



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 6706 OF 2025 (KLR-RES)

BETWEEN:

SMT. DODDAKKA
W/O SRI CHANDRAPPA,
AGED ABOUT 58 YEARS,
R/O AMMANAHATTI VILLAGE,
MATODU HOBLI,
HOSADURGA TALUK 577 533
CHITRADURGA DISTRICT.

...PETITIONER

(BY SRI. UMESH MOOLIMANI., ADVOCATE FOR
SRI. S V PRAKASH., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
M S BUILDING, DR AMBEDKAR VEEDHI,
BENGALURU - 560 001.
2. THE DEPUTY COMMISSIONER
CHITRADURGA DISTRICT,
CHITRADURGA - 577 501.
3. THE TAHASILDAR
HIRIYURU TALUK, HIRIYURU,

Digitally signed
by JUANITA
THEJESWINI
Location: HIGH
COURT OF
KARNATAKA



CHITRADURGA DISTRICT 577 598

...RESPONDENTS

(BY SRI.SHAMANTH NAIK., HCGP)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 28.10.2024 PASSED BY THE KARNATAKA APPELLATE TRIBUNAL IN APPEAL NO.263/2023 PRODUCED AS ANNEXURE-D TO THE WRIT PETITION CONFIRMING THE ORDER DATED 01.06.2022 PASSED BY THE 2ND RESPONDENT IN CASE NO. ULND/ HYR/ CR. 02/2020-21 PRODUCED AS ANNEXURE-C TO THE WRIT PETITION 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 accepts notice for all the respondents.

2. The grievance of the petitioner is that the Deputy Commissioner, Chitradurga District, has passed the order dated 01.06.2022 at Annexure 'C', invoking powers conferred under Rule 108-CCC of the Karnataka Land Revenue Rules, 1966 rejecting the application filed by the



petitioner for regularisation of unauthorised occupation, on the ground that the application filed by the petitioner is ineligible on the recommendation made by the respondent-Tahsildar. Being aggrieved of the order passed by the respondent-Deputy Commissioner, Chitradurga District, the petitioner approached the KAT in Rev. Appeal No.263/2023. The KAT has upheld the order passed by the respondent-Deputy Commissioner.

2. Learned counsel submits that the reason furnished in the order is that the petitioner was not found to be in occupation of the lands for which regularisation is sought. Learned counsel submits that such a reason cannot be considered as an ineligible application.

3. There is substance in the submission made by the learned Counsel for petitioner.

4. Ineligible application would mean that the applicant was not eligible to file the application. The reason furnished in the impugned order will not satisfy the said requirement of holding the application itself ineligible.



6. Having heard the learned counsel for petitioner and the learned High Court Government Pleader, this Court is of the considered opinion that having regard to the reasons furnished in the impugned order for rejecting the application, this Court is convinced that the Deputy Commissioner could not have invoked powers under Rule 108-CCC of the Rules, 1966, to reject the application on the ground that the application is ineligible. If on the other ground the revenue authorities are of the opinion that the petitioner is not in occupation of the lands, which is one of the requirements of the provision and the rules for regularization of the lands, then such a decision can be taken while giving an opportunity to the petitioner and such an exercise should be done by the Committee and not by the Deputy Commissioner.

7. Accordingly, the writ petition is **allowed** while setting aside the impugned orders dated 28.10.2024 and 01.06.2022 at Annexure 'D' and 'C' passed by the Karnataka Appellate Tribunal and the Deputy



Commissioner, Chitradurga District. The communication dated 29.04.2022 issued by the respondent-Tahsildar at Annexure 'B' is also quashed and set aside.

8. The application filed by the petitioner shall be reconsidered by the Committee for regularisation of unauthorised occupation. The respondent-Tasildar shall place the application of the petitioner before the Committee within a period of six weeks from the date of receipt of a copy of this order. The Committee shall thereafter consider the application and if necessary make a spot inspection while giving prior notice to the petitioner so that the petitioner will also be present at the spot. The Committee shall dispose of the application as expeditiously as possible and at any rate within a period of two months from the date when which the application would be placed by the Tahsildar before the Committee.

9. In view of the disposal of the petition, pending I.As., do not survive for consideration and accordingly, the same stand disposed of accordingly.



**NC: 2026:KHC:12662
WP No. 6706 of 2025**

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

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

JT/-
CT:JL