

**(2013) 07 KAR CK 0190**

**In the Karnataka High Court**

**Case No :** Writ Petition No"s. 26000-26 of 2013 (KLR-RR/SUR)

Smt. Sarojamma and Others

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

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**Date of Decision :** 01-07-2013

**Acts Referred:**

**Citation :** (2013) 07 KAR CK 0190

**Hon'ble Judges :** Hluvadi G. Ramesh, J

**Bench :** Single Bench

**Advocate :** Naik N.R., Sri M. Prakash, in Writ Petition Nos. 26000-26 and Sri N.R. Naik, for M/s. N.R. Naik Assts. in W.P. Nos. 21544-568 of 2013, for the Appellant; M.C. Nagashree, HCGP, for the Respondent

**Final Decision :** Disposed Off

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## **Judgement**

Hluvadi G. Ramesh, J.—Petitioners have sought for issuing a writ of mandamus directing the respondents to confirm and issue saguvali chit pertaining to the lands in their occupation as per Annexure-A1 in SY. No. 2 of Chikkasandra Kaval Village, Sira Taluk Tumkur District, and also for a direction to dispose of the applications filed in Form No. 50, 53 etc., as per KLR Act and for such other relief. Learned counsel for the petitioners submit that they are permanent residents of Sorekunte Village and Chikkasandra Village and they are continuously cultivating the land in question. The petitioners have been treated as unauthorized occupants. According to the petitioners, they have filed representations along with T.T. fine receipt etc., for regularization of unauthorised occupation and also for issue of saguvali chit in respect of the land in question. Though several other representations are considered, petitioners" representations have not been considered in so far as regularization of the land in favour of the petitioners who are unauthorized occupants in Sy. No. 2 which is to an extent of about 300 acres wherein the petitioners are said to be in possession of the land and cultivating the same. Hence, the petitioners have filed these writ petitions.

2. Learned Government Pleader appearing for the respondents submit that earlier the grant was made as per the Karnataka Land Revenue Act. As the land is a forest land, the question of considering the representations of the petitioners does not arise. It is further contended that the claim of the petitioners, if any, for grant of land, cannot be considered, because, the Land Grant Committee have taken note of the fact that the land in question is a forest land and also in the Notification dated 24.10.1956 the said land is treated as forest land. The Notification dated 24.10.1956 issued by the Secretary to Government, Home, Forest and Agriculture Departments is produced before the Court. Further, in the said Notification, the Government considered that it is in public interest that cultivable lands included in the Amritmahal Kaval in excess of the present requirement of the Animal Husbandry Department should be thrown open for gomal and cultivation and granted to landless people. This measure is calculated to satisfy the growing public demand for land, to step up agricultural production in the State and to secure better utilization of rich and fertile tracts. The Governments therefore directed that a total area of 81,040 acres and 10 guntas of Amritmahal Kaval lands in the several districts of the State as indicated in the Annexures to the Government order be released from Animal Husbandry Department to the Revenue Department and further, it is noted that after withdrawal of the notification reserved for Amritmahal Kaval, the land is taken over by the Chief Conservator of Forest.

3. Heard the learned counsel for the petitioners and the learned Government Pleader for the respondents.

4. The petitioners are the residents of Sira Taluk which comes within limits of Tumkur District. If the lands are reserved for Forest Department having released from Amritmahal Kaval, it is for the respondent Authorities to verify the nature of the land which is treated as forest land. If the land is treated as forest land, the question of considering the application of the petitioners for grant does not arise. If the land is treated as revenue land, whether the petitioners are entitled for grant or any such order could be passed by the respondent Authorities in accordance with law. It is for the petitioners to produce the relevant documents. The responsibility is on the part of the respondent Authorities to verify the records as to whether the said land is a revenue land or forest land. If it is proved to be forest land, the land be handed over to the Forest Department, in accordance with law. Writ petitions are disposed of accordingly.