

(2018) 02 KAR CK 0007
In the Karnataka High Court
Case No : 9506-9507 of 2012(KLR-LG)

SRI S C GANAPATHI & ANR APPELLANT
Vs
THE STATE OF KARNATAKA & ORS RESPONDENT

Date of Decision : 01-02-2018

Acts Referred:

Citation : (2018) 02 KAR CK 0007

Hon'ble Judges : S.N.Satyanarayana

Bench : Single Bench

Advocate : SRIKANTH B, KIRAN KUMAR, G.KRISHNA MURTHY, CHANDRANATH PATIL

Final Decision : Dismissed

Judgement

1. Petitioners herein are claiming themselves to be grand sons of one Manjanna @ Mariya s/o Huchha @ Bachha.

2. According to the genealogy, which is produced at Annexure-A to this proceedings, family of propositus Manjanna @ Mariya is consisted of himself, his wife - Kannamma, two sons, namely Kollanna @ Kolla and Channa Basava, three daughters, namely Kolluramma aged about 51 years, Eeramma aged about 49 years and Lakshmi aged about 47 years. It is stated that all daughters are married and residing in their respective husband's houses. In the genealogy first son is shown as dead and his wife Channabasamma is also said to have died. They are said to be having six children by name Mudduraya, Eramma, Gangamma, Ramappa, Eshwara and Netra. So far as second son namely Channa Basava is concerned, he has 8 children by name Girijamma, Ramakrishna, S.C.Ganapathi, Hoovamma, Droupadi, Krishnamurthy, Vasu and Swamy.

3. The petitioners would state that in the year 2005 they came to know that their grand father and his first son Kollanna @ Kolla was granted

totally 5 acres of land each in Sy.No.4 of Hosur and Mathikai villages in No.LND.EXP.92/67-68. According to first petitioner, when his grand

father died he was aged about 4 or 5 years. He did not know in which place the land was granted and he did not even know about that, since he

was residing in Seeregolli of Hosanadu village, Hosanagara Taluk. Hence, it is on 10.11.2005 he has addressed a letter to Tahsildar, Hosanagara

Taluk seeking grant of 5 acres of land in aforesaid two survey numbers which was given to his grand father. According to him no steps were taken

by Tahsildar on said representation. Subsequently it is stated by the petitioners that they came to know about proceedings being initiated in

No.LND.CR.103/2007-08, which is also disposed of by order dated 26.3.2010 in canceling grant made in favour of their grand father Manjanna

@ Mariya as well as his first son Kolla bin Mariya, wherein Manjanna @ Mariya s/o Hucha is shown as respondent No.4 and Kollo bin Mariya is

shown as respondent No.2. It is this order passed by the Regional Commissioner dated 26.3.2010 is the subject matter of these writ petitions.

4. When the order passed by second respondent - Regional Commissioner is looked into, it discloses that though land was granted on

19.10.1964, the grantees have not resided in said village, did not cultivate the land in question, did not pay TT fine and did not secure Saguvali

chit. In that view of the matter, grant made in favour of grantees mentioned in said order impugned has been cancelled which are at Sl.Nos.1 to 5

in page 2 of the order impugned.

5. Further, when this matter was heard at length after going through all the material available on record the relevant document which is at

Annexure-E would clearly discloses that none of the petitioners i.e., Kolla's son or Manjanna's grand son through Channa Basava were aware of

the extent of land that was granted in favour of Kollanna @ Kolla and Manjanna @ Mariya. It is only in the year 2005 they came to know about

some order being passed in the year 1964 granting certain extent of land in favour of the propositus of their family, namely Manjanna @ Mariya

and also in favour of his first son Kollanna @ Kolla. So far as TT fine is concerned, the petitioners are not in a position to state whether the same

was paid or not and if paid, when it was paid. Further, there is admission on their part that they do not know about the location of land that was

granted, that they were not in possession and cultivation of the same at any point of time. That neither their grand father Manjanna or his son

Kollanna or any of their family members were in possession and cultivation of the same.

6. In this background, the order of Regional Commissioner in canceling grant on the ground that original grantees, who are shown at Sl.Nos.1 to 5

in his order dated 26.3.2010 at relevant page No.2, wherein it is indicating that Kolla who was allotted 3 acres 10 guntas in Sy.No.4 of Hosur and

30 guntas in No.160 of Mathikai as well as Manjanna bin Hucha who is said to have been granted 2 acres 35 guntas in Sy.No.4 of Hosur and 2

acres 35 guntas in Sy.No.160 of Mathikai village have not paid TT fine for nearly 43 years from the date of grant till date of initiation of

proceedings in No.LND/CR/103/2007-08 and they are also not in possession and cultivation of land, appears to be just and proper. Therefore,

question of interfering with the same after 44 years from the date of grant in their favour does not arise.

7. Accordingly, these writ petitions are dismissed. However, liberty is reserved to the petitioners to approach the Regional Commissioner and/or

any other competent authority to consider their application for grant of equal extent of land either in Hosur or Mathikai, where the land was earlier

granted or in the village, namely Seeregolli where they are presently residing and said to have been doing agricultural coolie work, on priority basis

on the ground that they belong to the family of land losers in Sharavathi project.

It is made clear that as and when the application is filed seeking regrant on the aforesaid basis, all the legal heirs of Manjanna @ Mariya s/o

Huchha @ Bachha as well as Kollanna @ Kolla s/o Manjanna shall join together and submit an application for grant of land.