



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 12193 OF 2026 (KLR-RES)

BETWEEN:

MRS. LAKSHMAMMA
W/O. LINGAIAH,
AGED ABOUT 58 YEARS,
RESIDING AT AMMALLIDODDI,
VIRUPAKSHIPURA, CHANNAPATNA TALUK,
RAMANAGARA DISTRICT - 562 160.

...PETITIONER

(BY SRI. VIGNESHWAR S. SHASTRI, SR. COUNSEL FOR
SRI. SIDDARAJU M, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REVENUE DEPARTMENT,
M.S.BUILDING, BENGALURU - 01,
REPRESENTED BY SECRETARY.
2. THE DEPUTY COMMISSIONER,
RAMANAGARA DISTRICT, 1ST FLOOR,
DISTRICT OFFICE COMPLEX,
B.M.ROAD, RAMANAGAR - 562 159.
3. THE TAHASILDAR,
CHANNAPATNA TALUK,
CHANNAPATNA - 562 160.

...RESPONDENTS

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

Digitally signed
by JUANITA
THEJESWINI
Location: HIGH
COURT OF
KARNATAKA



THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER PASSED BY THE KAT TRIBUNAL IN REVE APPEL NO 414/2024 ORDER DATED 2/04/2026 VIDE ANNEXURE-K, 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 Additional Government Advocate takes notice for all the respondents.

2. It is the contention of the petitioner that he had filed an application seeking regularization of unauthorized occupation of Government land in Sy.No.24 measuring 2 acres and 20 guntas of Kodipura village, Kasaba Hobli, Channapatna Taluk, Ramanagara District.

3. Sri.Vigneshwar S Shasthri, learned Senior Counsel for the petitioner seeks to contend that the Deputy Commissioner, Ramanagara District, has passed



the impugned order dated 30.07.2024 at Annexure-D rejecting the application on the ground on which the application is rejected is that the land sought for regularization is a gomal land, and falls within a prohibited distance of 5 Kms. from the limits of the city municipality insofar as the application of the petitioner is concerned.

4. On earlier occasions this court has dealt with similar matters wherein the question of whether such an order passed by the Deputy Commissioner, rejecting the applications as ineligible applications on the ground that the lands were gomal lands and the same was not available for grant was considered. However, in the present case the applications have been rejected on the ground that the lands in question fall within the prohibited distance of 5 kilometers from the city municipality.

5. On hearing the learned Senior Counsel for the petitioner, learned AGA 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 in so far 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 application 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 application and the Tahsildar is thereafter required to place all the eligible application 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 application is 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 AGA 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 application 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 gomal lands and they cannot be regularized in favour of the applicants.

6. Further another ground taken by the Deputy Commissioner that the land falls within 5 km radius of the city municipality also cannot be sustained for the following reason. Section 94A of the Karnataka land revenue Act, 1964 deals with regularisation of certain cases of unauthorized occupation by constituting committee. The second proviso to Sub Section 4 of Section 94A reads as follows:

"Provided further that no land shall be granted in the areas lying within the limits of Cities and City Municipalities specified in column (2) of the Table below and within the distance from such limits specified in the corresponding entries in column (3) thereof:



TABLE

<i>Sl. No.</i>	<i>Places</i>	<i>Distances</i>
1.	<i>Bruhat Bengaluru Mahangarpalike under the Karnataka Municipal Corporations Act, 1976</i>	<i>18 kms</i>
2.	<i>The Cities of Belagavi, Kalaburagi, Hubballi - Dharawada, Mangaluru and Mysuru respectively under provisions of the Karnataka Municipal Corporations Act, 1976; And Other Municipal Corporations under the provisions of the Karnataka Municipal Corporations Act, 1976</i>	<i>10 kms</i>
3.	<i>All City Municipal Councils (CMCs) under the provisions of the Karnataka Municipalities Act, 1964</i>	<i>5 kms</i>
4.	<i>All Town Municipal Councils (TMCs) and Town Panchayats under the provisions of the Karnataka Municipalities Act, 1964.</i>	<i>3 kms</i>

6. From a reading of the same it is evident that the table does not provide for exclusion of the land for regularisation which would fall under the limits of city municipality. Therefore the Deputy Commissioner could not have rejected the application of the petitioner on the



ground that the land sought to be regularised falls within the prohibited distance of the municipality

7. Having regard to the above findings, this Court is of the considered opinion that the impugned order passed by the Deputy Commissioner, cannot be sustained.

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

ORDER

- i. The writ petition is ***allowed***.
- ii. The impugned order dated 30.07.2024 at Annexure - D passed by the respondent - Deputy Commissioner, Ramanagara District, is hereby quashed and set aside.
- iii. The matter stands remitted back to the Tahsildar, Channapatna 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.: 13