

## Channappa & Ors. Vs Deputy Commissioner, Tumakuru District, Tumakuru -572101 & Ors

**Court:** Karnataka High Court At Bengaluru

**Date of Decision:** Feb. 5, 2025

**Hon'ble Judges:** Jyoti Mulimani, J

**Bench:** Single Bench

**Advocate:** Vijayakrishna Bhat, Manjunatha Rayappa, Nagaraj, V.Vishwanath Shetty

**Final Decision:** Allowed

### Judgement

Jyoti Mulimani, J

1. Sri.Vijaya Krishna Bhat., counsel on behalf of Smt.Sowmya Lakshmi Bhat., for the petitioners has appeared through video conferencing.

Sri.Manjunatha Rayappa., AGA for respondent No.1 and Sri.V.Viswanath Shetty., counsel for respondent No.2 have appeared in person.

2. The captioned Writ Petition is filed seeking a Writ of Certiorari to quash the order dated:31.01.2020 passed by the Deputy Commissioner,

Tumakuru in No.M.A.G.(1)CR:210/2016-17 vide Annexure-A.

3. Counsel for the respective parties urged several contentions. Heard the arguments and perused the Writ papers with care.

4. Contending that she is a Senior Citizen - Kamalamma - the second respondent invoked the provisions of Senior Citizens Act, 2007 before the

Deputy Commissioner, Tumakuru in No.M.A.G.(1)CR:210/2016-17. She alleged that the petitioners have encroached her land and she also made a

compliant about the boundary dispute. The Deputy Commissioner, Tumakuru vide order dated:31.01.2020 dismissed the application holding that the

provisions of Senior Citizens Act, 2007 does not applicable to the facts of the case. The Deputy Commissioner also concluded that it's a neighbors

dispute and appropriate orders are passed against the parties to the lis by the Civil Court and the High Court. It appears that the second respondent

assailed the order of the Deputy Commissioner before this Court in Writ Petition No.6212/2019. It is significant to note that in the said Writ Petition

the second respondent had sought a direction to the Deputy Commissioner to take action on the complaint, which has been made by her against the

petitioners. This Court vide order dated:22.08.2019 disposed of the Writ Petition with a direction to the Deputy Commissioner to take action on the

complaint, if not already decided. Taking note of the said order, the Deputy Commissioner vide order dated:31.01.2020 partly allowed the petition. This

order is called into question in this Writ Petition on several grounds as setout in the Memorandum of Writ Petition.

5. Suffice it to note that the Deputy Commissioner had rejected the claim of the second respondent. It is pivotal to note that the second respondent's

grievance is about the alleged encroachment and the boundary dispute with regard to her house property. Needless to say, the provisions of Senior

Citizens Act, 2007 cannot be invoked to address the grievance about the alleged encroachment and the boundary dispute. The Deputy Commissioner

has overlooked this aspect of the matter and as erroneously allowed the petition in part. This is untenable. For the reasons stated above the order

passed by the Deputy Commissioner is liable to be dismissed.

6. The Writ of Certiorari is ordered. The order dated:31.01.2020 passed by the Deputy Commissioner, Tumakuru in No.M.A.G.(1)CR:210/2016-17

vide Annexure-A is quashed.

7. Resultantly, the Writ Petition is allowed.