

(2010) 04 KAR CK 0163

In the Karnataka High Court

Case No : Writ Petition No"s. 25213 to 25219 of 2009

Smt. Mallamma and Others

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 06-04-2010

Acts Referred:

Citation : (2010) 3 KarLJ 290

Hon'ble Judges : Hvluvadi G. Ramesh, J

Bench : Single Bench

Advocate : D.N. Manjunath, for the Appellant; Omkumar, A.G.A., for the Respondent

Judgement

Hvluvadi G. Ramesh, J.—In these sets of petitions the petitioners are challenging the order passed by the Deputy Commissioner, Bangalore District at Annexure-G, dated 25-5-2009.

2. Heard.

3. According to the petitioners, during 1972 they were granted occupancy rights in respect of 12 acres 20 guntas of land in Sy. No. 77 of Chokkasandra Village, Nandagudi Hobli, Hosakote Taluk, Bangalore District and that behind the back of the petitioner's, the grant order made in their favour was cancelled after lapse of several years which is unjust.

4. Learned Government Pleader has submitted that the land in question is a forest land and throughout, the forest authorities were claiming that it belongs to them, on the basis of which, the order came to be passed, which does not call for interference. It is the submission of the learned Counsel for the petitioners that the Deputy Commissioner has called for the report regarding the grant from the Tahsildar and before securing the records, the impugned order has been passed cancelling the grant without any basis.

5. Of course, as contended by the learned Government Pleader, the basis on

which the grant order in favour of the petitioners was cancelled appears to be in view of the contention raised by the Forest Department that the land in question belongs to the Forest Department. However, what is being noticed in the impugned order is that despite opportunity given to the petitioners they did not properly represent through their Counsel, as such, impugned order came to be passed. However, if the impugned order has been passed by the Deputy Commissioner on the basis of some records, the same cannot be found fault with. For the present to enable the petitioners to have one more opportunity of hearing, without disturbing the order passed by the Deputy Commissioner regarding cancellation of grant, the Deputy Commissioner is directed to hear the petitioners, if need be, by securing the report of the Tahsildar, and if he comes to a different conclusion other than the order already passed, then he is at liberty to pass appropriate orders, otherwise, the impugned order passed by him holds good. The petitioners are at liberty to produce all the documents to defend their case. They shall approach the Deputy Commissioner on or before 28-4-2010 and the Deputy Commissioner shall dispose of the matter within two months thereafter. However, there shall be an order of status quo till the disposal of the matter before the Deputy Commissioner.

6. Accordingly, this writ petition is disposed of.