

Sri Chennegowda vs Sri D K Shivakumar

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Court : Karnataka Orders

Decided On : Mar-28-2024

Judge : Chief Justice,Krishna S Dixit

Appeal No. : CCC/14/2023

Appellant : Sri Chennegowda

Respondent : Sri D K Shivakumar

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF MARCH, 2024 PRESENT THE HON'BLE MR N. V. ANJARIA, CHIEF JUSTICE AND THE HON'BLE MR JUSTICE KRISHNA S DIXIT CIVIL CONTEMPT PETITION NO. 14 OF 2023 BETWEEN: SRI. CHENNEGOWDA, AGED 65 YEARS, S/O LATE SRI. KURIHATTI CHOWDEGOWDA, R/O KEMMALLE VILLAGE, SATHNUR POST, KANAKAPURA TALUK, RAMANAGARA DISTRICT - 562 126. COMPLAINANT (BY SRI. S M BABU.,ADVOCATE) AND:

1. SRI. D.K. SHIVAKUMAR,

Digitally signed CHAIRMAN, BAGHURHUKUM COMMITTEE, by SHARADA VANI B RAMANAGARA DISTRICT - 562 159. Location: HIGH COURT OF 2. SRI. VISHWANATH, KARNATAKA THASILDAR, KANAKAPURA TALUK, RAMANAGARA DISTRICT, RAMANAGARA - 562 159. ACCUSED

3. STATE OF KARNATAKA BY ITS SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT, M.S. BUILDING, BANGALORE - 560 001. PROFORMA RESPONDENT (BY SRI.S S MAHENDRA.,G.A.FOR A2 & A3) -2- THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURTS ACT, 1971, PRAYING TO INITIATE

CONTEMPT PROCEEDINGS AGAINST THE ACCUSED FOR DISOBEDIENCE OF THE ORDER PASSED BY THIS HONBLE COURT DATED 9.3.2022 IN WP NO.19839/2019 (KLR-LG) AND PROCEED N ACCORDANCE WITH LAW. THIS CCC COMING ON FOR ORDERS THIS DAY, CHIEF JUSTICE MADE THE FOLLOWING:

ORDER

The contempt of court is alleged in this complaint in respect

of direction of learned Single Judge passed in Writ Petition No.19839 of 2019 which was decided on 09.03.2022. The Writ Petition came to be disposed of directing respondent Nos.3 and 4 - the Land Grants Committee and Tahsildar respectively, to consider the application of the petitioner within stipulated time, which was an application for regularization of unauthorized cultivation.

2. In response to the notice, the respondents appeared and filed two affidavits dated 15.03.2023 and 25.09.2023. It was pointed out by learned Additional Government Advocate Mr.S.S.Mahendra on the basis of averments on the said affidavit, -3-

more particularly in paras 5, 6 and 7 of the affidavit dated 25.09.2023 that the Land Grants Committee which is supposed to consider the application of the complainant is not functional. He stated that directions could be considered only after the committee is reconstituted.

3. Learned Additional Government Advocate further made a

statement that once the Land Grants Committee is reconstituted, within six weeks from the date of reconstitution, the case of the complainant shall be taken up and the necessary decision will be taken in compliance with the direction of learned Single Judge.

4. In view of the aforesaid statement, learned advocate Mr.S.M. Babu, for the complainant stated that the complainant is satisfied since the decision will be taken as per the statement made.

5. In the aforesaid view, nothing further survives for

adjudication in this contempt application. It is disposed of as closed. It is clarified that non-adherence to the statement by learned Additional Government Advocate and non-compliance of the -4- directions by the competent authorities shall expose the authorities to aggravated contempt. CHIEF JUSTICE JUDGE cbc List No.: 1 Sl No.: 26

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