



CNR: KAHC010234532024

NC: 2026:KHC:54549
WP NO.12831 OF 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2026

BEFORE

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

WRIT PETITION NO.12831 OF 2024 (KLR-REG)

BETWEEN:

SRI. KRISHNAPPA
S/O THIMMAIAH,
AGED ABOUT 57 YEARS,
R/AT BELLIKERE VILLAGE,
HANAGONDANAHALLI HOBLI,
HOSAKOTE TALUK,
BENGALURU DISTRICT.

...PETITIONER

(BY SRI. B. RAMESH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF REVENUE,
VIDHANA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU - 560 001.
REP. BY ITS SECRETARY.
2. THE DISTRICT COMMISSIONER
BENGALURU RURAL DISTRICT,
NH-207, DODDABALLAPUR-DEVANAHALLI HIGHWAY,
BEERASANDRA VILLAGE,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT - 562 110.
3. THE TAHASILDAR
HOSAKOTE TALUK,
HOSAKOTE,
BENGALURU - 562 114.

Digitally signed by
CHAYASA
Location: HIGH
COURT OF
KARNATAKA



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4. THE COMMITTEE CONSTITUTED
UNDER SECTION 94A OF THE KLR ACT
FOR REGULATISATION OF UN-AUTHORISED
OCCUPATION OF LAND
HOSAKOTE TALUK,
BENGALURU - 562 114
REP. BY ITS SECREATARY.

...RESPONDENTS

(BY SRI. ADITYA DIWAKARA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER BEARING NO.L.N.D(HO)CR/180/2023-24 DATED 20TH FEBRUARY, 2024 PASSED BY THE RESPONDENT NO.2 VIDE ANNEXURE-P, QUASH THE ENDORSEMENT BEARING NO.L.N.D(HO)CR/180/2023-24 DATED 21ST FEBRUARY, 2024 ISSUED BY THE RESPONDENT NO.2 VIDE ANNEXURE-Q; DIRECT THE RESPONDENT-AUTHORITIES TO CONSIDER FORM NO.53 FILED BY THE PETITIONER FOR GRANTING OCCUPANCY RIGHTS IN HIS FAVOUR IN RESPECT OF THE PROPERTY BEARING SURVEY NO.100 MEASURING TO AN EXTENT OF 0-20 GUNTAS SITUATED AT BELLIKERE VILLAGE, ANUGONDANAHALLI HOBLI, HOSAKOTE TALUK, BENGALURU RURAL DISTRICT VIDE ANNEXURE-A; 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

In this writ petition, the petitioner is challenging the order dated 20th February, 2024 (Annexure-P) passed by the respondent No.2 and endorsement dated 21st February, 2024 (Annexure-Q) issued by the Respondent No.2; *inter alia* sought



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for a direction to the respondents to consider the Form No.53 filed by the petitioner seeking grant of occupancy right in respect of the subject land.

2. Heard Sri. B. Ramesh, learned counsel appearing for the petitioner and Sri. Aditya Diwakara, learned Additional Government Advocate appearing for respondents.

3. Sri. B. Ramesh, learned counsel appearing for the petitioner refers to Form No.53 (Annexure-A) filed by the petitioner seeking regularisation of the land bearing Survey No.100 of Bellikere Village, Hoskote Taluk to an extent of 20 guntas and contended that the respondent-Authorities have conducted survey and identified the land in un-authorised cultivation by appointing a Surveyor as per Annexure-C to the writ petition. It is further argued by the learned counsel appearing for the petitioner that the respondent-Authorities have not considered the Form No.53 filed by the petitioner and therefore, the petitioner has approached this Court in Writ Petition No.10214 of 2008 and this Court, by order dated 04th December, 2008 (Annexure-D), directed the respondent-Authorities particularly the Committee for Regularization of



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Unauthorised Cultivation, Hoskote Taluk to consider the case of the petitioner within six months.

4. Learned counsel appearing for the petitioner also refers to order dated 24th February, 2021 (Annexure-J) passed by this Court in Writ Petition No.2681 of 2021 and contended that the respondents have not considered the case of the petitioner for regularisation of the subject land. Resultantly the petitioner filed one more petition in Writ Petition No.2587 of 2022 and this Court, by order 11th February, 2022 (Annexure-M), directed the respondent-Tahsildar to consider the case of the petitioner from the date on which the application has been filed by the petitioner and thereby set-aside the endorsement dated 24th November, 2021 and official memorandum dated 07th December, 2020. By referring to the aforementioned orders of this Court, learned counsel appearing for the petitioner argued the respondent No.2, disallowing the Form No.53 on the ground that the subject land is situated within 18 kms from the Bruhat Bengaluru Mahanagara Palike limits, is contrary to law.



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5. Nextly, Sri. B. Ramesh, learned counsel appearing for the petitioner refers to the Saguvali Chit issued in favour of the grantee of neighboring village (D. Hosahalli) and contended that the said Saguvali Chit has been issued on 14th June, 2023 and the subject land claimed by the petitioner is situate at the distance of 1 km. from the aforementioned land at D. Hosahalli. Therefore, learned counsel appearing for the petitioner contended that the impugned order and endorsement issued by the respondent No.2 requires to be set-aside and accordingly, direction be issued to the respondent No.2 to regularise the subject land in favour of the petitioner.

6. Per contra, learned Sri. Aditya Diwakara, learned Additional Government Advocate appearing for respondents sought to justify the impugned order and endorsement issued by the respondent No.2 since, the land claimed by the petitioner is within 15 kms from the BBMP Limits. Therefore, sought for dismissal of the petition.

7. In the light of the submission made by learned counsel appearing for the parties, it is well settled principle in law that the respondent-authorities, while considering the Form



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No.53 seeking regulatrion of the land have to consider the rules which prevail on the date of filing of Form No.53 by the claimant. The petitioner herein has filed Form No.53 on 23rd November, 1992. Therefore, the contention raised by learned Additional Government Advocate by referring to the Circular dated 22nd December, 2010 (Annexure-R1) cannot be considered. It is also to be noted that the said aspect of the matter was considered by this Court in the Case of **SRI. R. MAREGOWDA AND OTHERS vs. TAHSILDAR, BANGALORE NORTH (ADDITIONAL) TALUK** made in Writ Petition No.20722/2021 decided on 24th January, 2022.

8. The Division Bench of this Court in the case of **THE STATE OF KARNATAKA BY ITS SECRETARY, REVENUE DEPARTMENT AND OTHERS vs. HOLEYAPPA AND OTHERS** reported in ILR 2007 KAR 259, at paragraph 16 held as under:

"16. *There is nothing wrong in diverting either a gomal land or any other reserved land for other purposes when there is no sufficient cattle population in that area when there is no requirement of land for free pasturage and the purpose for which the reservation does not exist. As in the past, farmers are not depending upon*



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Government land for feeding their cattle. They are using their own lands or making their own arrangements to feed their cattle. On account of the Government Policy in enacting the provisions of Sections. 94-A, 94-B and 94-C of the KLR Act, increase of population in the State, lack of even distribution of land and other avocation for the residents of villages people out of dire need and necessity for their survival have occupied the reserved lands and have been cultivating to eke out livelihood for them and their family members. The occupation of lands by unauthorised occupants has become inevitable which reality and factual situation has been taken note by the Government, therefore the statutory rights given to the unauthorised occupants cannot be deprived of. They have acquired fundamental right guaranteed under Article 19(1)(e), and (g) of the Constitution. The regularisation of unauthorised occupation of Government lands relates to their livelihood which is again guaranteed under Article 21 of the Constitution of India.

(emphasis supplied)

8. This Court in the case of **SRI. R. MAREGOWDA** (*supra*) held that the application filed by the claimant is required to be considered in terms of the law prevailing as on the date of filing of application. Therefore, as the respondent-Authorities have regularized the land at D. Hosahalli Village of Hoskote Taluk, which is the neighbouring Village of Bellikere



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Village in question, I am of the view that the reasons assigned by the respondent No.2 in the impugned order and endorsement in respect of the petitioner herein is contrary to law in terms of the judgment of this Court in the aforesaid cases. Hence, I pass the following:

ORDER

- (i) Writ Petition ***allowed;***
- (ii) Impugned order bearing No.L.N.D(HO)CR/180/2023-24 dated 20th February, 2024 (Annexure-B) passed by the respondent No.2 is hereby set-aside; consequently, endorsement dated 21st February, 2024 (Annexure-Q) issued by the respondent No.2 is quashed;
- (iii) Respondents 2 to 3 are directed to regularise the land in question in favour of the petitioner by accepting the Form No.53 (Annexure-A) filed for granting occupancy rights, within a period of two months from the date of receipt of this order.

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

ARK
List No.: 1 Sl No.: 57