact the impugned Act, we are of the considered view that said contention ought to fail for the simple reason that State Legislature is empowered to enact the impugned legislation in view of Entry 18 and 64 of List-II of the VII Schedule of Constitution of India, which clearly empowers the State to enact laws with respect to any of the matters found in the said list. Entry 64 and also Entry 18 470 enables the State to bring in legislation relating to land. It would be useful to refer to the judgment of Honble Apex Court in the matter of STATE OF A.P AND OTHERS vs K MOHANLAL AND ANOTHER reported in (1998)5 SCC468whereunder Honble Apex Court has affirmed the judgment of High Court of Judicature of Andhra Pradesh reported in (1997)4 ALT220(DB) which had upheld the constitutional validity of Andhra Pradesh Land Grabbing (Prohibition) Act, 1982. It has been held by the Honble Apex Court as under: 7. Article 323-B of the Constitution of India provides that the appropriate legislature may, by law, provide for the adjudication or trial by tribunal any dispute, complaint or offences in respect to all or any of the matters specified in clause(2) with respect to which such legislature has a power to make the laws. Clause (2)(d) refers, interalia to any rights in land or the extinguishment or modification of any such rights. The Andhra Pradesh High Court has, therefore rightly held that the Act which sets up a Special Court for land grabbing cases, is within the legislative competence of the State Government. 471 Hence, we do not propose to further delve upon said issue and the faint attempt made to contend that the KLGP Act-2011 is liable to be struck down on the ground of legislative competence would fail and all contentions raised in that regard stands rejected.

36. In the light of rival contentions raised, we deem it proper to deal with the above contentions by delving upon the above aspects in seriatim. (1) RE: RETROSPECTIVE OPERATION:

37. It has been contended that even if land grabbing is deemed to be a continuing offence, and on the date of purchase of land by a bonafide purchasers, the KLGP Act-2011 being non-existent, it is only the relevant law which was in force which would be applicable. It is also contended that if the Government sits in

acquiescence and thereafter post KLGP Act-2011 initiates action, such action acquires the character of retrospective operation and therefore 472 such act cannot be said to be a continuing offence as the State had acquiesced to the fact at the time of commission of the alleged offence when the impugned legislation was not in existence.

38. What is prohibited under Article 20 of the Constitution of India is conviction of a person or his subjection to a penalty under 'ex post facto' laws. The Hon'ble Apex Court in RAO SHIV BAHADUR SINGH & ANOTHER vs THE STATE OF VINDHYA PRADESH reported in AIR 1953 SC394has held:

"9. In this context it is necessary to notice that what is prohibited under Article 20 is only conviction or sentence under an ex post facto law and not the trial thereof. Such trial under a procedure different from what obtained at the time of the commission of the offence or by a court different from that which had competence at the time cannot ipso facto be held to be unconstitutional. A person accused of the commission of an offence has no fundamental right to trial by a particular court or by a particular procedure, except in so far as any constitutional objection by way of discrimination or the violation of 473 any other fundamental right may be involved.

10. In this connection our attention has been drawn to the fact that the Vindhya Pradesh Ordinance 48 of 1949, though enacted on 11th September, 1949 i.e., after the alleged offences were committed, was in terms made retrospective by Section 2 of the said Ordinance which says that the Act " shall be deemed to have been in force in Vindhya Pradesh from the 9th day of August, 1948" a date long prior to the date of the commission of the offences. It was accordingly suggested that since such a law at the time when it was passed was a valid law and since this law had the effect of bringing this Ordinance into force from 9th August, 1949, it cannot be said that the convictions are not in respect of "a law in force" at the time when the offences were committed. This, however, would be to, import a somewhat technical meaning into the phrase "law in force" as used in Article 20. " Law in force" referred to therein must be taken to relate not to a law "deemed" to be in force and thus brought into force but the law factually in operation at the time

or what may be called the then existing law. Otherwise, it is clear that the whole purpose of Article 20 would be completely defeated in its application even to ex post facto laws passed after the Constitution. Every such ex post facto law can be made retrospective, as it must be, if it is to regulate acts committed 474 before the actual passing of the Act, and it can well be urged that by such retrospective operation it becomes the law in force at the time of the commencement of the Act. It is obvious that such a construction which nullifies Article 20 cannot possibly be adopted. It cannot therefore be doubted that the phrase "law in force" as used in Article 20 must be understood in its natural sense as being the law in fact in existence and in operation at the time of the commission of the offence as distinct from the law "deemed" to have become operative by virtue of the power of legislature to pass retrospective laws. It follows that if the appellants are able to substantiate their contention that the acts charged as offences in this case have become such only by virtue of Ordinance No.48 of 1949 which has admittedly been passed subsequent to the commission thereof, then they would be entitled to the benefit of Article 20 of the Constitution and to have their convictions set aside. This leads to an examination of the relevant pre- existing law.

39. A new offence cannot be created with retrospective effect. It has been held by Hon'ble Apex Court in G.P.NAYYAR vs STATE (DELHI ADMINISTRATION) reported in AIR 1979 SC602to the following effect:

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"7. Mr. R. K. Garg the learned counsel submitted that the provisions of Act 16 of 1967 by virtue of which the rule of evidence enacted in section 5(3) is deemed to have always been in existence is violative of Art. 20(1) of the Constitution. Article 20(1) of the Constitution is as follows:- "No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence."

Article 20(1) deals with ex post facto laws though that expression has not been used in the Article. Usually, a law prescribes a rule of conduct by which persons

ought to be governed in respect of their civil rights. Certain penalties are also imposed under the criminal law for breach of any law. Though a sovereign legislature has power to legislate retrospectively creation of an offence for an act which at the time of its commission was not an offence or imposition of a penalty greater than that which was under the law provided violates Art. 20(1). In the well known case of Phillips v. Eyre (1870) 6 QBD1at pp.23 and 25 and also in the American case of Calder v. Bull (1780 to 1806) 3. Dall 386:1 L ed 648 at p.649 the principle underlying the provision has been fully discussed. All that Art. 20(1) prohibits 476 is ex post facto laws and is designed to prevent a person being punished for an act or omission which was considered innocent when done. It only prohibits the conviction of a person or his being subjected to a penalty under ex post facto laws. In Rao Shiv Bahadur Singh & Anr. v. The State of Vindhya Pradesh, 1953 SCR1188 (AIR 1953 SC394 the Court pointed out that "what is prohibited under Art. 20(1) is only conviction or sentence under an ex post facto law and not the trial thereof. Such trial under a procedure different from what obtained at the time of the commission of the offence or by a Court different from that which had competence at the time cannot ipso facto be held to be unconstitutional. A person accused of the commission of an offence has no fundamental right to trial by a particular Court or by a particular procedure, except in so far as any constitutional objection by way of discrimination or the violation of any other fundamental right may be involved."

Thus the appellant cannot object to a procedure different from what obtained at the time of the commission of the offence. The offence that was committed was when section 5(3) was in force and by Act 16 of 1967 the procedure is revived. It is not as if the procedure is brought into force for the first time. "Where an Act is repealed and the repealing enactment is then repealed by another, which manifests no intention that the original Act shall continue repealed, the common law rule was that the repeal of the second Act revived the first ab initio."

(Maxwell on 477 the Interpretation of Statutes, 12th Ed., p.19). There can be no objection in law to the revival of the procedure which was in force at the time when the offence was committed. The effect of the amendment is that sub-section (3) of section 5 as it stood before the commencement of 1964 Act shall apply and shall

be deemed to have always applied in relation to trial of offences. It may be if by this deeming provision a new offence was created then the prohibition under Article 20(1) may come into operation. But in this case, as already pointed out, what is done is no more than reiterating the effect of section 6(1) of the General Clauses Act. Mr. Garg, the learned counsel, submitted that by amending procedure drastically and giving it retrospective effect a new offence may be created retrospectively. It was contended that by shifting the burden of proof as provided for in section 5(3) of the Prevention of Corruption Act, 1947, a new offence is created. It is unnecessary for us to consider the larger question as to whether in certain circumstances giving retrospective effect to the procedure may amount to creation of an offence retrospectively. In the present case the old procedure is revived and no new procedure is given retrospective effect. The procedure given effect to is not of such a nature as to result in creation of a new offence."

478 40. In this background, it would be appropriate to notice the definition of a land grabber as defined under Section 2(e). A land grabber would be a person or group of persons or a society, who commits or has committed land grabbing and includes any person who gives financial aid to any person for taking illegal possession of lands or for construction of unauthorised structures thereon, or who collects or who attempts to collect from any occupier of such lands rent, compensation and other charges by criminal intimidation, or who abets the doing of any of the above mentioned acts and also includes successors in interest. Section 4(1) prohibits person from committing or cause to be committed land grabbing by himself or through any other person and sub-section (2) would indicate who on or after the commencement of this Act continued to be in occupation, otherwise than as a lawful tenant, of a grabbed land belonging to the Government and other authorities as specified 479 thereunder would be guilty of the offence under the Act.

41. It requires to be noticed that for Section 3, 4 and 5 being attracted, there should be the act of "land grabbing" by a "land grabber."

To fall within the definition of Section 2(e) - land grabber as already noticed hereinabove the person/s defined thereunder ought to have committed the land grabbing and any person who after the commencement of the Act continues to be in occupation of the grabbed land, would be liable to be punished. In other words, if a person is able to demonstrate or establish that the land in his occupation is not a land belonging to the Government, WAKF or Hindu Religious and Charitable Endowments, a local authority, a statutory or non-statutory body owned, controlled or managed by the Government, such person would be outside the purview of the Act. The definition clause of 'land grabber' also takes within its fold the 480 successors in interest. Thus, when an offence of land grabbing has continued as on the date of the commencement of the KLGP Act-2011, it would clearly part-take the character of a continuing offence.

42. The Honble Apex Court in the cae of STATE OF BIHAR vs. DEOKARAN NENSHI reported in (1972) 2 SCC890has held: 5. A continuing offence is one which is susceptible of continuance and is distinguishable from the one which is committed once and for all. It is one of those offences which arises out of a failure to obey or comply with a rule or its requirement and which involves a penalty, the liability for which continues until the rule or its requirement is obeyed or complied with. On every occasion that such disobedience or non-compliance, occurs and recurs, there is the offence committed. The distinction between the two kinds of offences is between an act or omission which constitutes an offence once and for all and an act or omission which continues and therefore constitutes a fresh offence every time or occasion on which it continues. In the case of a 481 continuing offence, there is thus the ingredient of continuance of the offence which is absent in the case of an offence which takes place when an act or omission is committed once and for all.

43. In the matter of MOHANLAL vs STATE OF RAJASTHAN reported in (2015)6 SCC222contention came to be raised by the accused who was tried for the offence punishable under Narcotic Drugs and Psychotropic Substances Act, 1985 contending that as per the case of the prosecution the incident of theft had occurred between 12.11.1985/13.11.1985 and an FIR came to be lodged for an offence under Section 457 IPC and during preparation of an inventory, it was

found that 10 kg 420 grams of Opium and some other articles which had been stolen from the court premises was stored in several packets. The appellant (Mohan Lal) was charge sheeted for the offence under Section 18 of NDPS Act and Section 457 and 380 IPC after investigation, since he had lead to the recovery of stolen Opium 482 from the court premises. A plea was raised that NDPS Act came into force on 14.11.1985 and the offence was punishable under the Opium Act, 1878 and the alleged recovery was made on 16.11.1985 while the appellant was in custody. Hence, it was contended that on the date of the incident i.e., 12.11.1985/13.11.1985 the NDPS Act was not in force and it had come into force only on 14.11.1985. Repelling or rejecting the said contention, it came to be held that the appellant had the requisite degree of control of the prohibited narcotic substance. It also came to be held that appellant-accused was in possession of the prohibited or contraband substance, which was an offence when NDPS Act came into force. It has been further held that Article 20(1) of the Constitution of India would have no application and the actus of possession is not punishable with retrospective effect. It is further held that no offence was created under Section 18 of the NDPS Act with retrospective effect. What is 483 punishable is possession of the prohibited article on or after a particular date when the statute was enacted, creating the offence or enhancing the punishment. It has been further held: 22. In the case at hand, the appellant, we hold, had the requisite degree of control when, even if the said narcotic substance was not within his physical control at that moment. To give an example, a person can conceal prohibited narcotic substance in a property and move out thereafter. The said person because of necessary animus would be in possession of the said substance even if he is not, at the moment, in physical control. The situation cannot be viewed differently when a person conceals and hides the prohibited narcotic substance in a public space. In the second category of cases, the person would be in possession because he has the necessary animus and the intention to retain control and dominion. As the factual matrix would exposit, the accused-appellant was in possession of the prohibited or contraband substance which was an offence when the NDPS Act came into force. Hence, he remained in possession of the prohibited substance and as such offence under Section 18 of the NDPS Act is made out. The possessory right would continue unless there is something to show that he had

been divested of it. On the contrary, as we find, he led to discovery of the substance which was 484 within his special knowledge, and, therefore, there can be no scintilla of doubt that he was in possession of the contraband article when the NDPS Act came into force. To clarify the situation, we may give an example. A person had stored 100 bags of opium prior to the NDPS Act coming into force and after coming into force, the recovery of the possessed article takes place. Certainly, on the date of recovery, he is in possession of the contraband article and possession itself is an offence. In such a situation, the accused-appellant cannot take the plea that he had committed an offence under Section 9 of the Opium Act and not under Section 18 of the NDPS Act.

23. After dealing with the concept of possession, we think it apt to address the issue raised by the learned counsel for the appellant that he could have convicted and sentenced under the Opium Act, as that was the law in force at the time of commission of an offence and if he is convicted under Section 18 of the NDPS Act, it would tantamount to retrospective operation of law imposing penalty which is prohibited under Article 20(1) of the Constitution of India. Article 20(1) gets attracted only when any penal law penalises with retrospective effect i.e. when an act was not an offence when it was committed and additionally the persons cannot be subjected to penalty greater than that which might have been inflicted under the law in force at the time of commission of the offence. The Article prohibits 485 application of ex post facto law. In Rao Shiv Bahadur Singh and Anr. v. State of Vindhya Pradesh[23]., while dealing with the import under Article 20(1) of the Constitution of India, the Court stated what has been prohibited under the said Article is the conviction and sentence in a criminal proceeding under ex post facto law and not the trial thereof. The Constitution Bench has held that: (AIR p.398, para 9)

"9. ....what is prohibited under Article 20 is only conviction or sentence under an 'ex post facto' law and not the trial thereof. Such trial under a procedure different from what obtained at the time of the commission of the offence or by a Court different from that which had competence at the time cannot 'ipso facto' be held to be unconstitutional. A person accused of the commission of a particular Court or by a particular procedure, except in so far as any constitutional objection by way of

discrimination or the violation of any other fundamental right may be involved.

24. In the instant case, Article 20(1) would have no application. The actus of possession is not punishable with retrospective affect. No offence is created under Section 18 of the NDPS Act with retrospective effect. What is punishable is possession of the prohibited article on or after a particular date when the statute was 486 enacted, creating the offence or enhancing the punishment. Therefore, if a person is in possession of the banned substance on the date when the NDPS Act was enforced, he would commit the offence, for on the said date he would have both the 'corpus' and 'animus' necessary in law.

25. We would be failing in our duty, if we do not analyse the decision in Harjit Singh (supra). In the said case the Court was dealing with the Notification dated 18.11.2009 that has replaced the part of the Notification dated 19.10.2001. Dealing with the said aspect, the Court held:-

"13. Notification dated 18-11-2009 has replaced the part of the Notification dated 19-10-2001 and reads as under: In the Table at the end after Note 3, the following Note shall be inserted, namely: (4) The quantities shown in Column 5 and Column 6 of the Table relating to the respective drugs shown in Column 2 shall apply to the entire mixture or any solution or any one or more narcotic drugs or psychotropic substances of that particular drug in dosage form or isomers, esters, ethers and salts of these drugs, including salts of esters, ethers and isomers, wherever existence of such substance is possible and not just its pure drug content."

487 14. Thus, it is evident that under the aforesaid notification, the whole quantity of material recovered in the form of mixture is to be considered for the purpose of imposition of punishment. However, the submission is not acceptable as it is a settled legal proposition that a penal provision providing for enhancing the sentence does not operate retrospectively. This amendment, in fact, provides for a procedure which may enhance the sentence. Thus, its application would be violative of restrictions imposed by Article 20 of the Constitution of India. We are of the view that the said Notification dated 18-11-2009 cannot be applied retrospectively and therefore, has no application so far as the instant case is

concerned."

The present fact situation is absolutely different and, therefore, the said decision has no applicability to the case at hand.

26. Learned counsel for the State has contended that the offence in question is a continuing offence, for the offence is basically a possession of the contraband articles. He has commended us to the authority in State of Bihar v. Deokaran Nenshi & Anr.[24]., wherein it has been held that: 5. A continuing offence is one which is susceptible of continuance and is distinguishable from the one 488 which is committed once and for all. It is one of those offences which arises out of a failure to obey or comply with a rule or its requirement and which involves a penalty, the liability for which continues until the rule or its requirement is obeyed or complied with. On every occasion that such disobedience or non- compliance occurs and reoccurs, there is the offence committed. The distinction between the two kinds of offences is between an act or omission which constitutes an offence once and for all and an act or omission which continues, and therefore, constitutes a fresh offence every time or occasion on which it continues. In the case of a continuing offence, there is thus the ingredient of continuance of the offence which is absent in the case of an offence which takes place when an act or omission is committed once and for all."

44. Even in the instant case it can be clearly noticed that it is not only the act of land grabbing by a land grabber would be punishable under 489 Section 5 but also a person who after the commencement of the Act continues to be in occupation of a grabbed land belonging to the authorities specified under Section 2(d) would be punishable under Section 5 inasmuch as, the actus of possession of the land grabbed continues on the date of commencement of the KLGP Act-2011. That apart, the act of land grabbing is punishable under the Land Revenue Act and the provisions of the KLGP Act-2011 having an overriding effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or custom, usage or agreement or decree or order of a court or any other tribunal or authority, the provisions of KLGP Act-2011 as amended from time- to-time would prevail and the offence of land grabbing committed would continue. In

other words, the act of land grabbing has been specified under the Karnataka Land Revenue Act, 1964 as an offence. Thus, irresistible conclusion which has to be drawn 490 is that the offence of land grabbing is an offence which is continuous in nature or in other words, a continuing offence. In that view of the matter, we are not inclined to accept the contention raised by the learned Advocates appearing for the petitioners that it would be violative of Article 20 of the Constitution of India. It cannot be gainsaid by the petitioners that even in respect of an offence under Section 4(1) being distinct would attract Article 20(1) of the Constitution of India or in other words, the offence under KLGP Act-2011 is made retrospective in operation. Said argument is fallacious, inasmuch as, the language employed in sub-section (1) of Section 4 is in presenti. In other words, it would indicate that no person should commit or cause to be committed land grabbing by himself or through any other person and having committed, if continues with the possession of the grabbed land or if it is sold or possession is parted with, the successors in interest would also be liable. The language found in sub-section (1) of 491 Section 4 is clear and unambiguous namely, if a person were to commit the act of land grabbing or causes to be committed through any other person, which is prohibited would be liable to penal consequences specified thereunder. Hence, it cannot be contended that Section 4(1) would be retrospective in operation. (2) RE: ARBITRARINESS IN THE ENACTMENT:

45. The sum and substance of the arguments canvassed on behalf of the petitioners is that sequencing of procedure under Section 9 is arbitrary and discriminatory and as such Section 9 of KLGP Act-2011 is to be struck down and consequently entire Act is to be struck down as it is violative of Articles 14 and 21 of the Constitution of India. It is submitted that there is abdication of power by the State to make an application and that too, without any limitation, complaint can be made before the Special Court alleging land grabbing and therefore, Section 9(1) is liable to be struck down. It is further 492 contended that under Section 9(1) r/w Section 9(2) and 9(3) there is no statutory responsibility to pass a reasoned prima facie order before taking cognizance and this affects the right of a party immensely. It is also contended that Section 20 dealing with transfer does not require any speaking order to be passed and as such Section 20 requires to be struck down.

46. It is also contended that there is no definition of the expression an arrear of land revenue recoverable under Section 9(8) and thereby it implies that recourse has to be taken to the definition found under Section 60(b) of the Karnataka Land Revenue Act and thereby it implies that the person becomes a legal owner of the land and thereby by creation of a statute, a person cannot be presumed to be the owner of land on the one hand for purposes of land revenue and as a criminal or land grabber on the other hand. 493

47. It is well settled principle of law there is a presumption in favour of constitutionality of a statute. While deciding the validity of a statute, it would be the endeavour of the court to find out the intention of the legislature, which gave rise to the birth of enactment under challenge and the purpose which is sought to be achieved through the enactment or in other words the mischief which is sought to be remedied. However, any law made by the legislature can be struck down on three (3) grounds i.e., (a) lack of legislative competence; (b) violation of any of the fundamental rights guaranteed under the Constitution or any other constitutional provision; and (c) arbitrariness. The Honble Apex Court in the case of SHREYA SINGHAL vs. UNION OF INDIA supra has held that the statutory provision can be invalidated on the ground of vagueness too.

48. The Honble Apex Court in the case of STATE OF BIHAR vs. BIHAR DISTILLERY LTD. 494 supra has held that the courts should strike down an enactment only when it is not possible to sustain it.

49. Hon'ble Apex Court in SHAYARA BANO vs UNION OF INDIA reported in (2017)9 SCC1has held that doctrine of arbitrariness which follows from rule of law contained in Article 14 is of significance in its application to State's action. It has been further held:

"67. We now come to the development of the doctrine of arbitrariness and its application to State action as a distinct doctrine on which State action may be struck down as being violative of the rule of law contained in Article 14. In a significant passage, Bhagwati, J., in E.P. Royappa v. State of T.N., (1974) 4 SCC3stated (at page 38): 85. The last two grounds of challenge may be taken up together for consideration. Though we have formulated the third ground of

challenge as a distinct and separate ground, it is really in substance and effect merely an aspect of the second ground based on violation of Articles 14 and 16. Article 16 embodies the fundamental guarantee that there shall be equality of opportunity for all 495 citizens in matters relating to employment or appointment to any office under the State. Though enacted as a distinct and independent fundamental right because of its great importance as a principle ensuring equality of opportunity in public employment which is so vital to the building up of the new classless egalitarian society envisaged in the Constitution, Article 16 is only an instance of the application of the concept of equality enshrined in Article 14. In other words, Article 14 is the genus while Article 16 is a species. Article 16 gives effect to the doctrine of equality in all matters relating to public employment. The basic principle which, therefore, informs both Articles 14 and 16 is equality and inhibition against discrimination. Now, what is the content and reach of this great equalising principle?. It is a founding faith, to use the words of Bose. J., a way of life, and it must not be subjected to a narrow pedantic or lexicographic approach. We cannot countenance any attempt to truncate its all-embracing scope and meaning, for to do so would be to violate its activist magnitude. Equality is a dynamic concept with many aspects and dimensions and it cannot be cribbed, cabined 496 and confined within traditional and doctrinaire limits. From a positivistic point of view, equality is antithetic to arbitrariness. In fact equality and arbitrariness are sworn enemies; one belongs to the rule of law in a republic while the other, to the whim and caprice of an absolute monarch. Where an act is arbitrary, it is implicit in it that it is unequal both according to political logic and constitutional law and is therefore violative of Article 14, and if it effects any matter relating to public employment, it is also violative of Article 16. Articles 14 and 16 strike at arbitrariness in State action and ensure fairness and equality of treatment. They require that State action must be based on valid relevant principles applicable alike to all similarly situate and it must not be guided by any extraneous or irrelevant considerations because that would be denial of equality. Where the operative reason for State action, as distinguished from motive inducing from the antechamber of the mind, is not legitimate and relevant but is extraneous and outside the area of permissible considerations, it would amount to mala fide exercise of power and that is hit by Articles 14 and 16. Mala fide exercise of power

and arbitrariness are different 497 lethal radiations emanating from the same vice: in fact the latter comprehends the former. Both are inhibited by Articles 14 and 16. [Emphasis Supplied].

82. It is, therefore, clear from a reading of even the aforesaid two Constitution Bench judgments in Mithu case (Mithu v. State of Punjab, (1983)2 SCC277 and Sunil Batra (Sunil Batra v. Delhi Administration, (1978)4 SCC494 case that Article 14 has been referred to in the context of the constitutional invalidity of statutory law to show that such statutory law will be struck down if it is found to be "arbitrary".

100. To complete the picture, it is important to note that subordinate legislation can be struck down on the ground that it is arbitrary and, therefore, violative of Article 14 of the Constitution. In Cellular Operators Association of India v. Telecom Regulatory Authority of India, (2016) 7 SCC703 this Court referred to earlier precedents, and held: Violation of fundamental rights 42. We have already seen that one of the tests for challenging the constitutionality of subordinate legislation is that subordinate legislation should not be manifestly arbitrary. Also, it is settled law that subordinate legislation can be challenged on any of the grounds available for challenge against plenary legislation. (See Indian Express 498 Newspapers (Bombay) (P) Ltd. v. Union of India [(1985) 1 SCC641 1985 SCC (Tax) 121]., SCC at p. 689, para 75.) 43. The test of manifest arbitrariness is well explained in two judgments of this Court. In Khoday Distilleries Ltd. v. State of Karnataka [(1996) 10 SCC304, this Court held: (SCC p. 314, para

13) 13. It is next submitted before us that the amended Rules are arbitrary, unreasonable and cause undue hardship and, therefore, violate Article 14 of the Constitution. Although the protection of Article 19(1)(g) may not be available to the appellants, the Rules must, undoubtedly, satisfy the test of Article 14, which is a guarantee against arbitrary action. However, one must bear in mind that what is being challenged here under Article 14 is not executive action but delegated legislation. The tests of arbitrary action which apply to executive actions do not necessarily apply to delegated legislation. In order that delegated legislation can be struck down, such legislation must be manifestly arbitrary; a law which could

not be reasonably expected to 499 emanate from an authority delegated with the law- making power. In Indian Express Newspapers (Bombay) (P) Ltd. v. Union of India [(1985) 1 SCC641:

1985. SCC (Tax) 121]., this Court said that a piece of subordinate legislation does not carry the same degree of immunity which is enjoyed by a statute passed by a competent legislature. A subordinate legislation may be questioned under Article 14 on the ground that it is unreasonable; unreasonable not in the sense of not being reasonable, but in the sense that it is manifestly arbitrary. Drawing a comparison between the law in England and in India, the Court further observed that in England the Judges would say, Parliament never intended the authority to make such Rules; they are unreasonable and ultra vires. In India, arbitrariness is not a separate ground since it will come within the embargo of Article 14 of the Constitution. But subordinate legislation must be so arbitrary that it could not be said to be in conformity with the statute or that it offends Article 14 of the Constitution.

44. Also, in Sharma Transport v. State of A.P. [(2002) 2 SCC188, 500 this Court held: (SCC pp. 203-04, para

25) 25. The tests of arbitrary action applicable to executive action do not necessarily apply to delegated legislation. In order to strike down a delegated legislation as arbitrary it has to be established that there is manifest arbitrariness. In order to be described as arbitrary, it must be shown that it was not reasonable and manifestly arbitrary. The expression arbitrarily means: in an unreasonable manner, as fixed or done capriciously or at pleasure, without adequate determining principle, not founded in the nature of things, non-rational, not done or acting according to reason or judgment, depending on the will alone.

50. A plain reading of sub-section (1) of Section 9 would indicate that Special Court constituted under the Act is empowered to take cognizance either suo motu or on an application. This power vested to the Special Court cannot be construed either as having vested the said Special 501 Court with unbridled power or there being abdication of power by the State. The object of such power being vested with the Special Court can be traced from the statement of objects and reasons

assigned for bringing in the impugned legislation. There might be instances where the officials of the State being hand in glove with the perpetrators of crime and thereby deprive the State of its valuable property, and the fact of either records being suppressed or no action being taken against the erring persons, cannot be ruled out. There might be varied circumstances under which the factum of the land grabbing is being brought to limelight. For instance, public spirited person may unearth the misdeeds or misgivings of the acts of land grabbing or the fourth pillar of the democracy namely, the Press (both print and electronic media) may highlight the factum of Government land having been grabbed or usurped by unscrupulous persons for personal gain. The instances of Government land abutting the private 502 land having been usurped either under the garb of ignorance or otherwise, also cannot be ruled out. The instances of such incidents as indicated in the A.T.Ramaswamys Report, is also one of the reasons for which the impugned enactment having come into force. It is for these myriad reasons, the Special Court has been vested with the power to take cognizance of and try case arising out of any alleged act of land grabbing either suo motu or on an application. The said power cannot be construed as State having abdicated of its power. In fact, it is extending its arm of power to the citizens to bring to the notice of the Special Court of any act of land grabbing in any form whatsoever, which sub-serves the larger public interest. It would not be out of context to refer to Regulation 29 of the Karnataka Land Grabbing Prohibition (Special Court) Regulation, 2017, which prescribes the procedure for taking suo motu cognizance and Regulation 29 reads: 29. Procedure for suo motu action:- Where the Chairman or 503 any member of the Special Court desires that any case shall be taken cognizance of suo motu, he may record a statement of facts within his knowledge and place it before the Special Court.

51. It will always be presumed that the said power of taking suo motu cognizance would be exercised cautiously depending upon the facts obtained in that particular matter. It would also be of benefit to note that object of impugned legislation is to remedy or curb the acts of grabbing of Government lands and in many a circumstances or instances the general public may also be loath or hesitant to lodge complaints fearing backlash from the mighty and powerful persons who indulge in land grabbing, if they were to be seen as complainants. In such

circumstances, the print and electronic media also play a pivotal role in highlighting the instances of land grabbing. If the legislature has in its wisdom thought fit to cloth the Special Court the power of taking suo motu cognizance, to prevent the 504 public wrong, it cannot be gainsaid that it is an unbridled power vested to the Special Court.

52. It is trite law that cognizance would be taken with due application of mind by the Special Court as otherwise it would find foul of there being no due application of mind and thereby amenable for interference either under Section 482 of Cr.P.C. or under Articles 226 and 227 of the Constitution of India as the case may be.

53. It would be of benefit to note that Sections 190, 200 to 203 found in Chapter XIV and XV of the Cr.P.C which deals with the mode of taking cognizance, postponement of issue of process to the accused, dismissal of the complaint. They are akin to sub-section (1) of Section 9 of the impugned Act and Regulation 29. Hence, we are of the considered view the analysis of the provisions as found in Cr.P.C. requires to be noticed. A Magistrate taking cognizance of an offence on a complaint, is required 505 to examine the complainant on oath and witnesses present, if any. Section 202 of Cr.P.C. provides that a Magistrate taking cognizance of a case upon complaint, may, if he thinks fit, postpone the issue of process against the accused, and either inquire into the case himself or direct an investigation to be made by a police officer or by such other person, as he thinks fit, for the purposes of deciding, whether or not there is sufficient ground for proceeding. Section 203 of Cr.P.C. empowers the Magistrate to dismiss the complaint, if, after considering the statements on oath (if any) of the complainant and of the witnesses and the result of enquiry or investigation (if any) under Section 202, if he is of the opinion that there is no sufficient ground for proceeding. In fact, this provision is akin to proviso to clause (b) of sub-section (5) of Section 9 of KLGP Act-2011. 53.1 Chapter XVI deals with 'commencement of proceedings before Magistrates' and Section 204 of 506 Cr.P.C. enables a Magistrate to issue summons or a warrant, as the case may be, to secure the attendance of the accused, if in the opinion of the Magistrate taking cognizance of the offence there is sufficient grounds for proceeding. 53.2 Thus, Magistrate on receipt of a complaint has several courses open to him. Section 190(1)(a)(b) and (c) of Cr.P.C.

empowers the Magistrate to take cognizance of an offence under three circumstances. Under Section 190(1)(a) the Magistrate is empowered to take cognizance where the complaint which satisfies the definition of Section 2(d) of Cr.P.C., and containing the allegations which are sufficient to constitute such offence under any penal law for the time being in force. Under Section 190(1)(b) upon a police report of such facts namely, if an aggrieved person has directly approached the police by filing FIR under Section 154 Cr.P.C. and after due investigation, if the police files a report to the Court and if the said report contains the 507 allegations, which are sufficient to constitute offence, even then Magistrate would be empowered to take cognizance on the basis of such police report. However, the Magistrate would not be bound by the opinion of the police but such opinion would be formed on the basis of materials furnished by the police in the report and if the Magistrate is of the opinion that there are sufficient grounds to proceed against the accused and said report would disclose that it would constitute an offence, then also Magistrate can take cognizance and issue summons. Lastly, under Section 190(1)(c) of Cr.P.C. upon information received from any person other than a police officer, or upon his own knowledge, that such offence has been committed, he may take cognizance of the offence and proceed to record the statements of the complainant and witnesses present under section 200 Cr.P.C. Thereafter, if in his opinion there is no sufficient ground for proceeding, he may dismiss the complaint under Section 203 Cr.P.C or if in his 508 opinion there is sufficient ground for proceeding, he may issue process under Section 204 Cr.P.C. However, if he thinks fit, he may postpone the issue of process and either enquire into the case himself or direct an investigation to be made by a police officer or such other person, as he thinks fit for the purpose of deciding whether or not there is sufficient ground for proceeding. He may also issue process, if in his opinion there is sufficient ground for proceeding. 53.3 At the first instance, on receipt of a complaint, Magistrate instead of taking cognizance of an offence he may order an investigation under Section 156(3) of Cr.P.C. The police will then investigate and submit a report under Section 173(1) Cr.P.C. On receiving the police report the Magistrate may take cognizance of the offence under Section 190(1)(b) Cr.P.C. and straight away issue process. This he may do irrespective of the view expressed by the police in their report. 509

54. The Honble Apex Court in GHCL EMPLOYEES STOCK OPTION TRUST vs INDIA INFOLINE LIMITED & OTHERS reported in (2013)4 SCC505has held that Magistrate who issued summons by not recording the satisfaction about primafacie case against the respondents was illegal and amounted to abuse of process of law as summoning of accused in a criminal case is a serious matter and as a matter of course, the criminal law cannot be set into motion. It has been further held: 14. Be that as it may, as held by this Court, summoning of accused in a criminal case is a serious matter. Hence, criminal law cannot be set into motion as a matter of course. The order of Magistrate summoning the accused must reflect that he has applied his mind to the facts of the case and the law applicable thereto. The Magistrate has to record his satisfaction with regard to the existence of a prima facie case on the basis of specific allegations made in the complaint supported by satisfactory evidence and other material on record.

15. In the case of Madhavrao Jiwaji Rao Scindia and Another Etc. vs. Sambhajirao Chandrojirao Angre 510 and Others Etc. AIR 1988 SC709 this Court held as under: 7. The legal position is well- settled that when a prosecution at the initial stage is asked to be quashed, the test to be applied by the court is as to whether the uncontroverted allegations as made prima facie establish the offence. It is also for the court to take into consideration any special features which appear in a particular case to consider whether it is expedient and in the interest of justice to permit a prosecution to continue. This is so on the basis that the court cannot be utilised for any oblique purpose and where in the opinion of the court chances of an ultimate conviction is bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, the court may while taking into consideration the special facts of a case also quash the proceeding even though it may be at a preliminary stage.

16. In the case of Punjab National Bank and Others vs. Surendra Prasad Sinha, AIR 1992 SC1815 a complaint was lodged by the complainant for prosecution under Sections 409, 109 and 114, IPC against the Chairman, the Managing Director of the Bank and a host of officers alleging, inter alia, that as against the loan granted to one 511 Sriman Narain Dubey the complainant and his wife stood as guarantors and executed Security Bond and handed over Fixed Deposit

Receipt. Since the principal debtor defaulted in payment of debt, the Branch Manager of the Bank on maturity of the said fixed deposit adjusted a part of the amount against the said loan. The complainant alleged that the debt became barred by limitation and, therefore, the liability of the guarantors also stood extinguished. It was, therefore, alleged that the officers of the Bank criminally embezzled the said amount with dishonest intention to save themselves from financial obligation. The Magistrate without adverting whether the allegations in the complaint prime facie make out an offence charged for, in a mechanical manner, issued the process against all the accused persons. The High Court refused to quash the complaint and the matter finally came to this Court. Allowing the appeal and quashing the complaint, this Court held as under: 5. It is also salutary to note that judicial process should not be an instrument of oppression or needless harassment. The complaint was laid impleading the Chairman, the Managing Director of the Bank by name and a host of officers. There lies responsibility and duty on the Magistracy to find whether the concerned accused should be legally responsible for the offence charged for. Only on 512 satisfying that the law casts liability or creates offence against the juristic person or the persons impleaded then only process would be issued. At that stage the court would be circumspect and judicious in exercising discretion and should take all the relevant facts and circumstances into consideration before issuing process lest it would be an instrument in the hands of the private complainant as vendetta to harass the persons needlessly. Vindication of majesty of justice and maintenance of law and order in the society are the prime objects of criminal justice but it would not be the means to wreak personal vengeance. Considered from any angle we find that the respondent had abused the process and laid complaint against all the appellants without any prima facie case to harass them for vendetta.

17. In the case of Maksud Saiyed vs. State of Gujarat and Others (2008) 5 SCC668 this Court while discussing vicarious liability observed as under :- 13. Where a jurisdiction is exercised on a complaint petition filed in terms of Section 156(3) or Section 200 of the Code of Criminal Procedure, the Magistrate is required to apply his mind. The Penal Code does not contain any provision for 513 attaching vicarious liability on the part of the Managing Director or the Directors of the Company when the accused is the Company. The learned Magistrate failed to

pose unto himself the correct question viz., as to whether the complaint petition, even if given face value and taken to be correct in its entirety, would lead to the conclusion that the respondents herein were personally liable for any offence. The Bank is a body corporate. Vicarious liability of the Managing Director and Director would arise provided any provision exists in that behalf in the statute. Statutes indisputably must contain provision fixing such vicarious liabilities. Even for the said purpose, it is obligatory on the part of the complainant to make requisite allegations which would attract the provisions constituting vicarious liability.

55. Thus, from the above analysis, when the impugned legislation is examined, it would clearly emerge therefrom that Special Court under sub- section (1) of Section 9 is empowered to either suo motu or on an application made by any person, Officer or authority, to take cognizance of and try 514 every case arising out of any alleged act of land grabbing and if it is relating to civil dispute, it would be empowered to adjudicate the ownership and title or lawful possession of the land alleged to have been grabbed and also try for the offences specified in Chapter XIV-A of the Karnataka Land Revenue Act, 1964.

56. As noticed herein above, the Chairman of the Special Court would be a person who is or was Judge of a High Court and of the other four members, two would be of the rank of District Judges and remaining two would be not below the rank of a Deputy Commissioner. It is presumed that Court presided by the respective Judges would take cognizance of the offence under the Act only after due application of mind. Even assuming for a moment, if there were to be instances of any infraction in the manner, mode and method of taking cognizance, it would always be amenable to judicial scrutiny by the higher forum i.e., before the High Court in a petition 515 filed under Article 227 of the Constitution of India or under Section 482 Cr.P.C. as the case may be.

57. Thus, while ordering issuance of summons, the Special Court has to necessarily record its satisfaction about the primafacie case against accused, which is sine qua non for initiating criminal action against an accused. Thus, when sub- section (1) is read along with sub-section (2) of Section 9, it would clearly indicate that it is not only due application of mind with regard to the allegation

made in the complaint or the material available before the Special Court which would be the prime factor for taking cognizance of the offence, but also the location of the land alleged to have been grabbed, or extent or value of the land or the substantial nature of evil involved or any other relevant matter in the interest of justice i.e., to protect the public property, the Special Court will have to arrive at a conclusion for taking cognizance by objective assessment of all the material and by recording 516 subjective satisfaction. In that view of the matter, we are of the considered view that contention raised by learned Advocates appearing for the petitioners that Section 9(1) and Section 9(2) is vice of arbitrariness cannot be accepted and it stands rejected.

58. Sub-section (3) of Section 9, pre- amendment enabled the Special Court to try the offences of land grabbing or the determination of question of title and ownership to, or lawful possession of any land grabbed under the Act and offences specified in Chapter - XIVA of Karnataka Land Revenue Act and its decision thereof was held to be final. The proviso thereto enabled the Special Court to reject an application filed before it, if it was of prima facie opinion that it was frivolous and vexatious. Sub-section (3) came to be substituted by Act 30 of 2020, under which all acts of land grabbing is required to be tried only by the Special Court constituted for the area in which land is situated, or 517 where there are more Special Courts than one for such area, by such one of them as may be specified in this behalf by the Government. Thus, Special Court constituted under Section 7 of the KLGP Act- 2011 empowers the Special Court to try all acts of land grabbing including those offences specified in Chapter XIV-A of the Karnataka Land Revenue Act, 1964. Said provision is neither arbitrary nor lacks any clarity. Hence, we are not inclined to accept the contention raised by the learned Advocates appearing for the petitioners and all contentions raised in that regard is rejected.

59. Section 9(4) confers a discretion on the Special Court to determine the order or sequence in which civil and criminal liability against a land grabber be initiated. It has been contended by the petitioners that such unguided discretion on the Special Court is arbitrary and unconstitutional. It can be noticed with benefit that Chairman of the Special Court would be a person who is or was a 518 Judge of a

High Court and such person who has held a high constitutional post, would definitely exercise the discretion while exercising the powers under sub- section (4) of Section 9 and necessarily after due application of mind.

60. It has also been contended that procedure prescribed under the impugned enactment is harsher and therefore arbitrary. The mere availability of two (2) procedures would not vitiate one of the procedure so prescribed, as held by the Hon'ble Apex Court in MAGANLAL CHHAGANLAL (P) LTD. vs. MUNICIPAL CORPORATION OF GREATER BOMBAY AND ANOTHER reported in (1974)2 SCC402 It has been held:

"14. To summarise: Where a statute providing for a more drastic procedure different from the ordinary procedure covers the whole field covered by the ordinary procedure, as in Anwar Ali Sarkar's case and Suraj Mall Mehta's case without any guidelines as to the class of cases in which either procedure is to be resorted to, the statute will be hit by Article 14. Even there, as mentioned in Suraj Mall 519 Mehta's case, a provision for appeal may cure the defect. Further, in such cases if from the preamble and surrounding circumstances, as well as the provisions of the statute themselves explained and amplified by affidavits, necessary guidelines could be inferred as in Saurashtra case (supra) and Jyoti Pershad's case (supra) the statute will not be hit by Art.

14. Then again where tile statute itself covers only a class of cases as in Haldar's case (supra) and Bajoria's case (supra) the statute will not be bad. The fact that in such cases the executive will choose which cases are to be tried under the special procedure will not affect the validity of the statute. Therefore, the contention that the mere availability of two procedures will vitiate one of them, that is the special procedure, is not supported by reason or authority.

15. The statute itself in the two classes of cases before us clearly lays down the purpose behind them, that is premises belonging to the Corporation and the Government should be subject to speedy procedure in the matter of evicting unauthorized persons occupying them. This is a sufficient guidance for the authorities on whom the power has been conferred. With such an indication clearly given in the statutes one expects the officers concerned to avail themselves of the

procedures prescribed by the Acts and not resort to the dilatory procedure of the ordinary Civil Court. Even normally one cannot imagine an officer having the 520 choice of two procedures, one which enables him to get possession of the property quickly and the other which would be a prolonged one, to resort to the latter. Administrative officers, no less than the courts, do not function in a vacuum. It would be extremely unreal to hold that an administrative officer would in taking proceedings for eviction of unauthorised occupants of Government property or Municipal property resort to the procedure prescribed by the two Acts. in one case and to the ordinary Civil Court in the other. The provisions of these two Acts cannot be struck down on the fanciful theory that power would be exercised in such an unrealistic fashion. In considering whether the officers would be discriminating between one set of persons and another, one has got to take into account normal human behaviour and not behaviour which is abnormal. It is not every fancied possibility of discrimination but the real risk of discrimination that we must take into account. This is not one of those cases where discrimination is writ large on the face of the statute. Discrimination may be possible but is very improbable. And if there is discrimination in actual practice this Court is not powerless. Furthermore, the fact that the Legislature considered that the ordinary procedure is insufficient or ineffective in evicting unauthorised occupants of Government and Corporation 521 property and provided a special speedy procedure therefore is a clear guidance for the authorities charged with the duty of evicting unauthorised occupants. We, therefore, find ourselves unable to agree with the majority in the Northern India Caterers' case (supra).

61. It is well settled law that mere possibility of abuse of a provision does not affect its constitutionality. Therefore, the mere fact that the discretion conferred upon on the court may possibly be misused, cannot be a ground to strike down the validity of a provision. For this proposition the judgment of the Honble Apex Court in SANJAY DUTT vs. STATE THROUGH CBI reported in (1994) 5 SCC410can be looked up. A Special Court under the KLGP Act is headed by a retired Judge and there cannot be any doubt or apprehension about a person who held a high constitutional post would not exercise discretion under Section 9(4) with due application of mind. It is presumed that the provisions of the statute would be applied in fair and 522 reasonable manner to achieve the avowed object of the

Act.

62. It has also been contended that Section 9(4) of the Act is to be declared as violative of Articles 14 and 21 of the Constitution of India, as it prescribes evidence admitted during criminal proceedings may be used while trying civil liability, but additional evidence if any adduced, in the civil proceedings shall not be considered by the Special Court while determining the criminal liability.

63. In other words, portion of sub-section (4) of Section 9 is called in question before this Court on the ground that additional evidence adduced in a civil proceeding before the Special Court cannot be considered by the Special Court while determining the criminal liability of land grabbing. At the cost of repetition, sub-section (4) of Section 9 is being extracted herein below:

"9(4) The Special Court shall determine the order in which the 523 civil and criminal liability against a land grabber be initiated. It shall be within the discretion of the Special Court whether or not to deliver its decision or order until both civil and criminal proceedings are completed. The evidence admitted during the criminal proceeding may be made use of while trying the civil liability. But additional evidence, if any adduced in the civil proceedings shall not be considered by the Special Court while determining the criminal liability. Any person accused of land grabbing or the abetment thereof before the Special Court shall be a competent witness for the defence and may give evidence on oath in disproof of the charge made against him or any person charged together with him in the criminal proceeding: Provided that he shall not be called as a witness except on his own request in writing or his failure to give evidence shall be made the subject of any comment by any of the parties or the Special Court or give rise to any presumption against himself or any person charged together with him at the same proceeding.

64. A plain reading of the language employed in sub-section (4) in general and in particular, two sentences on which emphasis has been laid as indicated herein above would reveal that evidence admitted during the criminal proceedings against the 524 land grabber may be made use of while trying the civil liability. But the converse would be inapplicable. In the sense that additional evidence, if any,

adduced in the civil proceedings initiated against the land grabber before the Special Court, shall not be considered by the said court while determining the criminal liability. If the evidence admitted during criminal proceedings can be admitted while trying the civil liability before the Special Court, it is highly un-understandable as to how additional evidence if any adduced in the civil proceedings against the same person before the Special Court would become inadmissible in determining the criminal liability. The expression of these emphasized sentences in sub-section (4) does not seem to be happily worded. A plain meaning which can be attached to the said sentence, would make it clear that main evidence recorded in the civil proceedings can be considered by the Special Court while determining the criminal liability but not additional evidence. This inhibition 525 is nothing but an inhibition against rule of best evidence.

65. There cannot be any dispute to the fact that the procedure to be adopted for determination of title to the land would be a detailed procedure namely, as it is adopted by the regular civil court of competent jurisdiction and not a court or tribunal dealing with summary jurisdiction. Similarly, the Special Court dealing with an offence under the Act, will have to apply the procedure contemplated for a warrant case. If the witnesses who have deposed before the Special Court with regard to civil liability is favourable to the accused in the Special Court, the same could be used in terms of Section 145 of the Evidence Act, 1872. It reads:

"145. Cross examination as to previous statements in writing.- A witness may be cross examined as to previous statements made by him in writing or reduced into writing, and relevant to matters in question, without such writing being shown to him, or being proved; but, if it is intended to 526 contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him.

66. On plain reading of aforesaid Section, it would indicate, it has two parts namely: (a)A witness may be cross examined as to previous statement made by him in writing or reduced to writing and relevant to the matters in question, without such writing being shown to him or being proved; (b)To contradict him by the writing, his attention must be drawn to the relevant parts of it, before proving the

writing. By adopting the method prescribed under Section 146(3), it can be held that one of the method of impeaching the credit worthiness of the witness is by proof of inconsistency of previous statement. Of course, other relevant Sections for impeaching the 527 credit worthiness of the witnesses can be traced to Sections 138, 140, 146 and 154 of the Evidence Act.

67. If the evidence admitted during criminal proceedings could be admitted while trying the civil liability, the converse must also be applicable with equal force. Hence, in the light of improper framing of particular sentence mentioned above and gravity of civil or criminal cases is to be tried by the Special Court and the serious consequences flowing for violation of the provisions of KLGP Act-2011, the inhibition above referred to has to be necessarily held as onerous. The discrimination found in sub-section (4) about the admissibility of the evidence does not appeal to logic and it also does not have any rationale or nexus to the rule of best evidence. Hence, this aspect is being clarified by us as indicated herein below.

68. If the language in sub-section (4) of Section 9 was clear and unambiguous, there could 528 not have been any quarrel in that regard namely, if the said provision only provided for or it was prescribed "that only evidence admitted during civil proceedings may be used while trying the criminal liability, but not vice versa", since it would have appealed to logic and protected from being attacked on the vice of being arbitrary. It would also have ensured that criminal proceedings are tried independently and no evidence admitted during civil proceedings can be used to convict a person. This would have been a protective provision to ensure the sanctity of the criminal proceedings and insulated the accused of being convicted on the basis of evidence admitted during the civil proceedings or the evidence admitted during civil proceedings being used against a person who is charged with criminal liability. It is needless to state that the nature of evidence adduced in a civil proceedings is different from that adduced from criminal proceedings. 529

69. The fundamental tenet of administrative law being the evidence and findings used in a criminal trial cannot be used as a evidence in civil case, on the contrary

the evidence and findings in a civil trial can be used as a evidence in a criminal case. The Hon'ble Apex Court in the case of VISHNU DUTT SHARMA vs. DAYA SAPRA reported in (2009) 13 SCC729has held:

"23. It brings us to the question as to whether previous judgment of a criminal proceeding would be relevant in a suit. Section 40 of the Evidence Act reads as under:

"40. Previous judgments relevant to bar a second suit or trial.-. The existence of any judgment, order or decree which by law prevents any Courts from taking Cognizance of a suit or holding a trial is a relevant fact when the question is whether such Court ought to take cognizance of such suit or to hold such trial."

This principle would, therefore, be applicable, inter alia, if the suit is found to be barred by the principle of res judicata or by reason of the provisions of any other statute. It does not lay down that a judgment of the criminal court would be admissible in the civil court for its relevance is limited. (See Seth Ramdayal Jat v. Laxmi Prasad). The judgment of a criminal court in a civil proceeding 530 will only have limited application, viz., inter alia, for the purpose as to who was the accused and what was the result of the criminal proceedings. Any finding in a criminal proceeding by no stretch of imagination would be binding in a civil proceeding."

"28. If judgment of a civil court is not binding on a criminal court, it is incomprehensible that a judgment of a criminal court will be binding on a civil court. We have noticed hereinbefore that Section 43 of the Evidence Act categorically states that judgments, orders or decrees, other than those mentioned in sections 40, 41 and 42 are irrelevant, unless the existence of such judgment, order or decree, is a fact in issue, or is relevant in some other provisions of the Act, no other provisions of the Evidence Act or for that matter any other statute had been brought to our notice.

70. The Honble Apex Court in the case of SHREYA SINGHAL vs UNION OF INDIA reported in (2015)5 SCC1 it has been held that penal law is void for vagueness if it fails to define criminal offence with sufficient definiteness, the

doctrine of void for vagueness is discussed by the Honble Apex Court in K.A.ABBAS vs UNION OF INDIA reported in 531 (1970)2 SCC780wherein, the judgment in STATE OF MADHYA PRADESH AND ANOTHER Vs BELDEO PRASAD reported in AIR 1961 SC293had been referred to under which, the Central Provinces and Berar Goondas Act, 1946 was declared void for uncertainty on the ground the definition of the word "Goonda" occurring in the Act indicating no tests for deciding which person fell within the said definition and the condition for the application of Section 4 and 4A against a person sought to be proceeded must be a Goonda, was lacking. It was held in the ultimate analysis that vagueness and clarity would be a ground for striking down the provision as it would offend the personal liberty guaranteed under Article 21 of Constitution of India.

71. Sub-section (4) of Section 9 provides for making use of evidence admitted during criminal proceedings while dealing with civil liability. Further, it also says that additional if any adduced in the civil proceedings shall not be considered by the Special 532 Court while determining the criminal liability. When a person accused of land grabbing or abatement thereof, is before the Special Court, he would be a competent witness for the defence to disprove the charges made against him or any person charged with him in the criminal proceedings. Of course, an accused person before Special Court shall not be called as a witness except on his own request in writing and failure to give evidence on his behalf should not be made the subject of any comment by any of the parties and it would not give rise to any presumption against himself or any person charged together with him at the same proceedings. The expression that "additional evidence" if any adduced in the civil proceedings shall not be considered by the Special Court while determining the criminal liability does not synchronise with the established rule of evidence. It lacks clarity, being vague and it is not possible to gather the intention of the legislature by which, it seeks to achieve the object 533 of the Act, apart from the said expression being arbitrary, it does not appeal to logic and is also against rule of best evidence. Hence, we are of the considered view that the expression found in sub- section (4) of Section 9 namely; " But additional evidence, if any adduced in the civil proceedings shall not be considered by the Special Court while determining the criminal liability" cannot be sustained as it

would not only violative of Article 21 of the Constitution of India but also on the ground of same being vague.

72. Hence, the above expression/sentence found in sub-section (4) of Section 9 is liable to be struck down and accordingly, it is struck down for being violative of Article 21 and vagueness. However, we make it expressly clear that evidence admitted during criminal proceedings is being permitted to be made use of while trying civil liability and not vice versa for determining the criminal liability and we 534 are of the considered view that accordingly, Section 9(4) requires to be read down and understood as observed herein above.

73. Where the term has been used in the Act, which per se seems to be without jurisdiction but can be read down in order to make it constitutionally valid by separating and excluding that part which is invalid or by interpreting the word/sentence in such a fashion in order to make it constitutionally valid and is within the jurisdiction of the legislature which passed the said enactment by reading down the provision/s of the Act is not impermissible. In interpreting the provisions of the Act, it is not permissible where the plain language of the provision gives a clear and unambiguous meaning can be interpreted by reading down and presuming certain expressions in order to save it from constitutional invalidity. In this background, if the expression with regard to the admissibility of additional evidence adduced in the civil proceedings being prohibited 535 from being considered by the Special Court while determining the criminal liability is examined, it would leave no manner of doubt that the said provision is not only vague, arbitrary but also ambiguous and the object of the Act which the legislature intended to achieve by this provision is to insulate a person from preventing the evidence tendered in civil proceedings being used in criminal proceedings against a person charged for the offence punishable under the Act. Therefore, we are of the view that the said provision is vague, ambiguous and without clarity or substance and cannot be sustained. However, the expression found in the very same sub-section (4) of Section 9 namely, "The evidence admitted in criminal proceedings may be made use of while trying the civil liability" is to be understood and same is to be read as :

"The evidence admitted in criminal proceedings may be made use of while trying the civil liability and not vice versa."

536 However, we make it clear that the State would be at liberty to bring in appropriate amendment in this regard to iron out the creases pointed out by us herein above.

74. In support of this proposition, we rely upon the judgment of the Hon'ble Apex Court referred to herein below with benefit: DELHI TRANSPORT CORPORATION vs D.T.C.MAZDOOR CONGRESS (AIR 1991 SC101= 1990 SCR (SUPL)(1) 142):

"122. I am conscious that clear intention as indicated in a legislation cannot be permitted to be defeated by means of construction. It has been said that if the legislature has manifested a clear intention to exercise an unlimited power, it is impermissible to read down the amplitude of that power so as to make it limited. I do not agree. Our legislatures are limited by the constitutional inhibitions and it is time, in my opinion, that we should read their Acts and enactments with the attribute that they know their limits and could not have intended to violate the Constitution. It is true that where there are clear, unambiguous and positive terms in a legislation, the Court should be loath to read down. It should proceed with a straight-forward method of striking down such legislations. But 537 where the statute is silent or not expressive or inarticulate, the Court must read down in the silence of the statute and in the inarticulation of its provisions, the constitutional inhibitions and transmute the major inarticulate premise into a reality and read down the statute accordingly. It is true perhaps, as has been said, that in the history of constitutional law, statutes are seldom read down to mean what they say and intend. It is begging the question. If the statutes are seldom read down to mean what they say and intend. It is begging the question. If the statute does not specifically say, in such circumstances, as to how do we find the intention to transgress the constitutional limitations. At least, the relevant provisions of the relevant statutes and the rules, mentioned hereinbefore, are, in my opinion, on these points, not expressive enough to betray an intention (to) transgress constitutional limitations. I am afraid that reference to Elliott Ashton Welsh, II v. United States, 398 US333 26 L.Ed. 2d 308 is inept in the background of the

principles we are confronted with. The plain thrust of legislative enactment has to be found out in the inarticulate expressions and in the silence of the legislation. In doing so, to say what the legislature did not specifically say, is not distortion to avert any constitutional collision, In the language of the relevant provisions with which we are confronted, I do not find that intention of the legislature (was) to flout the constitutional limitations.

228. It is thus clear that the doctrine of reading down or of recasting the statute can be applied in limited 538 situations. It is essentially used, firstly, for saving a statute from being struck down on account of its unconstitutionality. It is an extension of the principle that when two interpretations are possible -- one rendering it constitutional and the other making it constitutional the former should be preferred. The unconstitutionality may sprint from either the incompetence of the legislature to enact the statute or from its violation of any of the provisions of the Constitution. The second situation which summons its aid is where the provisions of the statute are vague and ambiguous and it is possible to gather the intention of the legislature from the object of the statute, the context in which the provision occurs and the purpose for which it is made. However, when the provision is cast in a definite and unambiguous language and its intention is clear, it is not permissible either to mend or bend it even if such recasting is in accord with good reason and conscience. In such circumstances, it is not possible for the Court to remake the statute. Its only duty is to strike it down and leave it to the legislature if it so desires, to amend it. If the remaking of the statute by the courts is to lead to its distortion that course is to be scrupulously avoided one of the situations further where the doctrine can never be called into play where the statute requires extensive additions and deletions. Not only it is no part of the court's duty to undertake such exercise but it is beyond the jurisdiction to do so. 539

274. I am, therefore, inclined to hold that the courts, though, have no power to amend the law by process of interpretation, but do have power to mend it so as to be in conformity with the intendment of the legislature. Doctrine of reading down is one of the principles of interpretation of statute in that process. But when the offending language used by the legislature is clear, precise and unambiguous,

violating the relevant provisions in the constitution, resort cannot be had to the doctrine of reading down to blow life into the void law to save it from unconstitutionality or to confer jurisdiction on the legislature. Similarly, it cannot be taken aid of to emasculate the precise, explicit, clear and unambiguous language to confer xxx for the appellants.

75. Sub-section (7) of Section 9 speaks about the binding nature of the finding given by the Special Court with regard to the determination of the title. Section 41 of the Evidence Act speaks about relevancy of certain judgment in probate etc. Section 41 reads as under: 41. Relevancy of certain judgments in probate, etc., jurisdiction.-A final judgment, order or decree of a competent Court, in the exercise of probate, matrimonial admiralty or insolvency jurisdiction which confers upon or takes away from any person any legal character, or which declares 540 any person to be entitled to any such character, or to be entitled to any specific thing, not as against any specified person but absolutely, is relevant when the existence of any such legal character, or the title of any such person to any such thing, is relevant. Such judgment, order or decree is conclusive proof- that any legal character, which it confers accrued at the time when such judgment, order or decree came into operation; that any legal character, to which it declares any such person to be entitled, accrued to that person at the time when such judgment, order or decree declares it to have accrued to that person; that any legal character which it takes away from any such person ceased at the time from which such judgment, order or decree declared that it had ceased or should cease; and that anything to which it declares any person to be so entitled was the property of that person at the time from which such judgment, order or decree declares that it had been or should be his property.

76. The judgments, order or decree of any competent Court in exercise of probate, matrimonial, admiralty or insolvency jurisdiction which confers upon or takes away from any person or legal character, or which declares, any person to be 541 entitled to any such character, or to be entitled to any specific thing, not as against any specified person but absolutely would be relevant and such judgment/order/decree would be conclusive proof. Sub-section (7) of Section 9 of the KLGP Act-2011 is almost analogous to Section 41 of the Evidence Act.

77. The intention of the legislature is to see that if the finding given by the Special Court under the Act with regard to title of the land would act as a bar in respect of any further litigation between any persons. Such a finding binds against the whole world which means, it would not be judgment in personem but a judgment in rem i.e., binding against the whole world for all practical purposes. Keeping in mind the laudable object of the Act, such a presumption found under sub-section (7) of Section 9 of the Act cannot be called as ultra vires and onerous in any manner. 542

78. Section 9(5)(a) enables the Special Court to follow its own procedure while deciding the civil liability. However, such procedure cannot be inconsistent with the provisions of the code of Civil Procedure, 1908. Clause (b) of sub-section (5) of Section 9 has been substituted whereunder the Special Court has been empowered to try the criminal liability in a summary manner if it thinks fit. However, pre-amendment, the Special Court was required to try the matter as a summary trial. The defect pointed out by the petitioners during the course of the arguments have been rectified by the legislature by amending the Act which enables the Special Court to try offences under the Act as warant case in the interest of justice. Provisions of Cr.P.C. being applicable, as already noticed hereinabove Section 259 Cr.P.C. would come into play and thereby the Special Court would be empowered to convert a summons case into a warrant case and try the case accordingly. As such the contention raised 543 by the petitioners that procedure prescribed for summary trial is unconstitutional, cannot be accepted. That apart, Section 9 will have to be necessarily read in conjunction with Section 10 and when so read, it leaves no manner of doubt about the applicability of the provisions of Code of Criminal Procedure to a matter being tried by the Special Court, would be a Court of Session for the purposes of conducting prosecution and the person conducting a prosecution is deemed to be a public prosecutor.

79. With regard to the offences under the KLGP Act-2011, the minimum punishment prescribed is one (1) year and maximum punishment can extend upto three (3) years along with the fine, which can extend upto Rs.25,000/-. Section 13 would indicate that the offences punishable under the Act shall be cognizable and shall be tried by a Magistrate of the First Class specially empowered by the

Government in this behalf by notification in the Official Gazette wherever Special Court is not 544 constituted. Thus, the jurisdictional Magistrate if notified by the Government to try the offence under the Act, will have to necessarily try the same as the offence is cognizable. However, if the Special Court is already constituted under Section 7, Section 10 mandates that Special Court would be deemed to be a Court of Session and the person conducting the prosecution to be a public prosecutor for all practical purposes as noticed hereinabove. A Special Court presided over by a judicial officer of the cadre of Sessions Judge has to apply the provisions of a warrant trial, if trial with the offences under the Prevention of Corruption Act, 1998 or the offences under the POCSO Act, 2012.

80. However, in the case on hand, Special Court is presided over by a person who is or was a Judge of the High Court and whenever the benches of the Special Court is constituted it would invariably be presided a District Judge (serving or retired). In the light of provisions of Section 10 and 13 and Section 545 259 of Cr.P.C. read along with Sections 260, 262 and 264 and the gravity of the offences of land grabbing and consequences flowing from it, it is advisable that the procedure to be adopted to try the offence under the Act should be a warrant trial and only in exceptional circumstances a summary trial. The expression summarily used in Section 9(5)(b) of KLGP Act even post-amendment would not be appealing to logic or it would not gel with Section 10 and 13 and other cognate provisions of other penal statutes including the provisions of Code of Criminal Procedure referred to hereinabove. However, on this ground it would not be appropriate to strike down the constitutionality of the provision and the creases, if any, can be ironed out and it can be read down to make the provision effective, workable and to attain the object of the Act. Hon'ble Apex Court in the matter of STATE OF BIHAR AND OTHERS vs. BIHAR DISTILLERY AND ORS. reported in (1997) 2 SCC453has referred to the opinion of Lord Denning 546 rendered in SEAFORD COURT ESTATES LTD. Vs. ASHER reported in (1949) 2 All.E.R. 155 wherein it has been held court should not alter the material but should iron out the creases. It has been further held:

"20. We may also refer to the following perceptive observations in the decision of Lord Denning is Seaford Court Estates Ltd. v. Asher:

"Whenever a statute comes up for consideration it must be remembered that it is not within human power to foresee the manifold sets of facts which may arise, and, even if it were, it is not possible to provide for them in terms free from all ambiguity. The English language is not an instrument of mathematical precision. Our literature would be much the poorer if it were. This is where the draftsmen of Acts of Parliament have often been unfairly criticized. A judge, believing himself to be fettered by the supposed rule that he must look to the language and nothing else, laments that the draftsman have not provided for this or that, or have been guilty of some or other ambiguity. It would certainly save the judges trouble if Acts of Parliament were drafted with divine prescience and perfect clarity. In the absence of it, when a defect appears a judge cannot simply fold his hands and blame the draftsman. He must set to work on the constructive task of finding the intention of Parliament, and he must do this not only from the language of the statute, but also from 547 a consideration of the social conditions which gave rise to it, and of the mischief which it was passed to remedy, and then he must supplement the written word so as to give `force and life' to the intention of the legislature. That was clearly laid down by the resolution of the judges in Heydon's case, and it is the safest guide today. Good practical advice on the subject was given about the same time by Plowden. . . . . Put into homely metaphor it is this: A judge should ask himself the question: If the makers of the Act had themselves come across this ruck in the texture of it, how would they have straightened it out?. He must then do as they would have done. A judge must not alter the material of which it is woven, but he can and should iron out the creases.

81. The Honble Apex court in the case of NAMIT SHARMA vs. UNION OF INDIA reported in (2013) 1 SCC745has held that the courts would generally adopt an interpretation which is favourable and tilt towards constitutionality of the statute, with the aid of the principles like "reading into" and/or "reading down" the relevant provisions to make the statute workable as opposed to declaring a provision unconstitutional. It is further held declaring a law 548 unconstitutional is one of the last resorts to be taken by the courts and the courts. It has also been further held: 51. Another most significant canon of determination of constitutionality is that the courts would be reluctant to declare a law invalid or ultra vires on account of unconstitutionality. The courts would accept an interpretation which would be in

favour of the constitutionality, than an approach which would render the law unconstitutional. Declaring the law unconstitutional is one of the last resorts taken by the courts. The courts would preferably put into service the principle of reading down or reading into the provision to make it effective, workable and ensure the attainment of the object of the Act. These are the principles which clearly emerge from the consistent view taken by this court in its various pronouncements. 61. It is a settled principle of law, as stated earlier, that courts would generally adopt an interpretation which is favourable to and tilts towards the constitutionality of a statute, with the aid of the principles like reading into and/or reading down the relevant provisions, as opposed to declaring a provision unconstitutional. The courts can also bridge the gaps that have been left by the legislature inadvertently. We are of the considered view that both these principles have to be applied 549 while interpreting Section 12(5). It is the application of these principles that would render the provision constitutional and not opposed to the doctrine of equality. Rather the application of the provision would become more effective.

82. As held by the Hon'ble Apex Court in NAMIT SHARMAs case supra, both these principles will have to be applied while interpreting Section 2(d) r/w Section 22, 9(4) and 9(5)(b) of KLGP Act-2011, as the application of the aforesaid principles would render the provisions constitutional and not being opposed to the doctrine of equality and protection of personal liberty as enshrined in Article 14 and 21 of the Constitution of India. By reading down these provisions in the manner indicated, we are of the considered view that application of the provisions of the KLGP Act-2011 would become more effective. Hence, it would be apt, appropriate and prudent to read down Section 9(5)(b) as under: The Special Court may try every offence under the Act as if it is a warrant case and only in exceptional circumstances 550 try in a summary manner for reasons to be recorded. It is needless to state that the legislature would be at liberty to bring in appropriate amendment keeping in mind the observations made hereinabove. (3) RE: RIGHT OF APPEAL AND REVISION NOT BEING AVAILABLE:

83. Though it has been vehemently contended that right of appeal or revision is not found in the KLGP Act-2011, said argument does not hold good, in the light of Act 30/2020 having been enacted and Section 17-A(1) as noticed herein above

provides for filing an appeal against final order passed by the Special Court determining the civil liability. The High Court if satisfied that case involves a substantial question of law, it would entertain an appeal and of course subject to limitation as provided thereunder. Section 17-A(2) provides for filing an appeal against an order of acquittal or conviction and same would lie to the High Court and High Court is empowered to exercise all the powers conferred under Chapter XXIX551and XXX of Cr.P.C. As such, said contention does not hold water and it contention stands rejected. (4) RE: REVERSE ONUS CLAUSE OR BURDEN OF PROOF:

84. Section 11 of the KLGP Act-2011 would indicate that where any proceedings under the Act is initiated the State has to prima facie prove that such land is owned by the Government. Then Special Court would presume that person who is alleged to have grabbed the land, is a land grabber and the burden of proving that such land is not grabbed by him or it is not the land belonging to Government, said burden would be on such person.

85. It is the contention of the learned Advocates appearing for the petitioners that Special Courts are taking cognizance, despite State having failed to discharge the initial burden. It is also contended that reverse onus clause as it stands apply only to a class of offenders under the Act and contend that under Section 2(d) the definition of land 552 would also include the land belonging to Wakf or Hindu Religious Institutions and Charitable Endowments and a local authority, a statutory or non-statutory body owned control and managed by the Government, but the reverse onus clause apply only to the land belonging to Government. Thus, the reverse onus clause excluding sub-clauses of offences created under the Act is arbitrary.

86. The extent of right to a fair trial of an accused must be determined keeping in mind the fundamental rights as adumbrated in Article 21 of the Constitution of India as also the International Convention and Convenants chartered in human rights. Justness and fairness of a trial is also implicit in Article 21 of the Constitution of India. A fair trial is again a human right. Every action of the authorities under the Act must be construed having regard to the provisions of the

Act as also the right of an accused to have a fair trial. We are not oblivious that decision in NOOR AGA vs STATE OF553PUNJAB reported in (2008)16 SCC417whereunder, it came to be held that Sections 35 and 54 of NDPS Act, 1985 are not ultra vires of the Constitution of India. It was held therein to the following effect:

"23. Section 35 of the Act provides for presumption of culpable mental state. It also provides that an accused may prove that he had no such mental state with respect to the act charged as an offence under the prosecution. Section 54 of the Act places the burden of proof on the accused as regards possession of the contraband to account for the same satisfactorily.

34. The Act contains draconian provisions. It must, however, be borne in mind that the Act was enacted having regard to the mandate contained in International Conventions on Narcotic Drugs and Psychotropic Substances. Only because the burden of proof under certain circumstances is placed on the accused, the same, by itself, in our opinion, would not render the impugned provisions unconstitutional.

35. A right to be presumed innocent, subject to the establishment of certain foundational facts and burden of proof, to a certain extent, can be placed on an accused. It must be construed having regard to the other international conventions and having regard to the fact that it has 554 been held to be constitutional. Thus, a statute may be constitutional but a prosecution thereunder may not be held to be one. Indisputably, civil liberties and rights of citizens must be upheld.

60. Whether the burden on the accused is a legal burden or an evidentiary burden would depend on the statute in question. The purport and object thereof must also be taken into consideration in determining the said question. It must pass the test of doctrine of proportionality. The difficulties faced by the prosecution in certain cases may be held to be sufficient to arrive at an opinion that the burden on the accused is an evidentiary burden and not merely a legal burden. The trial must be fair. The accused must be provided with opportunities to effectively defend himself. In Sheldrake v. Director of Public Prosecutions [(2005) 1 All ER237 in the following terms:

"21. From this body of authority certain principles may be derived. The overriding concern is that a trial should be fair, and the presumption of innocence is a fundamental right directed to that end. The convention does not outlaw presumptions of fact or law but requires that these should be kept within reasonable limits and should not be arbitrary. It is open to states to define the constituent elements of a criminal offence, excluding the requirements of mens rea. But the substance 555 and effect of any presumption adverse to a defendant must be examined, and must be reasonable. Relevant to any judgment on reasonableness or proportionality will be the opportunity given to the defendant to rebut the presumption, maintenance of the rights of the defence, flexibility in application of the presumption, retention by the court of a power to assess the evidence, the importance of what is at stake and the difficulty which a prosecutor may face in the absence of a presumption. Security concerns do not absolve member States from their duty to observe basic standards of fairness. The justifiability of any infringement of the presumption of innocence cannot be resolved by any rule of thumb, but on examination of all the facts and circumstances of the particular provision as applied in the particular case."

(emphasis added) 61. It is, however, interesting to note the recent comments on Sheldrake (supra) by Richard Glover in an Article titled "Sheldrake Regulatory Offences and Reverse Legal Burdens of Proof" [(2006) 4 Web JCLI]. wherein it was stated:

556. "It is apparent from the records in Hansard (implicitly if not expressly) that the Government was content for a legal onus to be on the defendant when it drafted the Road Traffic Act 1956. An amendment to the Bill was suggested in the Lords "which puts upon the accused the onus of showing that he had no intention of driving or attempting to drive a motor vehicle" (Lord Brabazon 1955, col 582). Lord Mancroft, for the Government, although critical of the amendment stated:

"...the Government want to do exactly what he wants to do. We have, therefore, to try to find some means of getting over this technical difficulty" (Lord Mancroft 1955, col 586). It is submitted that this tends to suggest that the Government intended a reverse legal burden. The reverse legal burden was certainly in keeping with the

tenor of the 1956 Act to "keep death off the road" (Lord Mancroft 1954, col

637) by increased regulation of road transport, particularly in the light of a sharp increase in reported road casualties in 1954 - there was an 18 per cent increase (Lord Mancroft 1954, col 637). The Times lead article for 4-7-1955 (at 9d) stressed the Bill's importance 557 for Parliament:

"They have the casualty lists - 5,000 or more killed on the roads every year, 10 times as many killed and more than 30 times as many slightly hurt". This was "a national scandal". The Earl of Selkirk, who introduced the Bill in the Lords, remarked that "we require a higher standard of discipline on the roads" (The Earl of Selkirk 1954, col

567) and Lord Mancroft commented specifically in relation to `being drunk in charge' that "...we should be quite right if we erred on the side of strictness" (Lord Mancroft 1955, col 586). Notwithstanding this historical background it was, of course, open to their Lordships in Sheldrake to interpret section 5(2) as only imposing an evidential burden on the defendant. Lord Bingham referred to the courts' interpretative obligation under the Human Rights Act 1998 Section 3 as "a very strong and far- reaching one, and may require the court to depart from the legislative intention of Parliament" ([2004]. UKHL43 para 28). However, he must also have had in mind further dicta from the recent judgment in Ghaidan v Godin-Mendoza (WLR. P.121, para 19):

558. "19.Parliament is charged with the primary responsibility for deciding the best way of dealing with social problems. The court's role is one of review. The court will reach a different conclusion from the legislature only when it is apparent that the legislature has attached insufficient importance to a person's Convention rights" (Lord Nicholls, [2004]. UKHL30 para 19. Also see Johnstone [2003]. UKHL28 para 51). That is, the Courts should generally defer (11) to the Legislature or, at least, allow them a discretionary area of judgment (R v DPP, ex p Kebilene [1999]. UKHL43 AC pp.380-81). (Lord Hoffman has criticised the use of the term `deference' because of its "overtones of servility, or perhaps gratuitous concession" (R ProLife Alliance v BBC [2003]. UKHL23 paras 75-762; WLR1403 1422.) This principle now appears firmly established, as is evident from the

decision of an enlarged Privy Council sitting in Attorney-General for Jersey v Holley [2005]. UKPC23 Lord Nicholls, who again delivered the majority judgment (6- 3), stated: (WLR p.37, para

22) "22..The law of homicide is a highly sensitive and highly controversial area of the criminal law. In 1957 Parliament altered the 559 common law relating to provocation and declared what the law on this subject should thenceforth be. In these circumstances it is not open to judges now to change (`develop') the common law and thereby depart from the law as declared by Parliament."

Parliament's intentions also appear to have been of particular importance in the recent case Makuwa [2006]. EWCA Crim 175 (CA), which concerned the application of the statutory defence provided by the Immigration and Asylum Act 1999. Section 31(1) to an offence under the Forgery and Counterfeiting Act 1981, Section 3 of using a false instrument. The question was whether there was an onus on a refugee to prove that he (a) presented himself without delay to the authorities; (b) showed good cause for his illegal entry and (c) made an asylum claim as soon as was reasonably practicable. Moore- Bick L.J's judgment was, with respect, rather confused. He appeared to approve gravamen analysis when he stated that the presumption of innocence was engaged by a reverse burden (paras 28 and 36). However, he then stated that the statutory defence did not impose on the defendant the burden of disproving an essential ingredient of the offence (para 32), in which case it is clear that the presumption of innocence was not engaged. Nonetheless, he did, at least, recognise the limits of gravamen 560 analysis, which was clearly inapplicable to sections 3 and 31 as the statutory defence applied to a number of other offences under the same Act and the Immigration Act 1971 (para 32). His Lordship acknowledged that particular attention should be paid to Parliament's actual intentions (para 33), as had been the case in Sheldrake. In light of the above it is submitted that their Lordships in Sheldrake, as in Brown v Stott [2000]. UKPC D3 (PC); [2003]. 1 AC681 were entitled to uphold a legal rather than an evidential burden on the defendant and to take into account other Convention rights, namely the right to life of members of the public exposed to the increased danger of accidents from unfit drivers (European Convention on Human Rights and Fundamental Freedoms, Article 2).

That is, there were sound policy reasons for imposing a reverse legal burden, which will be the subject of further discussion in the second part to this article.

80. The constitutional mandate of equality of law and equal protection of law as adumbrated under Article 14 of the Constitution of India cannot be lost sight of. The courts, it is well settled, would avoid a construction which would attract the wrath of Article 14. It also cannot be oblivious of the law that the Act is complete code in itself and, thus, the provisions of the 1962 Act cannot be 561 applied to seek conviction thereunder.

114. Article 12 of the Universal Declaration of Human Rights provides for the right to a fair trial. Such rights are enshrined in our Constitutional Scheme being Article 21 of the Constitution of India. If an accused has a right of fair trial, his case must be examined keeping in view the ordinary law of the land.

115. It is one thing to say that even applying the well-known principles of law, they are found to be guilty of commission of offences for which they are charged but it is another thing to say that although they cannot be held guilty on the basis of the materials on record, they must suffer punishment in view of the past experience or otherwise.

87. In many special statutes dealing with penal offences, reverse burden is contemplated. On a plain reading of Section 11 of KLGP Act-2011 it would clearly indicate that the initial burden is cast upon the applicant and unless said burden is effectively discharged with regard to the title of the land owned by the Government, the onus does not shift to the other side. In other words, the onus will be on the alleged land grabber to prove that he has 562 not grabbed the Government land, only after the applicant prima facie proves that land is owned by the Government. In order to attract the provisions of Section 11, the applicant is expected to initially prove that land is owned by the Government. This is a rebuttable presumption, which is equivalent to the presumption found in Section 118 of the Negotiable Instruments Act r/w Section 138. Therefore, the provisions of Section 11 cannot be construed as onerous. That apart, the applicant will have to introduce evidence both oral as well as documentary, to prima facie prove that the land is owned by the Government. Hence, Section 11 would be a tool available

to the Special Court and within the domain of assessment of the evidence.

88. Some of the offences are defined in such a way that presumption is to prove certain facts relatable to the offence and then a defence has to bear the burden of exculpation. The legislative bodies have realised the need of making provisions 563 for statutory presumption in the specific legislations. The Centre and State Acts have made provisions for "statutory presumption" of the guilt of the accused and some of the legislations which provide for such statutory presumptions are as under: Sl.No.Name of the Act Sections providing Statutory Presumptions under the Act 1 Indian Evidence Act, S.113 - B, 106, 9 S.113 - A, 114 A1872S.3 (Proved) S.101 - 117 2 Indian Penal Code S.304 B, 498A S.304 I & II S. 304 A, 304 B S. 306 3 Juvenile Justice Act S. 49 4 Juvenile Justice Care R. 12 and Protection of R.12 (3), (9), (I) - (III) Children Rules 2007 5 NDPS S.37, 35, 54, 60(3) S.80, 8-10, 2 (XIV) S.25, 35 r/w 54, 53-A6Cr.P.C S.303, 228, 128(1) 7 Prevention of S.20, 7 Corruption Act 8 TADA, 1987 S.21 (2) 9 Prevention of Money S.22, 24, 23 S.3 & 4 Laundering 10 Unlawful Activities S.17, 18, 10 1967 11 Negotiable S.118(a), 139 Instruments Act 564 12 General Clauses Act S.27 13 Wildlife Protection Act, S.69 1972 14 Income Tax Act S.271 (I) C Exp. 1

89. Noticeably, the statutory presumptions incorporated in law or those which deal with offences impacting upon public morality, health, security and discipline. The statutory presumptions have thus been selectively applied depending upon the changing scenario, and the strategy of those crimes, committed either in secrecy or with the aid of sophisticated and advanced scientific and technical devices, denying access to any evidence/clue to the perpetration thereof. Another factor is, impossibility of collecting evidence of said crimes depending on the modus operandi, absence/disinclination of witnesses to depose for variety of reasons, which often result in exoneration from guilt, gross injustice which though apparent, goes unremedied. 565

90. The object and reasons of two third of such laws which incorporate statutory presumption of culpability would reveal the compulsion of maintenance of a discipline in social order, for this shift from the stand point of presumption of innocence to that of guilt in a limited way.

91. Presumption, if taken, is always rebuttable and arises on the proof of certain basic facts relevant to the offence, whereupon the onus shifts to the accused to rebut the presumption of guilt. Thus, this apportionment of the obligation in quest of justice, having regard to the overall demand of an orderly law abiding social set up, governed by the rule of law is an exception to the starting premise of innocence of accused, the otherwise overwhelming and the supervening fundamental precept of criminal jurisprudence.

92. Though it is the cardinal principle of criminal jurisprudence that burden of proof of an 566 offence would always lie on the prosecution, exceptions have also been provided in Sections 105 and 106 of the Evidence Act. Section 105 says that if a person is accused of an offence, the burden of proving the existence of circumstances, bringing the case within all the general exemptions in the Indian Penal Code or within any special exception or proviso contained in any other law defining the offence, is upon him and the Court shall presume the absence of such circumstances.

93. Though law has given sanction of presumption of innocence until guilt is declared by a Court of law in certain cases including the cases say, relating to Preventing of Corruption Act, placing the burden of proof on the accused in reasonable and not unjust, or unfair nor is to be regarded as violative of Article 21 of the Constitution of India as propagated in VEERASAMI VS. UNION OF INDIA reported in (1991) 3 SCC655 567 94. In STATE vs HAREMZA reported in 213 Kan.201 (Kan.1973) this Court has observed:

"Statutory presumptions are ordinarily rebuttable. A rebuttable statutory presumption governs only the burden of going forward with the evidence and, even when it operates against the defendant, it does not alter the ultimate burden of proof resting upon the prosecution, nor deprive the defendant of the benefit of the presumption of innocence.

95. Hon'ble Apex Court in the matter of V.LAXMINARASAMMA vs A YADAIAH (DEAD) AND OTHERS reported in (2009)5 SCC478has held that only because the burden of proof is on the noticee, the same would not mean that he has been deprived of his right to defend in the proceedings. It is further held:

"36. Only because the burden xxx proceedings. Burden of proof is in the realm of procedural law. By reason of such a provision, substantive right of the parties on an immovable property is not taken away. Jurisdiction is exercised by the Tribunal and/or Special Court upon arriving at a 568 satisfaction in regard to existence of jurisdictional fact.

96. Nevertheless, it has been judicially observed that the presumption of innocence needs effective modifications. A right to keep silent does no more give privilege to tell lies and take up false defence. In PERSHADILAL VS. STATE OF U.P. reported in AIR 1957 SCC211while construing Section 114 of the Evidence Act, 1872, the Supreme Court observed, that where in a murder charge, the accused falsely denied several relevant acts which have been conclusively established, the court would be justified in drawing an adverse inference from this against the accused. The limits on the privilege of an accused person not to open his mouth has further been explained in DEONANADAN MISHRA vs. STATE OF BIHAR reported in AIR 1955 SC801 In this case the appellant accused was charged with murder and was convicted on the basis of only circumstantial evidence which pointed the accused 569 as the assailant with reasonable definiteness as regards time and situation for which the accused did not offer an explanation. The absence of any explanation or false explanations was treated as an additional link in the chain of circumstances which went against the accused. In M.G. AGARWAL vs. STATE OF MAHARASHTRA reported in AIR 1963 SCC200 the Apex Court has held that a conviction can be reasonably founded on circumstantial evidence and an inference of guilt can be drawn if the proved facts are wholly inconsistent with the innocence of the accused and are consistent with his guilt. In the case of ANDHRA PRADESH vs. I B S PRASAD RAO reported in 1970 Crl.LJ SC733the Supreme Court has gone a step further in holding that even if one or more of the circumstances in the chain of circumstantial evidence in inconsistent with the guilt, but the combined effect of the facts is conclusive of the guilt, a conviction will be justified. 570

97. It has been held by Hon'ble Apex Court in SEEMA SILK SAREES AND ANOTHER vs DIRECTORATE OF ENFORCEMENT AND OTHERS reported in (2008)5 SCC580that a provision in an enactment would not become

unconstitutional only because it provides for a reverse burden. It has also been held:

"19. A legal provision does not become unconstitutional only because it provides for a reverse burden. The question as regards burden of proof is procedural in nature. [See Hiten P. Dalal v. Bratindranath Banerjee, (2001) 6 SCC16and M.S. Narayana Menon v. State of Kerala, (2006) 6 SCC39. 20, The presumption raised against the trader is a rebuttable one. Reverse burden as also statutory presumptions can be raised in several statutes as, for example, the Negotiable Instruments Act, Prevention of Corruption Act, TADA, etc. Presumption is raised only when certain foundational facts are established by the prosecution. The accused in such an event would be entitled to show that he has not violated the provisions of the Act. In a case of this nature, particularly, when an appeal 571 against the order of the Tribunal is pending, we do not think that the appellants are entitled to take the benefit thereof at this stage. Such contentions must be raised before the criminal court.

98. There is a danger to the excessive devotion to the rule or presumption of innocence and to the soothing sentiment that all acquittals are always good regardless of justice to the victim and the community. In the context of escalating crime, the doctrine that it is better that ten guilty men should escape than one innocent may be convicted is a false dilemma. In this context the following observations of Justice Krishna Iyer, who has been a strong supporter of Human Rights of accused, made in the case of SHIVAJI SAHEBRAO BABADE vs. STATE OF MAHARASHTRA reported in AIR 1973 SC2622 warn against the excessive reliance on the presumption of innocence. It has been held: The cherished principle or golden thread of proof beyond reasonable doubt which runs through the web of our law should not be stretched 572 morbidly to enhance every hunch, hesitancy and degree of doubt. The excessive solicitude reflected in the attitude that let a thousand guilty men go out but one innocent martyr shall not suffer, is a false dilemma. Only reasonable doubt belongs to the accused. Otherwise, any practical system of justice will then break down and lose credibility with the community. However, in Kali Ram vs. State of H.P. the Supreme Court reemphasized the importance of the principle of presumption of innocence and

observed that It is no doubt that wrongly acquittals are undesirable and shake the confidence of the people in the judicial system; much worse, is, however, the wrongly conviction of an innocent person. The consequences of the conviction of an innocent person are far more serious and its reverberations cannot but be felt in a civilized society.

99. While discussing all these issues we, however, should not remain unmindful of the fact that standard of proof to uphold the guilt of the accused in todays societal structure is often very difficult to achieve in all types of cases since in the current scenario, the unwillingness, non-availability of witnesses to come forward to tell the truth, huge dockets of cases in the courts of law, procedural 573 prolixity leading to procrastination of trial are some of the serious impediments. Therefore, a measure reform in the approach of accepting and using presumptive laws engrafted in the statures is necessary, in a more liberal way, which will not otherwise be an affront to the constitutional guarantee of right to life and liberty.

100. In the light of the clear words found in Section 11 of the Act and in the light of the law enunciated by the Honble Supreme Court with regard to the insertion of reverse burden in certain penal statutes, such a presumption is not violative of Article 20(3) or 21 of the Constitution of India. Hence, it is to be held that Section 11 is intra vires of Constitution and consequently it is held to be valid. (5) RE: KLGP ACT-2011 PROVIDES FOR CRIMINAL TRIAL BEFORE THE SPECIAL COURT TO BE SUMMARY TRIAL, WHEREAS PUNISHMENT TO BE IMPOSED UNDER SECTION4OF THE ACT BEING NOT LESS THAN ONE YEAR AND WHICH574MAY EXTEND TO THREE YEARS WOULD BE CONTRARY TO SECTION262OF CR.P.C.

101. Pre-amendment Section 9(5)(b) of the Act prescribed that every offence punishable under this Act is to be tried summarily.

102. The vires of Section 9(5) is also sought to be attacked on the ground of the KLGP Act-2011 provides for offence punishable under the Act to be tried summarily vide clause (b) and Section 260(1)(i) of the Code of Criminal Procedure provides that summary trial is applicable only in respect of offences not punishable with death, life imprisonment or imprisonment for a term exceeding two years. It is

contended that Section 4(3) and Section 5 of the Act provides for imprisonment for the offence under the KLGP Act-2011 can be up to three years and therefore, the said provision is manifestly arbitrary. It is further contended that Section 10 of the Act states that provisions of Cr.P.C. will apply to the extent that it is not inconsistent with the Act and 575 there being inconsistency between the Act and the Code regarding applicability of the procedure for summary trial and procedure prescribed under the Code for summary trial would not apply to the trial under the KLGP Act-2011 and therefore, the provision is manifestly arbitrary.

103. The Hon'ble Apex Court in SHAYARA BANO vs UNION OF INDIA reported in (2017)9 SCC1has held that the test of manifest arbitrariness can be ascertained by examining as to whether the legislature capriciously, irrationally and/or without adequacy has legislated. It has been further held:

"101. Manifest arbitrariness, therefore, must be something done by the legislature capriciously, irrationally and/or without adequate determining principle. Also, when something is done which is excessive and disproportionate, such legislation would be manifestly arbitrary. We are, therefore, of the view that arbitrariness in the sense of manifest arbitrariness as pointed out by us above would apply to negate legislation as well under Article 14."

576 104. In this background, Section 9(5)(b) of the KLGP Act-2011 when perused, it would indicate that pre-amendment , the only option that was available to the Special Court was to try the offence punishable under the Act summarily. However, post- amendment by Act 30/2020, clause (b) of sub-section (5) of Section 9 enables the Special Court to try the proceedings in a summary manner if it thinks fit and if it appears to the Special Court that the offence should be tried in accordance with the procedure for trial of warrant cases, it may proceed to re-hear the case in the manner provided by Code of Civil Procedure for the trial of warrant cases and it is empowered to recall the witness who may have been examined. It would be necessary to extract the substituted provision of Section 9(5)(b) at the cost of repetition and it reads:

"(b) the Special Court may, if it thinks fit, try in a summary manner any offence under this Act: Provided that, if the Special Court is of the opinion that there are

577 no sufficient grounds for proceding, the Court shall dismiss the complaint or drop further proceedings and in every such case it shall briefly record reasons. Provided further that, the course of the trial of summons case relating to an offence under this Act, it appears to the Special Court that in the interests of justice, the offence shall be tried in accordance with the procedure for trial of warrant cases, the Special Court may proceed to re- hear the case in the manner provided by the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) for the trial of warrant-cases and may recall any witness who may have been examined.

105. Section 260 in Chapter XXI of Cr.P.C. speaks about the power to try an offence summarily. Since Section 262 and 264 of Cr.P.C. being relevant for the case on hand, same is extracted herein below:

"262. Procedure for summary trials.-(1) In trials under this Chapter, the procedure specified in this Code for the trial of summons- case shall be followed except as hereinafter mentioned. (2) No sentence of imprisonment for a term exceeding three months shall be passed in the case of any conviction under this Chapter. 578

264. Judgment in cases tried summarily.- In every case tried summarily in which the accused does not plead guilty, the Magistrate shall record the substance of the evidence and a judgment containing a brief statement of the reasons for the finding.

106. Sub-section (2) of Section 260 enables the court trying an offence summarily to convert the case into a warrant case if it appears to the Magistrate that the nature of the case is such that it is undesirable to try the case summarily. Likewise, Section 259 Cr.P.C. enables the Magistrate dealing with the summons case in which the punishment exceeds six months and it appears to the Magistrate, that in the interest of justice, the offence should be tried in accordance with the procedure for trial of warrant case, he may proceed to re-hear the case in the manner provided in Cr.P.C. for the trial of warrant cases.

107. Insofar as the offences punishable under the KLGP Act-2011, the minimum punishment 579 contemplated under Section 4 and 5 is one year and the

maximum punishment can extend up to three years along with fine, which may extend up to Rs.25,000/-. AT this juncture, it would be apt to notice that if the Special Court is not yet constituted to try the offence of land grabbing as per the provisions of the KLGP Act-2011, the Magistrate of the First Class so empowered by the Government in this behalf by notification in the Official Gazette, would be empowered to try the same as the offence is cognizable. However, where the Special Court is already constituted under Section 7, then, Section 10 of the KLGP Act-2011 mandates that Special Court shall be deemed to be the court of Session and the person conducting the prosecution will be a Public Prosecutor for all practical purposes.

108. The High Court of Mumbai in the matter of A.G.SAWANT vs SANJAY D. BERDE reported in 2013 SCC ONLINE BOM833has held:

580. /p>

"15. We are unable to accept this contention for more than one reason. It is too well settled to require any reiteration that there is no vested right in a procedure. A procedural provision, therefore, confers no right and of such a character as would enable the litigant to insist that his case or trial would be governed by that procedure alone. It is open for the legislature to provide that the entire Code of Criminal Procedure or some of its provisions would not apply to a particular trial. Such a provision does not militate against the constitutional mandate of equality, fairness, reasonableness and non- arbitrariness. Such a provision, therefore, cannot be termed as discriminatory. In this behalf a useful reference can be made to the Judgment of the Hon'ble Supreme Court in the case of State (Union of India) vs. Ram Saran, reported in AIR 2004 SC481 16. Once the law is that no one can claim a vested right in matters of procedure, then, the very foundation of the arguments of Mr. Kadam on absence of a provision enabling seeking of a discharge in proceedings under Section 27 must fail. The Act has provided enough safeguards and inbuilt checks. Since the provision enables imposition of penalties in the form of imprisonment and fine and which are termed as punishments by Section 53 of IPC, the legislature has ensured that there would be a trial following which only such penalties can be imposed. Once a trial has to be held and the

powers 581 of a Magistrate under the Code of Criminal Procedure to hold such trials, is conferred in the Forums and Commissions, under the Act, then there is no room for any complaint. Further, considering the intent of the legislature and mandate flowing from the Act, the trial is not elaborate or lengthy. That the trial is of a summary nature by itself and without anything more does not mean that the provision is unconstitutional or ultravires as contended."

We are in complete agreement with above observations made by their Lordships and do not find any good ground to deviate from said proposition, as it is based on sound principles of law as enunciated by Hon'ble Apex Court.

109. A harmonious reading of substituted clause (b) of sub-section (5) of Section 9 with Section 10 of the KLGP Act-2011 would clearly indicate that though the word "summary" has been used in clause (b), an overriding effect has been provided under Section 10 empowering the Special Court to be a court of Session and the Code of Civil Procedure being made applicable. In a given case, if the Special 582 Court were to arrive at a conclusion that it would not be a fit case for being tried summarily, it would be empowered to exercise the power vested under Section 259 Cr.P.C. to convert a summons case into a warrant case. Thus, harmonious reading of these two provisions would leave no manner of doubt to negative the contention raised by the petitioners and to hold that the apprehension expressed by the petitioners is without merit and same is liable to be rejected. Hence, the contention raised in that regard stands rejected. (6) RE: SECTION9OF KLGP ACT-2011 IS HIT BY ARTICLES14AND21OF THE CONSTITUTION OF INDIA AS PROCEDURE PRESCRIBED IS UNWORKABLE:

110. The procedural powers of the Special Court are contained in Section 9. What is of significance is that the Special Courts unlike the Special Courts established under many enactments not only deals with civil cases, but also criminal 583 cases. In fact, Section 10 of the KLGP Act-2011 specifically says that the provisions of CPC and Cr.P.C. to the extent they are not inconsistent with the provisions of the Act apply to the proceedings under the Act. Section 10 further provides that the Special Court is deemed to be a civil court or a court of session as the case may be and person conducting a prosecution before Special Court to

be deemed to be a Public Prosecutor.

111. Yet another argument which has been canvassed is that unguided power would result in misuse or abuse of the provisions of the Act and as such, it would be vice of arbitrariness and hit by Article 14 of the Constitution of India and as such, sub-section (1) of Section 9 is liable to be quashed is an attractive argument to be brushed aside, inasmuch as, the said issue being no more res integra in the light of law laid down by the Hon'ble Apex Court in the case of SANJAY DUTT vs STATE584Reported in (1994) 5 SCC410 whereunder it has been held that mere possibility of abuse of a provision would not affect its constitutionality. It has been further held: 15. It is the duty of courts to accept a construction which promotes the object of the legislation and also prevents its possible abuse even though the mere possibility of abuse of a provision does not affect its constitutionality or construction. Abuse has to be checked by constant vigilance and monitoring of individual cases and this can be done by screening of the cases by a suitable machinery at a high level. It is reported that in some States, after the decision of this Court in Kartar Singh, high-powered committees have been constituted for screening all such cases. It is hoped that this action will be taken in all the States throughout the country. Persons aware of instances of abuse, including the National Human Rights Commission, can assist by reporting such instances with particulars to that machinery for prompt and effective cure. However, that is no reason, in law, to doubt its constitutionality or to alter the proper construction when there is a felt need by Parliament for enacting such a law to cope with, and prevent terrorist and disruptive activities threatening the unity and integrity of the country. 585 Hence, we are of the considered view that mere fact that the discretion conferred upon the court may possibly be misused cannot be a ground to strike down the validity of the provision. It is needless to state that the Special Court is always expected to apply the provisions of the statute in a fair and reasonable manner keeping in mind the object sought to be achieved by the implementation of the enactment. (7) RE: VICARIOUS LIABILITY:

112. Vicarious liability is fixed on the Director of a company under Section 6 of the impugned Act. It describes as to who should be punished in the case of offence having been committed by a company. In other words, it would indicate as to who

should be proceeded for the offence against any of the provisions of the impugned Act or any rule made thereunder. Similar provisions are found in several enactments, both Central and State. To state a few, they are, Essential Commodities Act, 1955, Drugs 586 and Cosmetics Act, 1940 etc. Only for the reasons a person is a Director of the company, he does not vicariously become liable for an offence committed by the company. It must be shown, established and proved that such person against whom the prosecution is initiated was incharge of the company and also responsible to the company in the conduct of its business. In case of the offence having committed by a partnership firm, a person entrusted with the business of the firm and responsible for conducting of business alone would be liable to be prosecuted and not all the partners. In fact, initial burden lies on the prosecution to prove that the accused was responsible for carrying on business and was during relevant time incharge of the business. In fact, Section 6 does not provide for vicarious liability. It is trite law that penal provisions are to be strictly construed. In the instances where prosecution initiated against a person alleging that he was the Director of the firm on the day the offence 587 was committed, if he/she is able to establish or demonstrate that on the date of the offence, he/she was not a Director, prosecution has to fail. A mere bald statement that accused is a Director in the complaint or FIR, would not suffice to constitute the offence against such person. In other words, it has to be averred specifically with all material particulars that such person against whom the prosecution has been launched is or was incharge or is/was responsible for the company to conduct its business. These proposition get support from the following authoritative pronouncements of the Hon'ble Apex Court: (1) (1989)4 SCC630SHAM SUNDER & OTHERS vs STATE OF HARYANA (2) (1998)5 SCC343STATE OF HARYANA vs BRIJ LAL MITTAL & OTHERS (3) (2008)5 SCC662S.K.ALAGH vs STATE OF UTTAR PRADESH & OTHERS588(4) (2008)17 SCC285TAMIL NADU ELECTRICITY BOARD vs RASIPURAM TEXTILE PRIVATE LIMITED & OTHERS (5) (2005)8 SCC89S.M.S.PHARMACEUTICALS LTD. Vs NEETA BHALLA AND ANOTHER (6) (2012)5 SCC661ANEETA HADA vs GODFATHER TRAVELS AND TOURS PRIVATE LIMITED (7) (2011)1 SCC176PEPSICO INDIA HOLDINGS PRIVATE LIMITED vs FOOD INSPECTOR AND ANOTHER (8) (2014)16 SCC1POOJA RAVINDER DEVIDASANI vs STATE

OF MAHARASHTRA & ANOTHER (9) (2018)2 GAUHATI LAW REPORTS313STATE OF ASSAM, IN RE. (CRL.REF.NO.1/2017 DECIDED ON1708.2017.) (8) RE: MENS REA:

113. It has been the contention of learned Advocate appearing for petitioners that under the impugned Act, there is no requirement of mens rea and therefore impugned Act is unconstitutional. Said contention requires to be considered for the purposes of rejection inasmuch as, Section 2(f) specifically states that every activity of grabbing land is "with a 589 view to " illegally take possession or enter into or create tenancies and same would amount to land grabbing. Thus, the use of the expression "with a view to " would clearly indicate the requirement of mens rea is in built or has been incorporated as an ingredient of the offence of land grabbing. Even otherwise, the provisions that create a strict law and dispense with the requirement of mens rea is valid. Even assuming that there is no requirement of proving mens rea per se is not a ground to strike down the Act as unconstitutional. This view also gets fortified by the law laid down by Hon'ble Apex Court in the matter of KONDA LAKSHMANA BAPUJI vs. GOVERNMENT OF ANDHRA PRADESH & OTHERS reported in (2002)3 SCC258whereunder, it has been held:

"37. The various meanings, noted above, disclose that the term "grab" has a broad meaning - to take unauthorisedly, greedily or unfairly - and a narrow meaning of snatching forcibly or violently or by unscrupulous means. Having regard 590 to the object of the Act and the various provisions employing that term we are of the view that the term "grab" is used in the Act in both its narrow as well as broad meanings. Thus understood, the ingredients of the expression "land grabbing" would comprise (i) the factum of an activity of taking possession of any land forcibly, violently, unscrupulously, unfairly or greedily without any lawful entitlement and (ii) the mens rea/intention -- "with the intention of/with a view to" (a) illegally taking possession of such lands or (b) enter into or create illegal tenancies, lease and licence agreements or any other illegal agreements in respect of such lands; or (c) to construct unauthorised structures thereon for sale or hire; or (d) to give such lands to any person on (i) rental or (ii) lease and licence basis for construction, or (iii) use and occupation of unauthorised structures."

(9) RE: TRANSFER OF CASES:

114. Section 20 of the Act is also sought to be attacked on the ground of same being arbitrary and on the mere say of the State, the civil suits pending before the various Courts across the State are being transferred and thereby the jurisdiction of the civil court is being taken away. In fact, this court had an 591 occasion to examine as to the circumstances in which the civil suit pending before the court can be transferred to the Special Court. It came to be held in W.P.No.51187/2019 disposed of on 26.11.2019 as under:

"24. From a reading of the above provisions, it is clear that unless an act of land grabbing as defined under Section 2(f) of the Act, extracted above, is committed by a person who can be termed as land grabber in terms of Section 2(e), of land as defined under section 2(d), no proceedings can be initiated. An action can be brought against a person if only such person satisfies the definition of land grabber under Section 2(e) of the Act, namely for committing an act of land grabbing as per Section 2(e).

25. An action/suit/proceeding brought about by any person seeking to protect his/her interest would establish that he/she does not come within the four corners of the Act. At the most, the defence that can be taken up by the Authorities if they have been arrayed as defendants in that proceeding is to contend that the land belongs to them and the plaintiff has committed an act of land grabbing, and therefore, the plaintiff is not entitled for any protection or reliefs in the said proceedings. 592

26. For an action to be initiated under the Act, there has to be a positive action by the Authorities concerned. In that, there has to be positive proceedings which are initiated against a land grabber for an action of land grabbing. It is only those proceedings which are pending before any Authority or Court which are required to be transferred to the Special Court.

27. In the event of cases, where the plaintiff has filed a suit against the Governmental authority/ies to protect his/her/its right over property either by way of injunction, declaration or otherwise and in that suit, Governmental authorities

who are arrayed as defendants take up the contention that the land in question is a Government land and/or that plaintiff had indulged in land grabbing, thereby satisfying the requirements of definition of land grabber, the Court or Authority before whom such proceeding is pending is: (i) required to record a reasoned finding as to whether the Act is attracted to that fact situation after having arrived at a conclusion that land is Government land; (ii) arrive at a conclusion that Act applies to the land in terms of Section 1(2) of the Act i.e., land as 593 defined under Section 2(d) of the Act; (iii) Plaintiff has committed an act of grabbing the land in term and section 2(b), without lawful entitlement with a view to illegally take possession of such land or enter into or create illegal tenancies or lease and licences agreements construct unauthorized structures thereon for sale or hire, or give such land to any person for rent or lease or licence basis for construction or use and occupation.

28. In other words, Court or authority has to arrive at a conclusion that activity of grabbing of any land is without any lawful entitlement and with a view to illegally take possession of such land.

29. Thus, necessarily if a person is claiming a right by way of a lawful entitlement through any valid document issued or granted in favour of such person, which though disputed by the Authorities concerned on the ground that such a grant, allotment or the like could not have been made in favour of such persons, so long as the said document relied upon by the plaintiff is not countered or negated on the basis of fraud or forgery and the claim of the plaintiff being one of a lawful entitlement, such a proceedings pending before 594 competent Civil Court cannot be transferred under the Act to the Special Court.

30. If any action of land grabbing has not been committed, plaintiff therein cannot be termed to be a land grabber. There is no unlawful act committed. Hence, in terms of Section 7(1) of the Act, Special Court would not have jurisdiction in the matter. Section 7(1) of the Act is reproduced hereunder for easy reference: 7(1) Constitution of Special Courts.- (1) The Government may, for the purpose of providing speedy enquiry into any alleged act of land grabbing, and trial of cases in respect of the ownership and title to, or lawful possession of, the land grabbed

and those offences specified in Chapter XIV-A of the Karnataka Land Revenue Act, 1964, by notification, constitute a Special Court.

31. In such circumstances, any such pending action cannot be transferred to the Special Court in terms of Section 20 of the Act. The court before whom the matter is pending would have to proceed with the same in the ordinary course.

32. Under similar circumstances in W.P.No.50704/2019, disposed of 595 by the bench on 19.11.2019 we have held; 6. Having observed XXXX & JMFC, Mandya. Averments made in the plaint as extracted by the Special Court would disclose that plaintiff had specifically contended that suit schedule property was granted to him by Tahsildar, Mandya by grant order RUOL67498-99 on 16.09.2002. It is also contended that by way of such grant he has been in possession and enjoyment of said land and he has also installed I.P. set and has raised coconut, mango and chikkoo trees. In other words, it is the specific case of plaintiff that land in question i.e., suit schedule property was granted to him. For initiating proceedings under the Karnataka Land Grabbing Prohibition Act, 2011, provisions of Sections 2(e), 2(f) or 2(i) would be subject to such person falling within the definition of Section 2(e) and 2(f) of the Act. To put it differently, Court adjudicating the lis has to form an opinion that land which is in question is a government land and plaintiff/defendant, as the case may be, would fall within the definition of Section 2(e) or 2(f) and only 596 on such opinion being formed or finding recorded Civil Court will seize to have jurisdiction and only such matters requires to be transferred to the Special Court constituted under the Act as prescribed under Section 20. In the absence of such opinion or finding recorded by the Civil Court, there cannot be any transfer/simplicitor.

33. The above being the position of law, the action of Prl. Civil Judge and JMFC, Mandya said to be acting on the proceedings of Principal District and Sessions Judge, Mandya transferring records in O.S.No.105/2015 to the Special Court for disposal by referring to a Notification issued by the Government of Karnataka dated 10.08.2015 and the circular of this Court dated 22.03.2017 in a perfunctory manner is impermissible. The circular of this Court dated 22.03.2017 does not withdraw and transfer the cases to the Special Court. The said circular only

informs the jurisdictional District and Sessions Judges of the constitution of the Court and instructs such Judges to withdraw and transfer the cases falling under the Act to the Special Court at Bengaluru. It is therefore incumbent upon the Presiding Officers where a particular case is pending before said courts to arrive at a conclusion that particular case would satisfy the requirement of Section 20 of the Act. Only after recording such satisfaction, the 597 Presiding Officer of such Court would be empowered to transfer the matter to the Special Court.

34. In the present case, there is no objective satisfaction of the requirement of Section 20 of the Act recorded by the Prl. Civil Judge and JMFC, Mandya and trial Judge has proceeded to transfer the case as if the circular dated 22.03.2017 withdraws all the cases and transfers the same to the Special Court constituted under the Act, when in fact, it does not. The said circular categorically makes it clear that only such of the cases falling under the Act are to be transferred. The determination thereof, has to be made by a judicial order by the Presiding Officer, and it cannot mechanically transfer all matters merely because there is an allegation of land grabbing by any of the parites to the lis.

35. Any Court or Authority intending to transfer any proceeding to the Special Court has to satisfy itself and pass an order in terms of what is stated hereinabove. In the absence thereof, there cannot be an administrative order of transfer of a case. In other words, it has to be a judicial order passed after necessary application of mind and law for transferring the matter.

36. In view of the fact that there is no judicial order passed and there is no judicial application of mind to the factual aspects on the part of the Prl. Civil Judge and JMFC, Mandya, in the manner observed by us 598 hereinabove for transferring O.S.No.105/2015, the order of transfer made to the Special Court is not sustainable. Hence, we are of the considered view that Judgment passed by the Special Court in LGC(T) No.1627/2018 arising out of O.S.No.105/2015 is erroneous and same is to be set-aside.

115. In the light of the law laid down in the aforesaid writ petition, we are of the considered view that wherever the matters/suits which was pending before the authorities or the civil courts, which has since been transferred contrary to the

dicta laid down in the aforesaid case would require re-examination or re-consideration by the Special Court. Hence, we direct the Special Court to examine such cases and pass appropriate orders keeping in mind the observations made by this Court in W.P.No.51187/2019 disposed of on 26.11.2019. The petitioners are also at liberty to move the Special Court for appropriate orders being passed in this regard. 599 (10) RE: THOUGH SECTION7MANDATES CONSTITUTION OF ADDITIONAL BENCHES ACROSS THE STATE, SAME HAS NOT BEEN CONSTITUTED:

116. Section 7 of the KLGP Act-2011 empowers the State Government to constitute a Special Court. Sub-section (4) of Section 7 empowers the State to constitute additional Benches of Special Court by issuance of notification in respect of such area as may be specified therein. Substituted sub-section (3) of Section 9 speaks of acts of land grabbing to be tried only by the Special Courts constituted for the area in which the land is situated, or where there are more Special Courts than one for such area, by such one of them as may be specified in this behalf by the Government. The Government being conscious of this fact, while sustaining the impugned legislation, has placed on record by way of written submission dated 23.12.2020 (Annexures-R1 to R3) indicating about 7878 cases having been registered for the years 2016-2020 and 3429 cases 600 having been disposed of, leaving the pendency of the cases at 4449. The person alleged or accused of having either encroached or usurped the Government land, in any remote part of the State of Karnataka, would now be required to travel to the capital of the State of Karnataka namely, Bengaluru which would be not only onerous but also financially burdensome. There are many instances where the small holding farmers who either by sheer ignorance due to lack of knowledge would be tilling a piece of land adjacent to the land owned by them or granted by the appropriate Government and in such circumstances when they are visited with the prosecution or civil case is filed, they are required to travel from the remote corners which would not only be difficult but would also cause undue and untold hardship and correspondingly pinch their pocket and they have to travel to the Special Court located in Bengaluru at the cost of their days livelihood. Keeping this in mind, the legislature in its wisdom, has foreseen 601 such circumstances and has provided under Section 7 of the impugned Act, vesting the power with the

State to constitute such additional Benches as it may deem fit. Hence, we deem it fit and appropriate to issue suitable direction to the State hereunder to constitute Special Courts at the District level by taking into relevant facts like number of cases, feasibility, necessity, etc.,. (11) RE: ABATEMENT OF PROCEEDINGS.

117. Unamended KLGP Act-2011 did not provide for abatement of certain proceedings. However, under the amended Act 30 of 2020, Section 22 has been introduced and it reads:

"22. Abatement.- All proceedings pending and contemplated with respect to land as excluded under the proviso to sub- clause (d) of Section 2 of this Act, on the date of commencement of the Karnataka Land Grabbing Prohibition (Amendment) Act, 2020 shall stand abated". 602 In the light of certain proceedings pending and contemplated in respect of land as excluded under sub-clauses (a) and (b) of proviso to clause (d) of Section 2 of the KLGP Act-2011 providing for such proceedings being excluded from the purview of the Act, it would be necessary to extract proviso to clause (d) of Section 2 and sub- clauses (a) and (b) inserted thereunder: (d)Land includes,- (i) land belonging to the Government, Wakf or the Hindu Religious Institutions and Charitable Endowments, a local authority, a statutory or non statutory body owned, controlled or managed by the Government; (ii) rights in or over land, benefits to arise out of land, and buildings, structures and other things attached to the earth or permanently fastened to anything attached to the earth; Provided that 'land' shall not include lands in respect of which applications for grant are pending on the 603 date of commencement of this Act,- (a) under sections 94A, 94B, 94C and 94CC of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964); (b) under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Central Act 2 of 2007);

118. A plain reading of the above provisions would clearly indicate that all proceedings pending and contemplated with respect to land is excluded from the purview of the Act and the proceedings if any pending before the Special Court in this regard would stand abated. In the following cases, it would clearly indicate that either the applicant has filed application seeking regularisation under the

provisions of the Karnataka Land Revenue Act, 1964 or the Karnataka Land Grant Rules or the Scheduled 604 Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 etc. before various authorities and said applications have been either accepted by the Committees or it is yet to be adjudicated by the appropriate authorities. Sl.No.Writ petitions 1 W.P.No.27437/2017 2 W.P.No.56296/2017 3 W.P.No.9194/2018 4 W.P.No.22025/2018 5 W.P.No.26054/2018 6 W.P.No.26545/2018 7 W.P.No.26546/2018 8 W.P.NO.29281/2018 9 W.P.No.33339/2018 10 W.P.No.36737/2018 11 W.P.No.39179/2018 12 W.P.No.43352/2018 13 W.P.No.49786/2018 14 W.P.No.51528/2018 15 W.P.No.55172/2018 16 W.P.No.302/2019 17 W.P.No.3463/2019 18 W.P.No.3484/2019 19 W.P.No.5393/2019 20 W.P.No.8821/2019 21 W.P.No.12974/2019 22 W.P.No.22988/2019 23 W.P.No.27336/2019 24 W.P.No.27921/2019 25 W.P.No.28900/2019 26 W.P.No.29471/2019 605 27 W.P.No.35575/2019 28 W.P.No.35579/2019 29 W.P.No.42273/2019 30 W.P.No.51878/2019 31 W.P.No.51879/2019 32 W.P.No.52011/2019 33 W.P.No.52566/2019 34 W.P.No.45583/2019 35 W.P.No.220/2020 Hence, aforesaid petitioners are entitled to the relief sought for. SUMMARY OF OUR CONCLUSIONS:

119. In the light of aforestated discussion, we have summarized our conclusion as under: (a) We uphold the constitutional validity of the provisions of the Karnataka Land Grabbing Act, 2011 (Karnataka Act 38 of 2014) as amended by Act 30 of 2020 except to the extent of striking down part of sub-section (4) of Section 9 namely: But additional evidence, if any adduced in the civil proceedings shall not be 606 considered by the Special Court while determining the criminal liability on the ground of arbitrariness and vagueness. (b) The admissibility of the evidence as prescribed under Section 9(4) is ordered to be read as: The evidence admitted in criminal proceedings may be made use of while trying the civil liability and not vice versa. (c) The abatement of proceedings referred to in Section 22 by excluding the proceedings with respect to the lands covered under the proviso to sub-clause (d) of sub-section (2) shall also mean and include, the proceedings under the Karnataka Land Reforms Act, 1961, the Karnataka Land Revenue Act, 1964, Land Grant Rules Dharkasth Rules or any other Rules for grant * Corrected vide court order dated 23.04.2021 607 of land, which has attained finality and not pending in

appeal or revision before any other authority or forum and Section 2(d) proviso together clause (a) & (b) along with Section 22 shall be read as such. (d) The provision of Section 9(5)(b) as amended having been upheld, the expression summary manner occurring in Clause (b) and expression shall be tried in accordance with the procedure for trial of warrant cases occurring in proviso thereunder is ordered to be read as: The Special Court may try every offence under the Act as if it is a warrant case and only in exceptional circumstances, try in a summary manner for reasons to be recorded. 608 (e) We hold that all other Sections which are subject matter of challenge are legal and valid.

120. Having summarised the legal contentions as noted herein above, we now proceed to deal with few of the writ petitions on facts relating to different facets and angles in the light of proposition of law laid down, as discussed herein above. RE: W.P.No.47747/2017:

121. Petitioner claims to have entered into Joint Development Agreement on 15.03.1995 with Hanumanthaiah and family to develop the property bearing Sy.No.37 measuring 6 acres 21 guntas which is morefully described in the petition schedule and has sought for quashing of the order dated 08.03.2017 passed by the Special Court on the ground of petitioners having encroached the Storm Water Drain. The issue in this writ petition relates to disputed question of fact, which cannot be gone into by this court under Article 226 and 227 of the 609 Constitution of India and as such, the petition is liable to be dismissed. The legal issues relating to the constitutional validity urged in the writ petition has already been discussed in detail herein above. Subject to the observations made on the legal issues raised, this petition stands dismissed. Re: W.P.No.433/2017 122. Petitioner claims to have acquired title to the property bearing Sy.No.183, Phodi No.285 of Halagevoderahalli village, Kengeri Hobli, Bangalore South Taluk under registered sale deed and after conversion of the same, the revenue records have been mutated in the name of M/s.Shakthi Hill Resorts. The State is contending that the petitioner has encroached Sy.No.8 of Vodderapalya and as such, a complaint has been lodged before Subrahmanyanagar Police Station under Section 192A of the Karnataka Land Revenue Act, 1964 in CC No.4406/2013. When said proceedings were pending, the impugned Act came into force and as 610 such, proceedings

came to be transferred to the Special Court. Petitioner is said to have filed a suit in O.S.No.3595/2007 against respondents-1 to 3 herein and jurisdictional police and the suit came to be decreed by judgment and decree dated 12.09.2014. Whereas, the State is contending that petitioner has encroached the Government land. This is an issue which will have to be examined by the Special Court and the said disputed question of fact cannot be gone into by this court under Article 226 and 227 of the Constitution of India and as such, the petition is dismissed. 122.1 The judgment and decree passed in O.S.No.3595/2007 which is said to be enuring to the benefit of petitioner can be made use of by the petitioner in the proceedings pending before the Special Court. The legal issues relating to the constitutional validity urged in the writ petition has already been discussed in detail herein above. 611 Subject to the observations made on the legal issues raised, this petition stands dismissed. RE: W.P.No.10728/2017 123. Petitioner claims to have purchased the land measuring 3 acres and 19.35 guntas in Sy.No.95/1 and 95/2 situated at Veerasandra village, Attibele Hobli, Anekal Taluk under registered sale deed dated 26.07.2007. It is also contended that prior to purchase, it had been converted to non- agricultural purposes by the original owners. The dispute in this petition relates to Sy.No.99 of Veerasandra village, Anekal Taluk. The petitioner is claiming to be not in possession of any part of Sy.No.99 and the State is contending that petitioner has encroached 24.5 guntas in Sy.No.99 and attempting to demolish the structure. The issue in this writ petition relates to disputed question of fact, which cannot be gone into by this court under Article 226 and 227 of the Constitution of India and as such, the petition is liable to be dismissed. The 612 legal issues relating to the constitutional validity urged in the writ petition has already been discussed in detail herein above. Subject to the observations made on the legal issues raised, this petition stands dismissed. 123.1 There is an interim order passed in W.P.No.20892/2016 and 21084/2016 (KLR-RES) restraining the respondents from demolishing the property of the petitioner. The said order is in force as on date. Subject to the final orders passed in the said writ petition, the interim order would enure to the benefit of petitioner notwithstanding the disposal of this writ petition. RE: W.P.No.15532/2017:

124. Petitioner is a House Building Co- operative Society and had negotiated to purchase 100 acres of land in Adigarakallahalli village and claims to have

purchased either by itself or by its representatives upon acquisition proceedings , the plan came to be approved for 87 acres of land and is 613 said to have formed layout and allotted sites. Fifth respondent was allotted site pursuant to order dated 09.01.2015 and he being a member of the society , he is said to have filed a complaint before the Karnataka Land Grabbing Prohibitions Special Court contending that Sy.No.47 is encroached. Petitioner is said to have filed an application to get itself to have impleaded. The said proceedings is pending before Special Court. As to whether Sy.No.47 of Adigara Kallahalli village has been encroached or not is a disputed question of fact. In other words, the issue in this writ petition relates to disputed question of fact, which cannot be gone into by this court under Article 226 and 227 of the Constitution of India and as such, the petition is liable to be dismissed. The legal issues relating to the constitutional validity urged in the writ petition has already been discussed in detail herein above. Subject to the observations made on the legal issues raised, this petition stands dismissed. 614 RE: W.P.No.16281/2017:

125. The land bearing Sy.No.7 of Doddabele village, Kengeri Hobli came to be granted in favour of one Sri Narayani to an extent of 39 acres 18 guntas. He sold an extent of 15 acres in favor of Mrs. Bhima Mosa in the year 1933 as original grantee failed to pay land revenue to Government, it was forfeited and subsequently, the grantee paid the revenue to the Government on 12.07.1937. The purchaser Mrs.Bhima Mosa executed gift deed on 11.03.1938 in favour of Mrs.Elu Stormier and Joseph Stormier. One Mr.Chennaiah and his brother Mr.Tayappa purchased 5 acres out of 15 acres that was sold by the grantee on 25.06.1944, upon which it was renumbered as Sy.No.7/2. First petitioners husband and father of petitioners-2 to 4 purchased an extent of 4 acres 6 guntas under registered sale deed dated 11.12.1992 from Mr.Chennaiah. 125.1 Proceedings in R.A.No.179/1994-95 was initiated by the Assistant Commissioner to ascertain 615 as to whether Sy.No.7/5 of Doddabele village is actually a Government land or not. By order dated 26.10.2012 it was held that Sy.No.7/2 owned by petitioners as a private land and ordered for restoration of revenue entry. The said order challenged in Writ petition by third respondent came to be dismissed on 16.11.2015 . In the meanwhile, the land was converted for non-agricultural purposes on 09.07.2013. The appeal filed by the third respondent

challenging the mutation entry in favour of the petitioners has been dismissed. Thus, it would emerge from the records that it is a land which was granted in favour of the predecessor in title of the petitioners and the petitioners on facts, are entitled to the relief sought for. Hence, writ petition deserves to be allowed. Accordingly, writ petition is allowed. However, the issue of constitutional validity has already been upheld as discussed herein above. 616 RE: W.P.No.17180/2017 126. The land bearing Sy.No.29 & 31 of Keeranegere village, Maralavadi Hobli, Kanakapura Taluk measuring 1 acre 5 guntas and 21 guntas was Sarkari Beelu. It is so reflected in all the revenue records. An entry has been made by the third respondent by mutating the revenue records of the said land in favour of the father of fourth respondent. It is alleged that the said entry has been made in collusion with the revenue authorities. The appeal filed by the villagers before the appellate authority came to be dismissed and the Deputy Commissioner by order dated 19.08.2002 allowed the revision petition and ordered for restoration of the name of the Government. This order was set aside in W.P.No.34109/2002 by order dated 05.08.2005. 126.1 The Deputy Commissioner once again initiated action for restoration of the revenue entries and for resumption of the subject lands. Hence, fifth respondent filed W.P.No.11660-661/2010 challenging 617 the action of the revenue authorities, which writ petition came to be disposed of with an observation that by following the procedure contemplated in law namely, under Section 136(3) of the Karnataka Land Revenue Act, 1964 steps can be taken. Hence, Deputy Commissioner is said to have initiated proceedings, who held that fifth respondent is entitled for his name being entered in the revenue records and as such, dismissed the revision petition. On the advent of the impugned legislation complaint has been filed by the petitioner before the Special Court. The Special Court after appreciation of the entire material, has refused to take cognizance of the offence alleged and held it does not arise at all and accordingly, the complaint is dismissed. 126.2 In view of the fact that proceedings under Section 136(3) having attained finality in favour of fourth respondent, the claim of the petitioner ought to fail and as such, we find there is no infirmity in the order passed by the Special Court 618 calling for our interference. Hence, petition is dismissed. RE: W.P.No.21279/2017 127. Petitioner has filed an application in Form No.50 seeking regularization way back on 19.08.1991. The revenue authorities are seized of the

matter and it is under consideration. The said claim of the petitioner falls within the definition of Section 2(d) and on account of said application having not been disposed of, the proceedings before the Special Court abates vide Section 22 of KLGP Act-2011 and petition deserves to be allowed and accordingly, it is allowed. RE: W.P.No.23095/2017 128. Two acres of land in Sy.No.98 of Kumbalgodu village came to be allotted by the Deputy Commissioner in favour of 10 persons by O.M.dated 30.05.1953. In the year 1954, Grant certificate came to be issued in favour of Mr.Venkatachalaiah, 619 Mr.Hombarangaiah, Mr.Hanumanthaiah and Mr.Kenchaiah. Phodi proceedings initiated resulted in new Sy.No.being assigned in Sy.Nos.168 to 171. On 24.08.2006, the Government granted permission to Mr.Muttahanumaiah to sell the land bearing Sy.No.168. Likewise, permission was granted to Smt.Kempamma, wife of late Mr.Venkatachalaiah, Mr.Hombarangaiah and Smt.Lakkamma, wife of late Kenchaiah to sell the land in Sy.No.169, 170 and 171 respectively by order dated 17.10.2012, 04.05.2015, and 05.09.2006 respectively. Hence, Smt.Lakkamma and others sold land bearing Sy.No.171 to Mr.Victor Lobo and he in turn, sold 2 acres in favour of Mr.Prakash Nath @ Shekarappa, petitioner herein. Second respondent has filed a complaint alleging that land in Sy.No.98 (old No.) that it was not granted to anybody. The Special Court by order dated 23.01.2017 (Annexure-B) has taken cognizance of the offence whereunder, it has recorded as under:

620. The averments made in the complaint is that the land in Sy.No.98 of Kumbalgodu village, Bangalore South Taluk measures 80 acres 06 guntas and it is recorded in the Government records that the same is a Mufath Kaval. This land measuring 80 acres 6 guntas was never granted to anybody and at any point of time. It is primafacie seen that some local persons or outsiders in collusion with the revenue authorities might have fabricated illegal documents and based on the same and after getting phodi and conversion of land, have grabbed the land. 128.1 This order cannot be held as one without due application of mind. However, this court would not examine the probable defence at this stage and it would be open for the petitioners to establish before the Special Court as to the manner in which they have acquired title and/or predecessors in title having been granted land in question. We have not expressed any opinion with regard to merits of the case. Hence, writ petition stands dismissed. All contentions of both parties are left open.

621 RE: W.P.No.23800/2017 129. It is the contention of the petitioners that land measuring 6 acres 34 guntas in Sy.No.58 of Byrathi village, Bidarahalli Hobli, Bangalore East Taluk was sold to one Sri Chick Anneppa by public auction on 07.05.1985 and on his death, the revenue records were mutated in the name of second petitioner and his family members in the year 2005- 06. On 08.03.2007, second petitioner and his family members sold the land in favour of first petitioner and accordingly, revenue records were mutated in the name of first petitioner. On account of an application being filed for survey and fixing the boundaries and though it was recommended by the Tahsildar, the Assistant Commissioner passed an order for mutating the revenue records in the name of the Government. Hence, first petitioner filed an appeal before the Special Deputy Commissioner, who allowed the same by order dated 03.07.2009. This was challenged by the State before Karnataka 622 Appellate Tribunal under Section 50 of the Karnataka Land Revenue Act, which came to be dismissed by order dated 26.02.2015 and undisputedly, there was no challenge to this order or in other words, it has attained finality. 129.1 However, second respondent filed a complaint before the Special Court, upon which the cognizance has been taken. When the order passed by the Appellate Tribunal has attained finality, there was no justification for the jurisdictional Special Court to have proceeded to initiate proceedings under the impugned enactment. As such, the proceedings pending before the jurisdictional Court cannot be continued. The petitioners succeed and accordingly, the petition is allowed. RE: W.P.No.25219/2017 130. It is contended by the petitioners that the land bearing Sy.No.15 measuring 20 acres was granted on 12.11.1981. The Special Court based on a newspaper article has taken cognizance of the 623 offence . The order of the Special Court taking cognizance of the offence cannot be held as one without the application of mind. It is for the petitioners to demonstrate before the Special Court the alleged grant made in their favour and proviso to clause (b) of sub-section (5) of Section 9 of KLGP Act- 2011 empowers the Special Court to dismiss the complaint or drop the proceedings if it is of the opinion that there are no sufficient grounds for proceeding. As such, it would be open for the petitioners to establish the purported grant and its genuineness, which cannot be gone into in this writ petition. The issue in this writ petition relates to disputed question of fact, which cannot be gone into by this court under Article

226 and 227 of the Constitution of India and as such, the petition is liable to be dismissed. The legal issues relating to the constitutional validity urged in the writ petition has already been discussed in detail herein above. 624 Subject to the observations made on the legal issues raised, this petition stands dismissed. RE: W.P.No.27437/2017 131. In this petition, undisputedly, petitioner has filed an application under Section 94A of the Karnataka Land Revenue Act, 1964 for grant of 2 acres of land in Sy.No.203 of Singena Agrahara village in Form No.53. In that view of the matter, petitioner would be protected under Section 22 read with Section 2(d) of the KLGP Act-2011 and the proceedings before the Special Court stands abated. In other words, petitioner is entitled to the relief sought for. Hence, writ petition is allowed. RE: W.P.No.27573/2017 132. The composite land bearing Sy.Nos.41 and 42 of Kaniminike village, Kengeri Hobli, Bangalore South Taluk measuring around 300 acres are said to have been given to Inamdars and one of the Inamdars by name Sri Narasimharao executed a 625 sale deed on 28.09.1956 in favour of Sri Lakshmaiah. The said Sri Lakshmaiah and one Mr.Venkatappa conveyed the land to petitioner No.1 and Sri N.J.Joseph under two separate sale deeds dated 12.08.1965, pursuant to which revenue records were mutated. The said Sri N.J.Joseph is said to have conveyed half share in his property in favour of petitioner No.2 by sale deed dated 31.03.1975 and on his demise, his wife and children have executed release deed on 24.03.2010 in favour of the second petitioner and accordingly, revenue records were mutated. Petitioners are claiming to have planted more than 1600 coconut trees which are aged about 35 to 37 years and are carrying on agricultural operation. 132.1 When the things thus stood , petitioners are said to have been visited with an order dated 31.05.2010 passed by second respondent holding that 23 acres 33 guntas is a Government land and the petitioners have encroached the same by violating 626 Section 192A of the Karnataka Land Revenue Act. Writ petition was filed in W.P.No.59242-243/2016 challenging the said order and same is said to be pending. On the advent of the impugned legislation, the proceedings have been initiated against petitioners. As to whether the land claimed by the petitioners is encroached and/or it is a Government land is a disputed question of fact which cannot be gone into by this court under Article 226 and 227 of the Constitution of India and as such, the petition is liable to be dismissed. The legal issues relating to the constitutional

validity urged in the writ petition has already been discussed in detail herein above. Subject to the observations made on the legal issues raised, this petition stands dismissed. RE: W.P.No.32134/2017 133. Petitioners are claiming to be the absolute owners of the property bearing Khata No.1194/1095 situated at Ward No.29, III Division, Chickballapur Town and claims to have acquired title from Sri 627 Mallikarjuna Chinnappa Charitable Trust, under a registered sale deed dated 16.03.2003 and having purchased the same for consideration of Rs.50 lakhs. The khata is also said to have been mutated to the name of petitioners and taxes are said to have been paid. The title is based on the registered partition deed dated 16.12.1923 traceable to the predecessor in title of the petitioners namely, Sri Chikkabasappa, Sri Doddachinnappa and Sri Chikkachinnappa, who are said to have constituted a charitable Trust in the year 1964 and after having filed a petition under Section 92(1) for grant of permission for sale of property in favour of petitioners and in terms of the judgment and decree dated 23.11.2001 whereunder permission was granted , the property has been sold for a valuable consideration of Rs.50 lakhs. An application was filed by the petitioners to construct a cinema theatre and at that point of time, the Tahsildar is said to have given a negative report behind the back of the petitioners. 628

133.1 When the matter stood thus, respondents-5 to 7 have filed a complaint against petitioners under Section 9 of the impugned Act and after calling for a detailed report from Deputy Commissioner, which was submitted on 20.05.2017 and 08.06.2017, the Special Court is said to have taken cognizance of the offence. In the reports dated 20.05.2017 and 08.06.2017 (Annexures-D and D1) the Deputy Commissioner and Municipal Commissioner have opined that the property has been sold violating the terms and conditions of the Trust deed. 133.2 It is an undisputed fact that the property which was sold in favour of petitioners was by virtue of the order passed by the competent court in a Scheme suit i.e., O.S.No.2/2001 and when the said judgment and decree has become final, it is not open for the authorities to unsettle the settled position that too, by invoking impugned legislation. On facts, the petitioners are entitled to the relief 629 sought for. However, it is needless to state that respondents-5 to 7 would be at liberty to proceed/agitate their claim if any before the competent civil court if there has been any violation of the conditions of the Trust deed by the erstwhile Trustees. Hence,

petitioners are entitled to the relief sought for. Accordingly, writ petition stands allowed. RE: W.P.NO.32849/2017 134. Petitioners are claiming to be the lawful co-owners of coffee estate measuring 431 acres 7 guntas spread over 44 distinct Sy.Nos. and are claiming right through inheritance. It is contended that the partnership firm had purchased the lands under registered sale deed dated 03.11.1965 and in the year 1999 the Forest Guard, Sangameshwarpet Branch, Balehonnur is said to have determined that certain lands in Kadavanti village had been unauthorisedly encroached by the father of the petitioners. It was determined that the purported encroachment was to the extent of 165 acres. As to 630 whether there is encroachment, if so, to what extent and when the said encroachment has taken place are all disputed questions of fact, which cannot be gone into by this court under Article 226 and 227 of the Constitution of India and as such, the petition is liable to be dismissed. The legal issues relating to the constitutional validity urged in the writ petition has already been discussed in detail herein above. Subject to the observations made on the legal issues raised, this petition stands dismissed. RE: W.P.No.33085/2017 135. It is stated that petitioner's grandfather Sri Hanumanthappa was the tenant of certain inam lands including Sy.No.47 measuring 24 acres 37 guntas of Pantarapalya village, Kengeri Hobli, Bangalore South Taluk and land Tribunal is said to have rejected the claim and affirmed in W.P.Nos.37145 & 37229/2016 by order dated 05.04.2017. The said order is now said to be pending in W.A.Nos.2344-2347/2017 and the order of the 631 learned Single Judge is said to have been stayed. Petitioner's claim for grant of occupancy rights is said to be still pending. 135.1 On the advent of the impugned Act, the proceedings have been initiated. In view of our finding that in respect of matters relating to tenancy pending before the jurisdictional Court, the proceedings before the Special Court cannot be proceeded with. The outcome of the proceedings before the Special Court could be regulated on the basis of the decision that would be rendered in the pending Writ Appeal Nos.2344-2347/2017. In the event of appellant not succeeding in the said appeal, the proceedings before the Special Court which has now been initiated in GLC (S)No.14/2016 (suo motu) would stand revived by itself or the respondent - authorities would be at liberty to seek for revival of said proceedings. Accordingly, proceedings before Special Court stands disposed of with these observations. 632 RE: W.P.No.34202/2017

136. Petitioner claims to have purchased the land measuring 2 acres 30 guntas and kharab 26 guntas in Madanayakanahalli village, Dasanapura Hobli, Bangalore North Taluk. Second respondent is said to have filed a suit O.S.No.472/2014 against petitioner and others seeking declaration that plaintiffs are the owners of 1 acre 20 guntas out of 4.02 guntas in Sy.No.17 including 31 gunas kharab and to declare the sale deed dated 11.03.2002 as not binding. During pendency of the said suit, a petition under Section 9 has been filed by the second respondent before the Special Court against petitioner and 19 others alleging that respondents-1 and 2 before the Special Court have grabbed 6 guntas in Sy.No.17 and 19 guntas in Sy.No.16/3 kharab land and after formation of layout, respondents-1 and 2 have sold sites to respondents-3 to 20 who are attempting to put up construction. Based on the order passed by the Tahsildar, Bangalore Taluk dated 633 08.11.2013 and the revenue sketch produced by the petitioner which supported the allegation made in the petition, the cognizance has been taken by the Special Court. As to what is the nature of kharab and whether it is apt and appropriate to proceed further cannot be gone into by this Court, since it is a disputed question of fact requiring scrutiny of evidence and it would be open for the Special Court to examine the same and if it is of the opinion that there are no sufficient grounds for proceeding, it can dismiss the complaint or drop the proceedings as contemplated under proviso to clause (b) of sub- section (5) of Section 9 of KLGP Act-2011. Subject to these observations, petition stands disposed of. RE: W.P.No.35384/2017 137. The suo motu proceedings came to be initiated against the petitioner and summons was issued as per order dated 07.02.2017. Petitioner who is the Managing Director of the company M/s.Prestige Estates Projects Limited has been issued with the 634 summons. Section 6 of the impugned Act would indicate that where the offence is committed by a company, every person who at the time of offence was committed, was incharge and was responsible to the company for the conduct or business of the company, as well as the company, would be deemed to be guilty of the offence and shall be liable to be proceeded and punished accordingly. 137.2 It is trite law that the order taking cognizance should be self evident about the complicity of the person who is being arraigned as accused or in other words, it should disclose that the accused was either the person responsible to the company for the conduct of its day to day

business or it was committed with his knowledge. In the absence of these ingredients, the order of issuance of summons by taking cognizance of the offence would be illegal and as such, the proceedings cannot be continued. 635

137.3 In the instant case, the impugned order dated 27.09.2016 as well as the subsequent orders passed by the Special Court does not disclose either petitioner having committed the offence of land grabbing or the same having been done by the company at the instance of petitioner and petitioner being the Director, was aware of this fact and as such, he was responsible to the company for conduct of its business. Hence, the impugned order dated 27.09.2016 (Annexure-B) and the proceedings pending against petitioner before Special Court cannot be sustained and it is quashed. Accordingly, writ petition is allowed. RE: W.P.No.36324/2017 138. Petitioner claims to be the owner of the land bearing Sy.No.38 situated at 15th Cross, 2nd Block, R.T.Nagar, Bangalore. It is stated that the land originally bearing Sy.No.38/2 measuring 3 acres 14 guntas was acquired by Sri M R Govindaraju on 18.05.1949 under registered partition deed and it 636 was converted on 10.06.1982 from agricultural to non-agricultural purposes and betterment charges were also paid. Petitioner is claiming to be the wife of Sri Govindaraj. She has contended that the BBMP authorities have mutated the revenue records and has been collecting the taxes. 138.1 Suo motu proceedings have been initiated for removal of encroachment of 6 gunts of Raja kaluve at R.T.Nagar-Dinnur main road. As to what is the extent of Raja Kaluve and the buffer zone for the said raja Kaluve are all matters of evidence and the said issue cannot be gone into in the writ proceedings under Article 226 and 227 of the Constitution of India and as such, the petition is liable to be dismissed. The legal issues relating to the constitutional validity urged in the writ petition has already been discussed in detail herein above. Subject to the observations made on the legal issues raised, this petition stands dismissed. 637 RE: W.P.No.36610/2017 139. Petitioners are the office bearers of the Bangalore Airport City Lions Services Trust which is part of Lions Club of Bangalore Airport. It is said to be carrying on welfare camps at various places in Bangalore East Taluk. On a representation made on 16.08.1998 and 31.07.1999 to grant 1 acre 15 guntas in Sy.No.103 of Munnekolalu village, Bangalore East Taluk and to take up the project of running a hospital, it is pending consideration. The revenue authorities have conducted the

inspection including the Special Deputy Commissioner and have submitted a report that a hospital has been constructed and petitioners are in possession of said area. In fact, the Special Deputy Commissioner by communication dated 20.11.2000 has directed the Tahsildar to re-submit the file by fixing the market value of the property and a detailed report has been submitted by the Revenue Inspector on 22.12.2000 (Annexure-D2). Several inter-departmental 638 communications have taken place and by communication dated 28.04.2003 (Annexure-K), the Deputy Commissioner has recommended to the Divisional Commissioner for grant of the land in question by levying fine for the hospital building. In fact, by communication dated 30.07.2008 (Annexure- N), the Special Deputy Commissioner has directed the Assistant Commissioner to take steps to mutate the khata in the name of the Trust with respect to the land in question. 139.1 The Tahsildar, by order dated 20.05.2013 (Annexure-R) has initiated proceedings that 33 guntas in Sy.No.103 has been encroached by the petitioners and the said land is a Government land. Appeal has been filed in No.100/2017 which is said to be pending. In the meanwhile, on the advent of the impugned Act, the proceedings have been initiated against petitioner. 639

139.2 The application for grant of the land now pending before the revenue authorities and it is yet to be adjudicated and also the fact that appeal filed against the order dated 20.05.2013 passed by the Tahsildar now pending in Appeal No100/2017 before the appellate tribunal, case of the petitioners would fall under clause (a) of the proviso to Section 2(d) and as such, the petitioners are entitled to succeed in this petition. However, it is made clear that authorities would be at liberty to proceed against petitioners in the event of the application for grant of land sought for by the petitioners being rejected by the revenue authorities and the Appeal No.100/2017 being dismissed. Hence, the petition is allowed subject to the observations made herein above. RE: W.P.No.36640/2017 140. It is claimed that father of the petitioner was granted land measuring 2 acres in Tigalachowdanahalli village, Sarjapura on 12.11.1964 and by virtue of the same, revenue records were 640 mutated in the name of the grantee. On 21.02.2013 second respondent submitted a report to the Special Deputy Commissioner, Bangalore District for initiation of proceedings under Section 136(3) of KLR Act, which came to be dropped on 21.03.2013. The Government of Karnataka directed the Deputy

Commissioner to re-examine the orders passed by the Deputy Commissioner. Hence, Deputy Commissioner issued notice to the petitioner and an order came to be passed on 06.09.2016 (Annexure-M) holding that the grant in favour of the petitioner is genuine. Petitioner has continued to be in lawful possession of the property. 140.1 However, the proceedings under the impugned Act came to be initiated on 27.11.2016 in the light of the newspaper report. On service of summons, petitioner has appeared before the Special Court and produced the order of the Deputy Commissioner dated 06.09.2016. Yet, on the ground that the learned Advocate has not properly answered 641 the queries of the Special Court, the genuineness of the grant is suspected. In fact, Special Court also records its finding in the order passed by the Deputy Commissioner, the land granted to the father of petitioner was 2 acres. However, the sketch shows that it is an extent of 2.25 acres. On this ground, the Special Court has proceeded to frame the charges. When the grant is not held to be genuine or it is not found to be fabricated, question of proceeding under the impugned Act, on the facts and circumstances of the case is not called for. Hence, we are of the considered view that petitioner is entitled to the relief sought for. Accordingly, petition is allowed. RE: W.P.No.36690/2017 141. Petitioners-1 and 2 are said to have purchased the property to the extent mentioned in the sale deed dated 11.07.2013 in Sy.No.123, 124, 126, 127, 129 & 132 of Narayanaghatta village, Sarjapura Hobli, Anekal Taluk and have converted the said property to residential purposes by the 642 District Commissioner by order dated 30.05.2016 and 19.05.2016. It is also stated that petitioners-3 and 4 have not purchased any land in the said village. 141.1 A suo motu proceedings have been initiated by the Special Court on the basis of newspaper article. Cognizance of the alleged offence has been taken by the Special Court and before taking cognizance, detailed report from the jurisdictional Tahsildar was called for and the report of the Tahsildar indicated that an extent of 2 acres 20 guntas in Sy.No.128 had been encroached upon and possession has since been taken. However, there is no whisper with regard to the complicity of accused Nos.3 and 4. As to whether the petitioners-1 and 2 had encroached Sy.No.128 to the extent of 2 acres 20 guntas as alleged is a matter which requires to be examined and the claim of the petitioners for quashing of the proceedings initiated by the Special Court against them cannot be entertained. The issue 643 in

this writ petition relates to disputed question of fact, which cannot be gone into by this court under Article 226 and 227 of the Constitution of India and as such, the petition is liable to be dismissed. The legal issues relating to the constitutional validity urged in the writ petition has already been discussed in detail herein above. Subject to the observations made on the legal issues raised, this petition stands dismissed insofar as petitioners-1 and 2 are concerned. 141.2 However, the proceedings initiated in LGC.125/2016 (Annexure-A) insofar as petitioners - 3 and 4 by the Special Court stands quashed. Hence, petition is allowed in part. RE: W.P.No.36760/2017 142. Petitioner claims to have acquired title to the property bearing Sy.No.183, Phodi No.285 of Halagevoderahalli village, Kengeri Hobli, Bangalore South Taluk under registered sale deed and after conversion of the same, the revenue records have 644 been mutated in the name of M/s.Shakthi Hill Resorts. The State is contending that the petitioner has encroached Sy.No.8 of Vodderapalya and as such, a complaint has been lodged before Subrahmanyanagar Police Station under Section 192A of the Karnataka Land Revenue Act, 1964 in CC No.4406/2013. When said proceedings were pending, the impugned Act came into force and as such, proceedings came to be transferred to the Special Court. Petitioner is said to have filed a suit in O.S.No.3595/2007 against respondents-1 to 3 herein and jurisdictional police and the suit came to be decreed by judgment and decree dated 12.09.2014. Whereas, the State is contending that petitioner has encroached the Government land. This is an issue which will have to be examined by the Special Court and the said disputed question of fact cannot be gone into by this court under Article 226 and 227 of the Constitution of India and as such, the petition is dismissed. The judgment and decree 645 passed in O.S.No.3595/2007 which is said to be enuring to the benefit of petitioner can be made use of by the petitioner in the proceedings pending before the Special Court. The legal issues relating to the constitutional validity urged in the writ petition has already been discussed in detail herein above. Subject to the observations made on the legal issues raised, this petition stands dismissed. RE: W.P.No.37713/2017 143. Petitioner claims to be the owner of land bearing Sy.No.121 of Vabasandra village, Kasaba Hobli, Gudibande Taluk, Chikballapur District measuring 2 acres 30 guntas having purchased under the sale deed dated 24.01.2007 and Khata is said to have been mutated in the name

of the petitioner in the revenue records. 143.1 Proceedings under the impugned Act came to be initiated by 7th respondent before the Special Court and the Special Court after having taken cognizance issued notice to the petitioner 646 herein. The objections filed and the documents produced by the petitioner did not disclose the title of the vendor of the petitioner. In fact, the mutation entry made in favour of the petitioner was cancelled in R.A.(G) 55/2014-15 by the Assistant Commissioner. The revision proceedings pending before Deputy Commissioner came to be transferred to Special Court. In fact, in the civil proceedings, petitioner has been unsuccessful to establish primafacie possession of the land. That apart, the possession of the land in question was taken from petitioner by the State on 10.03.2017. All these facts have persuaded the Special Court to continue with the proceedings which we find does not suffering from any infirmity calling for our interference. 143.2 The issue in this writ petition relates to disputed question of fact, which cannot be gone into by this court under Article 226 and 227 of the Constitution of India and as such, the petition is liable to be dismissed. The legal issues relating to the 647 constitutional validity urged in the writ petition has already been discussed in detail herein above. Subject to the observations made on the legal issues raised, this petition stands dismissed. RE: W.P.No.40597/2017 144. The petitioner is said to be the Managing Trustee of Hanumagiri Private Trust and it is stated that a temple had been in existence in Sy.No.28 of Arehalli village, Uttarahalli Hobli, Bangalore South Taluk for over 150 years. It is also stated that the devotees have established Sri Gururaghavendra Swamy Brindavana under the aegis of the Mantralaya Mutt, Raichur. It is stated that the revenue records have been mutated by the BBMP authorities and the said temple and Mutt is catering to the needs of the general public. 144.1 When the matter stood thus, communication dated 06.01.2017 was addressed to the Trust by the Tahsildar - second respondent alleging that the Trust had encroached an extent of 1 648 acre 5 guntas of Government Gomal land. A reply was submitted on 11.01.2017 either for absolute grant or for grant of lease for minimum period of 30 years. However, even before the ink on the said representation could dry, the proceedings have been initiated under the impugned Act. 144.2 When the representation of the petitioner dated 11.01.2017 (Annexure-F) seeking for grant of the land is pending, we are of the considered view that proceedings under the impugned Act cannot be

continued in view of the fact that proceedings abates as provided under Section 22 read with Section 2(d) of KLGP Act-2011 and the said benefit extended to all the applicants where same is pending before the authorities. 144.3 Hence, the petitioner succeeds and proceedings pending before Special Court against petitioner in LGC (S) 13/2017 stands quashed as having abated. However, we make it clear that in the event of application/representation of the petitioner 649 being dismissed or rejected by the authorities, the respondent-authorities would be at liberty to initiate proceedings afresh against petitioner. RE: W.P.No.41593/2017 145. On the basis of newspaper report dated 18.07.2016 that respondents have taken possession of encroached Government land including the land in Haralur village, Bangalore East Taluk, suo motu proceedings came to be initiated against petitioner and summons was issued to the Manager of M/s.Prestige Group, who in turn, appeared and obtained bail. The Special Court noticed that case against each one of accused is in different Sy.Nos. and at different places, directed the Office to split the case against accused person. The case pertaining to Sy.No.32 of Haralur village, Bidarahalli Hobli was renumbered as LGC(S)508/2017. In fact, the Manager who appeared before the Special Court has filed his statement of objections and brought to the notice of the Special Court about the notice issued on 650 12.01.2016 by the fourth respondent herein alleging encroachment of the Government lake, for which, reply dated 27.01.2016 (Annexure-J) have been submitted by M/s.Prestige Estates Project Limited, whereunder an appointment of the Surveyor was sought for to bifurcate the land owned by the company and the Government lake. However, no such surveyor has been appointed. Yet, the proceedings against the petitioner has been initiated. Either in the order dated 27.09.2016 or the subsequent orders passed by the Special Court do not disclose about petitioner having committed the offence of land grabbing or the same having been done by the company at the instance of the petitioner or petitioner being the Director, was aware of this fact and as such, he was responsible to the company for conduct of its business. 145.1 It is trite law that the order taking cognizance should be self evident about the complicity of the person who is being arraigned as 651 accused or in other words, it should disclose that the accused was either the person responsible to the company for the conduct of its day to day business or it was committed with his knowledge. In the absence of these ingredients, the order

of issuance of summons by taking cognizance of the offence would be illegal and as such, the proceedings cannot be continued. Hence, the impugned order dated 27.09.2016 (Annexure-C) and the proceedings pending against petitioner before Special Court cannot be sustained and it stands quashed. Accordingly, writ petition is allowed. RE: W.P.No.42959/2017 146. First petitioner claims to be the absolute owner of the land bearing Sy.No.86/2 (Sy.No.86) measuring 20 guntas and Sy.No.178/1 measuring 17 guntas of Kothanoor village, Uttarahalli Hobli, Bangalore South Taluk. It is stated that said Sy.No.86 measured in all, 9 acres 8 guntas was purchased by Sri Dayananda Reddy under sale deed 652 dated 10.07.1969. The said property was phoded and separate hissa number is allotted as 86/1, 86/2 and 86/3 and same not being in accordance with the title deeds, the Joint Director of Land Records set aside the phodi by order dated 22.03.2017. However, during the interregnum, the property which was phoded as 86/2 measuring 1 acre 14 guntas and 4 guntas of kharab was converted from agricultural to non-agricultural residential purposes by order dated 09.03.1993. First petitioner is said to have purchased the property in Sy.No.86/2 measuring 20 guntas under a sale deed dated 25.11.2011 (Annexure-B). Petitioners claim to have obtained approvals from statutory authorities for the purpose of development and construction of residential apartments and construction was commenced. 146.1 On account of newspaper report dated 05.11.2016 carried in Vijaya Karnataka mentioning about various other projects taken up by other builders and it is built on a lake boundary, a notice 653 dated 19.12.2016 came to be issued to the second petitioner and the Special Court initiated suo motu proceedings against the petitioners. 146.2 The orders passed by the Special Court on 22.02.2017 would disclose that the Deputy Director of Town Planning, Head Office, BBMP has been directed to furnish all the details of the construction made by first petitioner and the jurisdictional Tahsildar has been directed to file survey report. However, the subsequent order does not indicate about such details or reports having been placed before the Special Court. In fact, by order dated 04.07.2017 the Deputy Director (Town Planning), Head Office, BBMP has been directed to produce records regarding constructions made by first petitioner. This also seems to have not placed before the Special Court and on account of notice issued by the Special Court, petitioners are before this court. 654

146.3 In the light of Section 9 having been amended by Act 30 of 2020 and proviso to clause (b) of sub-section (5) of 19 enabling the Special Court to dismiss the complaint or drop further proceedings, if it is of the opinion that there are no sufficient grounds for proceeding, it is open to the Special Court to dismiss or drop the proceedings against petitioners. However, for arriving at such a conclusion, reports which have been called for will have to be necessarily looked into. 146.4 The said issue is a disputed question of fact, which cannot be gone into by this court under Article 226 and 227 of the Constitution of India and as such, the petition is liable to be disposed of by directing the Special Court to expeditiously secure the records which have been called for from the statutory authorities and on evaluation of the same, proceed to pass appropriate orders as it deems fit. The legal issues relating to the constitutional validity urged in the writ petition has already been discussed 655 in detail herein above. Subject to the observations made on the legal issues raised, this petition stands disposed of. RE: W.P.No.43059/2017 147. Petitioner is claiming to be in possession of portion of the land in Raghavanapalya Village Jodi/Inamti (Ward No.194), which village the State took possession through notification dated 13.01.1959. The Special Court has arrived at a conclusion that there was enough material on record to show that the allegation of land grabbing made against respondents-1 to 4 for the offence punishable under the impugned Act being there. Hence, cognizance has been taken and challenging the same, on various grounds, this petition has been filed. 147.1 The issue in this writ petition relates to disputed question of fact, which cannot be gone into by this court under Article 226 and 227 of the Constitution of India and as such, the petition is 656 liable to be dismissed. The legal issues relating to the constitutional validity urged in the writ petition has already been discussed in detail herein above. Subject to the observations made on the legal issues raised, this petition stands dismissed. RE: W.PNo.43227/2017 148. Petitioner has entered into a Joint Development Agreement with M/s.D.M.Holdings Private Limited in respect of property bearing BBMP Khata No.144/36, 39, 40, 41 and 44/144 comprising in Sy.No.36, 39, 40 and 41 situated at Kalena Agrahara, Begur Hobli, Bangalore South Taluk. It is stated that BBMP has accorded approval for construction. A supplemental agreement is said to have been entered on 18.11.2010 (Annexure-B). 148.1 Based on a newspaper report, suo motu

proceedings have been initiated against petitioner alleging land in Sy.No.43 of Kalena Agrahara lake has been encroached. 657

148.2 In fact, a complaint was given by Executive Engineer, Byatarayanapura zone on 08.10.2015 stating thereunder that one boy by name Master Prakash, aged 15 years have been drawn in to Raja Kaluve coming under the jurisdiction of Ward No.6 of BBMP, wherein Raja Kaluve was crossing the property of petitioner and dead body of the boy was found near the Raja Kaluve. It is this incident which is said to have resulted in the proceedings being initiated against petitioner. 148.3 The sum and substance of the grievance of the petitioner is on mere surmises the proceedings have been initiated against petitioner and no portion of any Government land has been encroached upon and there is a road between disputed Sy.No.44 and the Kalena Agrahara lake. Hence, the petitioner has sought for quashing of the proceedings by relying upon several documents along with the petition and also by relying upon the photographs appended thereto. 658

148.4 As to whether there exists a lake, the extent of it, the area or the land owned by the petitioner and the construction put up thereof by the petitioner is within the said area or by encroaching upon the abutting and adjacent Government land are all disputed questions of fact, which cannot be gone into by this court under Article 226 and 227 of the Constitution of India and as such, the petition is liable to be dismissed. The legal issues relating to the constitutional validity urged in the writ petition has already been discussed in detail herein above. Subject to the observations made on the legal issues raised, this petition stands dismissed. RE: W.P.No.44273/2017 149. It is the contention of petitioners that land bearing Sy.No.249 measuring 7 acres 28 guntas and Sy.No.35 measuring 35 guntas of Y.N.Hoskote village, Pavagada Taluk originally belonged to Sri Koteswara devaru and it was an inam land. It is further contended that one Sri Kare Hanumanthappa was 659 occupier of the land for more than 30 years and he purchased the said land from Sri Markandeya Shastri, who in turn, purchased the said land from Sri Ashwath Shastri who is said to be the recognized holder and title deed was issued in his name. 149.1 Proceedings against the petitioners came to be initiated by the Special Court on the basis of the report published in the local newspaper of temple land having been encroached upon. Subsequently, second respondent herein is

said to have filed a complaint against petitioners herein and other persons alleging that land belonging to the temple has been usurped. 149.2 The order taking cognizance as well as the subsequent order dated 25.05.2017 passed by the Special Court would indicate that on the basis of statement made by the members of the Gram Panchayat and Zilla Panchayat about property belonging to the temple have been illegally acquired by the members of the Revenue Department and the 660 temple priests by producing false documents and selling the same, resulted in notices being issued to the petitioners. 149.3 The issue as to whether records relied upon by petitioners are genuine or otherwise is to be examined after full fledged trial and this court in writ jurisdiction would not be in a position to examine the said facts. In other words, the issue involved in this writ petition relates to disputed questions of fact, same cannot be gone into by this court under Article 226 and 227 of the Constitution of India and as such, the petition is liable to be dismissed. The legal issues relating to the constitutional validity urged in the writ petition has already been discussed in detail herein above. Subject to the observations made on the legal issues raised, this petition stands dismissed. RE: W.P.No.44687/2017 150. A complaint came to be lodged by the Executive Engineer, Byatarayanapura zone on 08.10.2015 alleging thereunder that one boy by 661 name Master Prakash, aged 15 years have been drawn in to Raja Kaluve coming under the jurisdiction of Ward No.6 of BBMP, wherein Raja Kaluve was crossing the property of petitioners and dead body of the boy was found near the Raja Kaluve. Hence, an FIR in Crime No.288/2015 for the offence punishable under Section 447, 304A IPC and 192A of the Karnataka Land Revenue Act, 1964 came to be registered against M/s.Manyata Embassy Business Park, of which petitioners are said to be the Directors. 150.1 The sum and substance of the grievance of the petitioners is on mere surmises the proceedings have been initiated against petitioners and no portion of any Government land has been encroached upon and petitioners have not encroached the Raja Kaluve. It is also contended that BBMP contractor in order to protect the pipes, had formed a mud road in the land adjacent to Raja kaluve and petitioners have not been laying any pipes 662 for formation of the road. Hence, petitioners have sought for quashing of the proceedings by relying upon several documents produced along with the petition. 150.2 As to whether petitioners have encroached any portion of the land

adjacent to Raja Kaluve or the Raja Kaluve itself is an issue which will have to be examined after evaluating the evidence that may be tendered by the parties before the Special Court. These disputed questions of facts cannot be gone into by this court under Article 226 and 227 of the Constitution of India and as such, the petition is liable to be dismissed. The legal issues relating to the constitutional validity urged in the writ petition has already been discussed in detail herein above. Subject to the observations made on the legal issues raised, this petition stands dismissed. RE: W.P.No.45114/2017 151. A complaint has been lodged by fifth respondent that various residents of Kushalnagar 663 were encroaching the Government land and Town Municipal Council officials were supporting the same. Petitioner herein was granted land by the Committee constituted for Akrama Sakrama under Section 94 of the Karnataka Land Revenue Act, 1964 read with Rule 108 of the Karnataka LR Rules. Undisputedly, said order of grant has not been set aside. In view of the fact that the land in question which is alleged to have been grabbed by petitioner not being in illegal possession and by virtue of the grant, he being in possession, proceedings initiated against petitioner cannot be continued. As such, petitioner succeeds and accordingly, writ petition stands allowed. Proceedings initiated against petitioner now pending in LGC(P)637/2017 before the Special Court (Annexure-A) insofar as petitioner is concerned is quashed. RE: W.P.No.47887/2017 152. Petitioner is claiming to be the absolute owner of the property bearing Sy.No.218/1, situated 664 at Badagamijr village, Mangalore Taluk, D.K.District. it is alleged by respondents that petitioner has occupied and taken 100 loads of mud from the Government road from Sy.No.218/1 to develop the property belonging to her. In this regard, Revenue Inspector, Moodabidre gave a complaint to Moodabidre Police registered in Crime No.217/2014 for the offence punishable under Section 192A of Karnataka Land Revenue Act, 1964 and it was numbered as CC No.580/2015. 152.1 On the advent of the impugned Act, same has been transferred to the Special Court. The issue involved in this writ petition relates to illegal occupation of the land by the petitioner, which is a disputed question of fact and same cannot be gone into by this court under Article 226 and 227 of the Constitution of India and as such, the petition is liable to be dismissed. The legal issues relating to the constitutional validity urged in the writ petition has already been discussed in detail herein

above. 665 Subject to the observations made on the legal issues raised, this petition stands dismissed. RE: W.P.No.50674/2017 153. Petitioner claims to be the absolute owner in possession of vacant site bearing No.26 of Vasanthapura village having purchased the same from M.L.Ramachandra Gowda under registered sale deed dated 08.07.2003. The said site is said to have been formed in land bearing Sy.No.54 and not in Sy.No.55. it is further claimed that vendor had acquired the said property under registered partition deed dated 26.12.1974. It is stated that petitioner has sold the site to one Sri Krishnamurthy Naidu under registered sale deed dated 23.09.2004 and he in turn, has sold the same in favour of Smt.R Vasantha under sale deed dated 16.05.2006, who is said to have put up construction of a house and residing therein. It is contended that site No.26 purchased by the petitioner is in no way connected to the land bearing Sy.No.55. 666

153.1 As to whether the site purchased by the petitioner is in Sy.No.54 or any portion of the sites formed in Sy.No.54 will have to be examined on the basis of the evidence that may be tendered by the parties. It is for this precise reason, the Special Court while taking cognizance of the offence has opined that petitioner herself is not sure of the exact location of her site. It is needless to state that petitioner were to demonstrate before the Special Court that site purchased by her did not fall within Sy.No.55 and it is carved out of Sy.No.54, necessarily the Special Court would drop further proceedings by taking recourse to proviso to clause (b) of sub-section (5) of Section 9. 153.2 The issue in this writ petition relates to disputed question of fact, which cannot be gone into by this court under Article 226 and 227 of the Constitution of India and as such, the petition is liable to be dismissed. The legal issues relating to the constitutional validity urged in the writ petition has 667 already been discussed in detail herein above. Subject to the observations made on the legal issues raised, this petition stands dismissed. RE: W.P.No.51160/2017 154. Petitioners have been granted 2 acres each to carry out quarrying in Sy.No.224/P1 at Daddigatta (Bettadahalli), Shravanabelagola Hobli, Chennarayapatna Taluk under Karnataka Minor Mineral Concession Rules. This is borne by the voluminous records produced by the petitioners, which fact is also admitted by the Special Court itself in the order taking cognizance of the alleged offence dated 03.11.2017 (Annexure-Y). The only ground on which the cognizance

has been taken is that at that stage allegation made in the complaint cannot be brushed aside. This opinion seems to have been formed on the basis of the petitioners having remitted fine to the Mines and Geology Department for having stored the minor mineral extracted in the adjacent Government land. On this basis, it cannot 668 be construed that there has been encroachment of the Government land by the petitioners. In fact, the report of the Assistant Commissioner dated 25.10.2017 (Annexure-W), it has been clearly held that there is no encroachment of Government land by the petitioners. As such, on the facts obtained in the instant case, it cannot be construed the order taking cognizance of the offence is just and proper. 154.1 For the reasons aforestated, we are of the considered view that petitioner is entitled to the reliefs sought for in the facts obtained in the present case. Hence, writ petition is allowed. Order dated 03.11.2017 (Annexure-Y) passed by the Special Court in LGC(P)No.635/2017 is hereby quashed. RE: W.P.No.52972/2017 155. Petitioners claim to have been granted possession of 32 cents of land in Sy.No.192/1A3C and 192/1A3E of Voderahobli village, Kundapur by the Government vide order dated 04.12.1964. 669

155.1 Proceedings under the impugned Act has been initiated on the basis of complaint lodged by jurisdictional Tahsildar on the ground that petitioner has encroached upon the Government land. Record on hand would indicate that there were several correspondence between the petitioners and respondent-authorities and on account of personal hearing having not been extended to the petitioner to demonstrate that no portion of Government land was encroached, for reasons best known, same was not extended. Hence, petitioners had approached this Court in W.P.Nos.62974-975/2016 which came to be disposed of on 20.06.2017 (Annexure-K) quashing the order impugned therein and directing the respondent-authorities to extend petitioners an opportunity. Thereafter, an order came to be passed on 14.11.2017 by second respondent by arriving at a conclusion that the land bearing Sy.No192/1A3A1C measuring 0.32 acres situated at Voderahobli village, Kundapura taluk and the building constructed 670 thereon is by encroaching the land vested to the Government and second respondent has called upon the petitioners to hand over the building to the custody of the Government. It is thereafter, proceedings under the impugned Act has been initiated. 155.2 As to what is the extent of Government land which is abutting the land which has been

granted to the petitioners and whether there is any encroachment are all disputed questions of fact. Said disputed questions of fact, cannot be gone into by this court under Article 226 and 227 of the Constitution of India and as such, the petition is liable to be dismissed. The legal issues relating to the constitutional validity urged in the writ petition has already been discussed in detail herein above. Subject to the observations made on the legal issues raised, this petition stands dismissed. 671 RE: W.P.No.53008/2017 156. Petitioner claims to be the owner of the land bearing Sy.No.218/1 situated at Badagamijar village, Mangalore Taluk, D.K.District. It is alleged by respondents that petitioner has occupied 15 cents of Government land in Sy.No.218/1 to develop the property belonging to her. In this regard, Tahsildar, Moodabidre gave a complaint to the Special Court for the offence punishable under Section 192A of Karnataka Land Revenue Act, 1964. 156.1 The Special Court is examining the said issue with regard to encroachment. The issue involved in this writ petition relates to illegal occupation of the Government land by the petitioner, which is a disputed question of fact and same cannot be gone into by this court under Article 226 and 227 of the Constitution of India and as such, the petition is liable to be dismissed. The legal issues relating to the constitutional validity urged in the writ petition has already been discussed in detail herein above. 672 Subject to the observations made on the legal issues raised, this petition stands dismissed. RE: W.P.No.54035/2017 157. Petitioner entered into a Joint Development Agreement dated 12.06.2015 with the owners of the property bearing Sy.No.36/1 and 36/2 of Ananthapura village, Yelahanka Hobli, Bangalore North Taluk and it was converted for non-agricultural residential purposes vide order dated 15.12.2011 and 27.04.2010 respectively (Annexures-E and F). subsequently, both properties were merged into one by order dated 17.06.2014 and khata certificate was accordingly issued. 157.1 There was a pond in A Kharab land of Sy.No.36/2, which was abutting the schedule property as the same would make the property unusable. The owners of the land also requested the Deputy Commissioner to shift the drain to the western side of the property so as to reach the drain made by the BBMP. Subsequently, on matter being 673 referred to jurisdictional Tahsildar, survey was conducted and by report dated 13.10.2014, the drain was allowed to be shifted to south western side. In fact, Tahsildar has also obtained no objection from the villagers. Fourth respondent,

after considering the report of the Tahsildar, by order dated 18.02.2015 allowed the shifting of the kharab land which was existing in Sy.No.36/2 and half gunta in Sy.No.36/5 towards south western side from North to South in the remaining land of Sy.No.36/2. On obtaining the sanctioned plan from BBMP, petitioner is said to have commenced construction and at that juncture, the communication dated 27.05.2016 came to be issued by third respondent alleging encroachment, which was challenged by the petitioner in W.P.No.47296-297/2016 before this Court and said notice has been stayed. 157.2 On the advent of the impugned Act, proceedings under the KLGP Act, 2011 has been initiated against petitioner. When the 674 communication dated 27.05.2016 has been challenged by petitioner and same being pending in W.P.No.47296-297/2016, question of proceeding against petitioners under the KLGP Act-2011 does not arise. In the event of petitioners succeeding in the said writ petitions and simultaneously if the petitioners are made to undergo the ordeal of trial before the Special Court, it would definitely be prejudicial to the interest of the petitioners. Hence, we are of the considered view that till disposal of the proceedings in the aforesaid writ petitions, the present prosecution initiated against petitioner cannot continue. In other words, petitioner is entitled to the relief sought for. However, we make it clear that in the event of petitioners not succeeding in the writ petition Nos.47296-297/2016, respondent-authorities would be at liberty to initiate fresh proceedings against petitioner. 157.3 Subject to this observation, writ petition is allowed and the proceedings pending before the 675 Special Court in LGC (S) 30/2017 (Annexure-B) is hereby quashed. RE: W.P.Nos.54081/2017 & 54082/2017 158. Petitioners claim that land bearing Sy.No.33 measuring 81 acres situated at N.R.Pura Taluk, Chikmagalur District, land bearing Sy.No.38 measuring 5 acres and land bearing Sy.No.52 measuring 15 acres in Chikmagalur District, Koppa Taluk of Devagudu village was granted in favour of Sriyuths Abdul Rehman, Babar Pasha, Aurangzeb and T.R.Shankarappa Hegde vide order dated 29.01.1930, 1955, 30.12.1972 and 20.01.1960 respectively. The said property bearing Sy.No.33 was said to have been settled in favour of two brothers Auragzeb and Babar Pasha under a family settlement deed dated 22.11.1957 and they constituted a partnership firm and treated the said property as the asset of partnership firm. It is stated that said firm developed an estate called as Halasuru estate. Under the deed of reconstituted firm,

Smt.Malavika 676 Hegde is said to have joined the firm as incoming partner and two brothers referred to supra have retired from the firm. The petitioners are said to have inherited the property bearing Sy.No.38 and 52 referred to herein supra. 158.1 In respect of aforesaid Sy.Nos., second and third respondent respectively is said to have made a report alleging encroachment and directing the petitioners to hand over possession. Insofar as Sy.No.38 and 52 are concerned, petitioners are said to have handed over the land to the authorities after survey and this is evident from the Mahazar dated 16.01.2014 (Annexure-J in W.P.No.54082/2017). However, insofar as Sy.No.33 is concerned, second respondent by report dated 16.05.2014 (Annexure-F in W.P.No.54081/2017) has alleged encroachment of 122.17 acres and have directed the petitioner to remove the encroachment. 158.2 Undisputedly, an extent of 64 acres 39 guntas in Sy.No.38 & 52 of Koppa Taluk, Devagudu 677 village which had been trespassed by the petitioner has been handed over as evident from the mahazar dated 16.01.2014 (Annexure-J). Hence, proceedings initiated against petitioner in W.P.No.54082/2017 cannot be found fault with. 158.3 Insofar as the land bearing Sy.No.33 wherein the authorities are contending the petitioner has encroached to the extent of 122.17 acres is concerned, the same has been denied by relying upon the village map, tippani, grant certificate, GPS sketch, etc. In fact, the fourth respondent by report dated 19.07.2017 has stated that alleged encroached land has been handed over from the possession of the petitioner in W.P.No.54081/2017. Thus, as on the date of initiation of proceedings, the encroachment has stood proved and as such, the proceedings against the petitioners cannot be found fault with. Accordingly, both the writ petitions stand dismissed. 678 RE: W.P.No.55683/2017 159. Petitioners are said to have been granted land measuring 20 acres 6 guntas in Sy.No.26 & 27 of Kasavanahalli village, Varthur Hobli, Bangalore South Taluk and delivered possession of it and as such, petitioners are claiming to be in possession of the said land. When the matter stood thus, the Tahsildar passed an order on 19.06.2014 (Annexure- J) stating that in Sy.No.27, a cart road of 20 feet wide is encroached by petitioners and called upon the petitioners to remove the encroachment. Challenging the same, appeal was filed in 17/2016-17 before the Assistant Commissioner and the order dated 19.06.2014 has been stayed on 21.10.2017. 159.1 Based on the order dated 19.06.2014, the case was referred to

BMTF which has initiated the proceedings under Section 192A of the KLR Act and charge sheet is filed in CC No.27045/2015, which proceedings came to be transferred to the Special Court on the introduction of the impugned Act and 679 said proceedings has been numbered as LGC(P) 886/2017. On the basis of the complaint filed by the second respondent herein, proceedings in LGC(P) 224/2017 has been initiated against petitioners. 159.2 As to whether petitioners have encroached a cart track or otherwise, will have to be examined by the appellate authority which is adjudicating the Appeal No.17/2016-17. In the event of present proceedings being continued against petitioners and appellant succeeding before the appellate authority, would definitely be onerous to the petitioners to undergo the ordeal of trial. In the fitness of the things, it would be apt and appropriate to reserve liberty to respondents to initiate the proceedings or the Special Court would be at liberty to revive the proceedings initiated against petitioners in the event of Appeal No.17/2016-17 pending before Assistant Commissioner, Bangalore North Sub- division being dismissed. Thus, for the present, petitioners are entitled to the relief sought for. 680 Accordingly, writ petition is allowed. Proceedings initiated in LGC(P)224/2017 and LGC(P)886/2017 stands quashed subject to observations made herein above. RE: W.P.No.56296/2017 160. In this writ petition, proceedings have been initiated against petitioner for alleged encroachment of the land measuring 1 acre 15 cents in Sy.No.22/2 situated at Chenankote village, Virajpet Taluk, Kodagu District. The mother of petitioner had made an application on 10.10.1971 in Form No.1 of the Karnataka Land Revenue (Regularisation of Unauthorised Occupation of Lands) Rules, 1970 for regularization of unauthorized occupation of Government Paisari land and said application is said to have not been disposed of. Petitioner claims to have written to respondents time and again seeking for regularization. 160.1 In the light of proceedings pending and contemplated with respect to lands defined under 681 clause (a) and (b) of proviso to clause (d) of Section 2, we are of the considered view that present proceedings against petitioner cannot be continued. However, we make it clear that in the event of application filed for regularization of unauthorized occupation/cultivation has already been rejected or on being rejected, respondent-authorities would be at liberty to revive the present proceedings or initiate fresh proceedings. In that view of the matter, petitioner

succeeds and writ petition is allowed. Summons dated 17.11.2017 issued to petitioner in proceedings LGC(G) 1923/2017 pending on the file of Special Court is quashed including the proceedings initiated thereunder . In other words, Annexures-A and A1 are quashed. RE: W.P.No.235/2018 161. Petitioner claims to have purchased the land under sale deed dated 22.11.2004 from one Mr.Venkatappa and who is said to have purchased the same under sale deed dated 11.10.1972. As to 682 whether the predecessor in title of the petitioner had title to the said property is an issue which will have to be resolved by the Special Court after evaluating the evidence. 161.1 The issue in this writ petition relates to disputed question of fact, which cannot be gone into by this court under Article 226 and 227 of the Constitution of India and as such, the petition is liable to be dismissed. The legal issues relating to the constitutional validity urged in the writ petition has already been discussed in detail herein above. Subject to the observations made on the legal issues raised, this petition stands dismissed. RE: W.P.No.463/2018 162. Petitioner claims that property bearing Sy.No.52 of Herohalli village measuring 62.25 acres out of which, cultivable land is 28.20 acres and the rest 34.05 acres is A kharab land and the said extent was granted in favour of Mr.M Gopalaswamy Iyer in the year 1924-25 vide Land Grant Rules DC683No.394/24-25 dated 30.04.1924. It is further stated that Sri A V Subramanyam sold 23.20 acres of cultivable land in favour of petitioner and as such, it became owner of the total extent of 54.20 acres, which included cultivable and uncultivable land. Though respondent No.2 herein has contended that the documents relied upon by petitioner is false and in collusion with revenue officials, records secured by Special Court from the revenue authorities clearly indicated that the Register of Index of Land Form No.6 at page No.139 pertain to Sy.No.52 and subject No.2 therein indicated that 28.20 acres of land was granted to Sri Gopalaswamy Iyer namely, predecessor in title of the petitioner. The Special Court also observes that Index of land has reference to No.415 in the Record of Rights which also reflects the name of Sri Gopalaswamy Iyer. On account of the age of the records that is being more than 90 years old, certain portions have been torn off. 684

162.1 Apart from the above facts, it would also emerge that proceedings for determination of surplus land beyond the ceiling limit had been initiated before the

Land Tribunal, Bangalore North Taluk in LRF CR No.2099/1974-75 and Tribunal had held that petitioner herein possessed excess land of 265.24 acres including 52.35 acres of land in Sy.No.52/2 of Herohalli village. Undisputedly, said order of land Tribunal is now the subject matter of adjudication in W.P.No.41866-70/2015 which is pending consideration. Yet, the Special Court has proceeded to continue the proceedings on the ground that petitioner has failed to prove the ownership and title over Sy.No.52. In view of the findings recorded by the Special Court itself in paragraph 13 , 16 and 17, finding recorded at paragraph No.18 pales to insignificance. 162.2 In that view of the matter, proceedings initiated against petitioner cannot be continued. Hence, we allow the writ petition and quash the 685 proceedings in LGC(P) 240/2016 pending before the Special Court, Bengaluru. RE: W.P.No.777/2018 163. Petitioner claims to have acquired title to the property bearing Sy.No.130/7 measuring 8 guntas situated at Kammasandra village, Attibele Hobli, Anekal Taluk under registered sale deed dated 27.07.2013 and the predecessor in title of the petitioner had acquired the same under registered sale deed dated 19.11.2007, by which time, the land measuring was converted into non-agricultural residential purposes. Petitioner entered into a Joint Development Agreement dated 27.07.2013 with Spectra Infrastructures in respect of Sy.No.130/6. 163.1 Petitioner is said to have noticed encroachment of Raja Kaluve by the neighbouring land owner and as such, petitioner is said to have submitted representation on 10.08.2016 to the Lake Encroachment Committee. On the basis of the news article, second respondent is said to have called upon 686 the jurisdictional Tahsildar to submit a report and a report came to be submitted on 12.12.2016 stating that petitioner and certain other persons have encroached the Nala and same has been removed. 163.2 In view of the fact that report dated 12.12.2016 (Annexure-L) submitted by second respondent clearly disclosing that in respect of Raja Kaluve in Sy.Nos.9, 11, 12, 13, 129 & 130 had been encroached by the persons named therein, it cannot be gainsaid by petitioner that proceedings initiated against it ought to be quashed, that too, without evaluating the evidence. Primafacie opinion formed by the Special Court for taking cognizance of the offence cannot be found fault with. We do not find any good ground to entertain the petition and hence, writ petition stands dismissed. RE: W.P.No.1348/2018 164. On a complaint filed by second respondent alleging

that property measuring 1 acre in Sy.No.83/2 of Byatarayanapura has been a Raja 687 Kaluve/canal and as such, action is to be initiated against petitioner, proceedings under KLGP Act- 2011 has been initiated against petitioner. 164.1 As could be seen from the averments made in the petition and the documents relied upon thereon, second respondent having failed in all his attempts to challenge the ownership and possession of the land belonging to the petitioner, has filed the complaint (Annexure-Z9) before the KLGP Special Court which proceedings have been numbered as LGC(P) 309/2017. We say so for the reason that petitioner claim title to the property by virtue of same having been allotted to her under registered partition deed dated 24.01.2002. The survey sought for by her was conducted after notifying second respondent and hissa phodi was made and property belonging to the petitioner assigned the number as 83/2 and the land belonging to the second respondent and others was assigned Sy.No.83/1. It is thereafter on 17.01.2005 petitioner got the land converted for 688 residential purposes. After 7 years, second respondent questioned the survey conducted in the year 2004 by filing an appeal before the Deputy Director of Survey Settlement, which came to be dismissed on 21.03.2012 (Annexure-J). The revision petition filed before the Deputy Commissioner was dismissed by order dated 12.09.2013 (Annexure-K) and the appeal filed in Appeal No.604/2014 before the Karnataka Appellate Tribunal was withdrawn on 19.02.2015 by second respondent. However, W.P.No.15395-98/2015 was filed challenging the order dated 12.09.2013 passed by Deputy Commissioner. Said writ petition was dismissed on 23.01.2017 (Annexure-N). Thereafter petitioner has filed two suits before the Civil Court and in the suit O.S.No.3596/2015, the claim for grant of temporary injunction was rejected. In fact, after the proceedings before the Special Court was initiated by second respondent, the BDA has submitted a report on 29.05.2017 (Annexure-Z13) clearly stating 689 thereunder that it has not noticed any encroachment of any public road or Raja Kaluve in Sy.No.83/2. Even the Assistant Executive Engineer, BBMP by report dated 19.07.2017 has clearly reported to the Special Court that there is no existence of any Raja Kaluve in Sy.No.83/2. In the light of this overwhelming evidence available on record, question of continuation of proceedings would only be an exercise in futility. In other words, petitioner is entitled to the relief sought for. Hence, writ petition is allowed. Proceedings

pending in LGC(P)309/2017 before the KLGP Special Court stands quashed. RE: W.P.No.1395/2018 165. Petitioner claims to be the owner of converted land bearing Sy.No.60/2C, 61/C and 62/1C of Hulimavu village. On the basis of an application filed by father of petitioner, the Special Deputy Commissioner, Bangalore District by order dated 12.02.1985 (Annexure-E) has assigned 20 guntas of land in Sy.No.63 for the purpose of 690 formation of road under Section 71 of the Karnataka Land Revenue Act, 1964. On the ground that petitioner has put up illegal construction on the said road and not removed despite direction issued, a complaint came to be lodged by the Tahsildar before the Special Court. The Special Court by order dated 07.08.2017 (Annexure-L) has opined that petitioner has violated Section 4(1) and 4(2) of the KLGP Act- 2011. When the order dated 12.02.1985 would clearly indicate that it is an approach road from Bangalore to Bannerghatta main road to the land belonging to the petitioner, said road cannot be encroached upon either by petitioner or any other person. As to whether petitioner has put up any sheds as alleged by Tahsildar is a matter which will have to be examined after full fledged trial. At this juncture, no opinion can be expressed on the basis of affidavits of the parties. Hence, we are of the considered view that petitioner is not entitled to the 691 relief sought for and petition is liable to be dismissed. Accordingly, it is dismissed. RE: W.P.No.3032/2018 166. This petition is filed in the public interest for declaring the KLGP Act-2011 contending that it is not applicable to inam land and residential sites within the village boundary, gramthana and to consider the representation dated 09.11.2017 (Annexures-B & C) submitted to respondents-1 and 2 for amending the notification No.RD3-MIN58dated 13.01.1959 contending interalia that petitioners and similarly placed persons are in possession of certain extent of lands in Raghavanapalya village, J.P.Nagar 9th Phase, Gottigere post, Uttarahalli Hobli by way of inheritance and have been living in the said lands from number of years. 166.1 While adjudicating challenge to the constitutional validity of KLGP Act-2011, we have made several observations, which we do hope the State would be taking note of and remedial steps also 692 being taken. As such, acceding to the request of petitioner to direct respondent to consider representation dated 09.11.2017 would not arise. Insofar as constitutional validity of KLGP Act-2011 is concerned, the same has been upheld and provisions of Section 9(4), 9(5)(b) and

20 read with Section 2(d) has been read down and this would suffice for disposing of this writ petition. Accordingly, this writ petition stands disposed of. RE: W.P.No.3641/2018 167. Petitioner claims to be owner of the lands measuring 15 acres 20 guntas, 30 acres 14 guntas, 28 acres, 20 guntas, 11 acres 27 guntas, 5 acres, 1 acre 24 guntas, 40 acres, 3 acres 35 guntas and 9 acres 14 guntas in Sy.Nos.21, 56/2, 56/1, 78, 88, 98/2, 153, 74 and 75 respectively situated at Magundi Village, Ennapura Taluk, Chikmangaluru District. On the ground that petitioner has encroached about 51.21 acres of land third respondent initiated proceedings, which resulted in 693 FIR251999 being registered under Section 64-A of Karnataka Forest Act, 1963. Appeal filed challenging the same in Appeal No.37/2003 was dismissed. Writ petition filed in W.P.No.3073/2006 yielded result namely, writ petition was allowed and order dated 19.03.2003 passed by the Deputy Conservator of Forests and order dated 27.12.2005 passed by the Conservator of Forests came to be set aside and matter was remitted back to the authorities and it was ordered that before initiating the proceedings under Section 64-A joint survey should be held. It was contended by the petitioner that survey conducted was in his absence and thereafter the Deputy Conservator of Forests is said to have passed order afresh on 15.03.2016 holding that petitioner is liable to be evicted from Sy.No.21 measuring 19 acres of foret land, 13 acres which is alleged to be deemed forest and 9.37 acres in Sy.No.56/5 of Magundi Village. The appeal filed by the petitioner is said to be 694 pending before the Conservator of Forests in Appeal No.2/2016. 167.1 In the meanwhile, third respondent filed a complaint before the Special Court alleging encroachment of the lands by the petitioner as indicated in the order dated 15.03.2016 passed by the Deputy Conservator of Forests and cognizance taken by the Special Court has been called in question before this Court. 167.2 When the appeal filed by the petitioner is pending in Appeal No.2/2016 before the Conservator of Forests, continuation of proceedings before the Special Court would not arise. Only in the event of the appeal being dismissed, the proceedings before the Special Court can be proceeded. Hence, we are of the view that it would be appropriate to reserve liberty to respondents to revive the proceedings before the Special Court on appeal being dismissed. 695

167.3 Accordingly, writ petition stands allowed. Proceedings before the Special Court at Bengaluru in LGC (G) No.1879/2017 (Annexure-H) i.e., order dated 14.09.2017 is quashed. W.P.No.4729/2018:

168. Petitioners claims to be the absolute owners of the property bearing Sy.No.61(old No.111) contending interalia that same was granted on 29.04.1931 in favour of Sri Chikkaiah vide Annexure-A and petitioners are successors in interest of the original grantee. It is stated that revenue records stood in the name of petitioners predecessors in title and by MR No.94-95, new Sy.No.61 was assigned and revenue records were mutated in the name of Sri Basavanna, first petitioners father in law and second petitioners father. The name of Sri Basavanna continue in the revenue records till 2016-17 though he had expired on 02.12.1977. Hence, on the demise of first petitioners husband on 14.12.1990, first petitioner 696 as well as brother of her husband as successor of late Sri Basavanna sought for revenue records being mutated in their names. On the complaint filed by one Sri Ravikumar against five officials, Tahsildar conducted an enquiry and passed an order on 29.07.2016 for transferring the name of the petitioners in respect of Sy.No.61 measuring 22 acres 20 guntas. 168.1 Suo motu proceedings was initiated by the Assistant Commissioner, Tiptur sub-division and passed an order on 08.09.2016 (Annexure-J) whereunder, order passed by Tahsildar for mutating revenue records in the name of petitioners came to be set aside and it was ordered to enter the name of Government in respect of land bearing Sy.No.61 measuring 24 acres 20 guntas. Being aggrieved by said order, writ petition was filed in W.P.No.50784- 785/2016, which came to be disposed of by reserving liberty to the petitioners to file revision petition before the Deputy Commissioner. Accordingly, 697 R.P.No.81/2016-17 was filed assailing the order of Assistant Commissioner and same is said to be pending. In the meanwhile, present proceedings has been initiated against petitioner under KLGP Act- 2011. 168.2 It is not in dispute that order passed by the Assistant Commissioner dated 08.09.2016 in R.A.No.224/16-17 is pending adjudication before Deputy Commissioner, Tiptur in R.P.No.81/2016-17 and interim order of stay is in operation. If the proceedings before the Special Court were to continue during the pendency of revision petition, it would definitely cause undue hardship to petitioners and they would be required to face the ordeal of trial. In order to protect

the interest of the State also, it would be apt and appropriate to grant liberty to the respondents to revive proceedings pending before Special Court in LGC(P) No.1/2016 on disposal of the revision petition before the Deputy Commissioner and for the present, impugned order dated 28.11.2017 698 passed in LGC(P)No.1/2016 (Annexure-N) stands quashed subject to liberty granted to respondents. Accordingly, writ petition stands allowed. RE:W.P.Nos.5389/2018, 5390/2018 & 5391/2018 169. Petitioners have sought for quashing of the KLGP ACT-2011 and the proceedings initiated against respective petitioners by Special Court constituted under the impugned Act. 169.1 Perusal of the averments made in the petitions do not disclose as to the right claimed by petitioners over the land bearing Sy.Nos.146. Averments made in the writ petition do not disclose as to how petitioners came in possession of said land. On the other hand, in the complaint filed by jurisdictional Tahsildar, it is contended that said lands belong to the appropriate Government. 169.2 The legal issues relating to the constitutional validity urged in these writ petitions have already been discussed in detail herein above. 699 Subject to the observations made on the legal issues raised, these writ petitions stand dismissed. RE: W.P.No.5704/2018 170. On the strength of a complaint filed by first respondent alleging that lands in Sy.Nos.7 to 11 measuring about 279 acres of Peddanapalya village had been endowed by Mrs.Dwarakabai Vedantam to Sri Ranganathaswamy Temple at Srirangapatna, has been usurped by petitioner and 114 persons by creating false records and land endowed to the temple which became the property of temple and the Government thereafter due to the advent of the Mysore (Religious and Charitable) Inams Abolition Act, 1955, proceedings under the KLGP Act-2011 has been initiated after taking cognizance of the alleged offence. 170.1 Report of the Tahsildar dated 30.11.2016 filed before the Special Court which has been taken note of by the Special Court at the time of taking cognizance would indicate that after coming 700 into force of Karnataka Land Reforms Act, 1961 occupancy rights were granted by jurisdictional land Tribunal and subsequently, alienations/sales have taken place. RTC for the year 2016-17 produced by the Tahsildar before Special Court also disclosed the nature of rights acquired by various persons. The Special Court at paragraph 21 of its order dated 08.01.2018 has recorded a finding that there is no dispute that all the inam lands covered under the Inams Abolition Act, 1977 vested with the

Government from the appointed date. It is also further noticed that with effect from 01.03.1974, Karnataka Land Reforms Act, 1961 coming into force, all the tenanted lands vested with the Government. 170.2 As to whether the Deputy Commissioner could have re-granted the lands in favour of the persons who were in occupation of the land has been gone into by the Special Court and without setting aside the order passed by the Special Deputy Commissioner, the settled issues could not be re- 701 opened in a collateral proceedings like the KLGP Act- 2011. On the ground that there was no record to show when the tenants entered the lands in question and under what authority, contention raised by petitioner and similarly placed persons has been negatived by Special Court. In other words, the Special Court is attempting to sit in judgment over the orders passed by the Special Deputy Commissioner under the Inams Abolition Act and order passed by the jurisdictional land Tribunal under the Karnataka Land Reforms Act by opining that such an order would not have been passed. It has been opined by the Special Court that perhaps, the revenue authorities have committed the same mistake at the time of making entries in the revenue records. There is no entry in the mutation register at any time in respect of these endowed lands in any other revenue records showing the origin of these so called inam lands. Hence, it has arrived at a conclusion that it was not an inam land. The filing of 702 applications by the occupiers of the land under the Inams Abolition Act, 1955 has been virtually held as one without jurisdiction. In other words, orders passed by the authorities was held to be as one without jurisdiction, for assuming jurisdiction under the KLGP Act-2011. Hence, we are of the considered view that Special Court committed an error in taking cognizance on the basis of the mere allegations made in the complaint and without there being any basis for the same. Accordingly, we hold that petitioner is entitled to the reliefs sought for. Writ petition stands allowed and the proceedings pending in LGC432016 insofar as petitioner is concerned stands quashed. RE: W.P.No.6061/2018 171. The property bearing old Sy.No.8 of Peddanapalya village, Tavarekere Hobli, Bangalore South Taluk was under the tenure of Sri Ranganathaswamy temple, Magadi. One Sri Muttaiah claiming to be the tenant and in occupation 703 and possession of the said land had filed an application before the Land Tribunal, Magadi for grant of occupancy rights. Land Tribunal, by order dated 25.05.1992 (Annexure-E1) granted occupancy rights to an extent of 3

acres 5 guntas. On account of said order having not been challenged, it has attained finality. The said person is said to have paid the premium as evidenced from the endorsement dated 10.02.1984 (Annexure-E2). Said property was partitioned between Sri Muttaiah and his children. Petitioner being one of the sons of Sri Muttaiah was allotted the land measuring 1 acre 22 guntas vide registered partition dated 28.12.2011, on the basis of which, revenue records came to be mutated. A complaint has been filed by second respondent before the Special Court alleging encroachment of Government land vide complaint dated 04.11.2016. 171.1 In the connected matter i.e., W.P.No.5074/2018 which arises out of same order 704 passed by the Special Court i.e., dated 08.01.2018, this Court has held: Hence, we are of the considered view that Special Court committed an error in taking cognizance on the basis of the mere allegations made in the complaint and without there being any basis for the same. Accordingly, we hold that petitioners are entitled to the reliefs sought for. Writ petition stands allowed and the proceedings pending in LGC432016 insofar as petitioner is concerned stands quashed.

171.2 In view of the above finding and facts in the instant case being identical and similar, the petitioner in the instant case is also entitled to the relief sought for. 171.3 Hence, writ petition is allowed and the proceedings initiated against petitioner in LGC432016 before the Special Court stands quashed. RE: W.P.No.6330/2018 172. First petitioners father claims to have purchased a portion of the property carved out of Sy.No.43 of Sri Gandhadakavalu village, 705 Yeshwanthpur Hobli, Bangalore North Taluk under a registered power of attorney dated 18.01.1981 for a valuable consideration of Rs.15,000/- each. On the death of first petitioners father, petitioners claim to have succeeded to the estate and they claim to be in possession and enjoyment of said property. It is necessary to note at this juncture itself that sale deeds have not been produced. Respondent filed a complaint before Special Court alleging that petitioners herein have grabbed 2 acres 14 guntas of land in Sy.No.43/1 which measures more than 100 acres. Report called for from the jurisdictional Tahsildar from the Special Court and on being filed, it was objected to by the complainant. Assistant Commissioner, Bangalore North Sub-division, as directed by the Special Court made a spot inspection and submitted a detailed report based upon which, the cognizance has

been taken. Said report disclosed that Sy.No.43/1 measures 12 acres 3 guntas, out of which, 32 guntas is comprised of B kharab. Said 706 land is said to have been taken over by the Government, in pursuance to the order dated 22.09.2015 passed under Section 67(5) of the Karnataka Land Reforms Act, 1961. 172.1 It is not in dispute that order passed by the land Tribunal has been stayed in W.P.No.41866/2016 c/w 42201/2016. Petitioners are claiming under an unregistered sale deed title to the property in question. The issue in this writ petition relates to disputed question of fact, which cannot be gone into by this court under Article 226 and 227 of the Constitution of India and as such, the petition is liable to be dismissed. The legal issues relating to the constitutional validity urged in the writ petition has already been discussed in detail herein above. Subject to the observations made on the legal issues raised, this petition stands dismissed.

173. It is made clear that writ petitions at Sl.Nos.1 to 55 have been individually dealt, since it touches upon the various facets discussed by us on 707 the legal issues and we deem it proper to leave it to the Special Court to deal with the remaining cases which has not been dealt by us individually, by taking into consideration the proposition of law settled herein above and also answered in the writ petitions referred to herein above, by adjudicating each of the claim made in the respective individual writ petitions and also in the background of proviso to clause (b) of sub-section (5) of Section 9 of KLGP Act-2011 and also in the light of Section 22 having been inserted by Act 30 of 2020. Petitioners are at liberty to file applications for dismissing the complaint or dropping the proceedings pending before the Special Court as they deem fit.

174. It is needless to state that prayers made by the petitioners in the remaining writ petitions wherein, they have sought for dropping of the proceedings would be considered by the Special Court on such applications being filed in an expeditious manner and till adjudication is 708 concluded, the interim orders passed by this court preventing the authorities from demolition of the buildings if any or taking possession of the land and the like coercive steps proposed by the said authorities, shall continue and shall be in operation. We also make it clear that if any orders adverse to the interest of the petitioners being passed by the Special Court, they would be at liberty to approach this court by filing appropriate petitions

and urging the grounds on facts only, since the issue regarding constitutionality of the Act having been laid to rest.

175. Hence, we dispose of these writ petitions by passing the following:

ORDER

(i) We hereby declare that Karnataka Land Grabbing Prohibition Act, 2011 (Karnataka Act 38 of 2014) as amended by Act 30 of 2020 as constitutional, valid and legal. (ii) The expression and sentence 709 But additional evidence if any adduced in the civil proceedings shall not be considered by the Special Court while determining the criminal liability found in sub-section (4) of Section 9 is struck down and is to be read as: The evidence, admitted in criminal proceedings may be made use of while trying the civil liability and not vice versa. (iii) Section 9(5)(b) shall read as: The Special Court may try every offence under the Act as if it is a warrant case and only in exceptional circumstances, try in a summary manner for reasons to be recorded. * Corrected vide court order dated 23.04.2021. 710 (iv) and after sub-clause (a) and (b) to proviso to clause (d) to Section 2 shall be read as: To include proceedings initiated under the Karnataka Land Reforms Act, 1961, Karnataka Land Revenue Act, 1964, Karnataka Land Grant Rules, Darkhast Rules or any other Land Grant Rules and proceedings relating thereto having attained finality Or in other words, where no proceedings in respect of the subject lands are pending before any authority or forum. (v) The transfer of proceedings under Section 20 of KLGP Act-2011 to the Special Court by any Court or other authority before which proceedings are pending shall be in 711 consonance with the order dated 26.11.2019 passed in W.P.No.51187/2019. (vi) W.P.Nos. 16281/2017, 21279/2017, 23800/2017, 32134/2017, 35384/2017, 36610/2017, 36640/2017, 41593/2017, 45114/2017, 51160/2017, 54035/2017, 55683/2017, 56296/2017, 463/2018, 1348/2018, 3641/2018, 4729/2018, 5704/2018, 6061/2018 are allowed and the proceedings pending against the respective petitioners before the Special Court stands quashed, subject to observations made herein above. 712 (vii) W.P.Nos.47747/2017, 433/2017, 10728/2017, 15532/2017, 17180/2017, 23095/2017, 25219/2017, 27573/2017, 32849/2017, 36324/2017, 36760/2017, 37713/2017, 43059/2017, 43227/2017, 44273/2017, 44687/2017, 47887/2017, 50674/2017, 52972/2017, 53008/2017, 235/2018, 54081/2017, 54082/2017,

777/2018, 1395/2018, 5389/2018, 5390/2018, 5391/2018, 6330/2018 stands dismissed. (viii) Writ Petition Nos.27437/2017, 40597/2017, 56296/2017, 9194/2018, 22025/2018, 26054/2018, 26545/2018, 26546/2018, 29281/2018, 713 33339/2018, 36737/2018, 39179/2018, 43352/2018, 49786/2018, 51528/2018, 55172/2018, 302/2019, 3463/2019, 3484/2019, 5393/2019, 8821/2019, 12974/2019, 22988/2019, 27336/2019, 27921/2019, 28900/2019, 29471/2019, 35575/2019, 35579/2019, 42273/2019, 51878/2019, 51879/2019, 52011/2019, 52566/2019, 45583/2019, 220/2020 are hereby allowed and proceedings initiated against petitioners which are pending before the Special Court stands abated. (ix) A writ of mandamus is issued to the State to constitute such 714 additional Benches of the Special Courts preferably in all the Districts in the teeth of Section 7 read with Section 7(4) of the Karnataka Land Grabbing Prohibition Act, 2011 and taking into consideration the necessity and feasibility. (x) We hereby direct the Special Court constituted under the Karnataka Land Grabbing Prohibition Act, 2011 to individually examine the claims of petitioners for dismissing or dropping of the proceedings by examining their claim by considering the grounds urged in the respective applications that may be filed by taking into consideration the legal issues adjudicated herein above and the 715 findings recorded in the writ petitions disposed of herein above. Till such adjudication is completed or concluded, the interim orders passed by this court preventing the authorities from demolishing the buildings, if any or taking possession of the land and the like coercive steps proposed by the authorities, shall continue and shall be in operation till disposal of such applications. (xi) Hence, we direct that the Special Court should examine such cases and pass appropriate orders keeping in mind the observations made by this Court in W.P.No.51187/2019 disposed of on 26.11.2019. The petitioners are also at liberty to move the Special 716 Court for appropriate orders being passed in this regard. (xii) W.P.No.33085/2017 stands disposed of in terms of the observations made in paragraph No.135. (xiii) W.P.No.34202/2017 stands disposed of, subject to observations made in paragraph No.136. (xiv) W.P.No.36690/2017 filed by petitioners - 1 and 2 stands dismissed and proceedings initiated in LGC No.125/2016 (Annexure-A) insofar as petitioners- 3 and 4 are concerned, stands quashed and accordingly, writ petition is allowed in part. (xv) W.P.No.42959/2017 stands disposed of subject to observations that the

Special Court shall 717 expeditiously secure the records which have been called for by order dated 22.02.2017 and pass orders as to continuation or dropping of proceedings as it deems fit and as observed in paragraph Nos.146, 146.1, 146.2 and 146.3. (xvi) W.P.No.3032/2018 stands disposed of subject to observations made in paragraph Nos. 166 & 166.1. (xvii) The different prayers sought for in the writ petitions which are not specifically granted shall be deemed to have been rejected except to the extent excluded herein above. (xviii) The Rule is partly made absolute in above terms. 718 (xix) All pending applications stand consigned to records. (xx) Costs made easy. Sd/- JUDGE Sd/- JUDGE *sp/DR

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