

(2009) 07 KAR CK 0020

In the Karnataka High Court

Case No : Writ Petition No's. 3900 and 15587 to 15589 of 2009

Devendrappa

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 30-07-2009

Acts Referred:

Karnataka Land Revenue Act, 1964 — Section 94 A, 94 B

Citation : (2009) 5 KarLJ 543

Hon'ble Judges : A.S. Bopanna, J

Bench : Single Bench

Advocate : U. Panduranga Nayak, for the Appellant; P. Kumar, High Court Government Pleader for Respondents-1 to 3, for the Respondent

Judgement

A.S. Bopanna, J.—Learned Government Advocate is directed to accept notice for respondent 3 and also to appear for respondents 1 and 2 who are served and unrepresented. Memo of appearance to be filed within a period of four weeks.

2. In all these petitions the grievance of the petitioners is that the application filed by the petitioners seeking regularisation of their unauthorised occupation and cultivation of the lands, in the lands as detailed in the respective writ petition has not yet been considered and disposed of by the Land Grant Committee in accordance with law. In this regard, the petitioners have also placed reliance on the order passed by this Court in W.P. No. 468 of 2008 disposed of on 18-1-2008, wherein this Court had directed the consideration of the application after the Constitution of the Regularisation Committee. The petitioners contend that subsequent to the said order they have approached the respondents on several occasions and the endorsement being issued is only to the effect that the application would be considered after the Constitution of the Committee. As such the petitioners contend that an appropriate direction requires to be issues to constitute the Committee.

3. The learned Government Advocate states that in view of the direction by this Court in the earlier round of the writ petition, the respondents still bind

themselves to consider and dispose of the applications filed by the petitioners in accordance with law after the Committee is constituted. The learned Government Advocate also placed a letter said to have been addressed by the Principal Secretary to the Government, Revenue Department indicating the steps taken in this regard.

4. In the background of the contentions, I have also perused the reasons put forth in the letter dated 7-2-2009 wherein the Principal Secretary to the Government has stated with regard to the steps which has been initiated towards Constitution of the Regularisation Committee. The delay in not constituting the Committee is also explained in the letter and ultimately has undertaken that the Committee would be constituted after the amendment to Section 94B is given effect to and thereafter the orders constituting the said Committee u/s 94A will be issued by the Government.

5. Considering that the Government has taken some proactive steps in constituting the Committee, I am of the view that the present petitions could be disposed of only with a direction to the respondents to constitute the Regularisation Committee as expeditiously as possible keeping in view the hardship being faced by the petitioners and other similarly placed persons.

6. The learned Government Advocate is also requested to address the Principal Secretary along with a copy of this order indicating to the Principal Secretary about the view expressed by this Court that the same shall not be kept pending for a long time and all steps shall be taken as expeditiously as possible. Until the respondents consider and dispose of the applications in accordance with law, after Constitution of the Committee the petitioners shall not be dispossessed from the lands. Further, it is directed that after the Constitution of the Committee the case of the petitioners shall be considered and disposed within a period of five months from the date of Constitution of the Committee.

7. In terms of the above, all these writ petitions stand disposed of. No order as to costs.