



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO. 15614 OF 2017 (KLR-RES)

BETWEEN:

1. G.K. YALLOJI
S/O BHOOTHUJI @ PAKKIRAPPA
AGED ABOUT 61 YEARS
AGRICULTURIST
R/AT KAMALAPURA VILLAGE
CHANDRAGUTTI HOBLI
SORABA TALUK
SHIMOGA-577429

...PETITIONER

(BY SRI: SACHIN B S, ADVOCATE)

AND:

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

1. OFFICE OF TAHASILDAR AND
TALUK EXECUTIVE MAGISTRATE
SORABA TALUK
SHIMOGA DISTRICT-577429
REPRESENTED BY TAHASILDAR
2. ASSISTANT COMMISSIONER
SAGARA SUB DIVISION
SAGARA
SHIVAMOGA DISTRICT-577 429

...RESPONDENTS

(BY SRI: SPOORTHY HEGDE N, HCGP)



THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 22.03.2017 PASSED BY RESPONDENT NO.1 VIDE ANNEXURE-A AND ETC.,

THIS WP, COMING ON FOR FINAL HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

In this petition, the petitioner is assailing the order dated 22.03.2017 (Annexure-A) passed by respondent No.1.

2. Heard Sri B S Sachin, learned counsel appearing for the petitioner and Sri N Spoorthy Hegde, learned High Court Government Pleader appearing for the respondents.

3. Learned counsel appearing for the petitioner submitted by referring to Section 103 of the Karnataka Land Revenue Act, 1964 (for short 'the Act') that the jurisdiction is vested with the competent Deputy Commissioner and not at the behest of the Assistant Commissioner. Further, it is submitted that the impugned order passed by respondent No.1,



has no jurisdiction to pass such an order and accordingly, sought for interference by this Court.

4. *Per contra*, learned HCGP sought to justify the impugned order at Annexure-A.

5. In light of the submissions made by learned counsel appearing for the parties and on careful consideration of the impugned order at Annexure-A, it would indicate that respondent No.1 has taken a decision to remove the encroachments made in Bandidari road in land bearing Sy.Nos.1, 20, 21, 22 of Kamalapura Village, Chandragutti Hobli, Soraba Taluk.

6. Taking into consideration the language employed under Section 103(2) of the Act, it is the duty of the Deputy Commissioner to take a decision in the matter, with respect to removing the encroachment, if any, to the right-of-way of the land owners.

7. In that view of the matter, I find force in the submissions made by learned counsel appearing for the



petitioner that respondent No.1 has no jurisdiction to pass the order in terms of Section 103 of the Act.

8. It is also to be noted that, while considering the plea under the provisions of the Act, it is desirable that the competent authority shall consider the sketch already prepared by Taluka Surveyor as produced at Annexure-C to the writ petition. It is also to be noted that while taking the decision in the matter, the aggrieved parties are to be heard before taking any decision.

9. Since the matter is remanded to the competent authority for further consideration, respondent authorities are directed not to take any coercive action against the petitioner, till conclusion of the matter.

10. Hence, I pass the following:

ORDER

(i) Writ Petition is ***allowed.***

(ii) The order dated 22.03.2017 (Annexure-A) passed by respondent No.1 is set aside.



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(iii) The matter is remitted to the Deputy Commissioner, Shivamogga District to take decision in the matter, in accordance with law.

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

BGN
List No.: 1 Sl No.: 58