



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 11493 OF 2026 (KLR-RES)

BETWEEN:

SRI. RAJKUMAR BHAT
S/O.RAMACHANDRA BHAT,
AGED ABOUT 68 YEARS,
AGRICULTURIST,
RESIDENT OF DURGA PRASAD,
PERVAJE ROAD, KARKALA,
UDUPI DISTRICT - 574 104.

...PETITIONER

(BY SRI. K.C. SHANTA KUMAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
SECRETARY TO GOVERNMENT,
DEPARTMENT OF REVENUE,
VIKASA SOUDHA, DR. B.R.AMBEDKAR VEEDHI,
BENGALURU - 560 001.
2. THE DEPUTY COMMISSIONER,
UDUPI DISTRICT, UDUPI - 574 104.
3. THE TAHSILDAR,
KARKALA TALUK, KARKALA,
UDUPI DISTRICT - 574 104.

...RESPONDENTS

(BY SMT. B.P. RADHA, AGA)

Digitally signed
by JUANITA
THEJESWINI
Location: HIGH
COURT OF
KARNATAKA



THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO I)ISSUE A WRIT IN THE NATURE OF CERTIORARI TO QUASH THE IMPUGNED ORDER BEARING NO.NIL DT.30.9.2025 PASSED BY THE 2ND RESPONDENT AND ALSO IMPUGNED ENDORSEMENT BEARING NO.N.C.R(1)144/2025-26 E-244932 DATED 24.12.2025 ISSUED BY THE 3RD RESPONDENT VIDE ANNEXURES-H AND J 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 for all the respondents.

2. It is the contention of the petitioner that he has filed an application in Form No.57 seeking regularization of unauthorized occupation of Government lands and the same is produced at Annexure-B dated 28.03.2023.

3. Nevertheless, learned counsel for the petitioner seeks to contend that the Deputy Commissioner, Udupi



District has passed the impugned order dated 30.09.2025 at Annexure-H and the impugned endorsement dated 24.12.2025 at Annexure-J rejecting the applications of over 500 applicants in a common order and the common ground on which the applications are rejected is that the land sought for regularization is a gomal land, insofar as the petitioner is concerned and in majority of the cases.

4. On hearing the learned counsel for the petitioner, learned Additional Government Advocate and on perusing the petition papers, this Court finds that in terms of the proviso to sub-rule (4) of Rule 97 of the Karnataka Land Revenue Rules, 1966, an exception is carved out insofar as the power of the Deputy Commissioner in passing orders reducing the gomal lands, insofar as the application made seeking regularization of unauthorized cultivation under Chapter XIII A of the Rules, 1966. This would mean that when the Deputy Commissioner is considering the applications of ineligible persons in terms of Rule 108-CCC arising out of Section



94-A, on the report submitted by the Tahsildar who forwards list of ineligible application to the Deputy Commissioner for necessary action, the Deputy Commissioner is required to reject such ineligible applications and the Tahsildar is thereafter required to place all the eligible applications with suitable recommendations before the Committee or additional committee as the case may be. In the considered opinion of this Court, in so far as the ineligible applications are concerned, other than what is provided as an eligibility for grant in terms of 108-F of the Rules, the other conditions can be found under Section 94-A of the Act itself. One of them being the prohibited distance within which if the land falls, it cannot be granted. The submission of the learned Additional Government Advocate that certain lands not to be granted in terms enumerated in 108-F of the Rules is required to be accepted. However, in the present case, this Court finds that the Deputy Commissioner has passed an order of rejection on the ground that the land is a



gomal land and therefore, it cannot be regularized in favour of the petitioner. This, is in contravention to the provision of law requiring regularization of certain lands as provided under Section 94-A of the Act. There cannot be any cavil that all applications filed under Section 94-A of the Act are in respect of Government lands which are also known as gomal land. When an exception is carved out in sub-rule (4) of Rule 97 of the Rules exempting the application of the Rule 97 which empowers the Deputy Commissioner to pass orders de-reserving gomal land taking consideration the cattle population and the requirements of land to be reserved for pasteurizing, having regard to any application made seeking regularization of unauthorized cultivation under Chapter XIII A of the Rules, the Deputy Commissioner could not have rejected the application solely on the ground that the lands are gomala lands and they cannot be regularized in favour of the applicants.



5. Having regard to the above findings, this Court is of the considered opinion that the impugned order passed by the Deputy Commissioner, in so far as the petitioner's application is concerned, cannot be sustained.

6. Consequently, this Court proceeds to pass the following:

ORDER

- i. The writ petition is ***allowed***.
- ii. The impugned order dated 30.09.2025 at Annexure - H passed by respondent No.2- Deputy Commissioner, Udupi District and impugned endorsement dated 24.12.2025 at Annexure-J passed by respondent No.3-Tahsildar, Karkala Taluk, insofar as the petitioner is concerned, is hereby quashed and set aside.
- iii. The matter stands remitted back to the Tahsildar, Karakala Taluk, to place the application of the petitioner before the



Committee for regularization of unauthorized occupation within a period of four weeks from the date of receipt of copy of this order.

iv. The Committee shall thereafter consider the application of the petitioner and pass necessary orders in accordance with law as expeditiously as possible and at any rate within a period of two months from the date from which the application is placed by the Tahsildar before the Committee.

Ordered accordingly.

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

Sd/-
(R DEVDAS)
JUDGE

rv
List No.: 1 Sl No.: 15