



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO.23569 OF 2022 (KLR-RES)

BETWEEN:

SMT. PRAMILA P.
W/O T. C. NAGARAJU
AGED ABOUT 59 YEARS
R/AT TAVAREKERE VILLAGE AND HOBLI
BENGALURU SOUTH TALUK AND
DISTRICT-562130.

...PETITIONER

(BY SRI. SUBRAMANYA BHAT M., ADVOCATE)

AND:

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

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
TO GOVERNMENT
DEPARTMENT OF REVENUE
KARNATAKA GOVERNMENT SECRETARIAT
DR. B.R. AMBEDKAR VEEDHI
BENGALURU -560001.
2. THE DEPUTY COMMISSIONER
BANGALORE URBAN DISTRICT
BENGALURU -562130.



3. THE TAHASILDAR
KANDAYA BHAVANA
BENGALURU SOUTH TALUK
BENGALURU - 560 009.

...RESPONDENTS

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

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE OFFICIAL MEMORANDUM BEARING NO.LND(S) CR/45/22-23 DATED 22/29.8.2022 ISSUED BY THE RESPONDENT NO.2, THE ORIGINAL OF THE SAME IS PRODUCED AS ANNEXURE-M; AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

1. In this Writ Petition, petitioner is assailing the Official Memorandum bearing No.LND(S)CR/45/22-23 dated 22/29.08.2022 (Annexure-M) issued by respondent No.2.
2. It is argued by the learned counsel for the petitioner, that the petitioner was cultivating the land to an extent of 4 acres in



Sy.No.4 of Puradapalya Village, Tavarekere Hobli, Bengaluru South Taluk and as such, made an application in Form-53 under the provisions of the Karnataka Land Revenue Rules, 1966 (for short, 'the Rules'), seeking regularisation of unauthorised cultivation in respect of the land in question. Copy of the application made by the petitioner is produced at Annexure-A. It is further stated that mother of the father-in-law of the petitioner - Smt.Byramma was allotted with 4 acres of land on 07.09.1953 in Sy.No.4 of Puradapalya Village and as such, the grant order was made in favour of Smt. Byramma on 07.09.1953(Annexure-B). It is stated that the said allotment is made in favour of joint family of the petitioner consisting of five members and therefore, it is the case of the petitioner that, as the petitioner has made an application in Form-53 and the said application was considered by the respondent - authorities, sketch has been produced and copies of the statement and report of the Tahsildar dated 04.01.2010 are produced at Annexure-D series. It is further stated in the Writ Petition that, as the respondent - authorities have not taken any decision pursuant to the application made by the petitioner in Form-53 and as such, the petitioner has approached this Court in W.P.



No.18422/2010 and this Court, vide Order dated 06.10.2010, remitted the matter to competent Committee for Regularisation of Unauthorised Occupation, Bengaluru South Taluk, to consider the claim of the petitioner in accordance with law, as per Annexure-E. It is also stated that the respondent - authorities vide endorsement dated 10.01.2012(Annexure-F), rejected the application made by the petitioner in Form-53 on the ground that the land in question is situate within 18 Kms. from Bruhat Bengaluru Mahanagara Palike limits. Feeling aggrieved by the same, petitioner has approached this Court in W.P.No.35137/2012 and this Court vide order dated 15.11.2016 (Annexure-G), set aside the endorsement issued by the respondent - authorities and remitted the matter to the 3rd respondent - Committee to take decision afresh. Thereafter, the respondent - authorities have issued the endorsement dated 10.02.2018 (Annexure-H) against which the petitioner has approached this Court in W.P.No.54049/2017 and this Court, vide order dated 27.06.2022 (Annexure-J) has directed the respondent - authorities to reconsider the issue afresh by looking into the report that may be prepared by the jurisdictional Tahsildar and thereafter a notice has been issued



at Annexure-K and pursuant to the same, the impugned Official Memorandum dated 22/29.08.2022 (Annexure-M) has been issued by respondent No.2 and feeling aggrieved by the same, the petitioner has presented this Writ Petition, urging that the impugned Official Memorandum is violative of earlier orders of this Court.

3. Per contra, Smt. B.P. Radha, learned Additional Government Advocate appearing for the respondents, sought to justify the Official Memorandum dated 22/29.08.2022 at Annexure-M and contended that, on earlier occasions also, after matter was remand by this Court, petitioner herein was not able to provide relevant records as to prove cultivation in the land in question and also not met with eligibility criteria as per Rule 108-F of the Rules and therefore, learned Additional Government Advocate submitted that as it is fourth round of litigation, no interference is called for in this Writ Petition.

4. It was further submitted by learned Additional Government Advocate that, as the application made by the petitioner has been rejected on earlier rounds of litigation and same has reached finality and therefore, again looking to the



same does not arise at this juncture and accordingly, sought for dismissal of the Writ Petition.

5. It is also argued by the learned Additional Government Advocate by filing memo dated 27.06.2026 with regard to compliance of the order dated 19.06.2026 and in view of the same, accordingly sought for dismissal of the Writ Petition.

6. In the light of the submissions made by the learned counsel appearing for the parties and on careful consideration of the various orders passed by this Court, it is not in dispute that the petitioner claims to be in possession and cultivation of the land in question and has made application in Form-53 seeking regularisation of land in question as an unauthorised occupant.

7. Having taken note of the observations made by this Court, the impugned Official Memorandum at Annexure-M would indicate that the application made by the petitioner has been rejected on the basis of the objection raised by the villagers which reads as under:



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ಆದೇಶ

" ಬೆಂಗಳೂರು ನಗರ ಜಿಲ್ಲೆ, ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕು, ತಾವರೆಕೆರೆ ಹೋಬಳಿ, ಮರದಪಾಳ್ಯ ಗ್ರಾಮದ ಸ.ನಂ.4 ರ ಸರ್ಕಾರಿ ಗೋಮಾಳ ಜಮೀನಿನಲ್ಲಿ ಈ ಹಿಂದೆ ಅರ್ಜಿದಾರರ ಕುಟುಂಬಸ್ಕರಾದ ಶ್ರೀಮತಿ ವೈರಮ್ಮ ಕೋಂ ಚನ್ನರಾಯಪ್ಪ, ಚನ್ನಪ್ಪ ಮತ್ತು ತೋಪಯ್ಯ ರವರುಗಳಿಗೆ (ಅರ್ಜಿದಾರರ ಒಟ್ಟು ಕುಟುಂಬದಲ್ಲಿದ್ದಾಗ, ದರಖಾಸು ಮೂಲಕ 4-00 ಎಕರೆ ಜಮೀನು ಈಗಾಗಲೇ ಮಂಜೂರಾಗಿರುವುದು, ಅರ್ಜಿದಾರರು ಸ್ಥಳೀಕರಿಲ್ಲದಿರುವುದರಿಂದ ಅರ್ಜಿದಾರರು ತಾವು ಹೊಂದಿರುವ ಹಿಡುವಳಿ ಜಮೀನಿನ ಮಾಹಿತಿಯನ್ನು ಅಹವಾಲ್ ತಃಖ್ತೆಯಲ್ಲಿ ಸಲ್ಲಿಸಿಲ್ಲದಿರುವುದರಿಂದ ಹಾಗೂ ಅರ್ಜಿ ಕಾದರಾದ ಶ್ರೀಮತ ಪ್ರಮೀಳ ರವರು ನೀಡಿರುವ ಹೇಳಿಕೆಯಲ್ಲಿ ಅರ್ಜಿದಾರರ ವಾರ್ಷಿಕ ಆದಾಯ 4 ರಿಂದ 5 ಲಕ್ಷಗಳು ಆದಾಯವಿರುವುದರಿಂದ ಮತ್ತು ಮಂಜೂರಾತಿಗೆ ಗ್ರಾಮಸ್ಥರ ತಕರಾರು ಉದ್ಘಟಿಸಿರುವುದರಿಂದ ಹಾಗೂ ಅರ್ಜಿದಾರರು ತಾವು ಮಂಜೂರಾತಿ ಕೋರಿ ನಮೂನೆ-53ರಲ್ಲಿ 1954 ರಿಂದ ಪ್ರಶ್ನಿತ ಜಮೀನಿನ ಬಗರ್ ಹುಕ್ಕುಂ ಸಾಗುವಳಿಯಲ್ಲಿರುವುದಾಗಿ ಸಮಿತಿಗೆ ತಪ್ಪು ಮಾಹಿತಿ ನೀಡಿರುವುದು ಹಾಗೂ ಮಂಜೂರಾತಿ ಕೋರಿರುವ ಜಮೀನನ್ನು ಎಂದೂ ಸಾಗುವಳಿ ಮಾಡದಿರುವುದು ಸರ್ಕಾರದ ಮಾರ್ಗಸೂಚಿ ಸುತ್ತೋಲೆ ಮತ್ತು ಕರ್ನಾಟಕ ಭೂ ಮಂಜೂರಾತಿ ಅಧಿನಿಯಮ 1969ರ ನಿಯಮ 9(1) ಸಪ್ತ ಉಲ್ಲಂಘನೆಯಾಗಿರುವುದು ಕಂಡುಬರುತ್ತದೆ. ಸದರೀಯವರು ಕರ್ನಾಟಕ ಭೂ ಮಂಜೂರಾತಿ ನಿಯಮಗಳು, 1969ರ ನಿಯಮ 7ರ ಅಡಿಯಲ್ಲಿ ದರಖಾಸ್ತು



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ಮೂಲಕ ಮಂಜೂರಾತಿ ಸಡಿಲಿಕೆಗಳಿಗೆ ಅರ್ಹರಾಗಿಲ್ಲದಿರುವುದರಿಂದ ಮತ್ತು ಪ್ರಸ್ತುತ ಪುರದಪಾಳ್ಯ ಗ್ರಾಮದ ಸ.ನಂ.4 ರ ಪೈಕಿ 4-35 ಎ/ಗು ಜಮೀನನ್ನು ದರಖಾಸ್ತು ಮೂಲಕ ಮಂಜೂರಾತಿ ಕೋರಿರುವ ಜಮೀನಿನ ಹಕ್ಕಿನ ಬಗ್ಗೆ ಪರಿಗಣನೆಗೆ ತೆಗೆದುಕೊಳ್ಳಲು ಅವಕಾಶ ಕಂಡುಬರುತ್ತಿಲ್ಲವಾಗಿ ಅವರ ಮನವಿ ಮತ್ತು ನಮೂನೆ-53ರ ಅರ್ಜಿಯನ್ನು ತಿರಸ್ಕರಿಸಿ ಆದೇಶಿಸಿದೆ.

ಪ್ರಕರಣದ ವಾಸ್ತವಾಂಶಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಪ್ರಸ್ತುತ ಸರ್ಕಾರಿ ಜಮೀನಿನಲ್ಲಿ ಅನಧಿಕೃತವಾಗಿ ಒತ್ತುವರಿ ಮಾಡಿಕೊಂಡಿರುವ ಬೇರೆಯವನ್ನು ಗುರ್ತಿಸಿ ಕರ್ನಾಟಕ ಭೂ ಕಂದಾಯ ಅಧಿನಿಯಮ 1964ರ ಕಲಂ 104 ರಡಿಯಲ್ಲಿ ನೋಟೀಸು ಜಾರಿಗೊಳಿಸಿ, ಅನಧಿಕೃತ ಸಾಗುವಳಿ ಮಾಡುತ್ತಿರುವವರನ್ನು ಸರ್ಕಾರಿ ಜಮೀನಿನಿಂದ ತೆರವುಗೊಳಿಸಲು ಕ್ರಮಕೈಗೊಂಡು, ಅವರ ವಿರುದ್ಧ ಕರ್ನಾಟಕ ಭೂ ಕಂದಾಯ(ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 1964ರ ಅಡಿಯಲ್ಲಿನ ಕಲಂ 192-ಎ ರ ಅಡಿಯಲ್ಲಿ ಆಲಾಯಿದಾ ಕ್ರಮವನ್ನು ತೆಗೆದುಕೊಳ್ಳಲು ತಹಶೀಲ್ದಾರ್, ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕು, ಬೆಂಗಳೂರು ರವರಿಗೆ ಸೂಚಿಸಿದೆ.

ಆದೇಶವನ್ನು ಈ ದಿನ ಅಂದರೇ, ದಿನಾಂಕ: 29/08/2022 ರಂದು ಘೋಷಿಸಲಾಯಿತು"

(emphasis supplied)



8. It is also forthcoming from the impugned Official Memorandum dated 22/29.08.2022, that the applicant had income of Rs.4 to 5 lakhs per annum as on the date of application. In this regard, no material has been produced by the respondents to arrive at the conclusion that the petitioner had an income of Rs.4 to 5 lakhs per annum. In that view of the matter, as the Official Memorandum dated 22/29.08.2022 (Annexure-M) has been made pursuant to the objections raised by the villagers who have no locus-standi and therefore, I am of the view that, the impugned order at Annexure-M is passed without application of mind by the respondent - authority and without considering the earlier orders passed by this Court as to considering the report that may be made by the jurisdictional Tahsildar.

9. Accordingly, I pass the following:

ORDER

(i) The Writ Petition is allowed.



(ii) The Official Memorandum bearing No.LND(S)CR/45/22-23 dated 22/29.08.2022, passed by respondent No.2 as per Annexure-M, is hereby set aside.

(iii) The matter is remitted to respondent No.2 to reconsider the issue afresh after affording opportunity of hearing to the petitioner and also it is made clear that respondent No.2 shall consider the observations made by this Court in the earlier rounds of litigation referred to above and take decision in the matter independently within the purview of Rule 108-F of the Rules to determine the eligibility criteria of the petitioner for regularisation of the unauthorised occupation of the land in question by the petitioner, in accordance with law. The said exercise shall be completed within six months from the date of receipt of certified copy of this order.

(iv) In order to avoid further delay in the matter, as the parties are represented through their learned counsel, the parties are permitted to appear before the respondent No.2 on 27.07.2026 at 2.30 p.m.



(v) Needless to say that it is open for the petitioner to produce any relevant document to establish right in respect of the land in question in terms of Rule 108-F of the Rules.

(vi) Till completion of the proceedings before respondent No.2, the interim order dated 13.01.2023 passed by this Court shall continue to enure to the benefit of the petitioner herein.

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

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List No.: 1 Sl No.: 69