

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

ON THE 24<sup>TH</sup> DAY OF APRIL, 2017

BEFORE

THE HON'BLE MR.JUSTICE RAVI MALIMATH

WRIT PETITION NO.43332 OF 2015 (KLR-RES)

BETWEEN

SRI. S.V.YOGESHWAR  
S/O S.R.VENKATEGOWDA,  
AGED ABOUT 56 YEARS,  
R/AT NO.1018,  
2<sup>ND</sup> CROSS, K.N EXTENSION,  
CHANDRODAYA SCHOOL ROAD,  
YESHWANTHAPURA,  
BENGALURU-560 022

... PETITIONER

(BY SRI K.J. JAGADEESH, ADVOCATE FOR  
SRI G.PAPI REDDY, ADVOCATE)

AND

1. THE DEPUTY COMMISSIONER  
BENGALURU URBAN DISTRICT,  
KANDAYA BHAVAN,  
KEMPEGOWDA ROAD,  
BENGALURU-560 009
2. THE ASSISTANT COMMISSIONER  
BENGALURU NORTH SUB-DIVISION,  
KANDAYA BHAVAN,  
KEMPEGOWDA ROAD,  
BENGALURU-560 009
3. THE TAHASILDAR  
BENGALURU NORTH (ADDL),

YELAHANKA, BENGALURU.

4. THE ASSISTANT EXECUTIVE ENGINEER  
BRUHAT BENGALURU MAHANAGARA PALIKE,  
VIDHYARANYAPURA SUB-DIVISION,  
BENGALURU-560 097

... RESPONDENTS

(BY SRI H.VENKATESH DODDERI, ADDITIONAL  
GOVERNMENT ADVOCATE FOR R1 TO R3  
SRI K.N.PUTTEGOWDA, ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ENDORSEMENT DATED 07.09.2015 ISSUED BY RESPONDENT No.3 VIDE ANNEXURE-N TO THE WRIT PETITION AND DIRECT THE RESPONDENT No.1 TO CONSIDER THE RECOMMENDATION DATED 12.05.2015 AND THE SKETCH VIDE ANNEXURES-G AND G1 RESPECTIVELY AND TO ALLOT THE LAND BEARING SY.No.36, MEASURING 24.8 GUNTAS OF LAND SITUATED AT VADERAHALLI VILLAGE AS AN ALTERNATE ALLOTMENT IN FAVOUR OF PETITIONER, IN LIEU OF UTILIZATION OF HIS LAND BEARING SY.No.108 TO AN EXTENT OF 24.08 GUNTAS SITUATED AT SINGAPURA VILLAGE, YELAHANKA HOBLI, BENGALURU NORTH TQ., BY THE RESPONDENTS WITHOUT ANY ACQUISITION AND THAT TOO WITHOUT PAYING ANY COMPENSATION AND ETC.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

### **ORDER**

The plea of the petitioner is that he is the absolute owner in possession of the land bearing Sy. No.108 measuring 3 Acres 35 guntas situate at Singapura village,

Yelahanka hobli, Bengaluru North Talluk. That the respondents have forcibly taken away his land. Therefore, he filed a representation seeking for grant of an alternate land. The same was rejected by the endorsement vide Annexure 'N' dated 07.09.2015 issued by respondent No.4 - Tahasildar. Hence, the present petition.

2. The learned counsel for the petitioner contends that there is material to indicate that his land has been acquired. Hence, he pleads that the first respondent be directed to grant him an alternate land. The same is disputed by the learned Additional Government Advocate for respondent Nos.1 to 3.

3. On hearing the learned counsels, I'am of the considered view that there is no merit in this petition. That material would have to be established by the petitioner in order to indicate that he was in possession of the land in question. He will also have to establish that the respondents are the ones who are responsible for dispossessing him from the land in question without recourse to law. It is only when

he establishes the said facts, he can request for an alternate land in accordance with law. However, the entire case of the petitioner revolves around the internal communications between various officers of the Government, namely, Tahasildar, Assistant Commissioner and Deputy Commissioner. The internal communications between the Authorities would not lend title to the claim of the petitioner. He would have to independently establish his title. He cannot derive title based on these internal communications. Hence, I find no good ground to interfere with the impugned endorsement.

Consequently, the petition is dismissed.

SD/-  
JUDGE

sma