



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 11078 OF 2020 (KLR-LG)

BETWEEN:

1. SRI.MANJEGOWDA
AGED ABOUT 60 YEARS
S/O NANJEGOWDA
R/AT CHANNENAHALLI VILLAGE
KIKERI HOBLI, K.R. PET TALUK
MANDYA-571 426

... PETITIONER

(BY SRI. B.S. SUDHINDRA., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
MANDYA DISTRICT
MANDYA - 571 426
2. THE ASSISTANT COMMISSION
PANDAVAPURA SUB DIVISION
PANDAVAPURA MANDYA DISTRICT - 571 426
3. THE THASILDAR
K R PET TALUK
MANDYA DISTRICT - 571 426
4. SMT BHAGYA
W/O LATE RUDREGOWDA
AGED ABOUT MAJOR



5. SMT ANASUYA
W/O KALLEGOWDA
AGED ABOUT MAJOR
6. SMT KANTHAMMA
W/O KRISHNEGOWDA
AGED ABOUT MAJOR
7. SRI SIDDEGOWDA
S/O LATE BASAVEGOWDA
AGED ABOUT MAJOR
8. SRI AMASIGOWDA
S/O THIMMEGOWDA
AGED ABOUT MAJOR
9. SRI RAJEGOWDA
S/O LATE NANJEGOWDA
AGED ABOUT MAJOR
10. SRI PUTTARAJU
S/O LATE BOJEGOWDA
AGED ABOUT MAJOR
11. SRI C B SHIVARAJU
S/O BASAVARAJU
AGED ABOUT MAJOR
12. SRI S ARUN
S/O LATE C R SHIVEGOWDA
AGED ABOUT MAJOR
13. SRI RAJEGOWDA
S/O LATE NAGEGOWDA
AGED ABOUT MAJOR



14. SRI RAMEGOWDA
S/O SANNANANJEGOWDA
AGED ABOUT MAJOR

ALL ARE RESIDING AT
CHANNENAHALLI VILLAGE
KIKERI HOBLI, K.R. PET TALUK
MANDYA-571 426

... RESPONDENTS

(BY SMT. SPOORTHY HEGDE, HCGP FOR R1 TO R3;
SRI K.R. LINGARAJU, ADVOCATE FOR R4 TO R14)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR
RECORDS RELATING TO ANNEXURE-K FROM THE FILE OF THE
R-1 AND QUASH THE ORDER DATED 30.06.2020 PASSED BY
THE R-1 IN RA.NO.09/2016 VIDE ANNEXURE-K 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 S SUNIL DUTT YADAV

ORAL ORDER

Petitioner who is stated to be the unauthorised
occupant of property in Sy. No.8 of Channenahalli, Kilkeri
Hobli, K.R.Pet Taluk, to an extent of 2 acres 4 guntas has
called in question the correctness of the order of the
Deputy Commissioner at Annexure-K, whereby the Deputy
Commissioner has modified the order of the Assistant



Commissioner and disposed off the appeal while directing the respondents to reserve an extent of 1 acre 8 guntas for Ashraya Scheme.

2. It is the case of the petitioner that his application under Form-50 was filed for an extent of 2 acres on 22.06.1991. It is further submitted that in terms of the sketch prepared by the Tahsildar, it was pointed out that the petitioner was in possession of an extent of 0.90 acres and sketch is enclosed at Annexure-C to the writ petition. It is further submitted that the sketch is prepared in terms of actual possession. It is also pointed out that the mahazar prepared would also reveal that the villagers have no objection for grant of land as claimed by the petitioner.

3. It is the case of the petitioner that in the proceedings in the year 2002, the committee has granted only an extent of 1 acre out of the total extent of 2 acres 4 guntas. It is submitted that the claim insofar as 1 acre is



concerned has been granted to the petitioner and necessary grant certificate has also been issued. Learned counsel for the petitioner submits that insofar as the committee not taking note of the claim of the petitioner for regularisation of the remaining 1 acre, he had approached the Assistant Commissioner and the proceedings have culminated at Annexure-J. It is the case of the petitioner that petitioner having paid the penalty/fine for the entire area and when he is found to be in possession of 2 acres, there was no reason for the committee for not having recognized the right of the petitioner for the remaining 1 acre.

4. The Assistant Commissioner by his order had directed that the claim of the petitioner for the remaining 1 acre also be placed before the Committee. Though the petitioner had been conferred with relief as per the order of the Assistant Commissioner, the villagers, it is stated have approached the Deputy Commissioner and proceedings have culminated in the order at Annexure-K,



whereby the Deputy Commissioner has recommended for reserving an extent of 1 acre 8 guntas for the benefit of the villagers. The petitioner has challenged such order stating that an extent of 2 acres 14 guntas of land was already reserved under Ashraya Scheme as is evidenced at Annexure-H and there was no warrant for petitioner's request for allotment of remaining 1 acre being rejected.

5. Learned Additional Government Advocate submits that in terms of Rule 5 of the Karnataka Land Grant Rules, 1969 (for short 'the Rules'), the claim of the petitioner as well as Ashraya site holders if they belong to general category are to be worked out at 20% under Category 5(e). It is further submitted that there is no absolute right for grant of land and the State having ownership, can reserve land depending upon the needs taking note of the guidelines under Rule 5 of the Rules. He further submits that the decision of the committee for grant of 1 acre is also on the basis of the requirement of



equitable allocation of the land amongst all claimants and accordingly, does not require to be interfered with.

6. Learned counsel appearing for the villagers would submit that the Authority is required to balance the interest of individuals vis-à-vis multiple claims.

7. Heard both sides.

8. The facts are not in dispute that the petitioner was in fact in possession of an extent of 2 acres. No doubt, the application is made for regularisation with respect to 2 acres and the sketch at Annexure-C would also indicate the petitioner's possession with respect to such extent. However, the mere possession will not entitle the petitioner for regularisation and grant of entirety of the extent in his possession. The proceedings before the Committee, copy of which are produced at Annexure-E would indicate that the petitioner's claim had been recognized only as regards 1 acre and this is as per the proceedings in the year 2002. The appeal by the petitioner



has been filed before the Assistant Commissioner in the year 2009 with a delay of about 7 years. The Assistant Commissioner no doubt has recommended for consideration of petitioner's claim with respect to the remaining 1 acre. In the appeal proceedings, the Deputy Commissioner has taken note of other claims as regards the Ashraya Scheme. The order of the Deputy Commissioner is not only one which is equitable insofar as claims of the ashraya site holders, which are multiple in number are also sought to be considered.

9. Though the applicants for land grant have a right to be considered, there is no absolute right for land grant. If the State in exercise of power conferred under the Rules seeks to distribute resources equitably as has been done in the present case where the Ashraya site holders are in multiple numbers while the petitioner is only one claimant, reserving land for Ashraya site holders, as has been done by the Deputy Commissioner can be stated to be an equitable arrangement and not against law. If



petitioner has suffered insofar as his claim for the remaining extent of 1 acre has been rejected, such balancing of interests cannot be interfered with in exercise of power under Article 226 of the Constitution of India.

10. Accordingly, the petition is rejected.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

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