



CNR: KAHC010035362025

NC: 2026:KHC:52270
WP No. 2318 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO.2318 OF 2025 (KLR-RES)

BETWEEN:

1. SMT. PHILOMIA D'SILVA
W/O FRANCIS D' SILVA
AGED ABOUT 70 YEARS
R/AT KURUDAYI.
BELLE VILLAGE,
KAPU TALUK,
UDUPI DISTRICT-574106.

...PETITIONER

(BY SRI. RAJARAMA S., ADVOCATE)

AND:

Digitally signed
by CHAYA S A
Location: HIGH
COURT OF
KARNATAKA

1. THE DEPUTY COMMISSIONER
KUNDAPURA SUB DIVISION,
KUNDAPURA-576201.
2. THE ASSISTANT COMMISSIONER,
KUNDAPURA SUB DIVISION,
KUNDAPURA-576201.
3. THE TAHASILDAR,
KAPU TALUK
UDUPI DISTRICT-574504

...RESPONDENTS



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(BY SRI. SHAMANTH NAIK, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER IN REVISION PETITION NO.53/2020 DATED 09.12.2024 PASSED BY THE KARNATAKA APPELLATE TRIBUNAL AT BENGALURU VIDE ANNEXURE-A, AND CONSEQUENTLY IMPUGNED ORDER PASSED BY THE DEPUTY COMMISSIONER, NO.CDS.SR.LND SR 58/2018 DATED 09.12.2019 VIDE ANNEXURE-B.

THIS PETITION, COMING ON FOR FURTHER HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

1. In this writ petition, the petitioner is assailing the order dated 09.12.2024 passed in R.P. No. 53/ 2020 by the Karnataka Appellate Tribunal, Bengaluru, vide Annexure-A, and the order dated 09.12.2019, at Annexure-B, passed by respondent No.1-Deputy Commissioner in case No.CDS.LND.SR 58/2018.



CNR: KAHC010035362025

2. I have heard Sri. Rajarama S., learned counsel appearing for the petitioner, and Sri. Shamanth Naik, learned Additional Government Advocate appearing for the respondent-State.

3. Having heard the learned counsel appearing for the parties and upon careful consideration of the factual aspects on record, it would indicate that the petitioner was cultivating the land bearing Sy.No. 194/2, measuring 2 acres 10 guntas, situated at Kurudayi, Belle Village, Kapu Taluk, Udupi District, and had submitted an application in Form No.53 seeking regularisation of unauthorised cultivation of the land in question before the Acrama Sacrama Committee.

4. The competent committee, after verifying the records, vide order dated 06.01.2012, regularised the land in question in favour of the petitioner. Thereafter, respondent No.2, vide Annexure-C dated 19.07.2018,



CNR: KAHC010035362025

cancelled the grant made in favour of the petitioner and accordingly issued the Endorsement at Annexure-D, stating that the land in question was Government Poramboku (Bande).

5. It is also forthcoming from the writ petition that the Tribunal, vide order dated 13.10.2016, granted the land in question in favour of the petitioner for the second time. Thereafter, proceedings were initiated in terms of the impugned proceedings in CDS.LND.SR.58/2018, and respondent No.1 rejected the appeal preferred by the petitioner challenging the order of grant.

6. On careful consideration of the RTC extracts produced at Annexure-F, it is evident that respondent No.1 has recorded a finding that substantial agricultural activities are being carried out on the land in question, which has been granted in favour of the



petitioner. Further, a perusal of Annexure-E would indicate that the Village Accountant, Belle village, had submitted a Varadi report stating that there are nearly 30 coconut trees aged about 25 years, 15 mango trees aged about 3 years, a well and a borewell, and that paddy is being cultivated in a portion of the land in question.

7. The aforesaid material would indicate that the land in question cannot be considered as Government Poramboku (Bande), as the same has been brought under cultivation and the petitioner has been in cultivation of the said land for more than 40 years.

8. In that view of the matter, the findings recorded by respondent No.1-Deputy Commissioner vide order dated 09.12.2019 in case No. CDS.LND.SR.58/2018, at Annexure-B, and the order dated 09.12.2024 passed by the Karnataka Appellate Tribunal in R.P.



CNR: KAHC010035362025

No.53 of 2023, at Annexure-A, are hereby set aside.
Accordingly, the writ petition stands ***allowed***.

9. Respondent No.3-Tahsildar is directed to issue Form No.10 in favour of the petitioner in respect of the land bearing Sy.No. 194/2, measuring 2 acres 10 guntas, situated at Kurudayi, Belle Village, Kapu Taluk, Udupi District, within an outer limit of two months from the date of receipt of a certified copy of this order.

10. Needless to say, respondent No.3-Tahsildar is directed to enter the name of the petitioner in the revenue records in respect of the subject land forthwith.

**SD/-
(E.S.INDIRESH)
JUDGE**

SB
List No.: 1 Sl No.: 68