



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 37594 OF 2025 (KLR-RES)

BETWEEN:

JAYARAMAPPA
S/O KARIYAPPA,
AGED ABOUT 45 YEARS,
R/O T.N. KOTE VILLAGE,
PARASHURAMPURA HOBLI,
CHALLAKERE TALUK - 577 522.

...PETITIONER

(BY SRI. R. SHASHIDHARA, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
CHITRADURGA DISTRICT,
CHITRADURGA - 577 501.
2. THE ASSISTANT COMMISSIONER
CHITRADURGA SUB DIVISION,
CHITRADURGA - 577 501.
3. THE TAHSILDAR
CHALLAKERE TALUK,
CHALLAKERE - 577 522.

...RESPONDENTS

(BY SRI. V. SESHU, HCGP)

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by
SHARADAVANI
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Location: High
Court of
Karnataka



THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) ISSUE WRIT OF CERTIORARI OR ANY OTHER WRIT OR ORDER OR DIRECTION, IN THE NATURE OF WRIT, QUASHING THE EVICTION NOTICE NO.L.N.D.C.R. 181/2025-26 ISSUE BY R-3 DATED 10.11.2025 VIDE ANNEXURE-C TO THIS WRIT PETITION AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE R DEVDAS

ORAL ORDER

Learned High Court Government Pleader takes notice for all the respondents.

2. The grievance of the petitioner is directed towards Annexure-C notice dated 10.11.2025 issued by the respondent – Tahsildar, Challakere Taluk, directing the petitioner to evict himself from the lands in question viz., Survey No.72 of T.N.Kote Village, Parashurampura Hobli, Challakere Taluk, on the ground that the said lands are Government lands and the petitioner is in unauthorised occupation of the same.



3. Learned counsel submits that the petitioner had filed an application in Form No.57 seeking regularisation of unauthorised occupation of 2 acres of land in Survey No.72 of T.N.Kote Village, Parashurampura Hobli, Challakere Taluk on 11.03.2019 and even before the said application is considered, the Tahsildar has issued such a notice.

4. Today, learned High Court Government Pleader has furnished copies of orders said to have been passed by the Deputy Commissioner, Chitradurga District on 01.01.2025 rejecting all the applications filed in Survey Nos.70/1, 71/1 and 72/1 on the ground that the recommendation of the Tahsildar is to reject the applications.

5. Learned counsel for the petitioner submits that in the impugned notice at Annexure-C dated 10.11.2025, there is no reference to the orders passed by the Deputy Commissioner on 01.01.2025 rejecting the applications.



This would clearly show that no such orders were passed on 01.01.2025 and only to overcome the queries at the hands of this Court such an order has been prepared. Even otherwise, it is submitted that if the instructions of the learned High Court Government Pleader is that the lands in question are earmarked for grazing and the same cannot be reduced, it would be contrary to the provisions of law and the law declared by this Court in W.P.No.25148/2025.

6. There is substance in the submission made by the learned counsel for petitioner. This Court in W.P.No.25148/2025 has held as under;

"3. Further, from a plain reading of Rule 97(4) of the Karnataka Land Revenue Rules, 1966, it is evident, that it is the Deputy Commissioner who is required to determine the extent of land necessary to be set apart for free pasturage in any village. However, having regard to the proviso to sub-Rule 4, it is submitted that no such permission shall be necessary where the reduction below the prescribed limit is for the purpose of (iii) regularisation of



unauthorised cultivation under Chapter XIII-A. When the rule itself prescribes that in the matter of regularization of unauthorized occupation, there cannot be rejection of the application on the ground that the extent of gomal available for pasturage is either insufficient or sufficient for the pasturage, having regard to the number of cattle heads in the village, the rule prescribes that in the matter of regularization of unauthorised occupation, the permission of the Deputy Commissioner is not necessary for further reduction, and the Tahsildar could not have taken a decision to reject the application on the said ground."

7. Consequently, the writ petition is **allowed**. The impugned notice at Annexure-C is hereby quashed and set aside. If an order is passed by the Deputy Commissioner on 01.01.2025, which is today served on the learned counsel for petitioner, such an order is also quashed and set aside. Having regard to the law laid down by this Court, the Tahsildar, Challakere Taluk is hereby directed to place the application filed by the petitioner along with his recommendation before the Committee for Regularisation of Unauthorised Occupation as expeditiously as possible



and at any rate within a period of six weeks from the date of receipt of a copy of this order. The Committee shall thereafter consider the application and pass orders in accordance with law as expeditiously as possible and at any rate within a period of three months from the date when the application is placed before the Committee at the hands of the Tahsildar.

Learned High Court Government Pleader 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.: 1