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Boramma vs the State of Karnataka

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Court : Karnataka Orders

Decided On : Apr-28-2025

Judge : N S Sanjay Gowda

Appeal No. : WP/11176/2025

Appellant : Boramma

Respondent : The State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF APRIL, 2025 BEFORE THE HON'BLE MR JUSTICE N S SANJAY GOWDA WRIT PETITION NO. 11176 OF 2025 (KLR-RES) BETWEEN:

1. BORAMMA AGED ABOUT 90 YEARS CHITRADURGA DISTRICT-577 522.

2. PALAMMA AGED ABOUT 80 YEARS CHITRADURGA DISTRICT-577 522.

3. CHANNANA BORAIAH,

Digitally S/O. LATE CHANNANA BORAIAH signed by KIRAN AGED ABOUT 55 YEARS KUMAR R R/AT GONURU VILLAGE Location: HIGH KASABA HOBLI, CHITRADURGA TALUK COURT OF CHITRADURGA DISTRICT- 577 522. KARNATAKA PETITIONERS (BY SRI. H. PAVANA CHANDRA SHETTY, ADVOCATE) AND:

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

2. THE DEPUTY COMMISSIONER CHITRADURGA DISTRICT

3. THE ASSISTANT COMMISSIONER

4. THE TAHSILDAR

TALUK OFFICE, CHITRADURGA- 577 517. RESPONDENTS (BY SRI. K. MANJUNATH, HCGP) THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE R1 TO 4 TO CONSIDER THE PETITIONERS REPRESENTATIONS EFFECTIVELY WHICH IS MADE ON 03/03/2025 PRODUCED AS ANNEXURE-A TO C FOR ISSUING RTC AND MUTATION IN FAVOUR OF PETITIONERS HEREIN TO THE LAND BEARING SY. NO. 15, MEASURING 22 ACRES 30 GUNTAS OUT OF 42 ACRES 16 GUNTAS, SITUATED AT GONURU VILLAGE, KASABA HOBLI, CHITRADURGA TALUK, CHITRADURGA DISTRICT SINCE WITHOUT DUE PROCESS OF LAW ILLEGAL ENTRIES HAVE BEEN MADE AGAINST THIRD PARTIES IN THE PETITIONERS LAND. THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MR JUSTICE N S SANJAY GOWDA -3-

ORAL ORDER

1. The prayer in this writ petition is to direct the

respondents to consider the representations dated 03.03.2025 whereby the petitioners are basically stating that the entries made in respect of Sy.No.15 are

illegal and they are to be removed.

2. A perusal of the RTC which is produced at Annexures E indicates that the name of D.Yallamma has been entered pursuant to M.R. No.13 of 2004-05.

3. It is therefore clear that the entry in the RTC is

based on the order of mutation and the petitioners have to necessarily challenge the same if they want to get the names deleted. Without doing so, the petitioners have given representations which obviously cannot be considered by the Tahsildar, as considering the representations would virtually amount to reviewing the order passed by the Tahsildar in M.R. No.13 of 2004-05. -4-

4. Therefore, reserving liberty to the petitioners to challenge the said M.R., which has been passed on the request of D.Yallamma, the writ petition is dismissed.

5. In view of the disposal of the petition, all pending interlocutory applications, if any, stand disposed of. Sd/- (N S SANJAY GOWDA) JUDGE RK List No.: 1 Sl No.: 39

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