



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO.42917 OF 2018 (KLR-RES)

BETWEEN:

1. SRI. A.S. VIJAYA KUMAR
S/O LATE SANTHAPPA GOWDA
OCC: AGRICULTURE
R/A ATHYADI HOUSE
AJJAVARA VILLAGE & POST
SULLIA TALUK
DAKSHINA KANNADA DISTRICT-574239.

...PETITIONER

(BY SRI. PRASANNA V.R., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF REVENUE
M S BUILDING
BENGALURU -560001.
2. THE ASSISTANT COMMISSIONER
PUTTUR,
DAKSHINA KANNADA DISTRICT-574240.
3. THE TAHSILDAZR
SULLIA TALUK, SULLIA
DAKSHINA KANNADA DISTRICT-574239.

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



4. SRI. GANGADHARA GOWDA
S/O LATE JATTHAPPA GOWDA,
AGED ABOUT 62 YEARS
OCC: AGRICULTURE
R/AT ATHYADI HOUSE
AJJAVARA POST & VILLAGE
SULIA TALUK
DAKSHINA KANNADA DISTRICT - 574 239.

...RESPONDENTS

(BY SMT. B.P. RADHA, AGA FOR R1 TO R3;
SRI. PRADEEP NAIK K., ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 28.03.2018 IN (REVENUE) REVISION PETITION NO.80/2014 PASSED BY THE KARNATAKA APPELLATE TRIBUNAL VIDE ANNEXURE-A; QUASH THE ORDER DATED 14.12.2009 PASSED BY THE 2ND RESPONDETN ASST. COMMISSIONER, TRUE COPY OF WHICH IS PRODUCED AT ANNEXURE-B; 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. In this Writ Petition, petitioner is assailing the order dated 28.03.2018 in Revision Petition No.80/2014, on the file of the Karnataka Appellate Tribunal at Bengaluru (Annexure-A), the order dated 14.12.2009 (Annexure-B) passed by respondent No.2, the order dated 15.11.2007 (Annexure-C) passed by respondent No.3 and the order dated 04.10.2010 (Annexure-D) passed by respondent No.4.

2. Having heard the learned counsel appearing for the parties, on careful examination of writ papers would indicate that the petitioner as well as respondent No.4 herein have made an application seeking regularisation of unauthorised cultivation of land by filing Form-53 before the competent authority. Since the order dated 28.07.2004 (Annexure-F) passed by respondent No.2 as to club both the applications and pass appropriate order and thereby a report was made by respondent No.3 dated 11.05.2007 (Annexure-G) to the Committee constituted for verifying the documents of the



parties as to confirmation of grant of land under Section 94-B of the Karnataka Land Revenue Act, 1964. It is also forthcoming from the records that, the report at Annexure-G filed by respondent No.3 to the Committee constituted to look into the applications made by the petitioner as well as respondent No.4, was challenged by respondent No.4 in Appeal No.44/2007-08 and respondent No.2 vide order dated 12.02.2009 (Annexure-H) rejected the same. It is also forthcoming from the writ petition that, the respondent No.4 herein had lodged a complaint to respondent No.3 as to encroachment said to have been made by the petitioner herein over the land being cultivated by respondent No.4 and in furtherance of the same, respondent No.3 by Order dated 15.11.2007 (Annexure-C), passed an order restraining the petitioner herein not to interfere with the land being cultivated by respondent No.4 and directed the parties to maintain status-quo in respect of the land in question. The said order passed by respondent No.3 dated 15.11.2007 was challenged before respondent No.2 in Appeal No.137/2007-08. Respondent No.2, vide order dated 14.12.2009, dismissed the Appeal preferred by the petitioner herein and being aggrieved by the same, the



petitioner herein has approached the Karnataka Appellate Tribunal in Revision Petition No.80/2014 and the Tribunal by order dated 28.03.2018 (Annexure-A), has dismissed the Revision Petition.

3. On careful consideration of the factual aspects on record, it is not in dispute that both the petitioner herein and respondent No.4 have filed Form-53 seeking for regularisation of the unauthorised cultivation made by them. The said applications are yet to be considered by the competent authority to pass appropriate order.

4.. In that view of the matter, in the event, if any encroachment is being made by the petitioner herein with the possession of respondent No.4, it is open for respondent No.4 to seek appropriate remedy before the Civil Court to protect the possession in respect of the land claimed by him and in that view of the matter, the memorandum dated 15.11.2007 (Annexure-C), the order dated 14.12.2009 (Annexure-B), the order dated 28.03.2018 (Annexure-A) passed by the Karnataka Appellate Tribunal are hereby set aside and all further



proceedings including the order dated 04.10.2010 (Annexure-D) are hereby quashed.

5. Accordingly, the Writ Petition stands allowed.

6. It is made clear that since Form-53 made by the petitioner and respondent No.4 are still pending consideration before the competent Committee, the competent Committee shall expedite consideration of the same and pass appropriate order in accordance with law.

SD/-
(E.S.INDIRESH)
JUDGE

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List No.: 1 Sl No.: 61