



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 29<sup>TH</sup> DAY OF SEPTEMBER, 2023**

**BEFORE**

**THE HON'BLE MR JUSTICE S SUNIL DUTT YADAV**

**WRIT PETITION NO.21860 OF 2023 (KLR-RES)**

**BETWEEN:**

SRI. P. M. NAVEENKUMAR,  
S/O SRI. P. S. MAHALINGAPPA,  
AGED ABOUT 35 YEARS,  
R/AT NO.52/11, PATTANAGERE,  
NEAR MARAMMA TEMPLE,  
RAJARAJESHWARI NAGAR,  
BENGALURU - 560 098.

...PETITIONER

(BY SRI. RAJU S., ADVOCATE)

**AND:**

1. STATE OF KARNATAKA,  
REPRESENTED BY ITS SECRETARY,  
DEPARTMENT OF REVENUE,  
VIKASA SOUDHA, BENGALURU - 560 001.
2. THE ASSISTANT COMMISSIONER,  
RAMANAGARA SUB-DIVISION,  
RAMANAGARA DISTRICT,  
RAMANAGARA - 562 159.
3. THE TAHSILDAR,  
CHANNAPATNA TALUK,  
CHANNAPATNA - 562 160,  
RAMANAGARA DISTRICT.

...RESPONDENTS

(BY SMT. ASMA KOUSER, AGA)



THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 13.03.2020 IN CASE NO.LRF/79(A AND B)66/2019-20 PASSED BY THE R2 - ASSISTANT COMMISSIONER, RAMANAGARA SUB DIVISION, RAMANAGARA VIDE ANNEXURE-D TO THE WRIT PETITION AND ETC.,

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

The petitioner has called in question the correctness of the order at Annexure-'D', whereby the Assistant Commissioner has declared that the sale deed dated 05.07.2019 has been executed in violation of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 (for short 'the Act') and further declared that the land stands vested free of encumbrances with the Government. The said proceedings have been initiated relating to an extent of 04 acres 30 guntas in Sy.No.93/1 of Thubinakere Village, Maluru Hobli, Channapatna Taluk, Ramanagara District which has been transferred by way of sale deed dated 05.07.2019.



2. Learned counsel for the petitioner submits that insofar as the allegation of violation of Sections 79A and 79B of the Act, documents have been filed including the document to show that the petitioner belongs to a family of agriculturists and also regards the income.

3. Further, it is submitted that it is evidenced from the ordersheet that once the documents were submitted, without affording an opportunity to substantiate the same by way of arguments, the matter was posted for orders on 04.12.2019 and order was pronounced on 13.03.2020. It is submitted that the principles of natural justice would require that the petitioner ought to have been granted an opportunity to substantiate the documents produced by him, which according to the petitioner would demonstrate that there is no violation of conditions imposed on Sections 79A and 79B of the Act.

4. Perused the ordersheet and it is clear that no sufficient opportunity has been granted to the petitioner.



Accordingly, in light of violation of the principles of natural justice, the order at Annexure-'D' is set aside and the matter is remitted to the Assistant Commissioner.

5. The petitioner to be present before the Assistant Commissioner without further notice on 31.10.2023. The petitioner to be given an opportunity by the Assistant Commissioner to substantiate the documents produced. The Assistant Commissioner to take note of the legal consequence of omission of Sections 79A and 79B of the Act and proceed to pass the order.

6. Accordingly, the petition is ***disposed off***.

**Sd/-**  
**JUDGE**

MCR