IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF OCTOBER, 2023

BEFORE

THE HON'BLE MR JUSTICE E.S.INDIRESH

WRIT PETITION NO. 16994 OF 2023 (LR)

BETWEEN:

THIMME GOWDA,
S/O LATE DASE GOWDA,
AGED ABOUT 77 YEARS,
R/O KALASAPURA VILLAGE,
LAKYA HOBLI,
CHIKMAGALUR TALUK.

...PETITIONER

(BY SRI. BIPIN HEGDE, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
M.S. BUILDING,
DR. B.R. AMBEDKAR VEEDHI,
BANGALORE - 560 001.

2. ASSISTANT COMMISSIONER,
CHIKKAMAGALURU SUB-DIVISION,
CHIKKAMAGALURU - 577 101.

3. THE TAHSILDAR,
CHIKMAGALUR TALUK,
CHIKKAMAGALURU - 577 101.

4. SMT. NITHYA G.S.,
C/O RAVISHANKAR,

Digitally signed by
ARUNKUMAR M S
Location: High
Court of Karnataka

JAVAGAL VILLAGE,
ARASIKERE TALUK,
HASSAN DISTRICT - 573 103.

…RESPONDENTS

(BY SRI. HARISHA A.S., AGA FOR R1 TO R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER HEREIN NO.RRT/LRF/CR/18/19-20 DATED:6.1.2020 VIDE ANNEXURE-E PASSED BY THE R2 AND ETC.,

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

ORDER

The learned Additional Government Advocate accepts notice for respondent Nos.1 to 3.

2. Heard Sri Bipin Hegde, the learned counsel appearing for the petitioner and Sri Harisha A.S, the learned Additional Government Advocate appearing for respondent Nos.1 to 3.

3. In this writ petition, the petitioner is assailing the order dated 06.01.2020 (Annexure-E) passed by respondent No.2 wherein, it is contended that, respondent No.2 has passed an order without hearing the petitioner. Hence, petitioner sought for interference of this Court.

4. Having taken note of the factual aspects on record that the petitioner is originally the owner of the land in question and he has sold the property in question to respondent No.4 as per the registered sale deed dated 16.09.2017 (Annexure-A) and thereafter, he purchased the very same property from respondent No.4 as per the registered sale deed dated 16.08.2018 (Annexure-D). In that view of the matter, as the petitioner herein has not been heard by respondent No.2 herein while passing the order dated 06.01.2020 (Annexure-E), I am of the view that, the petitioner has made out a case for interference.

5. Accordingly, the writ petition is ***allowed.*** Order dated 06.01.2020 (Annexure-E) passed by respondent No.2 is set aside and the matter is remitted to respondent No.2 herein to pass appropriate order afresh, after affording an opportunity of hearing to the petitioner.

SD/-
JUDGE

CH