HC-KAR

NC: 2026:KHC:61443-DB
CCC No. 153 of 2026

CNR: KAHC010087232026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MRS. JUSTICE N.V.BHAVANI

CIVIL CONTEMPT PETITION NO. 153 OF 2026

BETWEEN:

SRI H.K.ASHOK
S/O LATE KARIGOWDA,
AGED ABOUT 67 YEARS,
R/AT: B.HOSAHALLI,
BANAKAL HOBLI, MUDIGERE TALUK,
CHIKKAMAGALURU DISTRICT-577 113.

...COMPLAINANT

(BY SRI.ARVIND V., ADVOCATE FOR
SRI.NAVEEN J., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REP. BY ITS SECRETARY,
REVENUE DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU - 560 001.

...PROFORMA RESPONDENT

2. ASHWINI
THE TAHSILDAR,
REVENUE DEPARTMENT,
TALUK OFFICEE, MUDIGERE,
MUDIGERE TALUK - 577 133.

3. MANJESH,
THE ASSISTANT DIRECTOR
OF LAND RECORDS (ADLR),
MUDIGERE TALUK-577 133.

...ACCUSED

(BY SMT.NAMTIHA MAHESH B.G., AGA)

Digitally signed by K G RENUKAMBA
Location: High Court of Karnataka

CNR: KAHC010087232026

THIS CIVIL CONTEMPT PETITION IS FILED UNDER SECTIONS 11 AND 12 OF CONTEMPT OF COURTS ACT, 1971, R/W ARTICLE 215 OF THE CONSTITUTION OF INDIA, BY THE COMPLAINANT, PRAYING TO INITIATE CONTEMPT OF COURT PROCEEDINGS AGAINST THE ACCUSED AND TO TAKE SUITABLE ACTION AGAINST THE ACCUSED FOR WILLFUL DISOBEDIENCE TO COMPLY WITH THE ORDER DATED 24.02.2025 PASSED BY THE LEARNED SINGLE JUDGE IN W.P.NO.3070/2025(KLR-RR/SUR) AT ANNEXURE-A.

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

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MRS. JUSTICE N.V.BHAVANI

ORAL ORDER

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

The proxy counsel appearing for the counsel for the complainant seeks an adjournment. However, seeing that the matter has been repeatedly adjourned, the request for adjournment is declined.

2. Learned AGA states that in the affidavit filed by Smt. S. Ashwini, the Tahsildar, Mudigere Taluk, Chikkamagaluru District filed on 06.08.2026, it has been stated that a joint survey of the land was conducted and the survey report was submitted on 07.02.2026. A copy of the survey

report has been enclosed. Further reference has been drawn to paragraph Nos.7 to 10 of the affidavit, which read as follows:

> *"7. I submit that the Deputy Conservator of Forests, Chikkamagaluru Division, by communication bearing Ref. No. B4/Podi Durasti/CR- 130/2024-25 dated 12.02.2026, informed that the land measuring 4 acres 38 guntas in Survey No.255 of B. Hosahalli Village, granted in favour of the petitioner under Proceedings No.816/1998-99 dated 22.03.2010 and Saguvali Chit No.135/2010-11 dated 25.09.2010, is situated within 100 metres of the notified forest area, namely Banakal B. Hosahalli Plantation Section-4, and is also a well-wooded area. The Forest Department further opined that in view of Rule 41 of the Karnataka Land Grant Rules, the provisions of the Forest (Conservation) Act, 1980, the applicable Government Orders and the directions governing forest lands, the land is not eligible for phodi, durasti or issuance of corrective grant-related records. A copy of the opinion is produced as Annexure-R3.*
>
> *8. I state that in view of the aforesaid statutory opinion furnished by the competent Forest Authority, this office issued an endorsement dated 13.02.2026 informing the petitioner that Survey No.255 falls within the prohibited category and that the request for phodi/durasti could not be considered under the prevailing statutory provisions. A copy of the endorsement is produced as Annexure-R4.*
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> *9. I state that the petitioner had earlier also approached this Hon'ble Court in W.P. No.19081/2023 (KLR-RES), wherein this Hon'ble Court, by order, remanded the matter to the Assistant Commissioner for fresh consideration with a direction to verify the original records and pass orders in accordance with law, and further directed that the petitioner's name be restored in the revenue records pending such consideration. A Copy of the order is produced as Annexure-R5.*

10. I state that in compliance with the aforesaid Order, the Petitioner's name was restored in the revenue records. Thereafter, the Assistant Commissioner initiated proceedings under Rule 108(K) of the Karnataka Land Revenue Rules, 1966, afforded opportunity of hearing to the petitioner on 29.04.2026 and 07.05.2026, and upon consideration of the records passed a reasoned order dated: 10.06.2026, allowing the appeal and cancelling the grant made in favour of the petitioner in respect of 4 acres 38 guntas in Survey No.255 of B. Hosahalli Village on the ground that the grant was contrary to the applicable statutory provisions. Consequential directions were also issued to enter the name of the Government in Column No.9 of the Record of Rights. A copy of Assistant Commissioner order is produced as Annexure -R6."

3. An unconditional apology for the delay has also been tendered.

4. We have perused the order dated 24.02.2025 passed in Writ Petition No.3070/2025 whereby respondent Nos.4 and 5 were directed to secure all the relevant records and proceed to conduct phodi and durasti insofar as the petitioner's land is concerned.

5. As is evident from perusal of paragraph Nos.9 and 10 of the affidavit filed by the accused, that is quoted above, that pursuant to the order of the High Court in the previous Writ Petition No.19081/2023, the petitioner's name was restored in the revenue records. Thereafter, the Assistant

Commissioner initiated proceedings under Rule 108(K) of the Karnataka Land Revenue Rules, 1966 and passed a reasoned order dated 10.06.2026, allowing the appeal and cancelling the grant made in favour of the petitioner in respect of 4 acres 38 guntas in Survey No.255 of B Hosahalli Village on the ground that the grant was contrary to the applicable statutory provisions. Consequential directions were also issued to enter the name of the Government in column No.9 of the Record of Rights.

6. In view of the aforesaid, the contempt petition is consigned. It is however left open to the complainant, if he is so advised, to challenge the order of the Assistant Commissioner, in accordance with law, before the statutory Authorities.

Sd/-
(JAYANT BANERJI)
JUDGE

Sd/-
(N.V.BHAVANI)
JUDGE

KG
List No.: 1 Sl No.: 1