

(2011) 02 KAR CK 0118
In the Karnataka High Court
Case No : Writ Petition No. 35271 of 2010

Lakshmegowda

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 10-02-2011

Acts Referred:

Citation : (2011) 5 KarLJ 335 : (2011) 2 KCCR 150 SN : (2011) 8 RCR(Civil) 2967

Hon'ble Judges : D.V. Shylendra Kumar, J

Bench : Single Bench

Advocate : Rajashekar Hegde and Chandrakanth R. Goulay, for the Appellant; R. Omkumar, A.G.A., for the Respondent

Judgement

D.V. Shylendra Kumar, J.—All and sundry grievances cannot be examined in writ jurisdiction, irrespective of the fact that such grievances are brought to high court in writ jurisdiction via Assistant Commissioner or Deputy Commissioner or ADLR or JDLR or any other revenue authorities.

2. While what can be examined in writ jurisdiction is as to whether a public or statutory authority having a corresponding administrative duty or statutory duty has confined to the statutory provisions while so functioning or if has failed to perform the duty to the detriment of a citizen resulting in the denial of right of the citizen and such situation while can be made subject matter of a writ of certiorari or writ of mandamus, as the case may be, the present writ petition does not involve either situations, inasmuch as the grievance of the Petitioner that some of his relatives, to be precise, his brothers, played fraud on him and through fabricated power of attorney had sold a land which had been granted in favour of Petitioner and also the land which had been granted in favour of them also in violation of the conditions of the grant, is not properly examined by Assistant Commissioner, is not a matter requires to be further examined by this Court in writ jurisdiction.

3. It is open to the Petitioner to avail of the remedies which may be available in

law either before the civil court or before any other higher statutory functionary, but this writ petition is to be dismissed levying commensurate cost for wasting precious judicial time of this Court, which should be apart ironed amongst bona fide needy litigants and the Petitioner is not one such, and accordingly this writ petition is dismissed levying cost of Rs. 10,000/- (Rupees ten thousand only), on the Petitioner and awarded in favour of the State, but to be remitted to the accounts of the High Court Legal Services Committee, Bangalore, which amount can be utilized by High Court Legal Services Committee to provide legal aid to deserving litigants who cannot afford cost of litigation. The cost is to be deposited as such within four weeks from today, failing which, the registry is directed to issue a certificate in favour of the High Court Legal Services Committee, Bangalore, for recovery of the cost, as though it is a decree passed by a civil court.