NC: 2023:KHC-K:6257-DB
CCC No. 200127 of 2023

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 8TH DAY OF AUGUST, 2023

PRESENT

THE HON'BLE MR JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MR JUSTICE RAJESH RAI K

CIVIL CONTEMPT PETITION NO. 200127 OF 2023 (CIVIL)

BETWEEN:

1. DEVINDRAPPA S/O RUKMANNA JAMADAR,
   AGED ABOUT: 62 YEARS,
   OCC: AGRICULTURE,

2. SHIVAPPA S/O RUKMANNA JAMADAR,
   AGED ABOUT: 51 YEARS,
   OCC: AGRICULTURE,

3. SHANTAPPA S/O RUKMANNA JAMADAR,
   AGED ABOUT: 43 YEARS, OCC:AGRICULTURE,

   ALL ARE RESIDENT OF BHIMALLI VILLAGE,
   TALUK AND DISTRICT KALABURAGI-585101.

...COMPLAINANTS

(BY SRI. SATHISH KUMAR D. GADKAR, ADVOCATE)

Digitally signed by SOMANATH PENTAPPA MITTE
Location: HIGH COURT OF KARNATAKA

AND:

1. MR. RAJENDRA KUMAR KATARI,
   THE STATE OF KARNATAKA
   REPRESENTED BY ITS PRINCIPAL SECRETARY,
   VIDHAN SOUDHA, BENGALURU-560001.

2. MR. KRISHANA BAJPAI,
THE REGIONAL COMMISSIONER,
KALABURAGI DIVISION,
KALABURAGI-585102.

3. MR. FOUZIA TARANUM,
THE DEPUTY COMMISSIONER,
KALABURAGI DISTRICT,
KALABURAGI-585101.

4. SMT. MAMATHA KUMARI,
THE ASSISTANT COMMISSIONER,
KALABURAGI SUB-DIVISION,
DISTRICT KALABURAGI-585101.

5. MR. MADHURAJ,
THE TAHASILDAR,
KALABURAGI TALUKA,
TALUK AND DISTRICT KALABURAGI-585101.

…ACCUSEDS

6. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
VIDHAN SOUDHA, BENGALURU-01

… PROFORMA PARTY

(BY SRI. MALLIKARJUN C.BASAREDDY, GA FOR RESPONDENTS)

THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURTS ACTS R/W ARTICLE 215 OF THE CONSTITUTION OF INDIA, PRAYING TO INITIATE CONTEMPT PETITION AGAINST ACCUSED AND PUNISH FOR CONTEMPT COMMITTED BY THEM INSPITE OF SPECIFIC DIRECTIONS OF THIS HON'BLE COURT IN ANNEXURE-A W.P.NO.203215/2022 DATED 15.03.2023 AND PASS APPROPRIATE ORDER, IN THE INTEREST OF JUSTICE BY UPHOLDING THE LAWFUL ORDER OF THIS HON'BLE COURT AND PUNISH THE ACCUSED BY IMPOSING THE MAXIMUM PENALTY AND SENTENCE FOR VIOLATING THE ORDER OF THIS HON'BLE COURT AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, ***MOHAMMAD NAWAZ J.,*** MADE THE FOLLOWING:

ORDER

The learned Government Advocate takes notice for respondent Nos.1 to 6.

2. Respondent No.5 Mr. Madhuraj Basappa Kudalagi, Previous Tahasildar, Kalaburagi Taluka is present before the Court.

3. This contempt petition is filed alleging disobedience of the order passed in W.P.No.203215/2022 dated 15.03.2023, wherein the authority concerned was directed to take a decision to enter the names of the petitioners in column No.9 of ROR in accordance with law, within three months from the date of furnishing of the certified copy of the grant certificate.

4. The petitioners approached this Court seeking a writ of mandamus, asserting that their father was cultivating the land bearing Sy.No.152 to an extent of 3 acres 5 guntas situated at Bhimalli village, Kalaburagi Taluka and District and the said land was granted by the Government to him on

30.09.1977, but the respondents never inserted his name in column No.9 of ROR, but his name appeared in column No.12 and presently the names of the petitioners are appearing. Their grievance was that the representation given by the petitioners to insert their names in column No.9 of the ROR was not considered, inspite the Tahasildar opining that their names can be inserted. The learned Single Judge has observed that as per the endorsement issued by the Tahasildar, petitioners were requested to furnish a certified a copy of the original grant certificate. Therefore, a direction was issued to enter the names of the petitioners in column No.9 in ROR in accordance with law within three months from the date of furnishing the certified copy of the grant certificate.

5. The learned Government Advocate submits that so far the certified copy of the grant certificate has not been furnished by the petitioners and if any such certificate is furnished, as ordered by this Court in writ petition, necessary action will be taken in accordance with law.

6. The learned Government advocate has filed the affidavit of the concerned Tahasildar, wherein it is stated that

inspite of repeated requests to furnish the certified copy of the grant order as per the directions of this Court, the same has not been furnished and in this connection necessary endorsement dated 06.06.2023 vide Annexure-R3 was also issued.

7. In the above facts and circumstances, the contempt proceedings cannot be allowed to continue.

8. If the petitioners furnish the certified copy of the grant certificate, as ordered in W.P.No.203215/2022, the respondent authority shall pass necessary orders, within six weeks, in accordance with law.

9. The contempt proceedings are dropped with the above observations.

Sd/-
JUDGE

Sd/-
JUDGE

SMP
List No.: 1 Sl No.: 16