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

Smt. Sumithra vs the State of Karnataka

Smt. Sumithra vs the State of Karnataka

SooperKanoon Citation : sooperkanoon.com/1651935

Court : Karnataka

Decided On : Feb-01-2025

Judge : Sachin Shankar Magadum

Appeal No. : WP/2149/2025

Appellant : Smt. Sumithra

Respondent : The 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. 2149 OF 2025 (KLR-RES) BETWEEN:

1. SMT. SUMITHRA W/O APPU POOJARI AGED ABOUT 66 YEARS R/AT ATHIHALLI VILLAGE HETHUR HOBLI SAKALESHAPURA TALUK HASSAN DISTRICT -573 123. PETITIONER (BY SRI. KARIBASAVARAJA .K.T, ADVOCATE) AND:

1. THE STATE OF KARNATAKA

REVENUE DEPARTMENT M.S. BUILDING AMBEDKAR VEEDHI Digitally signed by AL BHAGYA BENGALURU-560 001. Location: HIGH REP. BY ITS PRINCIPAL SECRETARY COURT OF KARNATKA

2. THE DEPUTY COMMISSIONER HASSAN DISTRICT HASSAN-573 201.

3. THE TAHASILDAR

4. LAND GRANT COMMITTEE

-2- REP. BY ITS PRESIDENT/MEMBERS RESPONDENTS (BY SMT. B.P. RADHA, AGA) THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE RESPONDENTS TO CONSIDER THE REPRESENTATION FOR HAVING SUBMITTED THE ACKNOWLEDGMENT DATED 17-12-2018 FILED BY THE PETITIONER WHICH IS PENDING FOR CONSIDERATION AS PER VIDE ANNEXURE A. 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

Petitioner is aggrieved by the inaction of respondents 3 and 4 in not deciding the petitioner's application filed in prescribed Form No.57 seeking regularization of unauthorized occupation of petition land.

2. Petitioner is aggrieved by the inaction on the ground that though the Committee is constituted on 22.1.2024, petitioner's application is not taken up for consideration. -3-

3. Learned AGA, on instructions, assures that if petitioner's application is found to be eligible, the same would be placed before the Respondent No.4/Committee for further course of action.

4. Recording assurance of learned AGA, this Court proceeds to pass the following:

ORDER

(i) The writ petition is allowed.

(ii) Respondent No.3 shall forthwith secure

report from the concerned sub-ordinate Authority and after collecting all relevant documents, in the event, the petitioner's application is found eligible the same shall be placed before Respondent No.4/Land Grant Committee for further course of action.

(iii) In the event, Respondent No.3/Tahsildar comes to the conclusion that the petitioner's application is not eligible, the same shall be placed before the Deputy Commissioner for further orders. -4-

(iv) This exercise shall be accomplished by respondent No.3/Tahsildar within a period of three months' from the date of receipt of certified copy of this order. Sd/- (SACHIN SHANKAR MAGADUM) JUDGE ALB List No.: 1 Sl No.: 61

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