

(2013) 09 KAR CK 0170
In the Karnataka High Court
Case No : Writ Petition No. 37286 of 2013

Sri. Sampath Kumar Bapat

APPELLANT

Vs

State of Karnataka, The Assistant Commissioner, The
Tahasildar and The Committee for Regularization of Un-
Authorized Occupation of Government lands for Sorab Taluk

RESPONDENT

Date of Decision : 18-09-2013

Acts Referred:

Constitution of India, 1950 — Article 226, 227
Karnataka Land Revenue Act, 1964 — Section 94B

Citation : (2013) 09 KAR CK 0170

Hon'ble Judges : H. Billappa, J

Bench : Single Bench

Advocate : S.V. Prakash, for the Appellant; T.P. Srinivasa, AGA, for the
Respondent

Final Decision : Allowed

Judgement

H. Billappa, J.—The learned counsel AGA is directed to take notice for the respondents 1 to 4. In this writ petition under articles 226 and 227 of Constitution of India, the petitioner has sought for writ of mandamus directing the respondents to consider the application of the petitioner filed u/s 94B of the Karnataka Land Revenue Act for regularization of unauthorized cultivation in respect of 3 acres of land in Sy. No. 27 of Shindly village.

2. The petitioner claims that he was cultivating 3 acres of land in Sy. No. 27 of Shindly village. He has filed form No. 53 on 30.12.1998 seeking regularization of his unauthorized cultivation. The Taluk Surveyor has prepared the sketch as per Annexure-E which shows that the petitioner is in possession of 2 acres 20 guntas of land in Sy. No. 27 of Shindly Village. The application of the petitioner has not been considered by the respondents 3 and 4. Therefore, this writ petition.

3. The Learned counsel for the petitioner contended that the application of the petitioner for regularization of unauthorized cultivation has not been considered

and therefore, the respondents 3 and 4 may be directed to consider the application of the petitioner.

4. The learned AGA submitted that respondents 3 and 4 may be directed to consider the application of the petitioner in accordance with law.

The petitioner claims that he was cultivating 3 acres of land in Sy. No. 27 of Shindly village. He has filed form No. 53 seeking regularization of his unauthorized cultivation. Annexure-D is the acknowledgement. The Taluk surveyor has prepared the sketch as per Annexure-E which shows that the petitioner is in possession of 2 acres 20 guntas of land in Sy. No. 27 of Shindly village. The respondents 3 and 4 being the concerned authorities ought to have considered the application of the petitioner. But, they have failed to do so. Therefore, it is necessary to direct the respondents 3 and 4 to consider the application of the petitioner.

Accordingly, the writ petition is allowed and the respondents 3 and 4 are directed to consider the application of the petitioner filed in form No. 53 seeking regularization of his unauthorized cultivation, in accordance with law, within three months from the date of constitution of respondent No. 4.