



CNR: KAHC010045022026

NC: 2026:KHC:36988-DB  
WA No. 173 of 2026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 20<sup>TH</sup> DAY OF JULY, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE D K SINGH**

**AND**

**THE HON'BLE MR. JUSTICE T.M.NADAF**

**WRIT APPEAL NO. 173 OF 2026 (KLR-RES)**

**BETWEEN:**

1. STATE OF KARNATAKA,  
REP BY SECRETARY,  
DEPARTMENT OF REVENUE,  
M.S. BUILDING,  
BENGALURU - 560 001.
2. DEPUTY COMMISSIONER,  
MANGALURU,  
D.K. DISTRICT - 575 001.
3. ASSISTANT COMMISSIONER,  
MANGALURU SUB-DIVISION,  
D.K. DISTRICT - 575 001.
4. THE TAHSILDAR,  
BANTWAL TALUK,  
D.K. DISTRICT - 574 211.

...APPELLANTS

(BY SRI. M.N. SUDEV HEGDE, AGA)

**AND:**

1. SMT. SARASWATI AMMA,  
W/O LATE SRI RAMACHANDRA BHAT,  
AGED ABOUT 76 YEARS,  
RESIDING AT NO.2-199,  
SRIRAMA NILAYA,



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BANTWAL TALUK,  
NETLA MUDNUR VILLAGE,  
NERALAKATTE,  
D.K. DISTRICT - 574 253.

2. SRI. K. RADHAKRISHNA BHAT,  
S/O K. NARASIMHA BHAT,  
AGED ABOUT 61 YEARS,  
RESIDING AT NO.2-273,  
KUKKARUBETTA HOUSE,  
NETLAMUDLUR VILLAGE,  
NERALAKATTE POST,  
BANTWALA TALUK,  
D.K. DISTRICT - 574 253.

...RESPONDENTS  
(BY SRI. G.RAVISHANKAR SHASTRY., ADVOCATE FOR R1 & R2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE  
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO ALLOW THE  
WRIT APPEAL AND SET ASIDE THE ORDER DATED:03.07.2025  
PASSED BY THE LEARNED SINGLE JUDGE IN WP NO.2458/2025  
AND ETC.,

THIS APPEAL, COMING ON FOR FINAL HEARING, THIS  
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH  
and  
HON'BLE MR. JUSTICE T.M.NADAF



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**ORAL JUDGMENT**

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present intra Court appeal has been filed impugning the judgment and order dated 03.07.2025 passed by the learned Single Judge in WP.No.2458/2025 filed by the respondents/petitioners.

2. The learned Single Judge vide impugned order has allowed the writ petition and set aside the communication/order dated 10.01.2025 passed by the Thasildar, Bantwal Taluk, D.K District, demanding the market value of the land given to the appellant on 15.10.1958 for the period of 30 years for the reasons unsustainable in law and facts.

3. The parties are referred to as per their ranking before the trial Court for the sake of convenience.

4. The petitioners claims to be the legal heirs of one Sri.N.Krishna Bhat. Late N.Krishna Bhat, was given on lease the land in question for a period of 30 years. The



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land is measuring 28.14 acres in Sy.No.148/A in 3.24 Acres, Sy.No.152/2BA in 3.45 Acres, Sy.No.151/2AA in 3.82 Acres, Sy.No.152/2A3A in Sy.No.2.87 Acres, Sy.No.152/2A1 in 2.41 Acres, Sy.No.166/1A in 4.85 Acres and Sy.No.166/1B in 7.50 Acres for cashew cultivation. The period of lease of 30 years was renewable subject to the satisfaction of the conditions of the Grant order. The 30 years period got expired on 14.10.1988. The lease was never renewed thereafter and the petitioners have been utilizing the Government land, since then earning profits without having any rights over the land.

5. In the meantime, the petitioners have made an application in the year 1986 for granting the land on permanent basis. However, they were not willing to pay the market value as provided in the grant order. The petitioners have been litigating and engaging this Court for number of years just to avoid payment of the market value. Once the lease got expired in 1988, they have no



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right, title and interest in the Government land, given a grant for the 30 years in the year 1958.

6. The petitioners have been cultivating cashew plants i.e., cashew nuts for all these years and earning huge profits on the Government land in which they did not have any right, title and interest after 1988. The Government officials who have allowed the petitioners to continue in occupation in respect of the Government land, notwithstanding the absence of any right, title and interest after 1988, are also equally responsible for illegal act at the loss of the Government and Government exchequer. Once the lease was not extended after it got expired in the year 1988, for non payment of the market value, the respondent's occupation over the Government land was nothing but an illegal occupation and the Government has every right to resume the land for the public purpose.

7. It is very strange that even against the market value of the land which was fixed in the year 2006 at the



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rate of Rs.40,000/- per Acre, the petitioners have filed writ petition before the Court. Again on the direction of this Court the Government fixed the market value in the year 2011 at Rs.1,85,000/- per acre, this market value was also not paid by the petitioners and again filed the writ petition. Again with the direction of this Court the market value was fixed on 13.01.2025 at Rs.51,17,185/- i.e., at the rate of Rs.2,46,000/- per Acre, instead of paying the market value, they again filed the writ petition which has been allowed for the unsustainable reasons.

8. We therefore, **allow** this writ appeal and set aside the impugned judgment and order passed by the learned Single Judge. The Government is free to resume the land and demand all damages as may be determined for squatting over the Government land, since 1988, if the petitioner fails to pay Rs.51,17,185/- within period of four weeks along with interest at the rate of 12% from 13.01.2025. We set aside the impugned judgment. As we have already taken the view vide judgment and order



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dated 23.10.2025, in W.A.No.1801/2024, stating that imposition of condition for non-alienation of the land for further period of 25 years is not only against the grant condition but also against Rule 23(1) of the Karnataka Land Grant Rules, 1969. In that view of the matter, in the fresh conveyance the non-alienation clause as per order dated 07.12.2024 will stand deleted, if the petitioners come forward and pay Rs.51,17,485/- along with the interest as directed above.

In view of allowing of the Writ Appeal, pending interlocutory applications if any, stand disposed of.

**Sd/-  
(D K SINGH)  
JUDGE**

**Sd/-  
(T.M.NADAF)  
JUDGE**

PK  
List No.: 2 Sl No.: 5  
ct-vn