

Sri Ravi vs the State of Karnataka

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Court : Karnataka

Decided On : Feb-01-2025

Judge : Sachin Shankar Magadum

Appeal No. : WP/35665/2024

Appellant : Sri Ravi

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.35665 OF 2024 (KLR-RES) BETWEEN: SRI.RAVI AGED ABOUT 50 YEARS S/O PAPE GOWDA R/O ARASIKATTE KAVALU VILLAGE MALLIPATNA HOBLI HASSAN-573 102 PETITIONER (BY SRI.SHANTAKUMAR K C, ADVOCATE) AND:

1. THE STATE OF KARNATAKA

DEPARTMENT OF REVENUE Digitally signed by REP. BY ITS
PRINCIPAL SECRETARY NAGARAJA B M M.S.BUILDINGS Location:
HIGH AMBEDKAR VEEDI COURT OF KARNATKA BENGALURU-560
001

2. THE DEPUTY COMMISSIONER HASSAN DISTRICT HASSAN-573
201

3. THE ASSISTANT COMMISSIONER SAKALESHPURA SUB-
DIVISION HASSAN-573 123 HASSAN DISTRICT -2-

4. THE LAND GRANT COMMITTEE HASSAN DISTRICT - 573 102
REP. BY ITS SECRETARY

5. THE TAHSILDAR HASSAN DISTRICT - 573 102 RESPONDENTS
(BY SMT.B.P.RADHA, AGA) THIS WRIT PETITION IS FILED UNDER
ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING
TO DIRECT THE R-4 AND 5 TO CONSIDER THE RECEIPT OF THE
APPLICATION OF

THE PETITIONER TO REGULARIZE HIS UNAUTHORIZED
CULTIVATION OF LAND BEARING SY NO.93/2 MEASURING TO AN
EXTENT OF 1 ACRE 38 GUNTAS SITUATED AT ARASIKATTE
KAVALU VILLAGE MALLIPATNA HOBLI ARAKALAGUD TALUK
HASSAN DIST VIDE ANNEX-A DTD 16.01.2019 AND TO PASS
APPROPRIATE ORDER/S IN ACCORDANCE WITH LAW 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

In the captioned writ petition, the petitioner is seeking a mandamus to direct respondent Nos.4 and 5 to consider the receipt of the application of the petitioner - 3- seeking regularization of his unauthorized cultivation of the land bearing Sy. No.93/2 measuring 1 acre 38 guntas.

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

3. The records reveal that respondent No.5 -

Tahasildar is in receipt of an application tendered by the petitioner in Form No.57. Since application is received and acknowledgement vide Annexure-A is issued, respondent No.5 - Tahasildar is required to scrutinize the petitioners application by securing Report from the Subordinate Authorities. On receipt of the report, respondent No.5 - Tahasildar is required to place the petitioners application with all relevant documents for further course of action before the Land Grant Committee. In the case on hand, this exercise is not undertaken by respondent No.5 - Tahasildar. Therefore, this is a fit case, where mandamus lies. -4-

4. For the foregoing reasons, this Court proceeds to pass the following;

ORDER

(i) The writ petition is allowed.

(ii) Respondent No.5 - Tahasildar shall seek report from his sub-ordinate Authorities by following the procedure contemplated under Rule 108CCC of the Karnataka Land Revenue Rules, 1966.

(iii) After receipt of the Report and all other relevant documents, respondent No.5 - Tahasildar shall place the application before respondent No.4 - Committee.

(iv) Respondent No.4 - Committee shall examine whether the petitioner is eligible and whether the subject matter of the land can be considered for regularization in accordance with law. -5-

(v) This exercise shall be accomplished within a period of four months from the date of receipt of order copy. Sd/- (SACHIN SHANKAR MAGADUM) JUDGE NBM
List No.: 1 SI No.: 44