

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JANUARY, 2022

BEFORE

THE HON' BLE MR.JUSTICE R DEVDAS

WRIT PETITION NO.1783 OF 2022 (LR)

BETWEEN:

SMT. CHOWDAMMA,
W/O LATE CHANDRAPPA,
AGED ABOUT 58 YEARS,
R/AT NO.50, OLD CHURCH ROAD,
2ND MAIN ROAD,
NEAR GOVT. SCHOOL, MARATHAHALLI,
BENGALURU – 560 037.

....PETITIONER

(BY SRI.PRADEEP H.S, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF REVENUE,
M S BUILDING,
AMBEDKAR VEEDHI,
BENGALURU – 560 001.
2. THE ASSISTANT COMMISSIONER,
DODDABALLAPURA SUB DIVISION,
DODDABALLAPURA,
BENGALURU RURAL DISTRICT – 571 434.
3. THE TAHSILDAR,
HOSKOTE, HOSKOTE TALUK,
BENGALURU RURAL DISTRICT – 560 067.

....RESPONDENTS

(BY SRI.R.SRINIVASA GOWDA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 31.08.2018 PASSED BY ASSISTANT COMMISSIONER DODDABALAPURA SUB-DIVISION DODDABALAPURA BENGALURU RURAL DISTRICT VIDE ANNEXURE - A AND FURTHER PLEASE TO RESTORE THE LAND IN FAVOUR OF THE PETITIONER AND DIRECT THE R-1 TO ENTER THE NAME OF PETITIONER IN RTC.

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

ORDER

R. DEVDAS J., (ORAL):

Learned Additional Government Advocate is directed to take notice for all the respondents.

The petitioner is aggrieved by the order dated 31.08.2018 passed by the Assistant Commissioner, Doddabalapura Sub-Division, Doddabalapura, Bengaluru Rural District under the provisions of Section 83 for violation of the provisions in Section 79-A and 79-B of the Karnataka Land Reforms Act, 1961.

2. Learned Counsel for the petitioner submits that this is a case where the impugned order of forfeiture has been passed by the Assistant Commissioner without

notice to the petitioner. It is further submitted that under similar circumstances, a co-ordinate Bench of this Court in W.P.No.7821/2021 has passed an order dated 16.08.2021 remanding the matter back to the Assistant Commissioner for fresh consideration after affording an opportunity of hearing to the aggrieved person.

3. Learned AGA points out from the impugned order that notice was indeed issued to the petitioner and in spite of notice having been issued, the petitioner did not appear before the Assistant Commissioner.

4. Having considered the submission of the learned Counsels and on perusing the judgment of the co-ordinate Bench in W.P.No.7821/2021, this Court finds that facts and circumstances in both these matters are quite similar and therefore, the benefit of the decision of the co-ordinate bench should also enure to the petitioner herein.

5. Consequently the impugned order dated 31.08.2018 passed in LRF S.R.(Ho)No.89/2012-13 is

hereby quashed and set aside. The matter is remitted back to the second respondent-Assistant Commissioner to consider the case of the petitioner including the consequences of the subsequent amendment brought to the provisions of Sections 79-A and 78-B of the Karnataka Land Reforms Act in Karnataka Amendment No.56 of 2020.

6. The petitioner shall appear before the second respondent-Assistant Commissioner on **16th February 2022**, without waiting for further notice from the Assistant Commissioner.

7. If revenue entries have been altered pursuant to the impugned order dated 31.08.2018, the same shall be restored in favour of the petitioner.

Ordered accordingly.

**SD/-
JUDGE**