



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 106945 OF 2019 (KLR-RES)

BETWEEN:

SMT.SUBHADRA W/O. YASHWANT NIPPANIKAR,
AGE: 55 YEARS, OCC:AGRICULTURE,
R/O.GODOLI, TALUKA:KHANAPUR,
DIST:BELAGAVI.

...PETITIONER

(BY SRI. SANGRAM.S.KULKARNI, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER, BELAGAVI
D.C.COMPOUND, BELAGAVI.
2. THE ASSISTANT COMMISSIONER OF BELAGAVI
D.C.COMPOUND, BELAGAVI.
3. THE TAHASHILDAR, KHANAPUR,
SECRETARY TALUKA REGULARIZATION
OF ON AUTHORISED OCCUPATION
OF LAND COMMITTEE,
KHANAPUR, DIST: BELAGAVI.

...RESPONDENTS

(BY SMT.MALA.B.BHUTE, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY HEARING IN
'B' GROUP, THIS DAY, AN ORDER IS MADE AS UNDER:





ORAL ORDER

Sri.Sangram S.Kulkarni., counsel for the petitioner and Smt.Mala B.Bhute., Additional Government Advocate for the respondents have appeared in person.

2. The Writ Petition is filed seeking the following prayers:

"A] to issue a writ of certiorari and quash the order passed by the Deputy Commissioner respondent No.1 vide his order bearing No.RB/LND/AP)1/17-18 dated 28/06/2018 Vide Annexure-D and order passed by the Assistant Commissioner, Belagavi bearing No.LND/AP)1/2016-17 Dated 5/5/2017 vide Annexure-C and also quash the impugned order passed by the Tahsildar bearing No.LGL/NCR/CR104/1988-99 dated 29/06/2016 vide Annexure-B.

B] Issue any other order or direction to which the petitioner is found entitled to in the present facts and circumstances."

3. The petitioner has contended that an application dated 06.10.1998 was submitted before the Tahsildar seeking regularization of unauthorized occupation for cultivation. It is the specific case of the petitioner that the said application ought to



have been placed before the Committee in terms of Rule 108C of the Karnataka Land Revenue Rules, 1966. Without placing before the committee, the Tahsildar, by order dated 31.12.2015, rejected the petitioner's claim.

Taking note of the said contention, this Court had directed the Additional Government Advocate to furnish particulars as to whether the petitioner's application was placed before the Committee. However, no such particulars have been furnished to date.

4. Heard the counsel for the parties and perused the material on record.

5. Upon consideration, it is evident that there is no material placed on record to demonstrate that the petitioner's application was ever placed before the Committee as mandated under Rule 108C of the Karnataka Land Revenue Rules, 1966.

In the absence of compliance with the mandatory procedure, the impugned orders cannot be sustained in law. Accordingly, the order dated 29.06.2016 passed by respondent No.3 - Tahsildar (Annexure-B), the order dated 05.05.2017



passed by respondent No.2 – Assistant Commissioner (Annexure-C), and the order dated 28.06.2018 passed by respondent No.1 – Deputy Commissioner (Annexure-D), are hereby **quashed**.

6. The application submitted by the petitioner shall be placed before the competent Committee constituted under Rule 108C of the Karnataka Land Revenue Rules, 1966, for reconsideration in accordance with law. The Committee shall consider and dispose of the petitioner's application within a reasonable period, preferably within [specify time, e.g., three months] from the date of receipt of a copy of this order.

7. The writ petition is **allowed** in the above terms.

8. Order accordingly.

Sd/-
(JYOTI M)
JUDGE

RH
List No.: 1 Sl No.: 30