



CNR: KAHC010093802017

NC: 2026:KHC:43359
WP No. 36605 of 2017

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF AUGUST, 2026

BEFORE

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

WRIT PETITION NO.36605 OF 2017 (KLR-RES)

BETWEEN:

1. SRI. P.M. ABDUL RAHIMAN
S/O LATE SRI P A MOHAMMAD HAJI
CHERIA PRAMBU HOUSE,
BEHU VILLAGE,
POST: NAPO KLU 571214
MADIKERI TLAUK,
KODAGU DISTRICT.

...PETITIONER

Digitally signed by
CHAYA S A

Location: HIGH
COURT OF
KARNATAKA

(BY SRI. CHANDRANATH ARIGA K., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
VIKASA SOUDHA
AMBEDKAR VEEDHI
BENGALURU - 560001.



CNR: KAHC010093802017

NC: 2026:KHC:43359
WP No. 36605 of 2017

2. THE DEPUTY COMMISSIONER
KODAGU DISTRICT
MADIKERI - 571 201.
3. THE SECRETRY
THE AKRAMA SAKRAMA COMMITTEE
VIRAJPET TALUK,
VIRAJPET - 571218
KODAGU DISTRICT.
4. THE TASHILDAR
VIRAJPET TLAUK
VIRAJPET - 571218
KODAGU DISTRICT.

...RESPONDENTS

(BY SMT. B.P. RADHA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 10.05.2017 IN AKR:23:1998-99:AKR 2648:1991-92 UTK;N:AKR:4:12-13; DIRECT RESPONDENT NO.3 TO ALLOW THE APPLICATION FILED BY THE PETITIONER AND PASS ORDERS.

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



CNR: KAHC010093802017

NC: 2026:KHC:43359
WP No. 36605 of 2017

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

ORAL ORDER

1. The petitioner in this Writ Petition is assailing the order dated 10.05.2017 in AKR:23:1998-99:AKR 2648:1991-92 UTK: N:AKR:4:12-13(Annexure-L) passed by respondent No.3, rejecting the application made by the petitioner for regularisation of the land in question.

2. It is the case of the petitioner, that petitioner is a resident of Bethu Village of Madikeri Taluk and he has made an application to respondent No.4 seeking grant of land. After the completion of spot inspection by the respondent - authorities, a report at Annexure-A has been made over to respondent No.3 to take decision in the matter. It is also stated that respondent No.4 has also collected T.T. fine in respect of the land in question and also report of the Village Accountant would indicate that the petitioner is cultivating the land in question and has constructed a house in the land in question and accordingly, the petitioner has sought for grant of subject land in his favour.



CNR: KAHC010093802017

3. It is also stated that the Deputy Tahsildar has submitted a report to respondent No.4 that petitioner is in unauthorised cultivation of the paisari land since 1972 and thereby constructed a house as per the report dated 13.05.1987 (Annexure-D). It is also stated that despite aforesaid recommendation has been made in favour of the petitioner herein, however, the respondent No.3 by the impugned order at Annexure-L has rejected the application made by the petitioner on the ground that the land in question claimed by the petitioner is belonging to Government School in Napoklu Village and hence, this Writ Petition is preferred by the petitioner.

4. Heard Sri. Chandranath Ariga K., learned counsel appearing for the petitioner and Smt. B.P. Radha, learned Additional Government Advocate appearing for the respondents.

5. Sri. Chandranath Ariga K., learned counsel appearing for the petitioner, by inviting the attention of the Court to the report made by the Tahsildar dated 13.05.1987 and also the report of the Village Accountant at Annexure-L contended that,



CNR: KAHC010093802017

NC: 2026:KHC:43359
WP No. 36605 of 2017

the petitioner has constructed a house as well as cultivating the subject land as an unauthorised occupant and also he made an application seeking regularisation of the land in question. With regard to rejection of the claim by the respondent - authorities stating that the subject land is belonging to the Government High School of Napoklu village, learned counsel referred to the Jamabandi for the year 1909 with regard to the land bearing Sy.No.12/1 and contended that, land to an extent of 9 acres 48 cents situated at Sy.No.12/1 is belonging to the petitioner and the contention raised by the respondent - authorities that the said land is belonging to Government High School is incorrect as the petitioner himself has constructed a house and also it is reflected in the report made by the Tahsildar at Annexure-C and accordingly, sought for interference of this Court.

6. Sri. Chandranath Ariga K., learned counsel appearing for the petitioner further submitted by referring to para 10 of the Writ Petition that the local MLA is only a Member of the Committee constituted under Section 94A of the Karnataka Land Revenue Act, 1964 and all the Members of the Committee have not assented for the rejection of the claim of the



CNR: KAHC010093802017

**NC: 2026:KHC:43359
WP No. 36605 of 2017**

petitioner and accordingly, sought for interference of this Court in respect of the Annexure-L is concerned.

7. Per contra, learned Additional Government Advocate submitted that opportunity was extended to the petitioner to have his say in the matter and also submitted that as the land in question which is being claimed by the petitioner is belonging to Government High School, accordingly, the Writ Petition may be dismissed. In this regard, learned Additional Government Advocate produced jamabandi of the year 1989 with regard to land bearing Sy.No.12/1 wherein an extent of 8.77 cents has been shown in the said extract and therefore, sought for dismissal of the Writ Petition.

8. In the light of the submissions made by learned counsel appearing for the parties and on careful consideration of the documents produced by the respondent - authority would indicate that the land in question as per the jamabandi of the year 1909-12 at Annexure-P would indicate the extent of 9 acres 48 cents in bearing Sy.No.12/1 and as per the Jamabandi during 1979, extent of land was reduced to 8.77 cents in Sy.No.12/1.



CNR: KAHC010093802017

9. Taking into consideration the aforesaid aspects, on careful consideration of the impugned order at Annexure-L would indicate that the petitioner has protested as to the order passed by the respondent - authorities claiming that the land in question belonged to Government High School. In that view of the matter, taking into consideration that as in the impugned order nothing has been stated as to when the land was granted to the Government High school and absence of such other details as to handing over the land to the Government High School and also it is forthcoming that all the Members of the Committee have not assented for the said order, I find force in the submission made by the learned counsel appearing for the petitioner.

10. Accordingly, I pass the following:

ORDER

(i) The Writ Petition is allowed.

(ii) The order dated 10.05.2017 in AKR:23:1998-99:AKR 2648: 1991-92 UTK: N:AKR:4:12-13 passed by respondent No.3 is accordingly, set aside.



**NC: 2026:KHC:43359
WP No. 36605 of 2017**

CNR: KAHC010093802017

(iii) The matter is remitted to respondent No.3 to reconsider the issue afresh after affording opportunity of hearing to the petitioner and take decision in the matter in accordance with Section 94A of the Karnataka Land Revenue Act, 1964.

(iv) Needless to say that it is open for the petitioner to submit any further documents to the respondent No.3 - Committee to enable it to take decision in the matter, in accordance with law.

(v) Till the consideration of the application made by the petitioner and conclusion of the matter, as this Court has remanded the matter as above, the respondents are directed not to interfere with the possession of the property in question by the petitioner.

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

sac
List No.: 1 Sl No.: 73