



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JANUARY, 2023

PRESENT

THE HON'BLE MR PRASANNA B. VARALE, CHIEF JUSTICE

AND

THE HON'BLE MR JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 36109 OF 2019 (KLR-RES)

BETWEEN:

1. JANA JAGRUTHI SAMITHI (R)
A SOCIETY REGISTERED UNDER THE PROVISIONS OF THE
KARNATAKA SOCIETIES REGISTRATION ACT, 1960
REPRESENTED BY ITS PRESIDENT
SRI. K. GANESH MACCHI
S/O K. NAGENDRAPPA
AGED ABOUT 29 YEARS
RESIDENT OF NO.4511
AMBEDKAR CIRCLE (NEAR ANJANEYA TEMPLE)
GANGAVATHI 583227
KOPPAL DISTRICT.
2. KARNATAKA RAKSHANA VEDIKE, YUVASENE (R)
A SOCIETY REGISTERED UNDER THE PROVISIONS OF THE
KARNATAKA SOCIETIES REGISTRATION ACT, 1960
REPRESENTED BY ITS TALUKA PRESIDENT
SRI SRINIVASA NAYAKA
TALUK PRESIDENT
O/AT 1ST WARD, BEHIND MAREMMA TEMPLE
VADDARAHATTI 583235
KOPPAL DISTRICT.

Digitally signed
by R DEEPA

Location: High
Court of
Karnataka

(BY SRI. HARISH KUMAR M S., ADVOCATE)

...PETITIONERS



AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE
VIDHANA SOUDHA,
DR. B.R. AMBEDKAR VEEDHI
BENGALURU 560001.
2. THE DEPUTY COMMISSIONER
KOPPAL DISTRICT
KOPPAL 583231.
3. THE ASSISTANT COMMISSIONER
KOPPAL SUB DIVISION
KOPPAL 583231.
4. THE TAHASILDAR
KARATAGI TALUK,
KOPPAL DISTRICT
KARATAGI 583229.
5. SRI. S. VENKATESH
S/O AMARESHAPPA
AGED ABOUT 53 YEARS
R/O SINGANALA VILLAGE
KARATAGI TALUK 583229
KOPPAL DISTRICT.
6. SMT NAGAMMA
W/O MALLALPPA
AGED ABOUT 51 YEARS
R/O SINGANALA VILLAGE
KARATAGI TALUK 583229
KOPPAL DISTRICT.
7. SRI SOMASHEKARA
S/O MALLAPPA
AGED ABOUT 31 YEARS
R/O SINGANALA VILLAGE,



KARATAGI TALUK 583229
KOPPAL DISTRICT.

8. SRI. SHARANAPPA
S/O MALLAPPA
AGED ABOUT 29 YEARS
R/O SINGANALA VILLAGE,
KARATAGI TALUK 583229
KOPPAL DISTRICT.
9. SRI NAGESHWARA RAO
S/O GANGARAJU
AGED ABOUT 57 YEARS
R/O THIMMARUSICAMP
GUNDUR POST
KARATAGI TLAUK 583229
KOPAL DISTRICT.
10. SRI. S. SHARANAPPA
S/O VENKANNA
AGED ABOUT 59 YEARS
R/O SINGANALA VILLAGE,
KARATAGI TALUK 583229
KOPPAL DISTRICT.
11. SRI. S. PRAKASH
S/O SHARANAPPA
AGED ABOUT 32 YEARS
R/O SINGANALA VILLAGE
KARATAGI TALUK 583229
KOPPAL DISTRICT.

...RESPONDENTS

(BY SMT. PRATHIMA HONNAPURA, AGA FOR R1 TO R4
SRI. SHIVARAJ PATIL, ADVOCATE FOR R3 TO R8, R10&R11
SRI. G.S. VENKATASUBBA RAO, ADVOCATE FOR R9)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF CONSTITUTION OF INDIA PRAYING TO DIRECT
THE R-1 TO 4 TO PERFORM THEIR DUTIES AS PRESCRIBED U/S



63 TO 76 OF THE KARNATAKA LAND REFORMS ACT SO AS TO CHECK THE ILLEGAL HOLDINGS OF AGRICULTURAL LANDS ROUTINELY AND TO FORFEIT THE EXCESS LANDS TO THE GOVERNMENT AND TO DISTRIBUTE THE SAME AMONGST PERSONS WHO ARE LANDLESS IN ACCORDANCE WITH LAW AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, **CHIEF JUSTICE**, MADE THE FOLLOWING:

ORDER

The present petition is filed under the caption of 'Public Interest Litigation' on an allegation that respondent - State Authority, who was duty bound to see that the persons are not holding excess land beyond the permissible limits and such excess land can be distributed among the landless persons, have failed to perform their duty in conducting the enquiry and respondent Nos.5 to 11 are the persons who are holding an excess land. On these premise, the following prayers are made in the petition:

"Wherefore, it is prayed that this hon'ble court be pleased to issue a writ of mandamus or any other writ or order to



i) *Direct the Respondent No.1 to 4 to perform their duties as prescribed under section 63 to 76 of the Karnataka Land Reforms Act so as to check the illegal holdings of agricultural lands routinely and to forfeit the excess lands to the government and to distribute the same amongst persons who are landless in accordance with law.*

ii) *Direct the Respondent No.4 to consider the representation dated 08-01-2019 filed by the petitioner No.1 society on 09-01-2019 vide Annexure-B and enquire into the holdings of the agricultural lands held by the Respondent No.5 and to take over the possession of the lands which are found to be in excess of ceiling limits under the provisions of the Karnataka Land Reforms Act.*

iii) *Direct the Respondent No.4 to consider the representation dated 08-01-2019 filed by the petitioner No.1 society on 09-01-2019 vide Annexure-E and enquire into the holdings of the agricultural lands held by the Respondent No.6 and to take over the possession of the lands which are found to be in excess of ceiling limits under the provisions of the Karnataka Land Reforms Act.*

iv) *Direct the Respondent No.4 to consider the representation dated 08-01-2019 filed by the*



petitioner No.1 society on 09-01-2019 vide Annexure-H and enquire into the holdings of the agricultural lands held by the Respondent No.7 and to take over the possession of the lands which are found to be in excess of ceiling limits under the provisions of the Karnataka Land Reforms Act.

v) Direct the Respondent No.4 to consider the representation dated filed by the petitioner No.1 society on 09-01-2019 vide Annexure-L and enquire into the holdings of the agricultural lands held by the Respondent No.8 and to take over the possession of the lands which are found to be in excess of ceiling limits under the provisions of the Karnataka Land Reforms Act.

vi) Direct the Respondent No.4 to consider the representation filed by the petitioner No.1 society on 29-09-2018 vide Annexure-P and enquire into the holdings of the agricultural lands held by the Respondent No.9 and to take over the possession of the lands which are found to be in excess of ceiling limits under the provisions of the Karnataka Land Reforms Act.

vii) Direct the Respondent No.4 to consider the representation filed by the petitioner No.2 society on 11-09-2018 vide Annexure-R and enquire into



the holdings of the agricultural lands held by the Respondent No.10 and to take over the possession of the lands which are found to be in excess of ceiling limits under the provisions of the Karnataka Land Reforms Act.

viii) Direct the Respondent No.4 to consider the representation filed by the petitioner No.2 society on 20-09-2018 vide Annexure-S and enquire into the holdings of the agricultural lands held by the Respondent No.11 and to take over the possession of the lands which are found to be in excess of ceiling limits under the provisions of the Karnataka Land Reforms Act.

ix) Pass such other order or orders as deemed fit by this hon'ble court on the facts and circumstances of the case in the interest of justice and equity."

2. In response to the notice, the statement of objections are filed on behalf of the State as well as respondent Nos.5, 6, 7, 8, 10 & 11. Insofar as the statement of objections filed on behalf of respondent Nos.1 to 4 is concerned, the State Authorities are



approaching this Court with a stand that on receipt of complaint, an enquiry was conducted insofar as respondent Nos.6, 7, 8, 10 & 11 and in the enquiry it was revealed that, these respondents are not holding any excess land. Separate endorsements are issued to that effect. The details are referred to in paragraph No.2 of the statement of objections.

It is stated in para No.4 that an enquiry is conducted in respect of respondent No.9 and the Revenue Inspector has already submitted a report and the same is forwarded to the Assistant Commissioner. In turn, it will be submitted to the Land Tribunal for further action in the matter. It is stated that the report indicates the actual land held by respondent No.9. The copy of the report is also placed on record as Annexure-R5 to the statement of objections. Insofar as respondent No.5 is concerned, it is stated that respondent No.4 - Tahsildar has issued a separate notice to respondent No.5 calling upon respondent No.5 to



submit details and particulars of land held by him. The enquiry against respondent No.5 is thus pending and on completion of enquiry, the necessary report would be submitted. Then, it is stated by learned Additional Government Advocate that as the respondents-Authorities have taken action, conducted enquiry and submitted a report to the higher authority and in turn, in case of respondent No.9, the report would be submitted to the Land Tribunal for further action, as such, the allegation of the petitioner that the respondents - Authorities failed to perform their duty, holds no water.

3. We find considerable merits in his submission and all the necessary details are referred in the statement of objections. The copy of the report is also placed on record. Respondent Nos.5, 6, 7, 8, 10 and 11 have filed their statement of objections and a serious objection is raised to the petition. The sum and substance of the statement of objections is that though the petition is filed



in this Court under the caption of 'PIL', the petition is nothing but a tool being used against respondent Nos.10 and 11 with a personal vendetta. It is stated in the statement of objections that petitioner No.2 is represented by its President, who was well aware of the enquiry being conducted by the Tahsildar on complaint, firstly, and secondly, petitioner No.2 - President of the Organization was an employee and temporarily working with the enterprise of respondent Nos.10 and 11, namely, Jyothi Traders as well as in Hotel and Restaurant which belong to the brother-in-law of respondent Nos.10 and 11. As the President of petitioner No.2 committed misdeed in the nature of misappropriation, he was removed from his job. Feeling aggrieved, the President of petitioner No.2 filed a complaint against respondent Nos.10 and 11 and the same was registered as Cr.No.306/2017. The copy of the said FIR is placed on record at Annexure-R5 and it shows that the FIR was registered on 06.12.2017 at the instance of Sri Srinivas Goudra S/o Neelanagouda Goudra against



respondent Nos.10 and 11. Though an attempt was initially made to submit that the President of petitioner No.2 is Sri Srinivas Goudra and the name referred to in the complaint and FIR is also Sri Srinivas Goudra, when it reveals that the address of the President of petitioner No.2 is the same address as referred to as address of the complainant/informant in the FIR, learned counsel for petitioner No.2 submits that the name of the President of petitioner No.2 is Sri Srinivasa Nayaka and his father's name is Sri Neelanagouda Goudra. Fact remains that the President of petitioner No.2 had lodged a complaint/report against respondent Nos.10 and 11 alleging the offences under Section 504, 506 r/w 34 of IPC as well as under Section 3(1)(10) of the SC and ST (Prevention of Atrocities) Act, 1989.

4. The first and foremost principle to entertain the PIL is unquestionable and the bonafide approach of the



petitioner to this Court. It is the pre-requisite to satisfy the Court that the petitioner who has approached this Court is neither having any personal interest in the matter nor carries a personal grudge against the respondents. Now on this very touch tone, the above referred material clearly shows that the President of petitioner No.2 is approaching this Court who is having an admitted grudge against respondent Nos.10 and 11. This sole reason is sufficient enough for us to dismiss the petition. This observation of us would firstly show that petitioner No.2 has not approached this Court with clean hands and suppressed the material facts; secondly, when the material is placed on record questioning the bonafide of petitioner No.2, there is nothing on record to show that petitioner No.2 had countered this submission which is a part of statement of objections and supported by copy of the FIR. Apart from this fact, we also observed that in the statement of objections filed by the respondents 1 to 4 – State Authorities, it is clearly reflected that on receipt of



complaint, immediately an enquiry was initiated insofar as the respondent is concerned. On conducting enquiry the endorsement / orders were passed. Insofar as respondent No.9 the enquiry is concluded and the report is submitted and in turn, it would be submitted to the Land Tribunal for further consideration. Insofar as respondent No.5 is concerned enquiry is initiated. As such, taking into consideration all these facts together, the only inescapable conclusion which can be drawn by us is that this petition is nothing but a clear misuse of a tool of public interest litigation and this tool is utilized for settling the personal score or targeting the respondents on a personal grudge. The father of our Nation Mahatma Gandhi has laid the greatest stress on the purity of the means for the achievement of noble ends.



Accordingly, we dismiss the petition with a cost of Rs.10,000/- to be deposited with the Karnataka State Legal Services Authority, within four weeks from today.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**

SSB