

S Ravikumar vs State of Karnataka

S Ravikumar vs State of Karnataka

SooperKanoon Citation : sooperkanoon.com/1645981

Court : Karnataka Orders

Decided On : Feb-01-2025

Judge : Sachin Shankar Magadum

Appeal No. : WP/1258/2025

Appellant : S Ravikumar

Respondent : State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF FEBRUARY, 2025 BEFORE THE
HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM WRIT
PETITION NO. 1258 OF 2025 (KLR-RES) BETWEEN:

1. S. RAVIKUMAR

SON OF NARASIMHAPPA AGED ABOUT 58 YEARS OCC.
AGRICULTURE RESIDENT OF BASAVANAHALLI VILLAGE NYAMATI
TALUK, DAVANAGERE DISTRICT. PETITIONER (BY SRI.
M.R.HIREMATHAD, ADVOCATE) AND:

1. STATE OF KARNATAKA

BY ITS SECRETARY DEPARTMENT OF REVENUE VIDHANASOUDHA, BENGALURU-560 001. Digitally signed by AL BHAGYA 2. THE DEPUTY COMMISSIONER Location: HIGH DAVANAGERE-577 001. COURT OF KARNATKA

3. THE ASST. COMMISSIONER HONNALI, DAVANAGERE-DISTRICT-577 217.

4. THE TAHASHILDAR HONNALI, DAVANAGERE-DISTRICT-577 217.

5. GOPALAPPA

SON OF KALLAPPA AGED ABOUT YEARS OCC. AGRICULTURE RESIDENT OF BASAVANAHALLI VILLAGE -2- NYAMATI-TALUK DAVANGERE-DISTRICT-577 223. RESPONDENTS (BY SRI. MANJUNATH .K, HCGP FOR R1 TO R4) THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE THE WRIT OF CERTIORARI OR PASS ANY OTHER ORDER DATED 15.10.2024, PASSED IN APPEAL NO. ULND/C.R.-11/2023-24 BY THE R-2 DEPUTY COMMISSIONER DEVANAGERE PRODUCED AT ANNEXURE-H AND ETC. THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

This petition is filed assailing the order of respondent No.2/Deputy Commissioner as per Annexure-H who has reversed the order of the Assistant Commissioner and has directed to hold a fresh enquiry to examine the veracity of the grant obtained by the petitioner and respondent No.5.

2. Heard the learned counsel for the petitioner and the learned AGA.

3. The petitioner asserts his right and title over the disputed land based on the recommendations made by the Land Grant Committee on 13.12.2017, which -3-

ultimately led to the issuance of the Saguvali Chit by the Tahsildar on 23.10.2019. On the other hand, respondent No.5 also claims ownership over the same parcel of land, contending that the property was granted to him through an order dated 15.08.2003. The existence of two conflicting grant orders pertaining to the same land has resulted in a dispute that warranted the intervention of the Deputy Commissioner. Upon scrutiny of the records and considering the conflicting claims, the Deputy Commissioner set aside the order passed by the Assistant Commissioner and remanded the matter back for a fresh examination. The direction issued by the Deputy Commissioner requires the Assistant Commissioner to conduct a detailed inquiry into both grant orders and pass an appropriate order based on the findings. The present writ petition has been filed challenging this order of remand.

4. Initially, the petitioner contended that respondent No.5 is not a grantee of the land in question. -4-

However, a perusal of the impugned order, as reflected in Annexure-H, reveals that respondent No.5 is indeed relying on a land grant order issued in his favor on 15.08.2003. In contrast, the petitioners claim is based on the subsequent recommendation made by the Land Grant Committee on 13.12.2017, which culminated in the issuance of the Saguvali Chit by the Tahsildar on 23.10.2019. The existence of these two conflicting grants, each purportedly conferring ownership upon different individuals, has led to the necessity of a thorough re-examination of the matter.

5. Given that two different grants have been

issued for the same land, this Court is of the considered opinion that the Deputy Commissioner acted within his jurisdiction in remanding the matter to the Assistant Commissioner for a fresh inquiry. The Assistant Commissioner is now tasked with examining the authenticity and legality of both the grant orders in question. A fair and impartial inquiry is imperative to -5- determine the rightful grantee of the land and to ensure that justice is done to all concerned parties.

6. Since the matter has only been remanded for

re-examination and no final adverse order has been passed against the petitioner at this stage, this Court is of the view that no prejudice is caused to him by the impugned order. The Assistant Commissioner shall conduct a proper and detailed inquiry, ensuring that all stakeholders are given an opportunity to present their case. After affording due consideration to the claims of both parties and scrutinizing the legality of the grants, the Assistant Commissioner shall pass a reasoned and appropriate order in accordance with law.

7. Writ petition is accordingly disposed of. Sd/- (SACHIN SHANKAR MAGADUM)
JUDGE ALB List No.: 1 SI No.: 56

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com