HC-KAR

NC: 2026:KHC:55144-DB
WA No. 1883 of 2026

CNR: KAHC010544262026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 1883 OF 2026 (KLR-RES)

BETWEEN:

1. SMT UMA BALAGAVI
   W/O SRI T.B. BALAGAVI,
   AGED ABOUT 66 YEARS,
   RESIDING AT NO.120,
   MIG, KHB COLONY,
   BASAVESHWARANAGAR,
   BENGALURU 560 003

...APPELLANT

(BY SRI. UDAY HOLLA, SENIOR COUNSEL FOR
SRI. ANANTHA J., ADVOCATE)

Digitally signed by VASANTHA KUMARY B K
Location: HIGH COURT OF KARNATAKA

AND:

1. SRI Y D SOMAIAH
   S/O DEVAIAH,
   AGED ABOUT 69 YEARS,
   R/AT MONNANGERI VILLAGE,
   MADIKERI TALUK,
   KODAGU DISTRICT - 571 201.

2. THE STATE OF KARNATAKA
   REPRESENTED BY ITS SECRETARY,
   DEPARTMENT OF REVENUE,
   M.S. BUILDING,
   DR. B.R. AMBEDKAR VEEDHI,
   BENGALURU 560 001.

3. THE DEPUTY COMMISSIONER
MADIKERI,
KODAGU DISTRICT - 571 201

4. THE ASSISTANT COMMISSIONER
MADIKERI SUB-DIVISION,
KODAGU DISTRICT - 571 201

5. THE TAHSILDAR
MADIKERI TALUK,
KODAGU DISTRICT - 571 201

6. THE COMMITTEE FOR
REGULARISATION OF
UNAUTHORISED CULTIVATION
MADIKERI TALUK,
MADIKERI 571 201

…RESPONDENTS

(BY SRI. C.R.GOPALASWAMY, SENIOR COUNSEL ALONG WITH
SMT. DEEPA L KALLIMANI AND SRI.BHARGAV G FOR R1;
SRI M.N.SUDEV HEGDE, AGA FOR R2 TO R6)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO CALL FOR THE RECORDS IN WP NO.8329/2023 AND ALLOW THIS WRIT APPEAL AND SET ASIDE THE ORDER DATED 02/07/2026 PASSED BY THE LEARNED SINGLE JUDGE IN WP NO.8329/2023, ETC.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

CNR: KAHC010544262026

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present intra-court appeal has been filed impugning the judgment and order dated 02.07.2026 passed in W.P. No. 8329/2023, filed by Respondent No. 1, seeking to set aside the order dated 31.07.2012 passed by the Committee for Regularization of Unauthorized Cultivation in respect of the land bearing Sy. No.52/1A situated at Monnangeri Village, Madikeri Taluk, Kodagu District, on the application filed by Respondent No.1. Respondent No.1 has also sought quashing of the order dated 26.12.2017 passed by the Assistant Commissioner in an appeal against the order dated 31.07.2012 passed by the Tahsildar.

2. The Committee came to the conclusion that Respondent No.1 was not in possession and occupation of the land in respect of which he claimed regularization, to the extent of 3 acres and 50 cents in Sy.No.52/1A.

3. The learned Single Judge remanded the matter to the Committee to consider the application filed by Respondent

No.1 in terms of the directions issued by this Court vide order dated 21.01.2008 passed in W.P.No.14021/2006. The Committee, in its order, recorded that Respondent No.1 was present when his application was considered. However, Respondent No.1 disputed the said finding and submitted that there was no signature of respondent No.1.

4. We are not fully convinced by the submission of Respondent No.1 that he was neither present nor heard, inasmuch as he had filed an appeal against the very same order, which came to be rejected by this Court.

5. Be that as it may, the learned Single Judge has directed the Committee to reconsider the application and provide an opportunity of hearing to Respondent No.1. The submission of the appellant is that there is no land available in respect of which Respondent No.1 is seeking regularization. It is submitted that, pursuant to the survey conducted in respect of the said survey number, Respondent No. 1 was not found to be in possession of any land in Sy.No.52/1A. It is further submitted that the land in respect of which the respondent is

seeking regularization is not in his possession and, it is not a Government land.

6. An application under the provisions of the Karnataka Land Reforms Act and the Rules made thereunder can be filed for regularization of unauthorized occupation of Government land. However, no regularization can be granted in respect of private land.

7. We are, therefore, of the view that the appellant should also be heard while considering the application filed by the respondent No.1 for regularization of the alleged unauthorized occupation of land in Sy.No.52/1A. The parties shall be at liberty to raise all their contentions before the Committee. We accordingly direct the parties to appear before the Committee and place their respective claims.

8. On remand, the proceedings shall be completed by the Committee within a period of three months.

9. We further direct the Committee to obtain the signatures of the parties on the proceedings, so that they would not have any further ground to challenge the order passed by

the Committee on the ground of non-compliance with the principles of natural justice.

10. Accordingly, the writ appeal is ***disposed of***.

SD/-
(D K SINGH)
JUDGE

SD/-
(H.SHANTHI BHUSHAN)
JUDGE

RKA
CT:SN
List No.: 1 Sl No.: 12