

IN THE HIGH COURT OF KARNATAKA AT
BENGALURU

DATED THIS THE 29TH DAY OF JANUARY, 2016

BEFORE

THE HON'BLE MR. JUSTICE ANAND BYRAREDDY

WRIT PETITION No.8140 OF 2015 (KLR-RES)

BETWEEN:

Srikrishna Rajendra Charitable Trust,
Bangalore Palace Compound,
Jayamahar Road,
Bangalore 560 006,
Represented by its Chairman L.K.Raju.

...PETITIONER

(By Shri K.C.Shanthakumar, Advocate)

AND:

1. State of Karnataka,
Represented by its
Principal Secretary to
The Department of Revenue,
M.S.Building,
Bangalore 560 001.
2. Special Deputy Commissioner,
Bangalore District,
Bangalore 560 001.

3. The Tahasildar,
Bangalore South Taluk,
Bangalore 560 001.

...RESPONDENTS

(By Shri H. Venkatesh Dodderi, Additional Government Advocate)

This Writ Petition filed under Articles 226 and 227 of the Constitution of India praying to quash the endorsement dated 11.9.2014 issued by the Tahasildar vide Annexure-V to the writ petition and etc;

This Writ Petition coming on for orders, this day, the court made the following:

ORDER

The present petition is a reiteration of the earlier writ petitions filed in W.P.No.7514/2006 and connected petitions. The petition in W.P.7514/2006 was allowed on 25.03.2009, on the footing that since the petitioners in the connected petitions claimed as grantees, they had not been afforded an opportunity of hearing before the respondent and the State had decided to cancel the grants in their favour, on the footing that they were indulging in illegal transactions and having put third parties in

possession of the land for illegal gain on the strength of the grant made in their favour. Since they had not been afforded an opportunity of hearing, it was possible that there are genuine landless persons who have lost the benefit of the land by virtue of such an order. It was held that it was appropriate for the respondent – State Government to consider their claims for grant which have been cancelled and withdrawn, which was the subject matter of the order of the Tribunal. The respondents were therefore required to enquire into the bona fides of each of the petitioners who were claiming as grantees to ensure that they have not indulged in illegal transactions and the land if available for grant in Sy.No.69 of Kengeri village and to which at a point of time they were held eligible for such grant, shall be confirmed in their favour and the formalities completed to their benefit. Insofar as their apprehension that such land may overlap the land conferred in favour of the Trust - the present petitioner, it was held that it was not well-founded and it was not apparent as the Trust had been put in possession of the land

after cancellation of grant made in favour of certain others. Yet, if there was any such possibility, the State Government would then have to re-locate such eligible grantees to an identical extent to which that grantee was found eligible within the survey number, without affecting the extent of grant made in favour of the Trust – the present petitioner. Hence, it was held that the challenge to the revenue entries in favour of the petitioner cannot be sustained.

2. That having been challenged in appeal in W.A.1666/2009, the same was disposed of by the Division Bench by judgment dated 25.07.2012, whereby the Division Bench modified the order and directed the manner in which the order should be implemented. That having been challenged by way of a Special Leave Petition before the Supreme Court, the Supreme Court had merely disposed of the SLP granting liberty to the petitioner to approach the High Court in the event its directions were not complied with by the respondents.

3. However, this petition is now filed claiming that there has been improper implementation of the directions issued by this Court, since the order of the Single Judge has merged into the judgment of the Division Bench and the direction of the Supreme Court would only refer to the judgment of the Division Bench and not the Single Bench.

There is no scope for entertaining the present petition. If at all, the petitioner should approach the Division Bench and seek further clarification, in view of the direction issued by the Supreme Court.

Consequently, the petition is disposed of.

**Sd/-
JUDGE**

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