

IN THE HIGH COURT OF KARNATAKA AT
BANGALORE
(ORIGINAL JURISDICTION)

CONTEMPT CIVIL PETITION NO. 674 OF 2020

BETWEEN:

SamajParivartanaSamudaya (SPS)

A Society registered under Karnataka
Societies Registration Act, 1960,
Having its registrar office at
'Ashadeep' Jayanagar Cross,
Saptapur,
Dharwad - 580 001
Karnataka
Represented by its Founder President
Sri S.R. Hiremath

COMPLAINANT

AND:

1. Mr. Vijay Bhaskar T M

Chief Secretary
State of Karnataka
VidhanaSoudha,
Dr. B.R. AmbedkarVeedhi,
Bangalore - 560 001

2. Mr. Rajkumar Khatri

Principal Secretary
Revenue Department,
Government of Karnataka
M.S. Building,
Dr. B.R. AmbedkarVeedhi,
Bangalore - 560 001

3. Sri. H.D. Kumaraswamy
S/o. H.D. Devegowda,
Aged about 59 years,
Residing at No. 286, 3rd Main Road,
3rd Phase, J.P. Nagar,
Bangalore-560 078

4. Sri. D.C. Thammanna,
S/o. Chikkaramarigowda,
Aged about 75 years,
Residing at Doddaarasinakere,
Chikkarasanakere Hobli,
Maddur Taluk,
Mandya District-571 422
Karnataka

5. Smt. Savithramma
C/o. Hanugowda
Residing at Kathaganahalli Village,
Bidadi Taluk,
Ramanagara District- 562 109
Karnataka.

ACCUSED

MEMORANDUM OF CONTEMPT PETITION UNDER
ARTICLE 217 OF THE CONSTITUTION OF INDIA
READ WITH SECTION 12 OF THE CONTEMPT OF
COURT ACT

**The complainant above named submits as
hereunder:-**

1. The address of the complainant for issuance of notice etc., from this Hon'ble court is as stated in the cause title above and that of its counsel, S.Basavaraj and Goutham

A.R, Unit No.1, 2nd floor, 11, Jeevan Building (New Block),
Kumarapark east, Bangalore-560001.

2. The address of the accused for the purpose of issuance of notice, summons, etc., from this Hon'ble court are as stated in the cause title above.

3. The complaint is presented praying for taking suitable action against the accused herein for having violated the order of this Hon'ble court dated: 14:01:2020 passed in Writ Petition No.49/2020. The statement of facts leading to presentation of this contempt petition is as hereunder:

STATEMENT OF FACTS

4. In the above said writ petition, the petitioner had sought for orders from this Hon'ble Court directing the State Government and the officers concerned to take appropriate action against respondents 3 to 5 for violating various provisions of law dealing with agrarian reforms in the State of Karnataka and also for illegally grabbing lands. The petitioner also sought a direction to the State Government

to implement the order of the Hon'ble Lokayukta in this regard.

5. The above said Order of the Hon'ble Lokayukta of Karnataka dated 05.08.2014 (5th August, 2014) related to matters in relation to major land grabbing involving around 200 Acres of land (including 110 Acres of *Gomala Land*) by Sri. H.D. Kumaraswamy, the former Chief Minister of Karnataka, his close relatives and associates, Shri D.C. Thammanna, the former Minister for transportation and his sister- in law, Smt. Savithramma, Respondent No.5 herein.

6. The Petitioner submits that in the said relevant portion of the Lokayukta Order, it has been mentioned that Survey No. 7,8,9,10,16,17 and 79 in Kethaganahalli Village of Bidadi Hobli in Ramanagara Taluk comprising of village common lands in total measuring 110 acres and 32 guntas of Government Pasture Lands(*Gomala Land*) which the Karnataka State Government had distributed for public usage such as Shieling, Lake, Burial Ground to persons belonging to Scheduled Tribe (ST), and Scheduled Caste

(SC), for irrigation purpose has been encroached by various persons.

7. The petitioner most respectfully submits that the encroachment of the granted lands by respondents 3 to 5 is reflected in the letter of the Assistant Commissioner, Ramanagara dated 25:8:2014 under the subject "Ex-Chief Minister Shri H.D. Kumaraswamy, other family members and his close relative MLA Maddur Shri D.C. Tammanna, his family members have grabbed 200 Acres of land including 110 Acres of Gomal lands that needs to be restored to Govt.". The Assistant Commissioner enclosed a detailed 10 page report entitled the same as the subject of the said letter.

8. This Hon'ble Court disposed the Writ Petition on 14:01:2020. Certified copy of the order is produced herewith marked **Annexure-A**.

9. It is submitted that despite clear direction in the writ petition filed by the complainant herein, respondents 1 and 2 have failed to comply the order. The petitioner has not

received any information about the action taken by respondents 1 and 2 against respondents 3 to 5.

10. In the respectful submission of the complainants, the entire inaction of the accused No. 1 & 2 as narrated above is contemptuous and in violation of the order of this Hon'ble court. In the respectful submission of the complainant the accused have committed contempt of this Hon'ble court and are liable to be proceeded accordingly.

11. It is submitted that though no notice was issued to respondents 3 to 5 herein, the petitioner is given to understand that they are scuttling the process and preventing respondents 1 and 2 from implementing the order of this Hon'ble Court. Hence they are also made parties to this contempt petition.

12. The complainants have not filed any other contempt petition before this Hon'ble Court or initiated any other proceedings before any other court or tribunal on the same cause of action.

PRAYER

The complainants humbly pray before this Hon'ble court

- (i) To impose suitable punishment on all the accused for having violated the order dated:14:01:2020 passed in writ petition No. 49/2020, Certified copy of which is produced herewith and marked as Annexure-A.

- (ii) To pass such other order or orders as this Hon'ble court deems fit under the circumstances of the case in the interest of justice and equity.

BANGALORE

DATED :15:12:2020

ADVOCATE FOR COMPLAINANT

ADDRESS FOR SERVICE

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