

Karnataka High Court

Mohamed Ikbal vs Principal Secretary To ... on 12 February, 2018

Author: Acting Chief Kumar

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WP No.31/2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF FEBRUARY 2018

PRESENT

THE HON'BLE MR.H.G.RAMESH

ACTING CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE P.S.DINESH KUMAR

WRIT PETITION NO.31/2018 (KLR-RES-PIL)

BETWEEN:

MOHAMED IKBAL

ADVOCATE

S/O LATE MOHAMED AMEER JAN

AGED ABOUT 62 YEARS

NO.305, 6/1 MAIN, V.V.NAGAR

R.T.NAGAR POST

BANGALORE-560 032

...PETITIONER

(PARTY IN PERSON)

AND:

1. PRINCIPAL SECRETARY TO GOVERNMENT
OF KARNATAKA, REVENUE DEPARTMENT
M.S.BUILDING, BANGALORE-560 001

2. DEPUTY COMMISSIONER (REVENUE DEPT.)
HASSAN DISTRICT, HASSAN-573 201 ...RESPONDENTS

(BY SRI S.S.MAHENDRA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 &
227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A
WRIT OF MANDAMUS TO THE PRINCIPAL SECRETARY TO THE
GOVERNMENT [REVENUE DEPARTMENT] AND TO THE DEPUTY
COMMISSIONER, HASSAN DISTRICT, HASSAN TO HANDOVER
THE BURIAL LAND ALREADY RESERVED IN SY NO.39 OF
KUDALUR VILLAGE OR TO RESERVE AND TO HANDOVER ONE

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WP No.31/2018

ACRE OF LAND IN SY NO.15 OF KOTAVALU VILLAGE OF

RAMNATHPURA HOBLI, ARKALGUD TALUK AS REMANATHPURA
MUSLIM BURIAL GROUND WITHIN 2-3 MONTH AND TO PASS
NECESSARY ORDERS IN THE INTEREST OF PUBLIC.

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

ORDER

Ag.CJ (Oral):

1. The prayer made in this public interest litigation verbatim reads as follows:-

"It is humbly submitted that this Hon'ble High Court be pleased to issue a Writ of Mandamus to the Principal Secretary to the Government (Revenue Department) and to the Deputy Commissioner, Hassan District, Hassan to handover the burial land already reserved in Sy.No.39 of Kudalur Village or to reserve and to handover one acre of land in Sy.No.15 of Kotavalu village of Ramnathpura Hobli, Arkalgud Taluk as Ramnathpura Muslim Burial Ground within 2-3 month and to pass necessary orders in the interest of public."

2. The Tahasildar, Arkalgud Taluk, Hassan District has filed his affidavit dated 03.02.2018 stating that the Government has allotted one acre of land in Sy.No.39 of Kudalu Village, Ramnathpura Hobli, Arkalagudu Taluk to be used as a burial ground irrespective of caste and creed. Para 5 of his affidavit reads as follows:

"5. I submit that in pursuance of the Circular of the Government of Karnataka dated 11.09.2014 bearing No.RD 149 LGP 2014, the WP No.31/2018 Government has already allotted 01 Acre of land in Sy.No.39 of Kudlu Village, Ramnathpura Hobli, Arkalagudu Taluk for public burial ground, in which the public at large irrespective of their caste and creed would be allowed to bury the dead bodies. The said land was handed over to Ramnathpura Grama Panchayat on 30.01.2018. The document of handing over the same is herewith produced and marked as Annexure-R2 for kind perusal of this Hon'ble Court."

(Underlining supplied)

3. In view of what is stated in the affidavit extracted above, the grievance of the petitioner does not survive for consideration. The writ petition is accordingly disposed of.

Petition disposed of.

Sd/-

ACTING CHIEF JUSTICE Sd/-

JUDGE cp*