



CNR: KAHC010154392025

NC: 2026:KHC:46443
WP No. 6971 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

BEFORE

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

WRIT PETITION NO. 6971 OF 2025 (KLR-RES)

BETWEEN:

1. SMT. LALITHAMMA R.
W/O. LATE NANJEGOWDA T.S.
AGED ABOUT 70 YEARS.
2. SRI. T.N. OMKAR PRASAD,
S/O. LATE NANJEGOWDA T.S.
AGED ABOUT 51 YEARS

BOTH ARE R/AT TYAGATOORU VILLAGE,
TYAGATOORU POST, GUBBI TALUK,
NITTUR HOBLI,
TUMAKURU DISTRICT-572 223.

3. SRI. SIDDESH T.N.
S/O. LATE NANJEGOWDA T.S,
AGED ABOUT 48 YEARS,
R/AT. NO.6, HUNASE NILAYA,
1ST 'B' CROSS, MARUTHINAGARA,
CHANDRA LAYOUT,
BENGALURU - 560 072.

...PETITIONERS

(BY SRI. V.B. SIDDARAMAIAH, ADVOCATE)

Digitally signed
by CHAYA S A
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010154392025

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF REVENUE
M.S. BUILDING, DR. AMBEDKAR VEEDHI
BENGALURU 560 001.
REP. BY ITS PRINCIPAL SECRETARY.
2. THE DEPUTY COMMISSIONER,
TUMAKURU DISTRICT,
MINI VIDHANA SOUDHA,
TUMAKURU -572 101.
3. THE ASSISTANT COMMISSIONER,
TUMAKURU SUB-DIVISION
MINI VIDHANA SOUDHA,
TUMAKURU-572 101.
4. THE TAHASILDAR
AND THE SECRETARY,
THE LAND TRIBUNAL,
GUBBI TALUK,
MG ROAD, GUBBI
TUMAKURU DISTRICT - 572 216.
5. THE PANCHAYATH DEVELOPMENT OFFICER,
TYAGATOORU GRAMA PANCHAYATH,
TYAGATOORU, NITUR HOBLI,
GUBBI TALUK,
TUMAKURU DISTRICT- 572 223.

...RESPONDENTS

(SRI. SPOORTHY HEGDE N., HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE



CNR: KAHC010154392025

ORDER DATED 14.09.2024, BEARING NO.LND (GUBBI) CR.51/2024-25, (E-437995) PASSED BY THE 2ND RESPONDENT, THE DEPUTY COMMISSIONER, TUMAKURU DISTRICT, MINI VINDHANA SOUDHA TUMAKURU, VIDE ANNEXURE-H; AND ETC.

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

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

ORAL ORDER

1. The petitioners herein are assailing the order in case No.LND(GUBBI)CR:51/2024-25,(E-437995) dated 14.09.2024(Annexure-H) passed by respondent No.2, the order dated 08.01.2025 (Annexure-J) passed by respondent No.4 and the survey report dated 27.09.2023(Annexure-K) drawn by Taluk Surveyor, Gubbi.

2. Having heard the learned counsel appearing for the parties and on careful consideration of the material on record, would indicate that the grievance of the petitioners in this Writ Petition is with regard to land bearing Survey No. 101 and 102



CNR: KAHC010154392025

of Bommarasanahalli Village, Gubbi Taluk, Tumakuru District. It is stated that the ancestor of the petitioners-Siddaramaiah @ Siddaramegowda was the owner of the land in question to an extent of 27 acres 8 guntas and an extent of 10 acres was sold in favour of one Marulappa, son of Honnappa as per the registered sale deed, and an extent of 10 acres was mutated in the name of the said Marulappa as per MR No.12/1959-60. It is also contended by the learned counsel for the petitioners by referring to the sketch produced at Annexure-C that, in an extent of 17 acres 8 guntas, not only the petitioners but several persons are cultivating the land in question. By referring to the index of lands at Annexure-A, it is submitted by the learned counsel for the petitioners that, the entire extent of land in Survey No.101 of Bommarasanahalli Village is belonging to the family of the petitioners and therefore, contended that the impugned order passed by the respondent-authorities requires to be interfered with before identifying the land to be given for the Ashraya Scheme and therefore sought for interference of this Court.



CNR: KAHC010154392025

3. It is also contended by Sri. V.B. Siddaramaiah, learned counsel appearing for the petitioners, that the land which is actually belonging to the Government has not been identified and surveyed as per the survey report dated 27.09.2023(Annexure-K) and further he invited the attention of the Court to the RTC Extract (annexure-E) in respect of the land bearing Survey No. 101/2 of Bommarasanahalli Village and stated that an erroneous entry has been made in the name of the Deputy Commissioner, Tumkuru, in column number 9 and the same has caused the discrepancy in so far as the land in question is concerned and accordingly sought for interference of this Court.

4. Per contra, Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for the respondents, sought to justify the impugned orders passed by the respondent-authorities.

5. In the light of the submissions made by the learned counsel appearing for the parties and on careful consideration of the survey report as well as the sketch produced at Annexures-K and L would indicate that a portion of the land



CNR: KAHC010154392025

which is belonging to the Government being identified as a road, and same has been shown as closed/encroached therein and therefore, such a discrepancy has been caused in so far as identifying the actual extent of the land in Survey No. 101 and 102 of Bommarasanahalli Village. In that view of the matter, taking into consideration the factual aspects on record and as the petitioners themselves have produced the Google Map at Annexure-L, which clearly shows that the petitioners are in cultivation of the land in question and same land is proposed to be handed over to the respondent-Panchayat for formation of sites is concerned, I find force in the submission made by the learned counsel appearing for the petitioners.

6. Accordingly, I pass the following:

ORDER

(i) The Writ Petition is allowed.

(ii) The order in case No.LND(GUBBI)CR:51/2024-25,(E-437995) dated 14.09.2024(Annexure-H) passed by respondent No.2, the order dated 08.01.2025 (Annexure-J) passed by respondent No.4 and the survey report dated



**NC: 2026:KHC:46443
WP No. 6971 of 2025**

CNR: KAHC010154392025

27.09.2023(Annexure-K) drawn by Taluk Surveyor, Gubbi, in respect of the land in question bearing Survey No.101 and 102 of Bommarasanahalli Village, Gubbi Taluk, Tumakuru District, are accordingly set aside.

(iii) Respondent Nos.2 to 4 herein are directed to remove the encroachment said to have been made in the road which is identified in the Village Map, by issuing notice to all the parties who have encroached the public road as reflected in the Village Map in a manner known to law and thereafter, conduct a survey in respect of the land in question as well as the land belonging to the Government after issuing notice to all the parties concerned including the petitioners herein, and take decision in the matter in accordance with law.

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

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List No.: 1 Sl No.: 55