

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 29TH DAY OF NOVEMBER 2013

BEFORE

THE HON'BLE MRS.JUSTICE B.V.NAGARATHNA

W.P.Nos.51882-84/2013 (KLR-RR/SUR)

BETWEEN:

1. M.SHIVAKUMAR
S/O.LATE M.S.MARIYAPPA
AGED ABOUT 48 YEARS
AMRUTHESHWARANAHALLI COLONY
GOWDAGERI POST, KASABA HOBLI
MALAVALLI TALUK
MANDYA DISTRICT-571 401.
2. M.KALYANAKUMARI
D/O.LATE MARIYAPPA
AGED ABOUT 65 YEARS
AMRUTHESHWARANAHALLI COLONY
GOWDAGERI POST
KASABA HOBLI, MALAVALLI TALUK
MANDYA DISTRICT – 571 401.
3. VASANTHAMMA
W/O.LATE M.VIJAYAKUMAR
AGED ABOUT 49 YEARS
AMRUTHESHWARANAHALLI COLONY
GOWDAGERI POST
KASABA HOBLI, MALAVALLI TALUK
MANDYA DISTRICT – 571 401.

... PETITIONERS

(BY SRI.CHIDANANDA KUMAR.M, ADV.)

AND:

1. THE DEPUTY COMMISSIONER
MANDYA DISTRICT
MANDYA – 571 401.
2. THE TAHASILDAR
MALAVALLI TALUK
MALAVALLI
MANDYA DISTRICT – 571 430

... RESPONDENTS

(BY SRI.KIRAN KUMAR T.L., AGA FOR R-1 & R-2)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT NO.1 & 2 TO CONSIDER THE REPRESENTATIONS DATED 26-11-2010 VIDE ANN-E IS SUBMITTED TO THE 2ND RESPONDENT AND REPRESENTATION DATED 02-05-2011 SUBMITTED TO THE 1ST RESPONDENT VIDE ANN-F FOR TO EFFECT / EXECUTE PUCCA PHODI, DURASTH AND SKETCH OF THE LAND BELONGING TO THE 1ST PETITIONER IN SY.NO.158/5A AND 158/5A-P3 OF AMRUTHSWARANAHALLI VILLAGE.

THESE PETITIONS ARE COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioners are stated to be children of Late M.S.Mariyappa. It is stated that in the year 1961 the respondents–Authorities had granted a total extent of 21.06 acres in Sy.No.158/3B-P4 and Sy.No.34/1B-P2

of Amrutheswaranahalli Village and Gowdagere Village respectively, to Late Mariyappa, the father of the petitioners. It is stated that there has been family partition and the petitioners and their brothers and sisters inter alia have divided the said lands between themselves. Subsequently, they have applied for Pucca Phodi & Durasth work of the granted lands, so that they could enjoy their lands independently in terms of their family partition.

2. The grievance of the petitioners is that despite representations being made since the year 2010 for Pucca Phodi and Durasth work of the lands in question, the same have not taken place till date. The petitioners have also produced order dated 30-09-2013 passed in W.P.No.10855/2012 wherein, in the case of one of the brothers of the petitioners a direction has been issued by this Court to consider the representations of petitioner therein within a period of six months from the date of receipt of a copy of that order. A similar

direction is sought by these petitioners in these writ petitions.

3. I have heard the learned counsel for the petitioners and learned AGA for the respondents who appears on advance notice and perused the material on record.

4. Having regard to the averments made in these writ petitions and the fact that since 2010, the representations made by the petitioners have not yet been considered by the second respondent till date, the only relief that can be granted to the petitioners at this stage is to issue direction to the second respondent or any other Competent Authority to consider the representations made by the petitioners in accordance with law with regard to Pucca Phodi and Durasth work in an expeditious manner and at any rate within a period one year from the date of receipt of certified copy of this order.

With the aforesaid direction, Writ Petitions are disposed of.

**Sd/-
JUDGE**

VMB