



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 3120 OF 2026 (KLR-RES)

BETWEEN:

SMT PARVATHAMMA
W/O. LATE NARAYANAPPA,
AGED ABOUT 73 YEARS
R/AT N. KOTHUR VILLAGE AND POST,
CHINTAMANI TALUK,
CHIKKABALLAPURA DISTRICT- 563 125.

...PETITIONER

(BY SRI. LOKESH K.M., ADVOCATE FOR
SRI. MANJUNATH K V., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE,
MS BUILDING, BENGALURU 560001.
2. THE ASSISTANT COMMISSIONER,
CHIKKABALLAPURA SUB-DIVISION,
CHIKKABALLAPURA-262101
3. THE TAHSILDAR,
CHINTAMANI TALUK,
CHINTAMANI- 563 125.
4. THE COMMITTEE FOR REGULARIZATION
OF UNAUTHORIZED OCCUPATION OF LAND,

Digitally signed by
JUANITA
THEJESWINI
Location: HIGH
COURT OF
KARNATAKA



CHINTAMANI TALUK,
CHINTAMANI- 563 125
REPRESENTED BY ITS PRESIDENT.

...RESPONDENTS

(BY SRI.SHAMANTH NAIK., HCGP)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING ANNEXURE-C VIDE ITS NO.R.U.C/CR/63/2025 2026 DATED . 17.09.2025 THE ENDORSEMENT ISSUED BY THE 3RD RESPONDENT AND ISSUE WRIT OF MANDAMUS DIRECTING THE RESPONDENT NO.3 TO CONSIDER THE APPLICATION/FORM-50 AS ON THE DATE OF FLINGING I.E., DATED 16.07.1991 VIDE REGISTER EXTRACT OF ANNEXURE-A AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE R DEVDAS

ORAL ORDER

Learned High Court Government Pleader takes notice for all the respondents.

2. The petitioner is aggrieved of the impugned endorsement at Annexure-C dated 17.09.2025 issued by the Tahsildar, Chintamani Taluk rejecting the application filed by the petitioner who had sought for regularisation of



unauthorised occupation of 2 acres of land in Survey No. 69 of Singhsandra Village, Kasaba Hobli, Chintamani Taluk, Chikkaballapur District. Learned counsel for the petitioner submits that the application in Form No.50 was filed on 16.07.1991 and the distance is required to be measured in terms of the law laid down by this Court taking into consideration the geographical boundary of the municipality, as it was as on the date of the application, in the year 1991 and not at the present. Moreover, the Tahsildar has no authority of law to reject the application. It is for the Committee for Regularization of Unauthorised Occupation to consider the application in terms of the recommendation made by the Tahsildar.

3. Learned counsel for the petitioner would also submit that having regard to the applications considered by various other persons, orders were passed way back in the year 1992 itself granting the lands, since the lands were not within the prohibited distance in terms of the provisions of the Act.



4. This Court in the case of ***Ashwathappa V/s State of Karnataka and others*** in ***W.P.No.2411/2022*** dated 18.02.2022 held that the distance between the lands in question, lands for which application have been filed for regularization have to be measured having regard to the geographical boundary of the local authority as on the date of the application and not when the application is taken up for consideration.

5. There is substance in the submission made by the learned Counsel for petitioners. Moreover, this Court has held in the said case of ***Ashwathappa (supra)*** that the distance has to be measured having regard to the geographical boundary of the local authority which was prevailing as on the date of the application. It is also clear from the fact that the Committee did not find that at the relevant point of time, i.e., in the year 1991, when the orders were passed, the distance between the land in question and the local authority was within the prohibited



distance. Therefore, such a contention cannot be taken up at this point of time.

6. Consequently, the writ petition stands ***disposed of***. The impugned endorsement dated 17.09.2025 at Annexure-C issued by the 3rd respondent-Tahsildar, Chintamani Taluk, is hereby quashed and set aside. The matter stands remanded back to the 3rd respondent-Tahsildar, with a specific direction that he shall decide as to what was the distance between the land in question and the boundary of the Municipal Council as it was as on the date of application i.e., 16.07.1991. If it is clear that the land in question was not within the prohibited distance having regard to the boundaries of the then Municipal Council in the year 1991, then the Tahsildar shall place the report and application filed by the petitioner in Form No.50 before the Committee, the Committee shall consider the application of the petitioner and proceed to pass necessary orders in favour of the petitioner. The entire exercise shall be completed as expeditiously as possible at any rate



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within a period of three months from the date of receipt of copy of this order.

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

**Sd/-
(R DEVDAS)
JUDGE**

KLY
CT: JL