HC-KAR
NC: 2026:KHC:62016
CRL.P No. 17146 of 2025
CNR: KAHC010821792025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CRIMINAL PETITION NO. 17146 OF 2025

(482(Cr.PC) / 528(BNSS)-)

BETWEEN:

MR. LAL BAHADUR SHASTRI @ LAL BAHADUR SHASTRA
AGED ABOUT 60 YEARS,
S/O NARAYANAPPA
R/AT WARD NO.1 TAMAKA,
KOLAR TOWN, KOLAR TALUK
KOLAR DISTRICT-563101

...PETITIONER

(BY SRI. MOHANA CHANDRA P.,ADVOCATE)

AND:

MR. M NARAYANA SWAMY
S/O MUNIYAPPA
WARD NO.1, TAMAKA
KOLAR TOWN, KOLAR TALUK
KOLAR DISTRICT-563101

...RESPONDENT

(BY SRI. BHASKAR C R., ADVOCATE)

THIS CRIMINAL PETITION IS FILED U/S 482 CR.PC (FILED U/S 528 BNSS) PRAYING TO QUASH THE IMPUGNED ORDER DATED 29-08-2025 PASSED BY THE COURT OF KARNATAKA LAND GRABBING PROHIBITION SPECIAL COURT, BANGALORE IN LGC (P) NO.87/2022 ISSUING DIRECTION TO THE COMMISSIONER, CMC, KOLAR SUBMIT REPORT WHETHER THERE IS ANY ENCROACHMENT OF LAND ETC. BY THE PETITIONER IN THE ABOVE CASE.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs:

> *(a) Quash the impugned order dated 29-08-2025 passed by the court of Karnataka Land Grabbing Prohibition Special Court, Bangalore in LGC (P) No.87/2022 issuing direction to the Commissioner, CMC, Kolar submit report whether there is any encroachment of land etc. by the petitioner in the above case.*

2. The complaint came to be filed alleging that the petitioner had encroached upon municipal property measuring 52 feet x 42 feet, whereas the extent of land claimed by him in Khata No.164/1, Ward No.1, Kolar City Municipal Council, was only 10 feet x 15 feet. The complaint further alleged that documents had been fabricated or created to enlarge the extent of the property and that the municipal authorities had failed to take action against the petitioner despite complaints having been submitted.

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3. In view of the allegations made against the municipal authorities, the Special Court called upon the Commissioner, Kolar City Municipal Council, to submit a report regarding the alleged encroachment. The report was not forthcoming despite repeated directions. The matter was consequently adjourned on several occasions, and reminders were issued to the municipal authorities. Notices were also directed to be served through the jurisdictional police.

4. The Special Court, on considering the allegations in the complaint, formed a prima facie opinion that offences punishable under Sections 4 and 5 of the Karnataka Land Grabbing Prohibition Act had been committed. It accordingly took cognizance and issued summons to the accused through the Police Sub-Inspector, Kolar Town Police Station, returnable on 12.09.2023.

5. On 12.09.2023, a reminder was issued to the Police Sub-Inspector. On 12.10.2023, a show-cause notice was issued to the said officer, through the Superintendent of Police, Kolar District, calling upon him to explain why action should not be initiated for failure to return the summons issued to the accused.

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Summons were reissued through the Superintendent of Police, Kolar District, returnable on 27.11.2023.

6. On 27.11.2023, it was reported that summons had been served on the accused, but the accused had remained absent. An application under Section 205 of the Code of Criminal Procedure, 1973, was filed on behalf of the accused seeking exemption from personal appearance. The same was allowed for that day, with a direction to keep the accused present on the next date of hearing. The matter was adjourned to 15.02.2024.

7. On 15.02.2024, the accused remained absent despite the direction issued by the Special Court. A non-bailable warrant was accordingly issued through the Police Sub-Inspector, Kolar Town Police Station, returnable on 18.04.2024.

8. In the meanwhile, the matter was advanced on 10.04.2024 on an application filed under Section 70(2) of the Code of Criminal Procedure, 1973, seeking recall of the non-bailable warrant. The application was allowed subject to certain conditions. On 18.04.2024, the charges were read over and explained to the accused in a language known to him, and the matter was adjourned to 28.06.2024.

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On the latter date, summons were issued to the complainant through the Police Sub-Inspector, Kolar.

9. On 27.09.2024, the complainant remained absent. His son, however, appeared before the Special Court and submitted that his father had suffered a stroke and was unable to attend the Court to give evidence. In view of the same, the Commissioner, City Municipal Council, Kolar, was directed to furnish a detailed report with reference to the allegations in the complaint, particularly as to whether there was any encroachment and, if so, the extent thereof and other relevant particulars.

10. The matter was adjourned to 29.11.2024. Since there was no representation on behalf of the Commissioner, a bailable warrant in a sum of ₹1,00,000/- came to be issued against him, returnable on 28.02.2025.

11. On 28.01.2025, the Revenue Officer from the office of the Commissioner, City Municipal Council, Kolar, appeared and filed a requisition seeking time. On 10.02.2025, the Revenue Inspector from the same office appeared and sought further time. The Special Court thereafter directed its office to address a communication to the Tahsildar, Kolar, calling upon

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him to furnish a detailed report regarding the alleged encroachment, including the identity of the encroachers, the extent of encroachment and a survey sketch. The matter was adjourned to 24.03.2025.

12. On 24.03.2025, the Revenue Inspector filed a report dated 21.03.2025. The Special Court found that the report did not specifically address the allegations in the complaint. In particular, it did not clearly indicate whether any encroachment existed, the persons responsible for such encroachment, the extent thereof, or whether any application for regularisation had been filed. The report was accordingly rejected and the matter was adjourned to 08.05.2025.

13. On 08.05.2025, the accused and his counsel remained absent. A non-bailable warrant was issued against the accused through the Police Sub-Inspector, Kolar. The Special Court also directed issuance of a show-cause notice to the Police Sub-Inspector regarding his failure to return the bailable warrant issued against the Tahsildar, Kolar. A fresh bailable warrant, quantified at ₹5,00,000/-, was issued against the Tahsildar through the

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Superintendent of Police, Kolar District, returnable on 18.07.2025.

14. On 18.07.2025, the Special Court noticed that the Commissioner, City Municipal Council, Kolar, had not submitted the required status report and adjourned the matter to 29.08.2025. On that date, taking note of the fact that the earlier report dated 21.03.2025 had been rejected, the Special Court once again directed the Commissioner, City Municipal Council, Kolar, to submit a report stating whether there was any encroachment and, if so, the extent thereof, the details of the persons responsible and a survey sketch. The report was directed to be submitted on or before the next date of hearing, i.e., 05.01.2026.

15. It is this direction dated 29.08.2025 that is called in question in the present petition.

16. The chronology of proceedings before the Special Court, set out above, speaks for itself. The complaint was instituted in the year 2022, yet even after repeated directions and several opportunities, the factual report sought from the municipal authorities has not been furnished in the manner required by the Special Court. The report submitted on 21.03.2025 was found inadequate, as it did not

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answer the specific questions raised by the Special Court. No effective steps appear to have been taken thereafter to furnish the required particulars.

17. The allegation in the complaint is that the complainant claims land measuring 10 feet x 15 feet in Khata No.164/1, whereas the petitioner is alleged to have encroached upon a much larger extent of municipal property measuring 52 feet x 42 feet by relying upon fabricated or altered documents. The petitioner, on the other hand, contends that his claim is confined to the extent of 10 feet x 15 feet and that he does not claim any additional area.

18. If that is indeed the petitioner's case, the question requiring determination is a straightforward factual one: whether any encroachment exists and, if so, who is responsible for it and to what extent. This would require a proper measurement of the property and verification of the relevant municipal and revenue records. If the petitioner has not encroached upon any additional extent, the report would establish that position. If any encroachment is found, the authorities would be required to identify the person responsible and take appropriate action in accordance with law.

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19. The order dated 29.08.2025 does not record any finding that the petitioner has committed an encroachment. It merely directs the Commissioner, City Municipal Council, Kolar, to furnish a factual report regarding the existence and extent of the alleged encroachment, the identity of the persons responsible and the relevant survey particulars. Such a direction is necessary for the Special Court to ascertain the actual factual position and proceed with the matter in accordance with law.

20. The petitioner cannot have a legitimate grievance against a direction which merely seeks an objective and independent ascertainment of the extent of the property and the existence or otherwise of an encroachment. The report, when furnished, will have to be considered by the Special Court in accordance with law, after affording the parties an opportunity to address the material placed on record. The petitioner will have every opportunity to dispute the findings, if any, in such report.

21. What is, however, a matter of serious concern is the persistent failure of the municipal authorities to furnish the report despite repeated directions over a considerable period. Equally, the repeated failure to

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comply with process issued by the Special Court and the need to issue reminders and show-cause notices to the jurisdictional police require examination. The inaction of these authorities has substantially delayed the proceedings and prevented the Special Court from ascertaining the basic factual position concerning the property.

22. The circumstances warrant an enquiry by the competent authorities to ascertain the reasons for such persistent non-compliance and whether any officer has deliberately failed to discharge the duties entrusted to him. The prolonged inaction also raises a serious concern regarding the manner in which the municipal and police authorities have dealt with the directions of the Special Court. It is necessary that the matter be examined at the appropriate administrative levels and responsibility, if any, be fixed.

23. In view of the above, the following directions are issued:

    a. The Director of Municipal Administration shall examine the matter and cause an enquiry to be conducted into the repeated failure of the Commissioner, City Municipal Council, Kolar,

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and the concerned municipal officers to furnish the report called for by the Special Court.

b. The enquiry shall ascertain the reasons for the delay, the steps taken by the municipal authorities to measure and verify the property, whether any officer has failed to discharge his duties, and whether any action is warranted against the officers concerned.

c. The Director of Municipal Administration shall also ensure that a comprehensive report addressing the specific directions issued by the Special Court is furnished before the Special Court within three weeks from the date of receipt of a copy of this order.

d. The Director General and Inspector General of Police shall examine the repeated failure to comply with the process issued by the Special Court and conduct or get conducted an enquiry into the conduct of the jurisdictional police officers concerned. If any dereliction of duty is found, appropriate action shall be taken in accordance with law.

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24. In view of the foregoing discussion, no ground is made out to interfere with the order dated 29.08.2025 passed by the Karnataka Land Grabbing Prohibition Special Court, Bengaluru, in LGC (P) No.87 of 2022. The petition is accordingly **dismissed**.

25. It is further directed that the Commissioner, City Municipal Council, Kolar, shall personally remain present before the Special Court on 07.12.2026, without awaiting any further notice, and ensure compliance with the directions issued by the Special Court and this Court.

26. All observations made herein are confined to the consideration of the present petition. The Special Court shall proceed with the matter independently and in accordance with law.

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(SURAJ GOVINDARAJ)
JUDGE

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List No.: 1 Sl No.: 56