



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. 35033 OF 2025 (KLR-RES)

BETWEEN:

SRI. DEVARAJU T R
S/O RAMACHANDRAIAH,
AGED ABOUT 79 YEARS.
R/AT THEPPASANDRA VILLAGE,
KASABA HOBLI, KUNIGAL TALUK,
TUMAKAR-572130.

...PETITIONER

(BY SRI. ELAM PARATTI .G., ADVOCATE FOR
SRI. NAGARAJA S., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY,
REVENUE DEPARTMENT,
VIDHANA SOUDHA,
BANGALORE -560001.
2. THE DEPUTY COMMISSIONER
TUMAKURU DISTRICT,
TUMAKURU-572101.
3. THE TAHSILDAR,
KUNIGAL TALUK
TUMAKURU DISTRICT-572130.

...RESPONDENTS

(BY SMT. NAVYA SHEKHAR., AGA)





THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ENDORSEMENT DTD. 16.06.2025 LND(KAS) CR.NO.89/2025-26 IN ANNEX-F AND CONSEQUENTLY ISSUE THE WRIT OF MANDAMUS DIRECTING THE R-3 TO CONSIDER THE FORM NO.57 IN ACCORDANCE WITH LAW AND GRANT AN INTERIM ORDER TO STAY, STAYING THE OPERATION OF THE IMPUGNED ENDORSEMENT DTD. 16.06.2025 IN LND (KAS) CR. NO. 89/2025-26 ISSUED BY THE R-3 VIDE ANNEX-F.

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 Additional Government Advocate takes notice for all the respondents.

2. The grievance of the petitioner is that his application filed in Form No.57 seeking regularisation of unauthorised occupation of 3 Acres and 20 Guntas of land in Survey No.35 of Teppesandra Village, Kasaba Hobli, Kunigal Taluk, Tumakur District, has been rejected by the third respondent-Tahsildar by issuing the impugned endorsement that Annexure-F dated 16.06.2025.

3. It is seen from the impugned endorsement that the respondent-Tahsildar is of the opinion that there is no



sufficient gomal land for the cattle heads in the village to graze and therefore, the application for regularization of unauthorized occupation is rejected.

4. Learned Counsel for the petitioner submits that in the impugned notice at Annexure-F dated 16.06.2025, there is no reference to the orders passed by the Deputy Commissioner rejecting the application. This would clearly show that no such orders were passed and only to overcome the queries at the hands of this Court such an order has been prepared. Even otherwise, it is submitted that if the instructions of the learned Additional Government Advocate is that the lands in question are earmarked for grazing and the same cannot be reduced, it would be contrary to the provisions of law and the law declared by this Court in ***W.P.No.25148/2025*** in the case of ***Sri. K. R. Srinivas Vs. The Principal Secretary, Department of Revenue and Others, dated 06.01.2026.***



5. There is substance in the submission made by the learned Counsel for petitioner. This Court in W.P.No.25148/2025 has held as under;

"3. Further, from a plain reading of Rule 97(4) of the Karnataka Land Revenue Rules, 1966, it is evident, that it is the Deputy Commissioner who is required to determine the extent of land necessary to be set apart for free pasturage in any village. However, having regard to the proviso to sub-Rule 4, it is submitted that no such permission shall be necessary where the reduction below the prescribed limit is for the purpose of (iii) regularisation of unauthorised cultivation under Chapter XIII-A. When the rule itself prescribes that in the matter of regularization of unauthorized occupation, there cannot be rejection of the application on the ground that the extent of gomal available for pasturage is either insufficient or sufficient for the pasturage, having regard to the number of cattle heads in the village, the rule prescribes that in the matter of regularization of unauthorised occupation, the permission of the Deputy Commissioner is not necessary for further reduction, and the Tahsildar could not have taken a decision to reject the application on the said ground."

6. The writ petition is **allowed** while setting aside the impugned endorsement dated 16.06.2025 at Annexure-F. Having regard to the law laid down by this Court, the third respondent-Tahsildar, Kunigal Taluk, is



hereby directed to place the application filed by the petitioner in Form No.57, before the 'Committee for Regularisation of Unauthorised Occupation' within a period of six weeks from the date of receipt of a copy of this order. The Committee for Regularisation of Unauthorised Occupation shall thereafter consider the application and pass orders in accordance with law 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 at the hands of the Tahsildar.

7. Learned Additional Government Advocate is permitted to file memo of appearance within a period of four weeks from today.

**Sd/-
(R DEVDAS)
JUDGE**

DL
CT: JL