NC: 2023:KHC:31018
WP No. 17018 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF AUGUST, 2023

BEFORE

THE HON'BLE MR JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 17018 OF 2023 (KLR-RES)

BETWEEN:

1. HASEENA BANU
W/O ANWAR,
AGED ABOUT 53 YEARS,
R/A D 12 L, PWD COLONY,
SINGANAMANE POST,
BHADRA RESERVOIR PROJECT,
BHADRAVATHI TALUK,
SHIVAMOGGA DISTRICT - 577 115

... PETITIONER

(BY SRI. SHRAVAN BHARADWAJ B V., ADVOCATE)

AND:

Digitally signed by
VIJAYA P
Location: HIGH COURT
OF KARNATAKA

1. DEPUTY COMMISSIONER
SHIVAMOGGA DISTRICT - 577 201

2. ASSISTANT COMMISSIONER
BHADRAVATHI TALUK,
SHIVAMOGGA DISTRICT - 577 201

3. THASILDAR
BHADRAVATHI TALUK,
SHIVAMOGGA DISTRICT - 577 301

4. THE CHAIRMAN
AKRAMA SAKRAMA REGULARIZATION COMMITTEE,

BHADRAVATHI TALUK,
SHIVAMOGGA DISTRICT - 577 301

… RESPONDENTS

(BY SMT. ANUKANKSHA KALKERI, HCGP)

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE RESPONDENT NOS.2 TO 4 TO CONSIDER THE FORM-57 DTD 18.1.2023 FILED UNDER SECTION 108CCC SUB RULE (1) AND (2) OF KARNATAKA LAND REVENUE RULES, 1966 MADE BY THE PETITIONER AS EXPEDITIOUSLY AS POSSIBLE AS PER ANNEXURE-A AND ETC.

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

ORDER

Learned High Court Government Pleader accepts notice for respondents.

Petitioner has sought for issuance of writ in the nature of mandamus to direct respondents 2 to 4 to consider Form No.57 dated 18.01.2023 under the provisions of the Karnataka Land Revenue Rules, 1966.

2. Learned counsel for petitioner submits that the petitioner is in unauthorised occupation of Government land in Sy. No. 16 situated at Singanamane, Kasaba-II

Hobli, Bhadravathi Taluk, for the past 20 years and that the application in Form No.57 has been filed at Annexure-A which has not been disposed off and the petitioner is facing threat of eviction by the Government Authorities without considering such application.

3. Noticed the order passed by a co-ordinate Bench of this Court in W.P.No. 13781/2023 and connected matters. The relevant observations made in W.P.No.13781/2023 at paragraph No.3(i) to 3(iii) reads as hereunder:

> *"i. The Principal Secretary, Revenue Department is directed to take necessary steps to have the necessary Committees constituted in the State on or before 15.12.2023 for considering the applications filed for regularization of unauthorised occupation and cultivation.*
>
> *ii. The Committees to be so formed are directed to consider the applications filed by the petitioners herein within a period of six months from the date of their constitution and pass appropriate orders.*
>
> *iii. The writ petitions are accordingly, allowed."*

4. In light of the same, present petition is also required to be disposed off. If the Committee is constituted in terms of the direction (i) extracted above, Form-57 filed by the petitioner is to be disposed off in terms of the direction (ii) extracted above. Needless to state that respondents are entitled to take note of all records and circulars etc. while considering the claim and the direction is limited only to consideration and consideration would be obviously in terms of law.

Petition is ***disposed off*** in terms of the above.

Sd/-
JUDGE

VP