



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 9785 OF 2022 (LB-RES)

BETWEEN:

SMT. RAJAMMA
W/O SHANKARAPPA
AGED ABOUT 65 YEARS
R/A TAKKANAHALLI VILLAGE
KASABA HOBLI-577224
HONNALLI TALUK
DAVANAGERE DISTRICT.

...PETITIONER

(BY SRI. V.B. SIDDARAMAIAH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE
M.S. BUILDING
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU-560001.
2. THE DEPUTY COMMISSIONER
DAVANAGERE DISTRICT,
P.B. ROAD
DAVANAGERE-577501.
3. THE ASSISTANT COMMISSIONER
DAVANAGERE SUB-DIVISION,
NOW HONNALI SUB-DIVISION,
HONNALI,
DAVANAGERE DISTRICT-577501.
4. THE TAHSILDAR
HONNALI TALUK,

Digitally
signed by
SUMA
Location:
HIGH
COURT OF
KARNATAKA



DAVANAGERE DISTRICT-577501.

AMENDMENT CARRIED OUT IN OPEN COURT
ON 06.06.2022 WITH COURT PERMISSION

5. THE CHIEF EXECUTIVE OFFICER
DAVANAGERE JILLA PANCHAYAT
LOKIKERE ROAD
DAVANAGERE-577501.
6. THE EXECUTIVE OFFICER
HONNALI TALUK PANCHAYAT
HONNALI,
DAVANAGERE DISTRICT-577501.
7. THE PANCHAYAT DEVELOPMENT OFFICER
MASADI GRAMA PANCHAYAT
MASADI, HONNALI TALUK,
DAVANAGERE DISTRICT-577501.

...RESPONDENTS

(BY SRI. H.K.KENCHEGOWDA, ADDITIONAL GOVERNMENT
ADVOCATE FOR RESPONDENT NOS.1 TO 4;

SRI. N.R.JAGADEESWARA, ADVOCATE FOR RESPONDENT NO.5;

SRI. G.M.GADLINGAPPA, ADVOCATE FOR RESPONDENT NO.7;

NOTICE SERVED ON RESPONDENT NO.6)

THIS WP IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE RESOLUTION
DATED 30.03.2022 PASSED BY THE 7TH RESPONDENT, THE GRAMA
PANCHAYAT, MASADI, HONNALI TALUK, DAVANAGERE DISTRICT, IN
ITS RESOLUTION NO.II, WHICH PERTAINS TO ALLOTMENT OF SITES,
IN SY.NO.13/1 TAKKANAHALLI VILLAGE, HONNALI TALUK,
DAVANAGERE DISTRICT, VIDE ANNEXURE-B.

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

CORAM: HON'BLE MR. JUSTICE R. NATARAJ



ORAL ORDER

The petitioner has sought for a writ in the nature of certiorari to quash the resolution dated 30.03.2022 passed by respondent No.7 in so far as it relates to allotment of sites in Sy.No.13/1 of Takkanahalli Village, Honnali Taluk, Davanagere District.

2. (i) The petitioner contends that the land in Sy.No.13/1 of Takkanahalli Village measures 9 acres 27 guntas and that 3 acres was granted to one Sri. Sevyanaik and another 3 acres was granted to one Sri. Erappa in terms of an order dated 15.11.1975. The petitioner claims that he is unauthorisedly cultivating 2 acres 20 guntas and that he had filed an application for grant of aforesaid land. The application was rejected by the Committee for Regularization of Unauthorized Cultivation and petitioner has filed an appeal before the Assistant Commissioner, Davanagere, in ULND/CR:10/2019-20. The Assistant Commissioner in terms of an order dated 07.02.2022, allowed the appeal and remanded the case back to the Committee for Regularization of Unauthorized Cultivation, Honnali.



(ii) The Masadi Grama Panchayat on coming to know of the order passed by the Assistant Commissioner has passed a resolution dated 30.03.2022 that sites may be formed in Sy.No.13/1 of Takkanahalli Village. The petitioner claims that this resolution is illegal and attempts to belittle his rights. The petitioner is therefore, before this court challenging the resolution.

3. The learned counsel for the petitioner reiterated the above contentions and submitted that resolution cannot be given effect to until application filed by the petitioner is considered by the Committee in accordance with law.

4. The learned Additional Government Advocate for respondent Nos.1 to 4 submitted that the petitioner has right of an appeal under Section 269 of the Karnataka Gram Swaraj and Panchayat Raj Act, 1993 and therefore, this writ petition cannot be entertained. Besides this, he contends that by the impugned resolution the Panchayat has only recommended formation of sites in Sy.No.13/1 of Takkanahalli Village and therefore, rights if any of the petitioner is not affected.



5. The learned counsel for respondent No.7 reiterated the above submission and submitted that the resolution merely recommends formation of sites in the aforesaid survey number and sites are yet to be formed and allotted and therefore, rights of the petitioner is not affected.

6. I have considered the submissions of the learned counsel for the petitioner as well as the learned Additional Government Advocate for respondent Nos.1 to 4 and learned counsel for respondent No.7.

7. By the impugned resolution, the Panchayat has proposed to form sites in Sy.No.13/1 of Takkanahalli Village for allotment to homeless and siteless persons under Ashraya scheme. The resolution has proceeded on the assumption that the land has vested in the State Government. However, it is clear from the documents produced by the petitioner that an application for regularization of unauthorized cultivation is pending consideration before the Committee, which is yet to take a decision. Therefore, the Panchayat could not have construed the land bearing Sy.No.13/1 of Takkanahalli Village as available for formation of sites and allotment to homeless



and siteless persons. The Panchayat must have awaited the outcome of the proceedings of the Committee and could not have passed the resolution that has the effect of undermining the rights of the petitioner.

8. In that view of the matter, this petition is ***allowed in part.*** It is declared that the impugned resolution dated 30.03.2022 passed by the respondent No.7 - Panchayat shall not be given effect to until the claim of the petitioner for regularization of his unauthorized cultivation of Sy.No.13/1 of Takkanahalli Village, measuring 2 acres 20 guntas, is considered by the Committee for Regularization of Unauthorized Cultivation. It is open for the Panchayat to take appropriate steps after application of the petitioner is finally disposed off in accordance with law.

**Sd/-
(R. NATARAJ)
JUDGE**