

(2010) 03 KAR CK 0171
In the Karnataka High Court
Case No : Writ Petition No. 4924 of 2010

Sri. Palappa

APPELLANT

Vs

The State of Karnataka

RESPONDENT

Date of Decision : 22-03-2010

Acts Referred:

Citation : (2010) 03 KAR CK 0171

Hon'ble Judges : Huluvadi G. Ramesh, J

Bench : Single Bench

Advocate : Parineetha S. Chanal, for the Appellant; R. Kumar, HCGP, for the Respondent

Judgement

Huluvadi G. Ramesh, J.—Learned Government Pleader is directed to take notice for respondents.

2. Petitioner has sought for to issue a writ of mandamus directing the respondent-authorities to initiate proceedings on the basis of the sketch at Annexure-A and to enquire into the matter and pass orders regularizing the occupation of the petition in respect of 1 acre of agricultural land in Sy. No. 17 of Kasturipura village, Bilichodu Hobli, Jagalur Taluk, Davangere District.

3. Heard.

4. According to the petitioner, he is in occupation of the property to the extent of 1 acre of agricultural land in Sy. No. 17 of Kasturipura Village since 40 years and also he is said to have made a representation in this regard seeking for regularization after holding enquiry, despite that, no information is available. Accordingly he has sought for issuance of writ of mandamus.

5. According to the learned Government Pleader, except a bald petition being filed, no particulars have been given as to the date of filing the representation seeking regularization. Accordingly, submitted that there is no cause of action, much less, there is no right accrued to the petitioner seeking for issuance of any

writ or order.

6. Learned Counsel appearing for the petitioner, along with the petition, filed some survey report indicating that he is in possession of 1 acre in Sy. No. 17 of Kasturipura village of Bilichodu Hobli. However, it has to be enquired into whether he is in possession and cultivation of the land under the scheme so as to grant or pass any order in his favour. However, if the application is not filed, it is for the petitioner to furnish the details to the authorities within one month. On such furnishing of the details as to the date of submission of application, the respondent-authority to hold an enquiry and pass orders in accordance with law.

7. Accordingly, petition is disposed of.

Learned Government Pleader is permitted to file his memo of appearance within four weeks from today.