

(2013) 09 KAR CK 0062

In the Karnataka High Court

Case No : Writ Petition No's. 26665-26683 of 2013 (KLR)

Keenappa and Others

APPELLANT

Vs

The Tahasildar, The Committee for Regularization of
Authorized Cultivation of Land, The Deputy Commissioner
and The Secretary Department of Revenue Government of
Karnataka

RESPONDENT

Date of Decision : 06-09-2013

Acts Referred:

Karnataka Land Revenue Act, 1964 — Section 94-A
Karnataka Land Revenue Rules, 1966 — Rule 108

Citation : (2013) 09 KAR CK 0062

Hon'ble Judges : B. Manohar, J

Bench : Single Bench

Advocate : M.V. Hiremath, for the Appellant; Ramachandra R. Naik, HCGP for
R1-4, for the Respondent

Final Decision : Dismissed

Judgement

B. Manohar, J.—Petitioners in these writ petitions have sought for quashing the endorsement dated 2-4-2013 issued by the Tahsildar, K.R. Puram, Bangalore East. The grievance of the petitioners in these writ petitions is that they are the unauthorized occupants in respect of various extents of land in Sy. No. 26 situated at Kasavanahalli village of Varthur Hobli. In view of coming into force the section 94A of the Karnataka Land Revenue Act, they filed applications in Form No. 53 for regularization of unauthorized occupation of the said lands. The Tahsildar, Bangalore East, K.R. Puram, by an endorsement dated 2-4-2013 rejected the said applications solely on the ground that the lands in dispute are situated within 18 Kms of Bangalore City Municipal Corporation. Hence, said the lands cannot be regularized. Being aggrieved by the said order, the present writ petitions have been filed, challenging the same on various grounds.

2. Sri. Ramachandra R. Naik, learned Government Pleader appearing for the respondents argued in support of the endorsement issued by the Tahsildar and

contended that there is a clear bar u/s 94-A of the Karnataka Land Revenue Act. The lands situated within 18 Kms of Bangalore City Municipal Corporation cannot be regularized under Rule 108 of the Karnataka Land Revenue Rules and sought for dismissal of the writ petitions.

3. I have carefully considered the arguments addressed by the learned counsel for the parties and perused the endorsement issued by the Tahsildar, K.R. Puram.

4. The records clearly disclose that in view of coming into force of Section 94-A of the Karnataka Land Revenue Act, the petitioners had filed applications in Form No. 53, contending that they are in unauthorized occupation of various extent of lands in Sy. No. 26 situated at Kasavanahalli village, Varthur Hobli, sought for regularization. The Tahsildar on verification of the records found that the lands sought for regularization situate within 18 Kms of the Municipal Corporation limits. Hence, the said lands cannot be regularized under Rule 108 of the Karnataka Land Revenue Act. No document has been produced before the court to show that the lands in dispute are situated beyond 18 Kms of the Corporation limits. There is a bar to grant such lands u/s 94-A of the Karnataka Land Revenue Act. The petitioners have not made out a case to interfere with the endorsement issued by the Tahsildar, Bangalore East, K.R. Puram. Accordingly, the writ petitions are dismissed.

It is open to the petitioners to approach the Government seeking for grant of land in accordance with law.