NC: 2023:KHC:27610
WP No. 16983 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2023

BEFORE

THE HON'BLE MR JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 16983 OF 2023 (KLR-RES)

BETWEEN:

1. SRI GIDDAPPA
S/O GUDDAPPA
AGED ABOUT 60 YEARS,
RESIDING AT KODIYALA
KODIYALA KARENAHALLI,
K KARENAHALLI
RAMANAGARA-562 109

... PETITIONER

(BY SMT. GEETHA A., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
M S BUILDING
BANGALORE-560 001

2. THE DEPUTY COMMISSIONER
DEPUTY COMMISSIONER OFFICE,
RAMANAGARA DISTRICT-562 159

3. THE TAHASILDAR
RAMANAGARA TALUK
RAMANAGARA DISTRICT-562 159

... RESPONDENTS

(BY SRI. SESHU V., HCGP)

Digitally signed by VIJAYA P
Location: HIGH COURT OF KARNATAKA

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE R3 TO ISSUE SAGUVALICHIT IN RESPECT OF THE LAND IN QUESTION BY CONSIDERING THE REPRESENTATION ON 25.07.2023 GIVEN TO THE R3 VIDE ANNEXURE-F TO THE WRIT PETITION AND ETC.

THIS W.P. COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Petitioner has sought for issuance of writ of mandamus to direct respondent No.3 to issue saguvali chit in respect of land in question by considering the representation dated 25.07.2023 at Annexure-F.

2. Petitioner is stated to be cultivating the land in Sy. No. 383 measuring 36 guntas of Kodiyala Karenahalli Village, Bidadi Hobli, Ramanagara Taluk, Ramanagara District and had filed an application in Form No. 53 for regularization of unauthorised cultivation and for grant of land. It is further submitted that respondent No.3 has granted the land to various beneficiaries including the petitioner as per the order at Annexure-C. It is also submitted that the premium amount of Rs.1,385/- has been paid as per the challan at Annexure-E. It is however

submitted that despite such payment of premium, saguvali chit has not been issued.

3. Learned Additional Government Advocate submits that the order at Annexure-H is passed as regards the same order of grant insofar as other beneficiaries and that the said order is a matter of record.

4. The relevant extract of the order passed in W.P.No. 342/2023 at paragraph Nos. 2 and 3 reads as follows:

> *"2. Learned counsel for the petitioner submits that the petitioner was granted 1 acre 4 guntas of land in Sy.No.383 of Kodiyala Karenahalli Village, Bidadi Hobli, Ramanagara Taluk and District in terms of the official memorandum dated 01.08.2007 at Annexure-E, along with several other persons. Prior to that, the petitioner was called upon to pay the premium/ kimath, and the petitioner paid a sum of Rs.2586/- in terms of the challan as seen at Annexure-C. The grievance of the petitioner, however, is that in spite of the petitioner giving several representations to respondent No-3-Tahsildar, Ramanagara Taluk,*

for issuance of a grant certificate, respondent No.3 has not issued the grant certificate, and therefore, the petitioner is before this Court seeking a writ of mandamus.

3. Having heard the learned counsel for the petitioner and having perused the petition papers, this Court finds that respondent No.3-Tahsildar, Ramanagara Taluk, is duty bound to consider the representations given by the petitioner for the issue of a grant certificate. Needless to observe that the Tahsildar may call upon the petitioner to furnish any required information, verify the same from the records, and if the Tahsildar finds that the petitioner was in fact granted 1 acre 4 guntas of land in terms of the official memorandum and if the petitioner has already paid the kimath, then the Tahsildar has to proceed to issue the grant certificate. The entire exercise shall be completed as expeditiously as possible and at any rate within a period of three months from the date of receipt of a copy of this order."

5. Noticing that the petitioner in W.P.No. 342/2023 is a beneficiary under the order of grant in the same survey number as claimed by the petitioner herein,

petition is required to be disposed off in terms of the observations made in W.P.No.342/2023.

6. Accordingly, the Tahsildar - respondent No.3 is to consider the representation of petitioner for issuance of saguvali chit and the Tahsildar may call upon the petitioner to furnish any required information and verify the same from the records and if it is found that the petitioner was in fact granted the land in terms of the official memorandum relied upon and if the petitioner has paid premium, then the Tahsildar is to proceed to issue saguvali chit. The entire exercise to be completed within three months from the date of receipt of certified copy of this order.

7. Accordingly, petition is ***disposed off***.

Sd/-
JUDGE

VP