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**IN THE HIGH COURT OF KARNATAKA, BENGALURU**

DATED THIS THE 27<sup>TH</sup> DAY OF JULY, 2021

PRESENT

THE HON'BLE MRS. JUSTICE B.V.NAGARATHNA

AND

THE HON'BLE MR. JUSTICE P.KRISHNA BHAT

**WRIT PETITION No.12759/2021 (KLR-RES-PIL)**

**BETWEEN:**

1. Smt.Pramoda

2. Vinod

3. Shashidhara

...PETITIONERS

(By Mr.Harish Ganapathy, Advocate)

**AND:**

1. The State of Karnataka,  
Vidhana Soudha,  
Dr.B.R.Ambedkar Road,  
Bengaluru - 560 001,  
Represented by its Chief Secretary.

2. The Deputy Commissioner,  
District Magistrates Office,  
Udupi District, 'Rajatadri',  
Manipal, Udupi - 576 104.
3. The Commissioner,  
City Municipal Corporation,  
Udupi.
4. The Deputy Director,  
Department of Social Welfare,  
Udupi Taluk, Udupi District.
5. The Assistant Director,  
Department of Social Welfare,  
Udupi Taluk, Udupi District.
6. The Tahasildar,  
Udupi Taluk.

...RESPONDENTS

(By Mrs.Vani H. AGA)

This writ petition is filed under Articles 226 and 227 of the Constitution of India, praying to; i) issue a writ of certiorari to quash the Annexure-E order passed by the 2<sup>nd</sup> respondent vide order bearing No.LNDPDRCR-23/2021/E-63445 dated 20/03/2021 by reserving the land of 0.14 cents in Sy.No.91/7G and also an extent of 0.11 cents of land in Sy.No.91/7F of Moddanidamboor Village, Udupi Taluk, for the purpose of girls hostel for the students after metric and etc.

This petition coming on for Orders this day, **NAGARATHNA J.**, made the following:

**ORDER**

Learned AGA accepts notice for respondent Nos.1 to 6. Office to show learned AGA, as counsel for respondent Nos.1 to 6 in the cause list.

2. This writ petition is stated to be filed in public interest. The petitioners are stated to be the members of Scheduled Caste community and are permanent residents of Vinobhanagar, Udupi District. It is stated, that there are about 40 to 45 houses situated in the said locality and more than 400 to 500 members are residing in the said place. It is averred that, the residents therein do not have a Choultry or Community hall in the locality. Therefore, the petitioners, being the social workers, gave a representation to the fourth respondent—the Deputy Director, Department of Social Welfare, Udupi Taluk, Udupi District, on 24/08/2020, to reserve 0.14 cents of Government land in Sy.No.91/7G of Moodanidamboor village, Udupi Taluk, so as to construct Dr.B.R.Ambedkar Bhavan as a community hall for the benefit of the residents of the said place. A copy of the representation dated 24/08/2020 is produced as Annexure–A to the writ petition.

3. On receipt of the said representation, fourth respondent forwarded a letter dated 24/09/2020 recommending grant of 0.14 cents of land in the said survey number to construct Ambedkar Bhavan. The said recommendation was made by fourth respondent to sixth

respondent as per Annexure-B communication. It appears, that there was a letter written on 19/12/2020 giving a detailed report about the families of Scheduled Caste settled in the particular locality and whether it was necessary to construct Ambedkar Bhavan therein. A copy of which is produced as Annexure-C. On receipt of the said letter, sixth respondent forwarded the same to the second respondent-Deputy Commissioner, Udupi District, Udupi, by communication dated 28/12/2020 vide Annexure-D.

4. When the matters stood thus, second respondent-Deputy Commissioner passed the order at Annexure-E dated 30/03/2021, under which, an extent of 0.14 cents in Sy.No.91/7G and an extent of 0.11 cents in Sy.No.91/7F of Moodanidamboor village, Udupi Taluk, have been reserved for the purpose of a Girls' Hostel for students after matriculation. That order is assailed in this writ petition, which is stated to be filed in public interest.

5. On receipt of the said official memorandum at Annexure-E, another official memorandum dated 22/04/2021 was issued at Annexure-F, whereby the Taluk Surveyor was directed to survey the land and fix the boundaries and report about the same immediately. It is

also stated that, a formal enquiry has to be held as to whether there is any right over the said extent of land by any other party and to take possession of the said land under the provisions of the Karnataka Land Revenue Act.

6. Being aggrieved by the order dated 30/03/2021 (Annexure-E), this writ petition has been filed by these petitioners, who are residents of Vinobhanagar. They have also sought a direction to second respondent to consider their application submitted through fourth and fifth respondent dated 24/08/2020 (Annexure-A), for grant of 0.14 cents of Government land in Sy.No.91/7G for construction of Ambedkar Bhavan.

7. We have heard learned counsel Sri.Harish Ganapathy, for the petitioners and learned AGA who has appeared for respondent Nos.1 to 6.

8. Learned counsel for the petitioners submitted that Vinobhanagar in Udupi District is a locality, where members of the Scheduled Caste community reside. They do not have any premises for conducting community activities or functions and hence they had made a representation for grant of the land in Sy.No.91/7G to an extent of 0.14 cents for construction of Ambedkar Bhavan.

The said premise would be utilized for activities of the community and would be beneficial to all residents of the said area. He submitted that, instead, the Deputy Commissioner has reserved, *inter alia*, the aforesaid extent of land for building a Girls' Hostel for post-matriculation. The same would not serve the purpose of the residents of the locality. Therefore, Annexure-E has been assailed in this writ petition and direction has been sought to consider the representation made by the petitioners seeking grant of 0.14 cents of land in Sy.No.91/7G for construction of Ambedkar Bhavan.

9. Learned counsel for the petitioners submitted that, the extent of land which has been sought for the purpose of construction of Ambedkar Bhavan is part of the land that has been reserved along with Sy.No.91/7F measuring 0.11 cents for construction of the Girls' Hostel of post-matriculation. He contended that the area in which the petitioners are residing is away from the schools and colleges and therefore, the construction of a Girls' Hostel would not be of any benefit at all, instead, the community hall would benefit the residents of the locality. Therefore, this Court may quash Annexure-E order and direct that

0.14 cents of land in Sy.No.91/7G to be granted for construction of Ambedkar Bhavan.

10. *Per contra*, learned AGA appearing for the respondents submitted that there is no merit in the public interest litigation. That these petitioners are residents of Vinobhanagar and they are seeking a community hall to be constructed in the said locality, whereas, second respondent-Deputy Commissioner has reserved certain extents of land for the purpose of a Girls' Hostel Post Matriculation. The same is in order to benefit those girls who are in need of accommodation, so that they could continue their education post-matriculation, the purpose for which the lands have been reserved, being for the benefit of girls, cannot be assailed by these petitioners having regard to Article 15(3) of the Constitution of India. She submitted that, construction of a Girls' Hostel in the said area would be suitable for all those girl students who wish to prosecute their studies post-matriculation and therefore would be beneficial to the said students. Therefore, she submitted that the petition may be dismissed.

11. By way of reply, learned counsel for the petitioners contended that, before making the impugned order dated 30/03/2021, the representation of the petitioners dated 24/08/2020 ought to have been considered and non-consideration of the same is violative of Section 67(2) of the Karnataka Land Revenue Act, 1964.

12. The detailed narration of facts and contentions would not call for reiteration. At the outset, we think that the object and purpose for which reservation of the two parcels of land have been made vide order of the second respondent dated 30/03/2021, is a purpose which is in consonance under Article 15(3) of the Constitution of India, inasmuch as it is for the purpose of providing residence to girl students, who wish to prosecute their studies beyond matriculation. Therefore, we cannot find fault with regard to the purpose for which the reservation has been made.

13. That apart, we find that on a reading of the impugned order dated 30/03/2021, there was a communication dated 28/06/2019 by the project coordinator for the development of Scheduled Tribes and in that context consideration was made by the second



respondent to reserve the two parcels of land for the purpose of construction of a Girls' Hostel Post Matriculation. The representation made by the petitioners was only for grant of the said land and not to seek any right in the said extent of land. Though the representation of the petitioners was made on 24/08/2020, the fact remains that the second respondent has in his discretion, reserved the two parcels of land for the purpose of Girls' Hostel Post Matriculation, having regard to the communication received on 28/06/2019 referred to in the order dated 30/03/2021. Therefore, the petitioners herein cannot seek a right insofar as the said extent of land is concerned for the purpose of the same being granted to them for the construction of a community hall. However, if the petitioners are still interested in constructing a community hall in the locality, they are at liberty to make a fresh representation to the second respondent for grant of any other land available in the locality and the second respondent may consider the said representation, in accordance with law.

14. With the aforesaid observations and directions, we sustain the order dated 30/03/2021 passed by the second respondent and dispose of this writ petition by

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reserving liberty to the petitioners herein to make a fresh representation to the second respondent or any other respondent arrayed in this case for seeking grant of suitable land for the purpose of construction of a community hall for the residents of the locality (Vinobhanagar).

Writ Petition is **disposed of** in the aforesaid terms.

**Sd/-  
JUDGE**

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JUDGE**

AP\*