



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. 6573 OF 2026 (KLR-RES)

BETWEEN:

1. SRI S THIMMAPPA
S/O NYAMATHI THIMMAPPA,
AGED ABOUT 56 YEARS,
AGRICULTURIST,
R/AT KALLAGANGURU,
KASABA-2 HOBLI,
SHIVAMOGGA AT AND DIST -577225.

...PETITIONER

(BY SRI.JAYAKUMAR S PATIL, Sr. ADVOCATE FOR
SRI. CHIDAMBARA G S.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF REVENUE,
BY ITS SECRETARY
M.S.BUILDING,
BANGLAORE-560001.
2. THE DEPUTY COMMISSIONER,
SHIVAMOGGA DISTRICT,
SHIVAMOGGA 577201.
3. THE ASSISTANT COMMISSIONER,
SHIVAMOGGA SUB-DIVISION,
SHIVAMOGGA -577201.
4. THE TAHSILDAR,
SHIVAMOGGA TALUK,
SHIVAMOGGA 577201.





5. THE COMMITTEE
FOR REGULARIZATION OF UNAUTHORISED
OCCUPATION, SHIVAMOGGA TALUK,
SHIVAMOGGA DISTRICT-577201
BY ITS SECRETARY/TAHASHILDAR.

...RESPONDENTS

(BY SMT. NAVYA SHEKAR., AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT NO.4 TAHASHILDAR TO COLLECT TT FEES/FINE AND ISSUE SAGAVALI CHIT TO THE PETITIONER IN RESPECT OF HIS CULTIVATION AND OCCUPATION OF LAND MEASURING 4 ACRES IN SURVEY NO.13 OF KALLAGANGURU VILLAGE, KASABA HOBOLI, SHIVAMOGGA TALUK I.E. LAND IN QUESTION AND ETC.

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

CORAM: HON'BLE MR. JUSTICE R DEVDAS

ORAL ORDER

Learned Additional Government Advocate takes notice for all the respondents.

2. Learned Senior counsel for the petitioner submits that earlier when the application filed by the petitioner seeking regularisation of unauthorised occupation was rejected along with 67 other persons on the ground that the land is within the prohibited distance from the boundary of Shivamogga Municipal Corporation,



the petitioner approached the Assistant Commissioner by filing an appeal in LND.600/2017-18. The Assistant Commissioner passed the order at Annexure-'B' dated - 03.02.2018 setting aside the order passed by the 'Committee for Regularisation of Unauthorised Occupation' headed by the Tahsildar, while directing the Committee to reconsider the issue after securing information from the competent authority regarding the distance.

3. Learned Senior counsel submits that in the present case, unlike W.P.No.32972/2025, the Committee took a decision to grant the land in favour of the petitioner's and accordingly, the Tahsildar proceeded to issue notice to the petitioners asking him to pay the Kimmath/TT fine. However, although the petitioners sought to make the payment, the Tahsildar has passed the impugned order at Annexure-K. Learned Senior counsel further submits that without complying with the directions issued by the Assistant Commissioner, the Tahasildar has issued the impugned endorsement at Annexure-'K' dated



15.10.2024 once again declaring that the lands in question are within the prohibited distance from the boundary of the Shivamogga Municipal Corporation.

4. Having heard the learned Senior Counsel appearing for the petitioner, learned Additional Government Advocate and on perusing the petition papers, this Court is of the considered opinion that the respondent- Tahasildar, Shivamogga has fallen in error in issuing the impugned endorsement for more than one reason. Firstly, the Tahasildar should have placed the matter before the Committee for Regularisation of Unauthorised Occupation for reconsideration in terms of the directions issued by the Assistant Commissioner.

5. Secondly, the Tahsildar could not have incorporated one more reason for rejecting the application by saying that the lands are forest lands. The Tahsildar has failed to apply his mind while making recommendations to the Committee. It is also a fact that



this Court has laid down the law as to the consideration regarding the distance from the boundary of the local body in terms of the provision applicable. This Court has laid down the law that the distance has to be measured having regard to the date of the application and the jurisdiction of the local authority as on the day when the application was filed and not when the application is taken up for consideration. In this case, the application for regularisation of unauthorised occupation is said to have been filed in the year 1991. Therefore, the distance will have to be measured having regard to the boundary and jurisdiction of the local authority in the year 1991. The committee will also have to secure proper information regarding the extent of forest lands in Survey No.13 and cannot blindly reject the application while stating that the lands are forest lands. With these observations, the writ petition is ***allowed*** while setting aside the impugned endorsement at Annexure-'K' dated 15.10.2025 issued by the Tahsildar, Shivamogga Taluk.



6. The Tahasildar, Shivamogga Taluk is hereby directed to place before the Committee, the application filed by the petitioner along with all necessary information having regard to the observations made by this Court in the matter of distance between the land in question and the boundary of the then Shivamogga Municipality which was prevailing in the year 1991. The correct information regarding the extent of forest lands and the remaining extent which is available for grant should also be stated by the Tahasildar in his recommendation.

7. The Tahsildar shall place the application of the petitioner before the Committee as expeditiously as possible and at any rate within a period of two months from the date of receipt of a copy of this order. The Committee shall thereafter consider the application and dispose of the same as expeditiously as possible and at any rate within a period of three months from the date



when the application is placed before the Committee by the Tahasildar.

Ordered accordingly.

Learned Additional Government Advocate 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.: 18