



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 4045 OF 2026 (KLR-RES)

BETWEEN:

SRI. MUNIVENKATAPPA A.
S/O LATE ANJINAPPA AND
LATE LAKSHMAMMA,
AGED ABOUT 42 YEARS,
RESIDING AT #40, JADIGENAHALLI HOBALI,
HOSAKOTE TALLUK, DASARAHALLI,
BENGALURU RURAL DISTRICT-562 114.

...PETITIONER

(BY SMT. PAVITHRA, ADVOCATE FOR
SRI. KARTHIK V., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF REVENUE,
VIDHANA SOUDHA,
BENGALURU-560 001.
2. THE DEPUTY COMMISSIONER,
BENGALURU RURAL DISTRICT,
BENGALURU-562 122.
3. THE TAHSILDHAR,
HOSKOTE TALUK,
BENGALURU RURAL DISTRICT-562 114.

...RESPONDENTS

(BY SRI. K.P. YOGANNA, AGA)



THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO: (I) QUASHING THE ENDORSEMENT DATED 03.01.2026 IN VIDE NO. THHSK-LNDORUCJ/97/2025 ISSUED BY THE 3RD RESPONDENT IS MARKED AS ANNEXURE – P; AND ETC.

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

CORAM: HON'BLE MR. JUSTICE R DEVDAS

ORAL ORDER

Learned Additional Government Advocate takes notice of all the respondents.

2. The grievance of the petitioner is directed against the impugned endorsement dated 03.01.2026 issued by the respondent Tahsildar, Hoskote Taluk, rejecting the application filed by the petitioner in Form No.53 on 24.11.1998. Learned counsel submits that firstly, the Tahsildar is not the Competent Authority to consider and reject the application. It is the Committee for regularization of unauthorised occupation. Secondly, it is submitted that even by virtue of Rule 108-CCC(3), the Tahsildar is empowered to place ineligible applications



before the Deputy Commissioner and the Deputy Commissioner may pass necessary orders on such ineligible applications. Moreover, in respect of the neighboring lands, the Committee has considered such applications and has recommended grant of lands, since admittedly during 1998 when the applications were filed the lands in question were not within the prohibited distance.

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 1998 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 1998, 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 03.01.2026 at



Annexure-P issued by the 3rd respondent-Tahsildar, Hoskote 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., 24.01.1998. 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, then the Tahsildar shall place the report and application filed by the petitioner in Form No.53 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 within a period of three months from the date of receipt of copy of this order.



7. Learned Additional Government Advocate is permitted to file memo of appearance within a period of four weeks from today.

Sd/-
(R DEVDAS)
JUDGE

HB
List No.: 1 SI No.: 7