HC-KAR

NC: 2026:KHC:59751
WP NO.14380 OF 2024

CNR: KAHC010291812024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO.14380 OF 2024 (KLR-RES)

BETWEEN:

SRI. M. SHRIKANTHA DONGRE
S/O LATE H. RAMACHANDRA BHAT,
AGED ABOUT 78 YEARS,
R/AT NO.2-67, HOSAHAGALU KALYANA ROAD,
MALA VILLAGE, KARKALA TALUK,
UDUPI DISTRICT – 574 122.

…PETITIONER

(BY SRI. PRASANNA V.R., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   REP. BY ITS SECRETARY,
   DEPARTMENT OF REVENUE,
   M.S. BUILDING,
   BENGALURU – 560 001.

2. THE DEPUTY COMMISSIONER
   UDUPI DISTRICT,
   RAJATHADRI, MANIPAL,
   UDUPI – 576 104.

…RESPONDENTS

(BY SRI. SHAMANTH NAIK, AGA)

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

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE RESPONDENT NO.2-DEPUTY COMMISSIONER TO GRANT PERMANENT OWNERSHIP ON THE LANDS LEASED AS PER THE ORDER DATED 23RD JUNE, 1958 UNDER THE PROVISION OF RULE 2 READ WITH RULE 5 OF THE SOUTH KANARA DISTRICT

LEASE OF LANDS FOR CASHEW CULTIVATION RULES, 1957 VIDE ANNEXURE-B BY RECEIVING 200 TIMES THE PRICE OF THE LAND REVENUE ASSESSED PER ACRE WHICH WAS PREVAILING AS ON THE DATE OF ORIGINAL GRANT, PURSUANT TO THE ORDER DATED 26TH DECEMBER, 2005 IN CASE NOA.DIS.LND.CR.1/2004-05(CASHEW CULTIVATION LEASE) PASSED BY THE RESPONDENT NO.2-DEPUTY COMMISSIONER VIDE ANNEXURE-A; 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

In this petition, the petitioner is seeking direction to the respondent No.2-Deputy Commissioner to grant permanent ownership on the lands leased as per the order dated 23rd June, 1958 (Annexure-B) under the provisions of South Kanara District Lease of Lands for Cashew Cultivation Rules, 1957 by receiving 200 times the price of land revenue assessed per acre which was prevailing as on the date of the original grant, pursuant to the order dated 26th December, 2002 (Annexure-A) passed in Case No.A.Dis.LND.CR.1/2004-05 (Chashew Cultivation Lease) passed by the respondent No.2-Deputy Commissioner.

2. Heard Sri. Prasanna V.R., learned counsel appearing for the petitioner and Sri. Shamanth Naik, learned Additional Government Advocate appearing for respondents.

3. Having heard the learned counsel appearing for the parties, on careful perusal of the writ papers, it is forthcoming that the subject land has been leased out in favour of the petitioner in terms of Rule 2 read with Rule 5 of the South Kanara District Lease of Lands for Cashew Cultivation Rules, 1957. In that view of the matter, in view of declared by the Division Bench of this Court in Writ Appeal No.5242 of 2004 and connected appeals decided on 26th October, 2007 (Annexure-F), respondent No.2-Deputy Commissioner shall address a demand notice in terms of the provision contained under the South Kanara District Lease of Lands for Cashew Cultivation Rules, 1957.

4. At this stage, Sri. Shamanth Naik, learned Additional Government Advocate appearing for respondents places reliance on the judgment of Division Bench of this Court in Writ Appeal No.173 of 2026 dated 20th July, 2026 and refers to the finding recorded at paragraphs 6 and 7 therein. Learned

Additional Government Advocate appearing for respondents further submits that the respondent No.2 has to address a demand notice in terms of the order passed by the Division Bench of this Court in the aforesaid judgments.

5. Having taken note of the submission made by learned counsel appearing for the parties, on careful perusal of the order dated 26th December, 2005 (Annexure-A) passed in Case No.A.Dis.LND.CR.1/2004-05, it is forthcoming that the respondent No.2 had directed the Assistant Commissioner, Kundapura to assess the value of the assigned land and submit a report along with relevant documents. In that view of the matter, I am of the view that the petitioner shall approach the Assistant Commissioner, Kundapura for redressal of his grievance in respect of assessing the value of the land. Therefore the petitioner is permitted to approach the Assistant Commissioner, Kundapura by filing a representation in terms of the observation made above, within a period of two weeks from the date of receipt of this order. In the event, if the petitioner approaches as directed above, the Assistant Commissioner, Kundapura shall consider the claim made by the petitioner

within an outer limit of three months from the date of receipt of representation that may be made by the petitioner. With this observation, writ petition stands ***disposed of.***

SD/-
(E.S.INDIRESH)
JUDGE

ARK
List No.: 1 Sl No.: 44