



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF DECEMBER, 2024

PRESENT

THE HON'BLE MR. N. V. ANJARIA, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

CCC No. 92 OF 2024 (CIVIL)

BETWEEN:

1. M. R. SUDHIR,
AGED ABOUT 62 YEARS,
S/O M. C. RAMEGOWDA,
FLAT No.303,
SRI SAI MEADOWS APARTMENTS,
6TH CROSS, 4TH MAIN,
MLA LAYOUT, RMV 2ND STAGE,
BENGALURU-560094.

...COMPLAINANT

(BY MS. CHETHANA M., ADVOCATE FOR
SRI MANJUNATH B. S., ADVOCATE)

AND:

1. SMT. C. N. MEENA NAGARAJ,
THE DEPUTY COMMISSIONER,
CHIKKAMAGALURU, DISTRICT
FIELD ROAD, VIJAYA NAGAR,
CHIKKAMAGALURU-577101.
2. STATE OF KARNATAKA,
REP. BY ITS PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
BENGALURU-560 002.

...ACCUSED

(BY SRI KIRAN V. RON, AAG A/W
SMT. PRAMODHINI KISHAN, AGA)

Digitally
signed by
PRABHAKAR
SWETHA
KRISHNAN
Location:
High Court
of Karnataka



THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURT ACT R/W ARTICLE 215 OF THE CONSTITUTION OF INDIA, BY THE COMPLAINANT PRAYING TO INITIATE CONTEMPT PROCEEDINGS AGAINST THE ACCUSED FOR DISOBEYING THE ORDER BY THIS HON'BLE COURT ORDER DATED 23.06.2023 IN WP No.12279/2023 ON THE FILE OF THE HON'BLE HIGH COURT OF KARNATAKA AT BENGALURU, PRODUCED AS ANNEXURE-A.

THIS CCC COMING ON FOR ORDERS THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE THE CHIEF JUSTICE MR. JUSTICE
N. V. ANJARIA
and
HON'BLE MR JUSTICE K. V. ARAVIND

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE K. V. ARAVIND)

Heard learned Advocate Ms. Chethana for complainant and learned Additional Advocate General Mr. Kiran V. Ron with learned Additional Government Advocate Ms. Pramodhini Kishan for the respondents.

2. While disposing of writ petition No.12279 of 2023 by order dated 23rd June 2023, learned Single Judge permitted the petitioner to make a fresh representation and directed the Deputy Commissioner, Chikkamagaluru to consider the request of the petitioner within stipulated time, and pass orders in accordance with law.



3. The petitioner-complainant is an ex-serviceman who requested respondent No.2 to grant him agricultural land bearing Survey No.218 of Channagondanahalli village, Vasthare Hobli, Chikkamagalur Taluk. The Government Advocate assured learned Single Judge that petitioner's request will be considered as per the policy of the State Government and availability of land. Now, the complainant has filed the present contempt.

3.1 It is the case of the petitioner that he was appointed as Airman, Indian Air Force at Bengaluru in the year 1981 and rendered service for 20 years until 30th April 2001. Served at the different Air Bases in the State, during the tenure, the complainant received service medals and the independence medal. It is stated that as his family is from Chikkamagaluru, the petitioner wanted to continue the agriculture.

3.1.1 The petitioner applied on 23rd May 2000, just before retirement, for allotment of land under the policy prevalent in that regard. The land bearing Survey No.250 at Javali Village, Balur Hobli, Mudigere Taluka, Chikkamagaluru District, which was a Government land and available for allotment, was



requested to be granted. His application-cum-request was not at all responded to until 2009, when he was given to understand and informed that the land was not available.

3.1.2 Almost a decade passed, but nothing yielded. Every time when complainant used to approach the authorities, he was asked to come after sometime. Finally, pursuant to the application made under the Right to Information Act asking about availability of the land for the defense personnel, he was informed by communication dated 1st February 2022 by the authorities that the Karnataka Government Circular dated 24th June 2021 was in currency in respect of land to the defense personnel, and the process thereunder shall be initiated by the petitioner for allotment of land. Thereafter, on 3rd January 2023, the petitioner-complainant made application for allotment of land identifying the Government land bearing Survey No.218 admeasuring 4 acres and 38 guntas situated in the Channagondanahalli village, Vasthare Hobli, Chikkamagalur Taluk.

3.1.3 The case of the complainant that the respondent authorities visited the site and identified the land by drawing



mahazar. The availability of land was just confirmed. The recommendation was made, but no action was taken. The petitioner filed writ petition No.12279 of 2023 which resulted into the following order, which is subject matter of contempt,

“Petitioner is given the liberty to make a fresh representation to respondent No.2 and respondent No.2 to consider his request within a period of eight weeks thereafter and pass appropriate orders in accordance with law.”

3.2 While the present contempt proceedings witnessed series of pleadings where the respondent-Deputy Commissioner filed repeated affidavits seeking to counter the allegations of contempt. In the very first affidavit dated 7th June 2024 filed by the Deputy Commissioner, Chikkamagalur District, it was stated that the policy regarding grant of land to the ex-servicemen was as per Circular dated 24th June 2021. According to him, as per the figures given in paragraph 4 of the affidavit, in the Chikkamagalur Taluka, the applications received were more and the availability of the land was less, as according to him, 12 acres and 28 guntas were reserved under Section 71 of the Karnataka Land Revenue Act, 1964, and it was stated that the seniority of the petitioner’s application



was 101. In paragraph 5 of the said affidavit, the respondent authority-the Deputy Commissioner stated that the application was rejected.

3.2.1 At the subsequent stage, in the affidavit dated 24th October 2024, it was stated that by virtue of order dated 23rd October 2024, a residential site admeasuring 60 x 40 feet (2400 sq.ft.) in Kadur Taluka has been designated to the complainant by considering his original application dated 23rd May 2000. At the same time, produced on record another endorsement/order dated 22nd October 2024 whereby the District Collector provided that the said allotment would be subject to eligibility in Rule 4 of the Karnataka Land Grant Rules, 1969 which was regarding income criteria to be fulfilled by the applicant-petitioner on the date of retirement and that the authorities should be satisfied in that regard within three months.

3.2.2 The aforesaid decision was inconsistent in itself on three counts. It is incomprehensible that the order allotting the residential site was passed on 23rd October 2024, whereas the aforesaid clarification was recorded in order dated 22nd October



2024, namely the previous day. Secondly, the authority changed decision abruptly, reverted back to original application dated 23rd May 2000. Thirdly, the entire case is about grant of agricultural land for agricultural purpose. In case of the petitioner, order was passed as above for residential site, which in itself is self-conflict.

3.3 Learned Advocate for the petitioner elaborately highlighted inconsistent stand of the respondent authority on the basis of the affidavits filed time to time.

(i) The petitioner pointed out *inter alia* that the policy circular dated 24th June 2021 was based on order passed in writ petition No.26700 of 2013 and allied petitions, which were filed by similarly situated ex-servicemen or ex-armymen requesting for grant of agricultural land. The Court in its detailed judgment dated 25th August 2014, issued various directions on the basis of which the policy circular dated 24th June 2021 was issued.

(ii) In the said order dated 25th August 2014, the direction Nos.8, 9 and 10 which are more relevant, are reproduced hereunder,



"8. No application shall be rejected without hearing the applicant or assigning any valid reason. Non-availability of land in any particular village applied for shall not be a reason for rejecting the application.

9. In case applicant seeks land in any particular survey number of any particular village, the same shall be considered for allotment and in the event of such land being not available, then the concerned Deputy Commissioners shall consider grant of land situate in any other village in same district.

10. In the event of agricultural land being not available in the district applied for, then the application shall be considered for allotment of land in any other district and concerned Deputy Commissioner shall recommend to the first respondent to consider grant of land in any other district or a house site to the applicant as assured to this court in these writ petitions."

(iii) It was the case that the rejection for grant of the said land survey No.218 by the authority was erroneous on the ground of less availability of land, because it was based on a strange reasoning that since the petitioner had applied for 4 Acres 38 Guntas in the said survey number, all the applicants could have been granted the same amount of land which would exhaust the availability of land and therefore, the land cannot be granted to the petitioner.



(iv) Thereafter in further compliance affidavit dated 4th September 2024 by the Deputy Commissioner, it was stated that applications were filed by the petitioner which is received and it figured at Sl.No.101 in the list, which was an application for Survey No.218 in Chikkamagalur Taluka.

(v) It was then stated that as per Rule 7, the petitioner is not entitled to the given land since he owned the land in Mudigere Taluka at the time of making his application in the year 2000.

3.4 At this stage, this Court had an occasion to pass elaborate order dated 30th September 2024 delineating the inconsistent and conflicting stand of the respondent authority in respect of treating the application for grant of agricultural land.

4. Noticeably, thereafter came to be passed order dated 24th October 2024, as already mentioned in the earlier part of this order, to allot residential site to the petitioner in Kadur Taluka. It was against the entire grievance and the policy, which were for grant of agricultural land.

4.1 In the rejoinder dated 7th November 2024, the petitioner reiterated to submit that the respondent has been committing



contempt of court as was straying from the policy for grant of agricultural land to the ex-servicemen, despite the land was available in Chikkamagalur, as requested by the petitioner and have never been acting 'in accordance with law' while treating the case of the petitioner for grant of land. It was contended that non-availability of the land was a self-conceived and ill-conceived theory, by stating that if 4 acres and 38 guntas is to be given to the complainant, all ex-servicemen must be given the same extent of land and therefore the land was not available to the petitioner.

4.2 The petitioner pointed out an instance of one ex-servicemen Sri. H.G. Lakshmeesh, whose case was considered as special case and the order was passed to grant him the land. It was thereby submitted that the respondent authorities were selective in approach.

4.3 Thereafter, filed was affidavit dated 4th December 2024 by the Deputy Commissioner in which she reiterated about passing of order dated 23rd October 2024 about grant of site in the layout at Kadur Taluka, stating that it was pursuant to application of the complainant dated 23rd May 2000. It is to be



recollected that the stand earlier taken was that the said application was rejected, and also that the same was not liable to be considered even otherwise. It was then stated that Rule 8 was inserted with effect from 2nd March 2019 and it provided that if the land is not available in native taluka, the application should be transferred to adjoining taluka by the Tahasilar concerned.

4.3.1 The respondent-Deputy Commissioner again referred to application dated 3rd October 2022 for allotment of Survey No.218 in Chikkamagalur Taluka. This time, the authority took a different stand for rejecting the said application which was on the ground that the applicant had made the application directly to the Chikkamagalur Taluka Tahasildar, though he was the resident of a village in Mudigere Taluka.

4.4 In the affidavit filed by the complainant dated 6th December 2024, the complainant answered the case about the income to state that Rule 8(8) of Karnataka Land Grant Rules would not stand against him as annual income of the complainant as on 23rd May 2000, namely at the relevant time was Rs.90,948/-. Photocopy of the payslip is produced. It



could be stated that the respondent had not denied the availability of land survey No.218. It was contended that the policy in Circular dated 24th June 2021 and the directions passed in writ petition No.26700 of 2013 were not adhered to. The complainant highlighted that earlier the stand was that the seniority of the petitioner's application was 101, whereafter it was stated to be at Sl.No.21, the complainant stated that there was no other applicant or claim for survey No.218 situated at Channagondanahalli village, Vasthare Hobli, Chikkamagalur Taluk.

5. It would be seen that the stand of the respondent-Deputy Commissioner is thus a story of every time varying approach in treating the request of the petitioner for grant of agricultural land under the policy. For the reasons best known to the respondent-Deputy Commissioner, residential site came to be allotted to the petitioner and the compliance of the order of the learned Single Judge was claimed.

5.1 The land survey No.218 in Chikkamagalur Taluka was the subject matter of request for grant by the petitioner. Conspicuously, availability of this land is not seriously disputed,



but under one or other pretext, a stand is taken that the said land is not liable to be granted to the petitioner. Petitioner would submit that the stand taken by the authority is an attempt to mislead the court and to suppress the correct facts to deny the grant of land demanded by the petitioner under the policy for which the petitioner is entitled to.

5.2 On the above *prima facie* considerations, it is to be stated that the stand of the respondent authority-Deputy Commissioner is found to be tainted with conflicting claims, changing approach and irreconcilable statements.

5.3 Despite the above aspects, the Court is not inclined to jump to a conclusion that the respondent-Deputy Commissioner has committed contempt of the court. In order to book the authority for contempt, the conduct and the contempt has to be a willful contempt. Even an order which is wrong, may at times, not amount to a willful contempt.

6. Having noticed and having recorded the above aspects *prima facie* seen from the pleadings and the affidavits of the respondent, but without concluding anything finally on merits thereon, the Court reserves liberty for the petitioner to institute



appropriate independent proceedings seeking appropriate relief,
if so opt.

7. The contempt petition is not entertained accordingly. It
stands disposed of.

**Sd/-
(N. V. ANJARIA)
CHIEF JUSTICE**

**Sd/-
(K. V. ARAVIND)
JUDGE**

VBS
List No.: 2 SI No.: 4