



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 1963 OF 2024 (KLR-RES)

BETWEEN:

1. SRI I M NAGARAJ
S/O MANJIAH,
AGED ABOUT 41 YEARS,
R/AT IGOORU VILLAGE,
YASALLOORU HOBLI,
SAKALESHPURA TALUK,
HASSAN DISTRICT-573137.
2. SRI I R DARSHAN
S/O RAMAIAH,
AGED ABOUT 30 YEARS,
R/AT IGOORU VILLAGE,
YASALLOORU HOBLI,
SAKALESHPURA TALUK,
HASSAN DISTRICT-573137.
3. GANGAIAH
S/O KENCHIAH ,
AGED ABOUT 47 YEARS,
R/AT IGOORU VILLAGE,
YASALLOORU HOBLI,
SAKALESHPURA TALUK,
HASSAN DISTRICT-573137.

...PETITIONERS

(BY SMT. AISHWARYA HEGDE., ADVCOATE FOR
SRI. SAGAR V SHASTRI., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY THE SECRETARY





TO DEPARTMENT OF REVENUE,
M.S BUILDING,
BENGALURU-560001.

2. DEPUTY COMMISSIONER
HASSAN DISTRICT,
HASSAN-573101.
3. COMMITTEE OF REGULARIZATION
OF UNAUTHORISED OCCUPATION
OF GOVERNMENT LAND,
SAKALESHPURA,
REP. BY ITS SECRETARY
TAHSILDAR,
SAKALESHPURA TALUK,
HASSAN DISTRICT-573137.
4. DEPUTY TAHSILDAR
YASALURU NADA KACHERI,
SAKALESHPURA TALUK,
HASSAN DISTRICT-573137.

...RESPONDENTS

(BY SMT. NAVYA SHEKHAR., AGA FOR R1 TO R4
SRI. A.P.PULAKESHI., ADVOCATE FOR
IMPLEADING APPLICANT)

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH ORDER DTD
12.12.2023 PASSED BY THE DEPUTY COMMISSIONER/R-2 IN
NO. L N D (2) 260/2023-24 REJECTING THE APPLICATION IN
FORM NO. 57 FILED BY THE P-1 (SHOWN IN SL. NO. 14) VIDE
ANNEXURE-F ORDER DTD 12.12.2023 PASSED BY THE DEPUTY
COMMISSIONER/R-2 IN NO. L N D (2) 260/2023-24 REJECTING
THE APPLICATION IN FORM NO. 57 FILED BY THE P-2 (SHOWN
IN SL. NO. 5) AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE R DEVDAS

ORAL ORDER

The grievance of the petitioners is that the Deputy Commissioner, Hassan District, has passed the impugned order at Annexure 'E', invoking powers conferred under Rule 108-CCC of the Karnataka Land Revenue Rules, 1966 rejecting the applications filed by the petitioners for regularisation of unauthorised occupation, on the ground that the applications filed by the petitioners are ineligible.

2. Learned counsel submits that the reason furnished in the impugned order is that the petitioners were not found to be in occupation of the lands for which regularisation is sought. Learned counsel submits that such a reason cannot be considered as an ineligible application.

3. There is substance in the submission made by the learned Counsel for petitioners.



4. Ineligible application would mean that the applicant was not eligible to file the application. The reason furnished in the impugned order will not satisfy the said requirement of holding the application itself ineligible.

5. Learned Counsel Sri A.P.Pulakeshi appearing for the impleading applicants in I.A.No.2/2024 submits that the applicants have been requesting the revenue authorities to earmark the lands in question for the purpose of burial ground and therefore the lands should not be regularised in favour of the petitioners.

6. Having heard the learned counsel for petitioners and the learned Additional Government Advocate and learned counsel for the impleading applicants, this Court is of the considered opinion that having regard to the reasons furnished in the impugned order for rejecting the applications, this Court is convinced that the Deputy Commissioner could not have invoked powers under Rule 108-CCC of the Rules, 1966, to reject the applications on



the ground that the applications are ineligible. If on the other ground the revenue authorities are of the opinion that the petitioners are not in occupation of the lands, which is one of the requirements of the provision and the rules for regularization of the lands, then such a decision can be taken while giving an opportunity to the petitioners and such an exercise should be done by the Committee and not by the Deputy Commissioner.

7. Accordingly, the writ petition is ***allowed*** while setting aside the impugned order dated 12.12.2023 at Annexure 'F' passed by the Deputy Commissioner, Hassan District. The consequential notice dated 10.01.2024 issued by the respondent-Tahsildar at Annexure 'G' is also quashed and set aside.

8. The applications filed by the petitioners shall be reconsidered by the Committee for regularisation of unauthorised occupation. The respondent-Tasildar shall place the applications of the petitioners before the Committee within a period of six weeks from the date of



receipt of a copy of this order. The Committee shall thereafter consider the applications and if necessary make a spot inspection while giving prior notice to the petitioners so that the petitioners will also be present at the spot. The Committee shall dispose of the applications as expeditiously as possible and at any rate within a period of two months from the date when which the applications would be placed by the Tahsildar before the Committee. Liberty is also reserved to the impleading applicants to file necessary objections before the Committee.

9. In view of the disposal of the petition, pending I.As., do not survive for consideration and accordingly, the same stand disposed of accordingly.

Sd/-
(R DEVDAS)
JUDGE

JT/-
CT: JL