

HC-KAR



CNR: KAHC010498602025

NC: 2026:KHC:51644-DB
CCC No. 961 of 2025

IN THE HIGH COURT OF KARNATAKAAT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

CIVIL CONTEMPT PETITION NO. 961 OF 2025

BETWEEN:

NATARAJA BHOVI
S/O LATE KRISHNA BHOVI,
AGED ABOUT 48 YEARS,
AGRICULTURIST,
R/O ARADOTTLU VILLAGE,
HOLEHONNUR HOBLI,
BHADRAVATHI TALUK-577 227,
SHIVAMOGGA DISTRICT.

...COMPLAINANT

(BY SRI. GURUPRASAD HEGDE., ADVOCATE FOR
SRI. S.V.PRAKASH., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
VIDHANASOUDHA, BENGALURU-560001.

...PROFORMA R1

2. MR. PARUSAPPA KURUBARA
THE TAHASILDHAR,
BHADRAVATHI TALUK,
BHADRAVATHI-577 301.

...ACCUSED

(BY SMT. B.SUKANYA BALIGA., AGA)

Digitally signed by
SUMATHY KANNAN
Location: HIGH
COURT OF
KARNATAKA

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THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURTS ACT, 1971, BY THE COMPLAINANT, WHEREIN PRAYS THAT THE HON'BLE COURT BE PLEASED TO INITIATE PROCEEDINGS AGAINST THE ACCUSED FOR HAVING NOT COMPLIED THE ORDER DATED 12.07.2024 PASSED BY LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN WP NO.28156/2023 PRODUCED AS ANNEXURE-A.

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

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
&
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL ORDER

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

A second compliance affidavit has been filed in the court today by the learned AGA, which is taken on record. The affidavit is sworn by Sri.Pradeep Devagiri, presently working as Tahsildar, Bhadravathi, Shivamogga District. In this affidavit, it is stated that the deponent was transferred to the office of the Tahsildar, Bhadravathion 06.06.2026. The accused no.3 in the contempt petition, Sri.ParusappaKurubarwas his predecessor in office, who was transferred from Bhadravathi on 06.06.2026. On coming to know of the pendency of this contempt petition,

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he verified the record and came to know that an affidavit of compliance dated 15.04.2026 enclosing the saguvali chit in Form No.7 in favour of the complainant Sri.Nataraja Bhovi was issued, who was granted an extent of 2 acres, 33 guntas in Survey No.33 of Dhanavadi Village, Bhadravathi Taluk, Shivamoga District. Upon collecting Kimath of Rs.10 per acre, the saguvali chit had been handed over to the petitioner/complainant on 04.04.2026.

2. However, on verification, the deponent found that an extent 270 acres of land in Survey No.33 of Dhanavi Village is shown as State Forest vide MR H 16/2012-13 and the said extent of land had been identified as minor forest as per the revenue records. Therefore, the lands measuring 2 acres, 33 guntas granted to the complainant in survey No.33 of Dhanavadi Village by the previous Tahsildar has always been the State Forest / Minor Forest as per the revenue records, Maps, etc.

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Therefore, the said lands ought not to have been granted under the land grant rules.

3. Upon further verification, it was found that the office of the Range Forest Officer, Shanthisagara Range, Mavinakatte, had written a letter dated 02.09.2022 to the Tahsildar, Bhadravathi requesting to record the forest areas falling within the jurisdiction of the Range in the RTC records of the Revenue Department.

4. A request was made pursuance to the directions of this Court in Writ Petition No.5532/2022, to issue record / indicate the areas coming under the forest area and a list of survey numbers were also furnished, which included the Survey No.33 of DhanavadiVillage. Various other allegations are also made in the Affidavit.

5. We find from this that the stand sought to be taken by the incumbent Tahsildar, who is the deponent of

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this Affidavit, is at variance to the stand taken by the previous Tahsildar.

6. Paragraph Nos.4 to 8 of the affidavit filed today, dated 21.09.2026, further reads as follows:

"4.I state that subsequently I brought it to the notice of the higher authorities and I have filed an application before the Hon'ble Assistant Commissioner, Shivamogga Sub Division, Shivamogga for cancellation of the said grant of 2.08 guntas in Sy.No.33 of Dhanavadi Village to the Complainant under Section 108(K) of the Karnataka Land Grant Rules, 1966. A Case No.LND CR1331/2017-18 has been registered before the Hon'ble Assistant Commissioner, Shivamogga for cancellation of the said saguvali chit No.01/2026-27 granted to the Complainant Nataraja Bhovi. The said proceeding is now pending before the Assistant Commissioner and notices have been issued to the concerned parties for an enquiry into the grants made and the cancellation thereof. The letter dated 17.07.2026 written to the Assistant Commissioner seeking cancellation of the grants is produced herewith as ANNEXURE-R3. The Assistant Commissioner has fixed the date of hearing for the said enquiry on 29.09.2026.

5. I state that an endorsement dated 18.07.2024 has been issued to the Complainant bringing to his notice regarding the initiation of proceedings for cancellation of the grants. It has been duly communicated to the Complainant.

6.I state that in view of the above subsequent developments, I am constrained to seek leave of this Hon'ble Court to permit me to withdraw the earlier compliance Affidavit dated 07.04.2026 filed by the previous Tahsildar on the ground of the illegalities and irregularities committed with respect to the said grant of land.

7. I further state that it is also to be noted that the Complainant was never in possession or has ever



cultivated the said lands in Sy.No.33, and therefore he is not entitled to the said grants. Therefore appropriate action will be taken against the previous Tahsildar and also steps will be taken to seek modification of the order passed by the learned Single Judge in WP No.28156/2023.

8. I state that the Complainant is also guilty of separation of material facts and has not come to this Hon'ble Court with clean hands and also state that the above facts and circumstances were not brought to the notice of the learned Single Judge in the Writ Petition and therefore, the Respondent / State seeks to pursue the property permits for modification of the said order in the Writ Petition."

6. A copy of this compliance affidavit has been served on learned counsel for the complainant today. A perusal of the record of the contempt petition, reveals that it was filed alleging non-compliance of the order dated 12.07.2024, passed by the learned Single Judge of this Court in Writ petition No.28156/2023. Paragraph Nos.6 and 7 of the order of the writ Court read as follows:

"6. In the light of the submission made by the learned counsel appearing for the parties, on careful examination of the writ papers would indicate that, as per the Resolution dated 16.04.2021 (Annexure-B), land bearing Sy.No.29 to an extent of 2 acres 30 guntas has been forwarded by the Committee for issuance of Form-54 to the petitioner. It is also not in dispute that, on second time, the Resolution dated 05.07.2021 at Annexure-H, indicate the fact that, the Committee has taken decision for issuance of Form-54 in respect of the



Sy.No.29 and Sy.No.33. In that view of the matter, as the Committee constituted for considering the application of un-authorized applicants has conducted the enquiry as well as spot inspection, directed the Competent Authority to issue Form-54, which is in the name of respondent No.4 to issue the Form-54 in favour of the petitioner. In that view of the matter, unless the kimmath/fair price is fixed by respondent No.4, to be payable by the petitioner it is not made known to the petitioner as per the averments made to the petitioner and aforesaid submissions made by the learned counsel appearing for the petitioner are to be accepted and respondent No.4 ought to have intimated the petitioner insofar as the payment of Kimmath/fair price to be payable by the petitioner.

7. In that view of the matter, I am of the view that, the writ of mandamus be issued to respondent No.4 to determine the kimmath/fair price to be payable by the petitioner and same be intimated to the petitioner at the earliest, within the period of three months from the date of receipt of this order and also it is undertaken made by the learned counsel appearing for the petitioner that the petitioner will pay the kimmath/fair price in respect of land in question in terms of the Resolution passed by the Committee and same shall be paid to respondent No.4 within a period of three months from the date of receipt of the intimation made by respondent No.4 to the petitioner."

7. A compliance affidavit dated 07.04.2026 was filed by the respondent No.2, Sri.ParusappaKarubara on 15.04.2026. Therein it is stated at paragraph Nos.5, 6, 7 and 8 as follows:



*"5.I state that in terms of the said Order, the office of Tahsildar was given a specific direction to determine the Kimmath/fair price to be payable by the Petitioner and same be intimated to the petitioner and also the Petitioner undertook to pay the said fair price in respect of land in question in terms of the Resolution passed by the committee within a period of 4 months from the date of receipt of intimation by the office of Tahsildar. Subsequently, on 03.04.2026 the office of Tahsildar fixed a kimmath/fair price a sum of Rs.25 per gunta and thereby a total sum of Rs.2,825/- has been fixed to an extent of 2 acres and 33 guntas. The same was intimated to the Petitioner vide Notice dated 03.04.2026. The copy of the Notice dated 03.04.2026 is herewith produced as **DOCUMENT NO.1.***

6. I further state that based on the said Kimmath/fair price fixed by the Tahsildar, the Petitioner has paid a sum of Rs.2,825/- in respect of subject land in question.

*7.I further state that in view of the said payment of Kimmath/fair price paid by the Petitioner/Compainant herein, on the very same day itself i.e. on 04.04.2026, the office of Tahsildar has issued Saguvali Chit in respect of subject land in question(Survey No. 33 to an extent of 2 acres and 33 guntas situated at Dhanavadi village, Bhadravathi Taluk, Shivamogga District). The copy of the Saguvali Chit dated 04.04.2026 is herewith produced as **DOCUMENT NO.2.***

8.I state that the Petitioner has also acknowledged on 04.04.2026 for having received the Saguvali Chit in respect of subject land in question."

8. Since a compliance affidavit filed on 15.04.2026 is already on recor, evincing compliance of the writ court,

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which has attained finality, as far as this contempt petition is concerned, no cause to sustain the contempt petition survives. This contempt petition is therefore consigned.

9. However, in case the accused has come across some material, as is reflected in the affidavit filed today, the contents of which are referred to aforesaid, it is open for the accused to proceed in accordance with law.

10. It is made clear that nothing observed herein shall be construed as expression of the court on merit of the case of the parties before us.

Sd/-
(JAYANT BANERJI)
JUDGE

Sd/-
(TARA VITASTA GANJU)
JUDGE

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List No.: 1 Sl No.: 9