



NC: 2025:KHC-D:17610-DB
WA No. 100032 of 2023

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 09TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT APPEAL NO.100032 OF 2023 (KLR-LG)

BETWEEN:

1. THE STATE OF KARNATAKA,
REP. BY ITS SECRETARY,
DEPARTMENT OF REVENUE,
M.S. BUILDING, BENGALURU-560001.
2. THE TAHSILDAR,
SANDUR TALUK, SANDUR, BALLARI DISTRICT-583101.
3. THE ASSISTANT COMMISSIONER,
BALLARI SUB-DIVISION,
BALLARI, BALLARI DISTRICT-583101.
4. THE DEPUTY COMMISSIONER,
BALLARI DISTRICT, BALLARI-583101.

...APPELLANTS

(BY SRI. GANGADHAR J.M., AAG FOR SMT. KIRTHI LATHA, HCGP)

AND:

1. K. SHIVAPPA S/O K. DAMMURAPPA,
AGE. 69 YEARS, OCC. AGRICULTURE,
R/O SULTHANPURA (YARABANAHALLI) VILLAGE,
TQ. SANDUR, DIST. BALLARI-583229.
2. K. VIRUPAKSHAPPA S/O K. SHIVAPPA
AGE. 48 YEARS, OCC. AGRICULTURE,
R/O SULTHANPURA (YARABANAHALLI) VILLAGE,
TQ. SANDUR, DIST. BALLARI-583229.
3. KURUBARA NNINGAMMA W/O HUCHAPPA
AGE. 52 YEARS, OCC. AGRICULTURE,
R/O SULTHANPURA (YARABANAHALLI) VILLAGE,
TQ. SANDUR, DIST. BALLARI-583229.

...RESPONDENTS

(BY SRI. B. CHIDANANDA, ADVOCATE FOR R2 & R3;
NOTICE TO R1-SERVED)



THIS WRIT APPEAL IS FILED UNDER SEC.4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO QUASH THE ORDER PASSED BY THE LEARNED SINGLE JUDGE IN W.P.NOS.62311-62313/2009 DATED 04.08.2021 & ETC.

THIS WRIT APPEAL COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:
CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.

ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE S G PANDIT)

This appeal by the State Government by Revenue Authorities filed under Section 4 of the Karnataka High Court Act, 1961, is directed against learned Single Judge's order dated 4.8.2021 passed in WP Nos.62311-313 of 2009, whereunder the respondents' challenge to Annexure-J, order of cancellation of grant dated 30.10.2008, is quashed, with a direction to consider the representation dated 2.8.2007.

2. Heard the learned AAG Sri. Gangadhar J.M. along with learned HCGP Smt. Kirthilatha Patil for the appellants/State and learned counsel Sri. B. Chidanand for respondents No.2 and 3. Perused the writ appeal papers.



3. The parties would be referred to as they stood before the learned Single Judge for the sake of convenience. The appellants were the respondents and the respondents were the petitioners before the learned Single Judge.

4. It is the case of the petitioners that they were granted different extent of land in Sy.No.3 & 3(P) situated in Yarabanahalli, Sandur Taluk, on 30.10.2002 and on 7.1.2004. The petitioners are said to have paid the premium amount to the Government and thereafter, they were issued with Form-7 in terms of Rule 29 of Karnataka Land Grant Rules, 1969¹.

5. The 3rd respondent Assistant Commissioner is said to have issued show cause notice dated 27.11.2007 (Annexure-G) to the petitioners, calling upon the petitioners to explain as to why their grant shall not be cancelled in exercise of power under Rule 25 of Rules, 1969. The

¹ For short, 'Rules 1969'



petitioners said to have submitted explanations on 13.12.2017. Thereafter under Annexure-`J` dated 30.10.2008, the third respondent Assistant Commissioner in exercise of power under Rule 25 of Rules, 1969 cancelled the grant of land of the petitioners. Questioning the said cancellation of grant, the petitioners were before this Court. The learned single judge under impugned order quashed the order of cancellation mainly on the ground that under Rule 25 of Rules, 1969, the proceedings initiated by Assistant Commissioner is absolutely without jurisdiction. Questioning the said order of the learned Single Judge, the State Authorities are before this Court in this writ appeal.

6. Learned A.A.G. Sri Gangadhar J.M. would contend that the application of the petitioners for grant of land was under Rule 108 of Karnatka Land Revenue Rules, 1966 and the Authorities in exercise of power under Rule 108C of Rules, 1966 granted land to the petitioners. Therefore, the cancellation though it is under Rule 25 of Rules, 1969, it is to be construed as cancellation in excise of



power under Rule 108(K) of Rules, 1966. It is submitted that, since cancellation of grant is under Rule 108(K) of Rules, 1966, the Assistant Commissioner, as on the date of cancellation, had the power to cancel the grant. As such, he submits that learned single judge committed an error in quashing the order of grant. Thus, he would pray for allowing the writ appeal.

7. Per contra, learned counsel Sri.B.Chidanand on behalf of petitioners would submit that land was granted under Land Grant Rules and he invites attention of this Court to Annexure-'A' and 'A1' dated 30.10.2002, Clause 7 issued under Rule 29 of Karnataka Land Revenue Rules, 1969 and he points out that the form was also issued i.e. Saguvali chit by respondent No.2-Tahasildar. Further, learned counsel Sri. Chidanand would also submit that the show cause notice issued i.e. Annexure-'G' dated 27.11.2007 is also under Rule 25 of Rules, 1969. Whereas, the cancellation under proceedings dated 30.10.2008 (Annexure-J) was also under Rule 25 of Rules, 1969.



Therefore, he submits that it is not open for the State Authorities to contend that the cancellation is under Rule 108(2) of Rules, 1966. Thus, he prays for dismissal of the writ appeal.

8. Having heard the learned counsels for the parties and on perusal of the entire writ appeal papers, the only point which falls for consideration is:-

“In the facts and circumstances of the case, whether the order of the learned Single Judge requires interference at the hands of this Court?”

9. The answers to the above point would be in the Negative for the following reasons:

The petitioners are grantees of land in terms of Annexure-‘A’ and ‘A1’ dated 30.10.2002, Saguvali Chit issued under Rule 29 of Rules, 1969 by the respondent No. 2-Tahsildar. The show cause notice for cancellation dated 27.11.2007 (Annexure-G) as well as proceedings for cancellation is in exercise of power under Rule 25 of Rules,



1969. Under Rule 25 of Rules, 1969, power of cancellation is vested with the Authority which has granted the land. Therefore, learned single Judge is right in quashing the order of cancellation. The material on record would indicate that land was granted to the petitioners by the Tahasildar in terms of Annexure-'A' and 'A1'-Saguvali Chit and the cancellation is by initiating proceedings by issuing show cause notice dated 27.11.2007 and cancellation order dated 30.10.2008 (Annexure-J) by the Assistant Commissioner. In terms of Rule 25 of Rules, 1969, the power of cancellation of land grant is vested with the Authority which granted the land. In the instant case since the land is granted by the Tahasildar, the Assistant Commissioner could not have exercised power under Rule 25 of Rules, 1969.

10. Learned AAG Sri.Gangadhar J.M. would contend that the cancellation is to be construed under Rule 108(K) of Rules, 1966 since the petitioners had made application under Rule 108 of Rules, 1966. However, we cannot



appreciate that contention and the said contention is unsustainable since no material is placed on record to establish that the land grant was under Rule 108C of Rules, 1966 or to establish that the petitioners made application under Rule 108 of Rules, 1966. In the absence of any material to establish the contention of the respondents and since on the contrary the petitioners have placed documents on record to establish that the grant was by the Tahasildar, we reject the contention of the learned A.A.G.

11. The appeal is filed with delay of 467 days. The impugned order was passed by the learned single Judge on 04.08.2021 whereas the present writ appeal is filed on 17.12.2022 i.e., more than one year from the date of passing the impugned order. The application for condonation of delay would not explain the delay. On the other hand, it would only state about the merits of the appeal in the affidavit. It is stated that the Government Order to file Appeal was issued on 08.11.2022, i.e. more than one year after the disposal of the writ petition. There is



no explanation for the delay in passing the impugned order till the date of issuance of Government Order to file the appeal and from the date of issuance of Government Order to file appeal till filing of the appeal. Thus, the appeal stands dismissed on the question of delay also.

**Sd/-
(S G PANDIT)
JUDGE**

**Sd/-
(GEETHA K.B.)
JUDGE**

JTR-upto para 4
HMB-para 5 to end
CT:VP
LIST NO.: 1 SL NO.: 10