

Narayanappa Vs. State of Karnataka and ors.

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Court : Karnataka

Decided On : Apr-05-2010

Reported in : 2010(3)KarLJ264

Judge : Hvluvadi G. Ramesh, J.

Acts : Kamataka Land Revenue Act, 1964 - Section 94A

Appeal No. : Writ Petition No. 10971 of 2010

Appellant : Narayanappa

Respondent : State of Karnataka and ors.

Advocate for Def. : R. Kumar, Government Pleader

Advocate for Pet/Ap. : R.A. Dovanand, Adv.

Judgement :

ORDER

Hvluvadi G. Ramesh, J.

1. Learned High Court Government Pleader is directed to take notice for respondents 1 and 2. Notice to respondents 3 and 4 is dispensed with.

2. Petitioner has sought for issuance of a writ of mandamus directing the 3rd respondent to comply with the direction/order of the 2nd respondent by holding an

enquiry in respect of the bogus Grant Certificate pertaining to Sy. No. 16 of the Volagerehalli Village, Kengeri Hobli, Bangalore South Taluk.

3. According to the petitioner, he and other poor persons constructed small houses by covering an area to the extent of 2 to 3 acres in the above said survey number with their family for several years. In view of the State Government inviting applications for regularisation of unauthorised occupancy, the petitioner and others submitted an application for the same. After submission of the said application by the petitioner and Ors. one class of persons who have not filed any application for regularisation, created bogus grant certificate said to have been issued by the Tahsildar and interfered with the peaceful possession of the petitioner.

4. The prayer of the petitioner is that, an enquiry has to be held in respect of the alleged grant said to have been made pertaining to Sy. No. 16 of Volegarahalli, Kengeri Hobli and it is for the 3rd respondent namely the Executive Officer, Taluk Panchayat, Banashankari, to issue notice to the concerned persons to whom the alleged grant certificate was issued and also examine the case of the petitioner after due notice to him in accordance with law.

5. So far as the grant is concerned, as per Section 94-A of the Kamataka Land Revenue Act, 1964, it could be considered only if the land is not within 18 kms/25 kms from the outer radius of the Bangalore Corporation limits. Therefore, the 3rd respondent is directed to do the needful at the earliest and take suitable action within a period of three months from the date of receipt of a copy of this order. There shall be status quo order until the decision in the matter by the 3rd respondent.

6. With the above said observations, the petition is disposed of.

Learned High Court Government Pleader is permitted to file his memo of appearance within four weeks from today.