



CNR: KAHC010356452020

NC: 2026:KHC:53728
CRL.P No. 6866 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.P.SANDESH

CRIMINAL PETITION NO.6866 OF 2020

BETWEEN:

THE MANAGER
BRROKE VIEW ESTATE
HAKATHUR VILALGE
MADIKERI TALUK
KODAGU DISTRICT-571252

...PETITIONER

(BY SRI. CHANDRA SHEKAR S, ADVOCATE FOR
SRI C G GOPALASWAMY, ADVOCATE)

AND:

THE TAHSILDAR
MADIKERI TLAUK
MADIKERI-571201
KODAGU DISTRICT

...RESPONDENT

(BY SRI SUHAS GOWDA M, HCGP)

THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO
QUASH THE ORDER DATED 15.03.2018 ISSUING PROCESS
AGAINST THE PETITIONER IN LGC (G) NO.264/2018 IN THE
KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT,
BENGALURU (CH-1) THE SAID ORDER BEING PART OF
ANNEXURE-A) AND ETC.

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by DEVIKA M
Location: HIGH
COURT OF
KARNATAKA



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THIS PETITION, COMING ON FOR ADMISSION, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.P.SANDESH

ORAL ORDER

This petition is filed praying this Court to quash the order dated 15.03.2018 at Annexure-A and quash the proceedings in LGC(G) No.264/2018 before the Karnataka Land Grabbing Prohibition Special Court, Bengaluru.

2. Heard the learned counsel appearing for the respective parties.

3. The main contention of the counsel appearing for the petitioner before this Court is that impugned order is mechanical and not the result of application of mind to the material on record while invoking Section 4(3) of the Karnataka Land Grabbing Prohibition Act (for short 'KLGP Act'). The petitioner is only an employee of M/s Brooke View Estate and he cannot be held vicariously or directly liable or responsible for the alleged act of encroachment of the owners of the said establishment. The respondent has not made any allegation of



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encroachment against the petitioner. There is no material on record to show that petitioner is a land grabber within the meaning of Section 2(e) of the KLGB Act. Hence, the very order passed by Trial Court taking cognizance is erroneous.

4. The learned counsel appearing for the State would submit that the Land Grabbing Court while passing the order, referred the allegation made that there was an encroachment to the extent of 5 acres of land and coffee was grown in the said property and property is also worth more than Rs.25,00,000/-. Apart from the report, documents are also produced regarding the encroachment. Having considered the report of the Tahsildar, the Court comes to the conclusion that there was a prima facie case regarding the encroachment and hence, invoked the provisions under Section 4(3) of the KLGP Act.

5. Having heard the learned counsel appearing for the respective parties and also on perusal of the material on record, it is very clear that when the report was filed along with the documents, the same was considered by the Land Grabbing



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CRL.P No. 6866 of 2020**

Court while passing the order. When such reasoning is given while taking cognizance, the said Court applied its judicious mind. The very contention of the counsel appearing for the petitioner that it was mechanical order and the same cannot be accepted. The order sheet discloses that when the petitioner appeared before the Land Grabbing Court and filed the statement of objection and also produced the partnership firm document, he says does not know the number of partners managing the firm and submitted that he will collect the particulars of the partners and furnish the same by next date of hearing. When the date was adjourned for furnishing the details, instead of furnishing the documents, the petitioner had approached this Court and stall the proceedings invoking Section 482 of Cr.P.C. When the documents which have been produced by the Tahsildar along with the report for having encroached the land in Sy.No.17/11 to the extent of 5 acres, the same has to be considered by the Land Grabbing Court. Having considered the order of the Land Grabbing Court and also the order sheet, it discloses that the Land Grabbing Court applied its judicious mind while taking cognizance and defence



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cannot be considered in this petition under Section 482 of Cr.P.C and the petitioner has to establish that there was no such encroachment before the Land Grabbing Court and he is not responsible. Hence, the petitioner has not made out any grounds to exercise the powers under Section 482 of Cr.P.C.

6. In view of the discussion made above, I pass the following:

Order

The petition is dismissed.

Sd/-
(H.P.SANDESH)
JUDGE

SN