



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 3318 OF 2026 (KLR-RES)

BETWEEN:

1. SMT CHANDU MOGERTHI
W/O NARASIMHA MOGAVEERA
AGED ABOUT 69 YEARS,
R/AT HOSAMANE SHANKARANARAYANA VILLAGE,
POST KRODABAILU-576 227,
KUNDAPURA TALUK,
UDUPI DISTRICT.
2. SMT. REVATHI
D/O NARASIMHA MOGAVEERA
AGED ABOUT 36 YEARS
KRODABAILU POST
SHANKARNARAYANA VILLAGE
KUNDAPURA TALUK
UDUPI DISTRICT.
3. SMT. JYOTHI
W/O RAGHURAMA MOGAVEERA
AGED ABOUT 51 YEARS,
2-146-1, HULIYANA BAVANI,
POST HULIYANA -576 212
VTC HULIYANA, UDUPI DISTRICT.

...PETITIONERS

(BY SRI. K. CHANDRANATH ARIGA, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
UDUPI DISTRICT
RAJATHADRI





MANIPAL - 576 101

2. THE AKRAMA-SAKRAMA COMMITTEE
BAINDOOR
BY ITS MEMBER SECRETARY
TAHASILDAR,
BAINDOOR TALUK
UDUPI DISTRICT - 576 101
3. THE SPECIAL TAHASILDAR AND MEMBER SECRETARY
AKRAMA-SAKRAMA COMMITTEE
BAINDOOR TALUK
UDUPI DISTRICT - 576 101

...RESPONDENTS

(BY SRI. V. SESHU, HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 21.12.2025 PASSED BY THE R-1 ANNEXURE-G AND J 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

Learned High Court Government Pleader takes notice for all the respondents.

2. Learned counsel for petitioners submits that the applications filed by the petitioners seeking regularisation of unauthorised occupation in Form Nos.50 and 53 filed in



the year 1991 were initially recommended for grant in terms of the resolution of the Committee and the order passed by the Tahsildar as found at Annexure-D. The Tahsildar had passed an order on 23.06.2017, temporarily granting the lands in favour of the petitioners. However, without any further notice, the impugned orders at Annexures-G, H and J have been passed by the Deputy Commissioner, Udupi District, for the reason that the applications are ineligible and in terms of the powers conferred on the Deputy Commissioner under Rule 108CCC, the orders are passed on the ground that the lands are either forest lands, plantation lands or other lands which cannot be granted. Learned counsel for the petitioners submits that, firstly, the very reason cited by the Deputy Commissioner has no clarity. The Deputy Commissioner has not clearly stated whether the lands fall within the forest area or whether these are plantation lands or any other category of lands which cannot be granted. Secondly, it is submitted that on the basis of the



very same reason, it cannot be construed that the applications filed by the petitioners are ineligible.

3. There is substance in the submission made by the learned counsel for the petitioners. Rule 108CCC, no doubt, empowers the Tahsildar to place the ineligible applications before the Deputy Commissioner in terms of Section 108 CCC(6) and the Deputy Commissioner is empowered to consider and dispose of such ineligible applications. However, having regard to the reasons assigned in the impugned order, where it is not clear as to whether the lands in question are within the forest area, plantation lands or any other lands which fall under the category that cannot be granted under the provisions of Section 94A, by itself makes it clear that this is not a case where the application itself is ineligible. If for the reasons that the lands are either within the forest area or plantation lands or any other category of lands which cannot be granted, the application itself cannot be considered as ineligible. The purpose for which the



provision is made under Rule 108 CCC is to identify ineligible applications, which on the face of it shows that the applicant is ineligible. Such is not the case found in the present matter. These are decisions which were required to be taken by the committee in terms of the report that would be submitted by the Tasildar. If a report is submitted by the Tahsildar that the lands fall within the forest area or plantation lands or such other category of lands which cannot be granted, the applicant will have an opportunity to contest the said report before the committee.

4. In that view of the matter, the writ petition is *allowed*. The impugned orders at Annexures-G, H and J are hereby quashed and set aside. The applications shall be placed by the respondent-Tahsildar before the committee for regularization of unauthorized occupation within a period of six weeks from the date of receipt of a copy of this order. The Committee shall thereafter consider the applications while affording an opportunity to the



petitioners if, for any reason, the report of the Tahsildar identifies the land as falling within a forest area or plantation lands or any other category of land which cannot be granted. Thereafter, the Committee shall proceed to decide the applications and pass necessary orders as expeditiously as possible and at any rate within a period of two months from the date when which the application is placed by the Tahsildar before the Committee.

Ordered accordingly.

Learned High Court Government Pleader is permitted to file memo of appearance within a period of four weeks from today.

Sd/-
(R DEVDAS)
JUDGE

rv
List No.: 1 Sl No.: 3