



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO.2439 OF 2023 (KLR-RES)

BETWEEN:

1. SRI. E. NARAYANAPPA
S/O LATE MATTAPPA
AGED ABOUT 64 YEARS.
2. SRI. MUNIRAJU
S/O MUTTAPPA
AGED ABOUT 56 YEARS.
3. SMT. RATNAMMA
W/O LATE EERAPPA
AGED ABOUT 55 YEARS.
4. SMT. RAJESHWARI
W./O NARAYANAPPA
AGED ABOUT 50 YEARS,

Digitally signed by
CHAYAS A
Location: HIGH
COURT OF
KARNATAKA

ALL ARE R/AT ESTHR GRAMA,
BENDIGANA HALLI POST
HOSKOTE TALUK,
BENGALURU RURAL-562129.

...PETITIONERS

(BY SRI. ASHOK HARANAHALLI, SENIOR ADVOCATE
FOR SRI. VINAYAKA B. VISHNU BATTA, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
CHIKKBALLAPUR DISTRICT,
CHIKKBALLAPURA - 562101.



2. THE ASSISTANT COMMISSIONER
CHIKKBALLAPUR DISTRICT,
CHIKKBALLAPURA - 562101.
 3. THE TAHSILDAR
SHIDLAGHATTA TALUK - 562 105.
 4. SMT. BHAGYALAKSHMI
W/O NARASIMAYYA
R/AT KALYANAPURA
JANGAMAKOTE HOBLI
SIDDLAGHATTA TALUK - 562 202.
 5. SMT. NAGAMMA
D/O CHENNARAYAPPA
AGE : MAJOR
R/AT BYRASANDRA
JANGAMAKOTE HOBLI
SIDDLAGHATTA TALUK-561202.
 6. SMT. GAYATHRIAMMA
W/O KRISHNAPPA
AGE: MAJOR
R/AT VENKATAPURA,
JANGAMAKOTE HOBLI
SIDDLAGHATTA TALUK-561202.
 7. SRI. SHANKARAPPA
S/O NANJUNDAPPA
AGE: MAJOR
 8. SMT. NAGAMMA
D/O CHENNARAYAPPA
AGE: MAJOR
- RESPONDENTS NO.7 AND 8 ARE
R/AT BYRASANDRA
JANGAMAKOTE HOBLI
SIDDLAGHATTA TALUK-561202.
9. SRI. KRISHNAMURTHY



S/O LATE RAMAPPA
AGE : MAJOR
R/AT BYRASANDRA
JANGAMAKOTE HOBLI
SIDDLAGHATTA TALUK-561202.

10. SMT. LAKSHMMAMA
W/O LATE RAMAPPA
AGED : MAJOR.

11. SMT. S. ROOPA
W/O KRISHNAMURTHY
AGED : MAJOR
R/AT NO.51, BYRASANDRA
JANGAMAKOTE HOBLI
SIDDLAGHATTA TALUK - 561 202.

...RESPONDENTS

(BY SMT. B.P. RADHA, AGA FOR R1 TO R3;
SRI. NATARAJ BABA K., ADVOCATE FOR R4;
SRI. L. VENKATARAMA REDDY, ADVOCATE FOR R6, R7 & R9;
R5, R8, R10 & R11 ARE SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE ORDER PASSED BY THE RESPONDENT NO.1 IN
CASE NO.R.A/04/2016-17 DATED 21.02.2022 PRODUCED AS
ANNEXURE-A AND / OR QUASH THE ORDER THE RESPONDENT
NO.2 IN CASE NO.LND/RA/58/2003-04 DATED 09.03.2016
PRODUCED AS ANNEXURE-B AND / OR DECLARE THAT THE
RESPONDENTS SHALL NOT DISTURB THE PEACEFUL
POSSESSION OF THE PETITIONERS WITHOUT FOLLOWING THE
DUE PROCESS OF LAW; AND ETC.



THIS WRIT PETITION HAVING BEEN RESERVED FOR
ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY,
E.S. INDIRESH J., MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

CAV ORDER

1. In this Writ Petition, petitioners are assailing the Order dated 21.02.2022 in case No. R.A/04/2016-17 (Annexure-A) passed by the respondent No.1 and the Order dated 09.03.2016 in LND/RA/58/2003-04 (Annexure-B) passed by the respondent No.2, inter alia, sought for a direction to respondent Nos.1 and 2 to consider the applications of the petitioners as per the prevailing law and condition, as on the date of filing of the applications.

2. The facts in brief are that, the petitioners claim to be in unauthorised occupation and cultivation of the land bearing Sy.No.60 of Kalyapura Village,



Shidlaghatta Taluk, and further stated that, petitioners are in possession of the land for more than 30 years. Petitioners have made an application on 27.01.1999 in Form-53 seeking regularisation of their unauthorised occupation and cultivation of the schedule land as per Annexure- 'C series'. Thereafter the Committee constituted to consider the application has recommended for consideration of grant of land to the petitioners, as per Annexure-D. In the meanwhile, the respondent No.2, without considering the recommendation of the Committee, has granted the schedule land in favour of respondent Nos.4 to 11 on 28.05.2003. It is further stated that, the Committee decided to regularise the unauthorised occupation of the petitioners as per order dated 31.01.2004 and being aggrieved by the same, the respondent Nos.4 to 11 filed appeal before the respondent No.2 without making the petitioners as parties and as such, the



respondent No.2 passed an order dated 29.05.2004 (Annexure-E), setting aside the order passed by the Committee on 31.01.2004 and remanded the matter to the Committee, for fresh consideration. It is also stated in the Writ Petition that the respondent - authorities have conducted survey of the land in question and prepared a sketch as per Annexure-F and the respondent No.1, without considering the factual aspects on record, dismissed the appeal by order dated 18.03.2005 (Annexure-G). It is further stated in the Writ Petition that, feeling aggrieved by the order dated 18.03.2005 passed by respondent No.1, the petitioners have filed W.P.No.12303/2005 before this Court and this Court, by Order dated 17.03.2006, dismissed the Petition and relegated the petitioners to approach the Tahsildar. Feeling aggrieved by the same, petitioners have preferred W.A.No.1393/2007 and this Court, by Judgment dated



21.08.2008 (Annexure-J), allowed the Writ Appeal and set aside the order passed by the learned Single Judge and as such, remanded the matter to the Assistant Commissioner, Chickballapur Sub Division to re-hear the matter afresh after affording opportunity of hearing to all the parties concerned. It is further stated that, despite the order passed by this Court, the respondent - authorities have not taken any decision in the matter and as such, the petitioners were constrained to file W.P.No.46814-818/2013 before this Court and this Court directed the respondent No.2 to expedite the hearing as per Annexure-K. Thereafter, the respondent No.2, during the proceedings, called for report from the Tahsildar concerned regarding the availability of lands for regularisation and pursuant to the same, the respondent No.3 has filed a report on 16.02.2016 stating that no land is available for allotment to the



petitioners. It is the case of the petitioners that, the respondent No.2 vide order dated 09.03.2016 (Annexure-B), rejected the claim made by the petitioners and being aggrieved by the same, the petitioners have approached respondent No.1 in R.A.No.04/2016-17. The respondent No.1, by order dated 21.02.2022, dismissed the appeal and being aggrieved by the same, petitioners have presented this Writ Petition.

3. Heard Sri. Ashok Haranahalli, learned Senior Counsel appearing for the petitioners, Sri. L. Venkatarama Reddy, learned counsel appearing for respondent Nos.6, 7 and 9, and Smt. B.P. Radha, learned Additional Government Advocate appearing for the respondents - State.

4. Sri. Ashok Haranahalli, learned Senior Counsel appearing for the petitioners, argued that, both the



authorities have failed to consider the fact that the petitioners are in possession of the land in question and have filed Form-53, seeking regularisation of the land in question and therefore, the finding recorded by both the authorities requires to be set aside. It is further argued by the learned Senior Counsel by referring to the order passed at Annexure-B that the respondent No.2 has not called for records from the respondent No.3 and therefore, entire impugned proceedings vitiates and accordingly, sought for interference of this Court. It is also argued by learned Senior Counsel that, when the application in Form-53 filed by the petitioners is pending consideration before the competent authority seeking regularisation of the land in question, and as such, the respondent No.2 has passed an order dated 29.05.2004 (Annexure-E), without considering the plea of the petitioners, wherein the petitioners were not made parties in the



said proceedings, and accordingly sought for interference of this Court.

5. Per contra, Sri. L. Venkatarama Reddy, learned counsel appearing for respondent Nos.6, 7 and 9, argued that the petitioners are not entitled for the land in question as they are owning the land at Ralakunte Village, Sulibele Hobli, Hoskote Taluk. It is further argued that the respondent - authority after considering the material on record, has rejected the application made by the petitioners on merits and therefore, the impugned orders are required to be confirmed in this Writ Petition. It is further argued by learned counsel for respondent Nos.6, 7 and 9, that the finding recorded by the respondent - authorities at Annexures-A and B has to be accepted as there is no land available in Shidlaghatta Taluk for allotment in favour of the petitioners and therefore, sought for dismissal of the Writ Petition.



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6. Learned Additional Government Advocate produced the original records and sought to support the impugned orders.

7. In the light of the submissions made by the learned counsel appearing for the parties, it is not in dispute that the petitioners are in possession of land bearing Sy.No.60 of Kalyapura Village and they have filed Form-53 seeking regularisation of unauthorised occupation. It is to be noted that, the respondent - authorities have not considered the said aspect of the matter and based on the report of the Tahsildar that there is no land available in Shidlaghatta Taluk and as such, erroneously rejected the application. It is to be noted that the application in Form-53 filed by the petitioners has been considered by the Committee as to eligibility of the petitioners to claim regularisation of unauthorised occupation, so also availability of land for regularisation and thereby Committee has



recommended the application of the petitioners, after conducting a detailed survey and sketch, as to the grant of land in question. In that view of the matter, the finding recorded by respondent Nos.1 and 2 at Annexures - A and B, is contrary to the records and respondent Nos.1 and 2 have not considered the material on record as to the cultivation being made by the petitioners in the subject land. It is pertinent to mention here that the respondent No.2, vide order dated 09.03.2016 (Annexure-B) has stated that the Tahsildar has not produced the original records, while passing the order at Annexure-B. The said aspect would make it clear that the impugned order at Annexure-B has been passed without verifying the original records and no material was before the respondent - authority to take decision on merits of the case and therefore, I am of the view that the



impugned orders at Annexures - A and B are liable to be set aside.

8. It is also to be noted that when the application in Form-53 filed by the petitioners is pending consideration before the Committee and as such, there was no necessity for the respondent - authorities to accept the applications made by private respondents herein and that apart, no decision has been taken as to the pending application of the petitioners and therefore, I find force in the submissions made by the learned Senior Counsel appearing for the petitioners. It is also to be noted from the records that, the total extent of land in Sy.No.60 of Kalyapura Village is measuring 119.16 acres and 80 acres of the land has been granted for such of the applications made by the unauthorised occupants, however, remaining 39.16 acres of land are yet to be considered by the Committee for



regularising unauthorised occupation and this aspect would demonstrate that the report of the Tahsildar stating that, 'no land is available for grant' is without any basis and contrary to records. Taking into consideration aforesaid aspects of the matter, I pass the following:

ORDER

(i) The Writ Petition is allowed.

(ii) Order dated 21.02.2022 (Annexure-A) passed by the respondent No.1 and the Order dated 09.03.2016 (Annexure-B) passed by respondent No.2 are hereby quashed.

(iii) Writ of mandamus is issued to respondent Nos.1 and 2 to consider the application in Form-53 filed by the petitioners as per the prevailing law and condition as on the date of filing of application by the petitioners, in accordance with law, within a period of



four months from the date of receipt of certified copy of this order.

(iv) It is made clear that, till the consideration of the application made by the petitioners, respondent - authorities are restrained from taking any precipitative action against the petitioners.

**SD/-
(E.S.INDIRESH)
JUDGE**

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List No.: 1 Sl No.: 63