



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 2599 OF 2021 (GM-RES)

BETWEEN:

SRI. D. R. JAYAPRAKASH,
AGED ABOUT 59 YEARS,
SON OF LATE D. S. RAJA RAO,
RESIDING AT GUNDALAGURKI,
DEVASTANDA HOSHALLI,
CHIKKABALLAPURA TALUK
AND DISTRICT - 562 101.

...PETITIONER

(BY SRI. B.R.VISWANATH., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
CHIKKABALLAPURA DISTRICT - 562 101.
2. THE ASSISTANT COMMISSIONER,
CHIKKABALLAPUR TALUK,
CHIKKABALLAPUR DISTRICT - 562 101.
3. THE TAHSILDAR,
CHIKKABALLAPUR TALUK,
CHIKKABALLAPUR DISTRICT - 562 101.

...RESPONDENTS

(BY SRI.MAHANTESH SHETTAR, AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE



ANNEXURE - J WHICH IS THE RECOMMENDATION DATED 05.01.2021 VIDE C.R.NO.14/21 ISSUED BY THE THIRD RESPONDENT; DIRECT THE RESPONDENTS TO FURTHER STOP ANY PROCEEDINGS IN PURSUANCE OF ANENXURE - J DATED 05.01.2021 VIDE C.R.NO.14/20-21 ISSUED BY THE THIRD RESPONDENT TO THE SECOND RESPONDENT AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

Petitioner, who was purportedly granted certain lands in Survey No.33 and 34 situated at Devasthanada Hosahalli village, Kasaba Hobli, Chikkaballapur taluk, Chikkaballapur District measuring 4 acres 29 guntas and 7 acres 35 guntas respectively for growing trees, with an option to acquire the rights over the land on payment of land revenue for 15 years, is aggrieved by the communication dated 05.01.2021 (Annexure-J) which has been addressed by the Tahsildar, Chikkaballapur taluk to the Assistant Commissioner Chikkaballapur, Sub-Division Chikkaballapur, in and by which land measuring 5 acres forming part of survey number 34 is sought to be utilized for the purpose of formation of sites under Ashraya Scheme.



2. Counsel for the petitioner taking this court through the records more particularly Annexure-A, which is a document dated 12.05.1958, indicating petitioner having been permitted to grow trees on the land with an option to acquire the ownership thereof submits that in terms of the said grant petitioner has already grown trees over the land. That he has also acquired substantive right over the property under the provisions of Land Revenue Act and the Land Grant Rules. The respondent authorities, who are intending to utilise the portion of the land for the purpose of formation of site under Ashraya Scheme, are required to provide an opportunity to petitioner of being heard including right of the petitioner to seek regularization of said land. He submits without complying with the said statutory requirement, respondent-Authorities have proceeded to take over the land unilaterally causing prejudice and in breach of his statutory rights. Hence seeks for allowing the petition.

3. Learned AGA on the other hand drawing attention of this court to Rule 102A and 108I of Karnataka Land Revenue Rules, 1966, submits that the petitioner has not been granted any right and interest over the land being claimed by him



except permission to grow the trees thereon subject to conditions enumerated under the aforesaid Rules. He submits that therefore the petitioner cannot claim any vested right and interest over the land. However he fairly submits that if the petitioner has grown any trees on the said land, his claim to that extent will be considered.

4. Heard. Perused the records.

5. Rule 102-A and 108-I of Karnataka Land Revenue Rules, 1966 reads as under:

"102-A. Planting of Trees by private persons on Government Lands.-(1) *The Deputy Commissioner may subject to the following conditions, grant permission to any person to plant and grow trees on lands vesting in the State Government, in any village, namely.-*

- (i) the grantee and successor-in-interest (hereinafter referred to as "Hakdar") shall be entitled only to the usufruct of such trees and not to any other right over the trees or lands on which they are planted;*
- (ii) fee of twenty paise per annum for every tree planted shall be paid as ground rent;*
- (iii) the Hakdar shall raise trees within two years from the date, the permission is granted;*
- (iv) the Hakdar shall not do any act which destructive or permanently injurious to the land;*
- (v) the Hakdar shall not interfere with any existing or customary rights of the public or of owners of adjoining land over such land;*
- (vi) the permission will be liable to be cancelled for contravention of any of the above conditions and the Hakdar shall not be entitled to any amount for such cancellation;*
- (vii) the Hakdar shall not be entitled to any amount when such trees have to be removed for widening of*



roads or for other public purposes or when the land is disposed of under the Karnataka Land Grant Rules, 1969. If the trees are to be removed for any of the said purposes, the Hakdar may be allowed to remove the trees at his own cost".

(2) In cases where trees have already been raised by any person on the lands vesting in Government prior to the coming into force of these rules, the persons concerned may apply to the Deputy Commissioner for grant of permission to collect the usufruct of such trees. If the Deputy Commissioner is satisfied that such person has raised the trees and is of the opinion that the grant of permission is not objectionable he may grant permission to such person to collect the usufruct of such trees subject to the conditions mentioned in sub-rule (1):

Provided that the ground rent in respect of such trees shall be paid from the date of their planting.

(3) A register called in respect of such trees for each village shall be maintained wherein a record shall be made of the trees already existing on the land and of the permission hereafter granted to the Hakdar for raising the trees. The register shall be preserved in the Taluk Office.

(4) The Register shall be checked by the Tahsildar at least once in a year.

108-I Certain lands not to be granted -(1)
Notwithstanding anything contained in this chapter, lands assigned for special purposes under Section 71 of the Act, and lands described in revenue records, as Devarakadu, Urduve, Gunduthop Tankbed, Phut Kharab halla, 2[x x x x x] burial grounds and such lands, which in the opinion of the Government is required for public purpose, shall not be granted:

Provided that the provisions of this rule shall not apply to lands set-apart for free pasturage under Section 71 of Karnataka Land Revenue Act which will be governed by Rule 97.

(2) No Government land within the limits of a city or town, granted to any individual or a private institution. All such lands shall be reserved for public or Government purposes to provide for public needs of a growing city or town:

Provided that the lands which have not lost the characteristics for which they were reserved [shall not be] declassified and granted or leased for any other purposes."



6. Annexure-A to the writ petition indicate that the petitioner was permitted to grow trees on the land bearing Survey No.33 and 34 measuring 4 acres 29 guntas and 7 acres 35 guntas respectively with an option to claim ownership subject to payment of land revenue provided thereunder. Petitioner in furtherance thereof claimed to have raised and grown certain trees over the said land.

7. Annexure-J, communication dated 05.01.2021 issued by the Tahsildar to the Assistant Commissioner indicates that 5 acres of land is available in Survey No.34 and it is sought to be utilized for formation of sites and implementation of Ashraya Scheme.

8. No record is placed before this Court to indicate any notice having been issued to the petitioner or any enquiry having been held with regard to the claim, if any made by the petitioner with regard to trees grown thereon or his purported claim in respect of land in itself.

9. In view of the above, this petition is ***disposed of*** directing Respondent No.1-Deputy Commissioner to conduct enquiry with regard to his claim over the land and also to his



claim over the trees grown thereon by him and after affording him with sufficient opportunity pass the appropriate orders in accordance with law.

10. Such order shall be passed within a period of 6 months from the date of receipt of certified copy of this order.

Respondent-Authorities shall not precipitate the matter till passing of the order as directed.

**SD/-
(M.G.S. KAMAL)
JUDGE**

SNB
List No.: 1 Sl No.: 8