

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2021

BEFORE

THE HON'BLE MR.JUSTICE R DEVDAS

WRIT PETITION NO.28634 OF 2019(SC/ST) C/W
WRIT PETITION NOS.54441/2016, 6551/2017,
48353/2018, 5639/2020 (SC/ST)

In W.P.No. 28634/2019

BETWEEN

1. GONI BASAPPA
S/O LATE NINGAPPA
AGED ABOUT 61 YEARS
RESIDING AT SANDURU ROAD
NEAR BEO OFFICE,
HOSAPETE
2. SRI G N GONDALAPPA
S/O LATE PATEL NAGAPPA
AGED ABOUT 64 YEARS,
RESIDING AT VENKATESHWARA
NILAYA, 3RD CROSS,
VIJAYANAGARA,
NEAR RAILWAY GATE,
CHITRADURGA
3. SRI S G RAMADASAREDDY
S/O LATE SANNAGURAPPA
AGED ABOUT 60 YEARS,
RESIDING AT NO.38,
"SHIVALINGA"
VITTAL NAGAR,
CHALLAKERE TOWN

CHALLAKERE TALUK
CHITRADURGA DISTRICT-577501

...PETITIONERS

(BY SRI NAIK.N.R, ADVOCATE)

AND

1. THE STATE OF KARNATAKA
BY ITS SECRETARY
REVENUE DEPARTMENT,
VIDHANA SOUDHA
BENGALURU-560001
2. THE DEPUTY COMMISSIONER
CHITRADURGA DISTRICT
CHITRADURGA-577501
3. THE ASSISTANT COMMISSIONER
CHITRADURGA SUB DIVISION
CHITRADURGA-577501
4. THE MUNICIPAL COMMISSIONER
CHALLAKERE TOWN MUNICIPALITY
CHALLAKERE
CHITRADURGA DIST-577501
5. SRI JAGALURIAH
S/O SRI HANUMIAH
AGED ABOUT 59 YEARS,
RESIDING AT INGINAHATTI
VILLAGE, CHALLAKERE TOWN
CHITRADURGA DISTRICT-577501
6. SRI BURALAIAH
S/O LATE THIMMAIAH
AGED ABOUT 52 YEARS,
RESIDING AT GANDHINAGAR
NEAR THIMMAPPA TEMPLE
NEAR GEETHAMANDIRA,
CHALLAKERE TOWN

CHITRADURGA DISTRICT-577501

7. SMT PARVATHAMMA
W/O LATE B T MANJUNATH
AGED ABOUT 49 YEARS,
8. SMT VIMALAKSHMI
D/O LATE B T MANJUNATH
AGED ABOUT 26 YEARS
9. SRI VINAY KUMAR
S/O LATE B T MANJUNATH
AGED ABOUT 24 YEARS
10. SRI THIMMARAJU
S/O LATE B T MANJUNATH
AGED ABOUT 22 YEARS

RESPONDENTS NO.7 TO 10
ARE RESIDING AT KARNATAKA
URBAN DEVELOPMENT BOARD QUARTERS,
KURUJINA ROPPA, HIRIYUR TALUK
CHITRADURGA DISTRICT-577501

11. SRI B T KUMAR
S/O LATE THIMMAIAH
AGED ABOUT 46 YEARS,
RESIDING AT GANDHINAGAR,
NEAR THIMMAPA TEMPLE,
NEAR GEETHAMANDIRA,
CHALLAKERE TOWN
CHITRADURGA DISTRICT-577501 ...RESPONDENTS

(BY SRI K.S.ARUN, HCGP FOR R1 TO R3,
SRI.HARISH N.R, ADVOCATE FOR,
SRI.B.M.SIDDAPPA, ADVOCATE FOR R6 TO R11)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE

THE ORDER PASSED BY THE R-3 DATED 02.09.2003 PRODUCED
AT ANNEXURE-A AND ETC.

In W.P.No. 54441/2016

BETWEEN

1. SRI.VEERESHA.M.V.
S/O LATE M.VISHWAMURTHY,
AGED ABOUT 50 YEARS,
RESIDING AT "TEJU NILAYA",
BEHIND BAPUJI COLLEGE,
GOVINDAIAH LAYOUT, CHALLAKERE.
2. DR.B.H.SRINIVAS GUPTA
S/O SRI.B.HANUMANTHAPPA,
AGED ABOUT 60 YEARS,
RESIDINT AT "LAKSHMI SRINIVASA
NILAYA", 1ST CROSS, SOMAGUDDU
ROAD, CHALLAKERE.
3. DR. B. SHANKAR LAKSHMI
W/O DR. B.H. SRINIVAS GUPTA
AGED ABOUT 55 YEARS
RESIDING AT "LAKSHMI SRINIVASA
NILAYA", 1ST CROSS,
SOMAGUDDU ROAD, CHALLAKERE.
4. SMT. J. MANJULA
W/O SRI. K. JAGANNATH
AGED ABOUT 40 YEARS
RESIDING AT "SAMPIGE NILAYA",
NEAR WATER TANK,
VITAL NAGAR, CHALLAKERE.
5. SRI. B. JAYARAMAPPA
S/O SRI. BHIMANNA,
AGED ABOUT 40 YEARS
C/O G. MALLAREDDY,

NEAR RAVINDRA HOSTEL,
VITTAL NAGAR, CHALLAKERE.

- 6 . SMT. J.P. BHAGYA
W/O SRI. G.R. NAGARAJ,
AGED ABOUT 45 YEARS,
C/O SYED HAFFIZ,
"ABBU HOUSE", NO.64,
1ST MAIN, 2ND CROSS,
VENKATAPPA MALE,
BYYAPPANAHALLI,
M.S. NAGAR POST,
BENGALURU 560032. ...PETITIONERS

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CHITRADURGA SUB DIVISION
CHITRADURGA-577501
4. THE MUNICIPAL COMMISSIONER
CHALLAKERE TOWN MUNICIPALITY
CHALLAKERE -577522
5. SRI JAGALURIAH
S/O SRI HANUMAIAH
AGED ABOUT 58 YEARS,
RESIDING AT INGINAHATTI

VILLAGE, CHALLAKERE TOWN
CHITRADURGA DISTRICT-577522

6. SRI BURALAIAH
S/O LATE THIMMAIAH
AGED ABOUT 51 YEARS,
RESIDING AT GANDHINAGAR
NEAR THIMMAPPA TEMPLE,
NEAR GEETHAMANDIRA,
CHALLAKERE TOWN
CHITRADURGA DISTRICT-577522
7. SMT PARVATHAMMA
W/O LATE B T MANJUNATH
AGED ABOUT 48 YEARS,
8. SMT VIMALAKSHMI
D/O LATE B T MANJUNATH
AGED ABOUT 25 YEARS
9. SRI VINAY KUMAR
S/O LATE B T MANJUNATH
AGED ABOUT 23 YEARS
10. SRI THIMMARAJU
S/O LATE B T MANJUNATH
AGED ABOUT 21 YEARS

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ARE RESIDING AT KARNATAKA
URBAN DEVELOPMENT BOARD QUARTERS,
KURUJINA ROPPA, HIRIYUR TALUK
CHITRADURGA DISTRICT-572143

11. SRI B T KUMAR
S/O LATE THIMMAIAH
AGED ABOUT 45 YEARS,
RESIDING AT GANDHINAGAR,
NEAR THIMMAPPA TEMPLE,
NEAR GEETHAMANDIRA,

CHALLAKERE TOWN
CHITRADURGA DISTRICT-577522 ...RESPONDENTS

(BY SRI K.S.ARUN, HCGP FOR R1 TO R3,
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SRI.B.M.SIDDAPPA, ADVOCATE FOR R6 TO R11)

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In W.P.No. 6551/2017

BETWEEN

1. SRI. A.OBALESH
S/O LATE ANJINAPPA,
AGED ABOUT 45 YEARS,
RESIDING AT BEHIND BAPUJI
COLLEGE, T.R.NAGAR,
CHALLAKERE, CHITRADURGA
2. SRI. SATHISH
S/O. SRI. JAYANNA,
AGED ABOUT 32 YEARS,
R/AT CHALLAKERE TOWN AND TALUK
CHITRADURGA
3. SMT. BHARATHI P T
W/O SRI. MARUTHI PRASAD
AGED ABOUT 29 YEARS,
R/AT VITTAL NAGAR,
CHALLAKERE TOWN AND TALUK
CHITRADURGA DISTRICT
4. SMT. BHAGYA
W/O SRI. SIDLAPPA

AGED ABOUT 49 YEARS,
R/AT VITTAL NAGAR,
CHALLAKERE TOWN AND TALUK
CHITRADURGA DISTRICT

5. SMT. S SHARADAMMA
W/O SRI. S CHENNAVEERASWAMY
AGED ABOUT 60 YEARS,
R/AT SREE SANTI NIVASA,
1ST CROSS, JANATHA COLONY,
CHALLAKERE TOWN AND TALUK
CHITRADURGA
6. SRI. N SIDDALINGAPPA
S/O SRI. NINGAPPA
AGED ABOUT 42 YEARS,
R/AT BOMMASAMUDRA VILLAGE, DODDERI POST,
CHALLAKERE TOWN AND TALUK
CHITRADURGA DISTRICT
7. SMT. NARAYANAMMA
W/O. SRI. E.O. THIPPESWAMY
AGED ABOUT 58 YEARS,
R/AT SRINIVASA NILAYA,
SANGALLIRAYANNA ROAD,
GANDHINAGAR, CHALLAKERE,
CHITRADURGA DISTRICT
8. SMT. MEENAKSHAMMA
W/O. LATE. R K RUDRAMUNI,
AGED ABOUT 55 YEARS,
R/AT C/O SANTHOSH K R,
NO. 106, ARSHIVADA APARTMENTS,
PIPELINE ROAD, MALLESHWARAM,
BENGALURU 560003
9. SRI.D.NAGARAJ
S/O. SRI. DURGAPPA,
AGED ABOUT 51 YEARS,
R/AT CHANNAMMA,

NAGATHIHALLI POST,
CHALLAKERE TALUK,
CHITRADURGA DISTRICT,

10. SRI. M SHIVARUDRAPPA
S/O. SRI. MARAPPA,
AGED ABOUT 46 YEARS,
R/AT KODLAHALLI POST,
DR. AMBEDKAR NAGAR,
MALAKALMUR TALUK,
CHITRADURGA DISTRICT

....PETITIONERS

(BY SRI NAIK.N.R, ADVOCATE)

AND

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BY ITS SECRETARY
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2. THE DEPUTY COMMISSIONER
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CHITRADURGA-577501
4. THE MUNICIPAL COMMISSIONER
CHALLAKERE TOWN MUNICIPALITY
CHALLAKERE -577522
5. SRI JAGALURIAH
S/O SRI HANUMAIAH
AGED ABOUT 58 YEARS,
RESIDING AT INGINAHATTI
VILLAGE, CHALLAKERE TOWN
CHITRADURGA DISTRICT-577522

6. SRI BURALAIAH
S/O LATE THIMMAIAH
AGED ABOUT 51 YEARS,
RESIDING AT GANDHINAGAR
NEAR THIMMAPPA TEMPLE,
NEAR GEETHAMANDIRA,
CHALLAKERE TOWN
CHITRADURGA DISTRICT-577522

7. SMT PARVATHAMMA
W/O LATE B T MANJUNATH
AGED ABOUT 48 YEARS,

8. SMT VIMALAKSHMI
D/O LATE B T MANJUNATH
AGED ABOUT 25 YEARS

9. SRI VINAY KUMAR
S/O LATE B T MANJUNATH
AGED ABOUT 23 YEARS

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S/O LATE B T MANJUNATH
AGED ABOUT 21 YEARS

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AGED ABOUT 45 YEARS,
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NEAR THIMMAPPA TEMPLE,
NEAR GEETHAMANDIRA,

CHALLAKERE TOWN
CHITRADURGA DISTRICT-577522 ...RESPONDENTS

(BY SRI K.S.ARUN, HCGP FOR R1 TO R3,
SRI.HARISH N.R, ADVOCATE FOR
SRI.B.M.SIDDAPPA, ADVOCATE FOR R6 TO R11)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH AND
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PRODUCED AT ANNEXURE-A AND ETC.

In W.P.No. 48353/2018

BETWEEN

1. SRI. P.PRABHU
S/O LATE PAPANNA,
AGED ABOUT 29 YEARS,
RESIDING AT KATAPPANAHATTI
EXTENSION, CHALLAKERE TOWN,
KASABA HOBLI, CHALLAKERE TALUK,
DAVANAGERE DISTRICT

2. SMT.G.S.RADHIKA
D/O SRI.G.L.SIDDALINGAPPA,
AGED ABOUT 39 YEARS,

3. SMT.G.S.NANDINI
D/O SRI.G.L.SIDDALINGAPPA,
AGED ABOUT 34 YEARS,

BOTH ARE RESIDING AT
'SHIVALINGA', VITTAL NAGAR,
CHALLAKERE TOWN,
KASABA HOBLI,
CHALLAKERE TALUK,
DAVANAGERE DISTRICT.

....PETITIONERS

(BY SRI NAIK.N.R, ADVOCATE)

AND

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BY ITS SECRETARY
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3. THE ASSISTANT COMMISSIONER
CHITRADURGA SUB DIVISION
CHITRADURGA
4. THE MUNICIPAL COMMISSIONER
CHALLAKERE TOWN MUNICIPALITY
CHALLAKERE
5. SRI JAGALURIAH
S/O SRI HANUMAIAH
AGED ABOUT 59 YEARS,
RESIDING AT INGINAHATTI
VILLAGE, CHALLAKERE TOWN
CHITRADURGA DISTRICT
6. SRI BURALAIAH
S/O LATE THIMMAIAH
AGED ABOUT 52 YEARS,
RESIDING AT GANDHINAGAR
NEAR THIMMAPPA TEMPLE,
NEAR GEETHAMANDIRA,
CHALLAKERE TOWN
CHITRADURGA DISTRICT
7. SMT PARVATHAMMA
W/O LATE B T MANJUNATH
AGED ABOUT 49 YEARS,

8. SMT VIMALAKSHMI
D/O LATE B T MANJUNATH
AGED ABOUT 26 YEARS
9. SRI VINAY KUMAR
S/O LATE B T MANJUNATH
AGED ABOUT 24 YEARS
10. SRI THIMMARAJU
S/O LATE B T MANJUNATH
AGED ABOUT 22 YEARS

RESPONDENTS NO.7 TO 10
ARE RESIDING AT KARNATAKA
URBAN DEVELOPMENT BOARD QUARTERS,
KURUJINA ROPPA, HIRIYUR TALUK
CHITRADURGA DISTRICT

11. SRI B T KUMAR
S/O LATE THIMMAIAH
AGED ABOUT 46 YEARS,
RESIDING AT GANDHINAGAR,
NEAR THIMMAPPA TEMPLE,
NEAR GEETHAMANDIRA,
CHALLAKERE TOWN
CHITRADURGA DISTRICT-577522 ...RESPONDENTS

(BY SRI K.S.ARUN, HCGP FOR R1 TO R3,
SRI.HARISH N.R, ADVOCATE FOR
SRI.B.M.SIDDAPPA, ADVOCATE FOR R6 TO R11)

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THE CONSTITUTION OF INDIA PRAYING TO QUASH AND SET
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PRODUCED AT ANNEXURE-A AND ETC.

In W.P.No. 5639/2020

BETWEEN

1. SRI. SANTHOSH KUMAR
S/O SRI SURANARAYANACHAR
AGED ABOUT 36 YEARS
RESIDING AT SHANTHINAGAR,
CHALLAKERE TOWN AND TALUK,
CHITRADURGA DISTRICT-577501
2. SMT. K.VIJAYALAKSHMI
W/O SRI RENUKACHARI
AGED ABOUT 47 YEARS
AGED ABOUT 36 YEARS,
RESIDING AT SHANTHINAGAR,
CHALLAKERE TOWN AND TALUK
CHITRADURGA DISTRICT-577501
3. SRI. G.PAPANNA
S/O SRI PAPANNA
AGED ABOUT 72 YEARS,
RESIDING AT NARAYANAPURA
VILLAGE, BELAGERE POST,
CHALLAKERE TALUK,
CHITRADURGA DISTRICT-577501
4. SMT. SAROJAMMA
W/O SRI P.ANJANAPPA
AGED ABOUT 54 YEARS
RESIDING AT NARAYANAPURA VILLAGE,
BELAGERE POST,
CHALLAKERE TALUK,
CHITRADURGA DISTRICT-577501
5. SRI ABDUL SAB
S/O SRI FAKRUDDIN SAB
AGED ABOUT 68 YEARS
RESIDING AT S.R.ROAD,
GANDHINAGAR,

CHALLAKERE TALUK,
CHITRADURGA DISTRICT-577501

6. SMT.R RUDRAMMA
D/O SRI DODDEERAPPA
AGED ABOUT 68 YEARS
RESIDING AT SRIDEVI NILAYA
DHARMAPURA VILLAGE,
HIRIYUR TALUK,
CHITRADURGA DISTRICT.
 7. SRI. B.S.RAGHAVENDRACHARI
S/O LATE B.A.SREERAMACHAR
AGED ABOUT 44 YEARS
RESIDING AT OLD TOWN,
CHALLAKERE TOWN AND TALUK,
CHITRADURGA DISTRICT-577501
-PETITIONERS

(BY SRI NAIK.N.R, ADVOCATE)

AND

1. THE STATE OF KARNATAKA
BY ITS SECRETARY
REVENUE DEPARTMENT,
VIDHANA SOUDHA
BENGALURU-560001
2. THE DEPUTY COMMISSIONER
CHITRADURGA DISTRICT
CHITRADURGA-577501
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4. THE MUNICIPAL COMMISSIONER
CHALLAKERE TOWN MUNICIPALITY
CHALLAKERE -577501

5. SRI JAGALURIAH
S/O SRI HANUMAIAH
AGED ABOUT 59 YEARS,
RESIDING AT INGINAHATTI
VILLAGE, CHALLAKERE TOWN
CHITRADURGA DISTRICT-577501
6. SRI BURALAIAH
S/O LATE THIMMAIAH
AGED ABOUT 52 YEARS,
RESIDING AT GANDHINAGAR
NEAR THIMMAPPA TEMPLE,
NEAR GEETHAMANDIRA,
CHALLAKERE TOWN
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W/O LATE B T MANJUNATH
AGED ABOUT 49 YEARS,
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S/O LATE B T MANJUNATH
AGED ABOUT 22 YEARS

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URBAN DEVELOPMENT BOARD QUARTERS,
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(BY SRI K.S.ARUN, HCGP FOR R1 TO R3,
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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
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THE ORDER PASSED BY THE R-3 DATED 02.09.2003 PRODUCED
AT ANNEXURE-A AND ETC.

THESE WRIT PETITIONS ARE COMING ON FOR ORDERS
THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

R. DEVDAS J., (ORAL):

The petitioners and respondents No.6 to 11 have filed
a compromise petition under order XXIII Rule 3 of Code of
Civil Procedure read with Articles 226 and 227 of
Constitution of India.

2. It is stated in the memorandum of Compromise
Petition that the Assistant Commissioner has held that the

sale transaction dated 17.02.1986 in favour of Sri.Jagaluraiah i.e., respondent No.5 herein is hit by the provisions of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978, and therefore, the Assistant Commissioner directed resumption and restoration of the lands in favour of the original grantee or his legal heirs. The appeal preferred by Jagaluraiah and others has been dismissed by the Deputy Commissioner. However, it is stated that Jagaluraiah developed the lands, formed a residential layout and has sold all the sites in favour of the petitioners herein. It is necessary to mention that there are five writ petitions pending in respect of the sale transaction dated 17.02.1986 in favour of Sri.Jagaluraiah. All the petitioners are subsequent purchasers of individual sites. It is stated that some of them have put-up construction and therefore, in view of the predicament, respondent Nos.6 to 11 who are the legal representatives of the original grantee have come forward to receive Rs.1,00,000/- (Rupees One Lakh only)

each from each of the petitioners/ individual site owners and to give up their claim of to execute the orders passed by the Assistant Commissioner.

3. The learned HCGP has pointed out to Paragraph No.6 of memorandum of Compromise wherein it is stated that respondent Nos.6 to 11 are at liberty to claim compensation in respect of roads and civic amenity area which is available in the land. The question of respondent Nos.6 to 11 reserving their rights to claim compensation in respect of roads, open areas and civic amenities sites does not arise, since in terms of the Karnataka Town and country planning Act, once the layout is formed, road civic amenity area and open sites are to be handed over to the local authorities. To that extent the terms of the memorandum of Compromise, cannot be permitted.

4. In all other aspects, these writ petitions will stand disposed of in terms of the memorandum of Compromise petition.

5. In normal circumstances, this Court would have insisted that the parties should affix their signatures in the order sheet. But, due to COVID-19 pandemic, this Court is not insisting that the parties should affix their signatures in the order sheet. Instead, the learned counsels are requested to affix their signatures in the order sheet showing their consent for disposal of the writ petition in terms of the memorandum of Compromise Petition.

It is ordered accordingly.

**SD/-
JUDGE**

rv