

IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT DHARWAD.

DATED THIS THE 30TH DAY OF MARCH, 2012

BEFORE

THE HON'BLE MR.JUSTICE DILIP B BHOSALE

WRIT PETITION NO. 60901-60920/2012 (KLR-REG)

BETWEEN:

1. BHEEMAPPA S/O. YALLAPPA GOLLAR,
AGE: 65 YEARS, OCC: AGRICULTURE,
R/O: SAVIKERI, TQ: HANGAL,
DIST: HAVERI.
2. SHIVAPPA S/O. GURUVAPPA GOLLAR,
AGE: 50 YEARS, OCC: AGRICULTURE,
R/O: SAVIKERI, TQ: HANGAL,
DIST: HAVERI.
3. BABUSAB S/O. KASIMSAB DAVANAGERI,
AGE: 55 YEARS, OCC: AGRICULTURE,
R/O SRINGERI, TQ: HANGAL,
DIST: HAVERI.
4. BABUSAB S/O. HASANSAB HEBATTI,
AGE: 40 YEARS, OCC: AGRICULTURE,
R/O SRINGERI, TQ: HANGAL,
DIST: HAVERI.
5. DHARMAPPA S/O. SHIVAPPA HURALI,
AGE: 45 YEARS, OCC: AGRICULTURE,
R/O SRINGERI, TQ: HANGAL,
DIST: HAVERI.

6. SHIVAPPA S/O. HALAPPA HURALI,
AGE: 70 YEARS, OCC: AGRICULTURE,
R/O SRINGERI, TQ: HANGAL,
DIST: HAVERI.
7. YALLAPPA S/O. KENCHAPPA DODDAMASTI,
AGE: 55 YEARS, OCC: AGRICULTURE,
R/O SRINGERI, TQ: HANGAL,
DIST: HAVERI.
8. SHIVAPPA S/O. YALLAPPA DODDAMASTI,
AGE: 35 YEARS, OCC: AGRICULTURE,
R/O SRINGERI, TQ: HANGAL,
DIST: HAVERI.
9. FAKKIRAPPA S/O. BASAPPA MANTAGI,
AGE: 70 YEARS, OCC: AGRICULTURE,
R/O: SAVIKERI, TQ: HANGAL,
DIST: HAVERI.
10. HALAPPA S/O. HANAMANTAPPA HURALI,
AGE: 50 YEARS, OCC: AGRICULTURE,
R/O: SRINGERI, TQ: HANGAL,
DIST: HAVERI.
11. RIYAZAHAMMAD S/O. MODINSAB SHAIKH,
AGE: 45 YEARS, OCC: AGRICULTURE,
R/O: SRINGERI, TQ: HANGAL,
DIST: HAVERI.
12. MEHABOOB SHARIF MODINSAB SHAIKH,
AGE: 43 YEARS, OCC: AGRICULTURE,
R/O: SRINGERI, TQ: HANGAL,
DIST: HAVERI.
13. SHABBIRSAB MODINSAB SHAIKH,
AGE: 55 YEARS, OCC: AGRICULTURE,
R/O: SRINGERI, TQ: HANGAL,
DIST: HAVERI.

14. FAKKIRAPPA S/O. RAMAPPA SAVASAGI,
AGE: 65 YEARS, OCC: AGRICULTURE,
R/O: SRINGERI, TQ: HANGAL,
DIST: HAVERI.
15. ABDULSATTAR S/O. MOHAMMADSAB LALNAVAR,
AGE: 62 YEARS, OCC: AGRICULTURE,
R/O: SRINGERI, TQ: HANGAL,
DIST: HAVERI.
16. BHEEMAPPA S/O. SHIVAPPA HURALI,
AGE: 42 YEARS, OCC: AGRICULTURE,
R/O: SRINGERI, TQ: HANGAL,
DIST: HAVERI.
17. SIDDAPPA S/O. HANAMANTAPPA HARIJAN,
AGE: 50 YEARS, OCC: AGRICULTURE,
R/O: SAVIKERI, TQ: HANGAL,
DIST: HAVERI.
18. YALLAPPA S/O. BHEEMAPPA GOLLAR,
AGE: 33 YEARS, OCC: AGRICULTURE,
R/O: SAVIKERI, TQ: HANGAL,
DIST: HAVERI.
19. SHIVALINGAPPA S/O. YALLAPPA GADIHUCHANAVAR,
AGE: 40 YEARS, OCC: AGRICULTURE,
R/O: SRINGERI, TQ: HANGAL,
DIST: HAVERI.
20. YALLAPPA S/O. YALLAPPA GADIHUCHANAVAR,
AGE: 70 YEARS, OCC: AGRICULTURE,
R/O: SRINGERI, TQ: HANGAL,
DIST: HAVERI.

... PETITIONERS

(BY SRI. DINESH M KULKARNI, ADV.)

AND

1. THE TAHASHILDAR,
HANGAL TALUKA,
HANGAL.
2. THE ASSISTANT COMMISSIONER,
SAVANUR SUB-DIVISION,
SAVANUR.
3. THE DEPUTY COMMISSIONER,
HAVERI DISTRICT,
HAVERI.
4. THE LAND GRANT COMMITTEE,
HANGAL TALUKA,
HANGAL.
BY ITS SECRETARY.

... RESPONDENTS

(By Sri./Smt : GOVT. ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT NO.4 CONSIDER THE APPLICATIONS SUBMITTED VIDE ANNEXURES-C, C1 TO C4, DATED:28/12/1998, 19/01/1999, 28/12/1998, 28/12/1998 AND 08/01/1999 RESPECTIVELY AND IN RESPECT OF OTHERS AS PER THE ACKNOWLEDGMENTS ANNEXURES-D, D1 TO D5 ALL ARE DATED:01/01/1999 AND ALSO VIDE ENDORSEMENT ANNEXURE-E DATED: /12/2011 AND ANNEXURE-F DATED:05/01/2012 AND GRANT INTERIM ORDER, RESTRAINING FROM DISPOSSESSING THE PETITIONERS FROM THE LANDS BEARING R.S.NO.97, 106, 107, 111 AND 112/2 OF SAVIKERI VILLAGE HANGAL TALUKA, DISTRICT HAVERI.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

PC:

Heard learned Counsel for both the parties

2. In these writ petitions, petitioners are seeking directions to respondent No.4 to consider their applications filed under Rule 108-CC of Karnataka Land Revenue Rules, 1966 (for short "rules"), by which they sought grant of lands in unauthorized occupation.

3. In so far as, petitioner Nos.2 and 17 are concerned, according to learned Government Advocate, they never made applications under Rule 108-CC. In view there of, the petitions filed on their behalf stand disposed of with a liberty to those petitioners to adopt appropriate remedy, if any, for redressal of their grievances.

4. Respondents have filed a statement of objections. In Paragraph No.4 thereof, they have stated that the

petitioners' applications (Annexure C,C1,C2,C3 and C4, dated 28-12-1998, 19-01-1999, 28-12-1998, 28-12-1998 and 08-01-1999) for grant of land were considered by the committee constituted under the Provisions of Chapter VIIIA of the Rules and the committee rejected those applications on the ground that the lands in occupation of the petitioners are reserved forest lands. The petitioners state that they were not communicated the decision of the committee either by the committee or by any other authority and they came to know about it only when the statement of objection was filed in this writ petition. Learned Government Advocate on instructions submits that they do not have any record to show that the decision of the committee, dated 03/01/2011, was communicated to the petitioners. It is not clear from the record, whether, the decision of the committee dated 03/01/2011 was communicated to the petitioners. As a result there of, according to learned Counsel for the petitioners, petitioners could not challenge the decision in appeal

under Rule 108-D, Sub Rule 6. In view thereof, he seeks liberty to the petitioners to file appeals against the decision of the committee. Learned Government Advocate submitted that appeal, as provided under Sub-Rule 6 of Rule 108-D is not available to the petitioners. I would not like to examine, whether, the appeals would be maintainable since that point can also be decided by the appellate authority, if appeals are filed by the petitioners. In the circumstances, I disposed of this writ petitions by the following order.:

It is open to the petitioners to file appeals challenging the order-dated 28/06/2001 within a period of four weeks from today. If the petitioners file appeals as aforementioned within the stipulated time, the Appellate Authority, contemplated by Rule 108-D, Sub Rule (6) to consider the appeals and decide the same on merits, in accordance with law as expeditiously as possible and preferably within a period of eight weeks from the date of

filing of the appeals. It is needless to mention that the appellate authority shall grant an opportunity of hearing to the petitioners while deciding the appeals. If the petitioners do not extend co-operation for disposal of their appeal within the stipulated time the appellate authority shall proceed to decide appeals on merits without granting further time to the petitioners. Till the appeals are decided, the respondents in the present writ petition shall not take coercive action against the petitioners.

With these observations, writ petitions are disposed
of.

Sd/-
JUDGE

Sma/-