



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT PETITION NO. 8573 OF 2024 (KLGP)

BETWEEN:

SRI N VENUGOPAL REDDY
S/O SRI. LATE NAGAPPA REDDY
AGED ABOUT 67 YEARS,
R/AT NO. 103, SGR DENTAL COLLEGE
ROAD, MUNEKOLALA VILLAGE,
BANGALORE- 560 037

...PETITIONER

(BY SRI. P B RAJU AND B PRADEEP., ADVOCATE)

AND:

1. THE CHAIRMAN OF KARNATAKA
LAND GRABBING
PROHIBITION SPECIAL COURT
OFFICE AT 3RD FLOOR,
KANDAYA BHAVAN,
KEMPEGOWDA ROAD,
BANGALORE- 560 001
2. JOINT COMMISSIONER BBMP
MAHADEVAPURA RANGE
BANGALORE- 560 048
3. THE ASSISTANT DIRECTOR
OF LAND RECORDS
MAHADEVAPURA RANGE
BANGALORE- 560 048
4. THE TAHSILDAR

Digitally signed
by
SHARADAVANI
B
Location: High
Court of
Karnataka





BANGALORE EAST TALUK,
K.R. PURAM TALUK OFFICE,
BANGALORE- 560 036.

5. SRI. KIRAN N
S/O N. NAGARAJA REDDY
AGED ABOUT 40 YEARS
RA./T NO. 790, 3RD MAIN,
NEAR L N TEMPLE STREET
MUNNEKOLALA, M.H. POST
BANGALORE- 560 037

...RESPONDENTS

- (BY SRI. ARUNA G R, AGA FOR R1, R3 AND R4;
M NARAYANA SWAMY, ADVOCATE FOR R5;
K B MONESH KUMAR, ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR DIRECTION, AND BE PLEASED TO QUASH THE PROCEEDINGS IN CASE NUMBER LGC(P) CASE NO.12664/2021 ON THE FILE OF THE FIRST RESPONDENT AT ANNEXURE-A., AND ETC.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL ORDER

(PER: HON'BLE MR. JUSTICE D K SINGH)

Heard Mr. P.B. Raju, learned counsel assisted by Mr.Pradeep B., learned counsel, Mr.Shanthraj in-person and the learned Additional Government Advocate for other respondents.



2. A complaint under sub-Section (1) of Section 9 of the Karnataka Land Grabbing Provision Act, 2011 (hereinafter referred to as 'the Act' for short) in case No.12664/2021 came to be filed by the complainant setting out relevant facts to constitute the offence of land grabbing against the respondent.

3. As per the revenue records, the land in Survey No.61/1 situate in Tubarahalli Village, Taluk Bangalore East is having a total area of 5 acres 37 guntas. Out of the said total area of 5 acres 37 guntas, 20 gunta land is kharab (b) land and the balance land i.e., 5 acres 17 guntas is jointly held including the petitioner herein.

4. In sum and substance, the allegation in the complaint is that 20 gunta kharab (b) land is the Government land under the provisions of the Karnataka Land Revenue Rules, 1966 (hereinafter referred to as 'the Rules' for short) and the petitioner has encroached upon the government land, and thus, the offence under the provisions of the Act is made out and he is liable to be punished.



5. It is relevant to take note of the stage at which the proceedings are pending for the land grabbing Special Court i.e., the parties have already led their evidence and now the case is fixed for recording the statement of the respondent / accused under Section 313 of the Code of Criminal Procedure, 1973 (Cr.P.C).

6. The learned counsel for the petitioner has vehemently submitted that the petitioner and other shareholders of Survey No.61 mentioned above are the owners not only of 15.17 guntas of land, but also 20 gunta kharab (b) land. In support of the submission, learned counsel for the petitioner has placed reliance on the judgment of this court in the case of ***P. BHIMACHAR VERSUS STATE OF MYSORE'*, 1966 (2) MLJ 184**

7. It is further submitted that even if the petitioner has encroached upon 20 guntas of kharab (b) land, he cannot be said to be land grabber inasmuch as he is the owner of the land. The proceedings under the Land Revenue Act and the Rules



made thereunder can be initiated against him, but not under the provisions of the Act. It is also submitted that though the trial is at the stage of recording the statement of the accused under Section 313 of Cr.P.C, but since the land grabbing court does not have jurisdiction in the matter, he has every right to approach this court to challenge the proceedings at any stage before the same would be finalized.

8. On the other hand, the learned Additional Government Advocate has submitted that the petitioner has produced incorrect English translation of the record. Original record of the same would specifically show that the 20 gunta land is mentioned against column (b) kharab land and not under column (a). Column (a) is vacant in the original record.

9. We have perused the original record and we find truth in the submission made by the learned Additional Government Advocate that column (a) is vacant and the 20 gunta of land is mentioned against column (b), which is kharab (b) land. We, therefore are required to consider whether a



person can claim the ownership over the (b) kharab land, which would be a vacant land.

10. Rule 21 of the Karnataka Land Revenue Rules, 1966, describes the classification of land included as unarable to be treated as 'Pot kharab'. 'Pot kharab' has been again classified into two categories. (a) that which is classified as unfit for agriculture at the time of survey including the farm buildings or threshing floors of the holder and (b) that which is not assessed because (i) it is reserved or assigned for public purpose; (ii) it is occupied by road or recognized footpath or by tank or stream etc. For the ready reference, the sub Rule (2) of Rule 21 of the Karnataka Land Revenue Rules is extracted hereunder:

21. Classification

(1) xxxx

(2) *During the process of classification land included as unarable shall be treated as "Pot Kharab". Pot Kharab lands may be classified as follows:*

(a) *That which is classified as unfit for agriculture at the time of survey including the farm building or threshing floors of the holder;*



(b) That which is not assessed because, (i) it is reserved or assigned for public purpose; (ii) it is occupied by a road or recognised footpath or by a tank or stream used by persons other than the holders for irrigation, drinking or domestic purposes; (iii) used as burial ground or cremation ground; (iv) assigned for village potteries.

11. Considering the language employed, a person can said to be the owner so far as kharab land which is described in Sub-Rule 2(a) of Rule 21, but he cannot claim the ownership in respect of the land which is described in sub-Rule 2(b) of Rule 21 of the Rules. The said land is either reserved for the public purpose or there are existing road(s), footpath(s), tank(s), stream(s) etc. No person can claim ownership over a land which has been reserved for public purpose or where there exists the public utility such as the road etc. We therefore, are of the considered view that the judgment relied on by the learned counsel for the petitioner is only in respect of the kharab land described in sub-Rule 2(a) of Rule 21 of the Rules and not in respect of the clause (b) of sub-Rule (2) of Rule 21 of the Karnataka Land Revenue Rules. We are therefore, of the view



that there is no substance in the submissions advanced by the learned counsel for the petitioner that though the 20 guntas land is kharab (b) land which is reserved for public purpose and as there is a road on the said land and the rest of the land has been reserved for the public purpose, but the petitioner is the owner of the said land, for the encroachment over the said land by the petitioner, no proceedings under the Provisions of Land Grabbing Act can be instituted. We, therefore dismiss this writ petition and direct the Special Land Grabbing Court to finalize the proceedings expeditiously in accordance with the law.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(TARA VITASTA GANJU)
JUDGE

SS
List No.: 1 Sl No.: 33