

(2013) 02 KAR CK 0118

In the Karnataka High Court

Case No : Writ Petition No. 28445 of 2012 (KLR-RES-PIL)

Smt. Nagarathna and Others

APPELLANT

Vs

The Deputy Commissioner and Others

RESPONDENT

Date of Decision : 28-02-2013

Acts Referred:

Karnataka Land Revenue Rules, 1966 — Rule 97(4)

Citation : (2013) 4 KarLJ 41

Hon'ble Judges : K. Sreedhar Rao, Acting C.J.; S. Abdul Nazeer, J

Bench : Division Bench

Advocate : H.P. Leeladhar, for the Appellant; B. Veerappa, Additional Government Advocate and Sri L.M. Panduranga Swamy, for the Respondent

Final Decision : Dismissed

Judgement

S. Abdul Nazeer, J.—In this case, the petitioners have challenged the validity of the order at Annexure-M, dated 17-10-1996 whereby an extent of 2 acres 20 guntas of land in Sy. No. 80 of Dambadahalli Village, Kasaba Hobli, Chickmagalur Taluk, has been granted in favour of the 4th respondent. The contention of the petitioners is that the grant of land is contrary to the provisions of the Karnataka Land Revenue Act, 1964 (for short, "the Act") and the Karnataka Land Revenue Rules, 1966 made thereunder. The 4th respondent has acquired the land by suppression of material facts. While granting the land, the official respondents have not followed sub-rule (4) of Rule 97 of the Karnataka Land Revenue Rules, 1966.

2. On the other hand, learned Counsel for the respondents submits that there is a long delay of 16 years in challenging the impugned order. It is further contended that M.R. Virupakshappa, the 4th respondent herein, had filed a suit for declaration and permanent injunction in respect of the land in question against the Secretary of Taluk Panchayat, Chickmagalur and the Secretary of Mugthihalli Panchayat, Chickmagalur Taluk. The said suit was dismissed on 14-2-2003. The 4th respondent is none other than the President of Mugthihalli

Grama Panchayat. The said land has been allotted after following the procedure prescribed in the Act and the Rules. They pray for dismissal of the writ petition. It is evident from the materials on record that the land in question has been granted in favour of the 4th respondent as per the grant certificate at Annexure-M, dated 17-10-1996. There is a long delay of 16 years in approaching this Court challenging the grant order. All the petitioners are the residents of Chickmagalur Taluk. They have not assigned cogent reasons for the delay in approaching this Court. In fact, the suit filed by M.R. Virupakshappa in O.S. No. 257 of 1997 against the Secretary of Taluk Panchayat and the Secretary of Mugthihalli Panchayat, Chickmagalur Taluk, for declaration and permanent injunction in respect of the land in question was dismissed on 14-2-2003. The materials on record would clearly disclose that the land has been granted after following the procedure provided in the Act and the Rules. The writ petition is accordingly dismissed with cost of Rs. 25,000/-.