



CNR: KAHC010050562025

NC: 2026:KHC:49652
WP NO.2683 OF 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

BEFORE

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

WRIT PETITION NO.2683 OF 2025 (KLR-RES)

BETWEEN:

1. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY,
DEPARTMENT OF REVENUE,
M.S. BUILDING,
BENGALURU - 560 001.
2. THE TAHSILDAR
BENGALURU SOUTH TALUK,
KANDAYA BHAVANA,
K.G. ROAD,
BENGALURU - 560 009.

...PETITIONERS

(BY SRI. SHAMANTH NAIK, AGA)

AND:

1. THE SPECIAL DEPUTY COMMISSIONER-II,
BENGALURU SOUTH SOUTH-DIVISION,
BENGALURU DISTRICT,
BENGALURU - 560 009.
2. SMT. MANGALA GOWRI
D/O LATE MARIDASAPPA,
AGED ABOUT 71 YEARS,
R/AT NO.202, 73RD CROSS,
K.S. LAYOUT,
BENGALURU - 560 078.

...RESPONDENTS

(BY SRI. ADITYA DIWAKARA, AGA FOR R1;
SRI. L.S. CHIKKANAGOUDAR, ADVOCATE FOR R2)

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



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 30TH AUGUST, 2016 PASSED BY THE RESPONDENT NO.1 IN CASE NO.RRT(S)CR/22/2016-2017 VIDE ANNEXURE-A; AND ETC.

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

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

ORAL ORDER

In this petition, petitioners are challenging the order dated 30th August, 2016 (Annexure-A) passed by the respondent No.1 in Case No.RRT(S)CR/22/2016-17.

2. Heard Sri. Shamanth Naik, learned Additional Government Advocate appearing for petitioners; Sri. Aditya Diwakara, learned Additional Government Advocate appearing for the respondent No.1; and Sri. L.S. Chikkanagoudar, learned appearing for the respondent No.2.

3. Sri. Shamanth Naik, learned Additional Advocate General appearing for petitioners submitted that the land in question has been granted in favour of the father of respondent No.2 without considering the scope of Rule 108-I of the Karnataka Land Revenue Rules. He further contended that the



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fraud has been alleged in respect of the grant made in favour of the respondent No.2. Accordingly, he sought for interference of this Court.

4. Leaned Additional Government Advocate Sri. Shamanth Naik, appearing for petitioners also argued that, on perusal of the Mysore Survey Settlement Register, Index of Land, Survey Tippani and Akarband, there is no evidence to show that the land in question was cultivated by the father of the respondent No.2 at any point of time, so also, no document is forthcoming in the office of the petitioners in respect of the grant alleged to have been made in favour of the father of the respondent No.2. Accordingly, he submits that the grant of land in question itself is required to be interfered with in this petition.

5. Per contra, Sri. L.S. Chikkanagoudar, learned counsel appearing for the respondent No.2 submits that, the land in question has been granted in favour of the father of the respondent No.2 as per the Official Memorandum dated 06th January, 1959 and the Authorities after a span of fifty seven years have initiated *suo moto* proceedings under Section



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136(3) of the Karnataka Land Revenue Act. Accordingly, he submits that the respondent No.1 has properly considered the belated action on the part of the respondent-State and passed the impugned order in accordance with law. Therefore, learned counsel appearing for the respondent No.2 submits that, no interference be called for in this petition, as the impugned order has been passed after considering the entire material on record. Accordingly, he sought for dismissal of the petition.

6. In the light of submission made by learned counsel appearing for the parties, on careful perusal of the impugned order, it is forthcoming that the respondent No.1 after verifying the records, had arrived at a conclusion that the land in question has been granted in favour of the father of the respondent No.2 on 06th January, 1959 under the GMF (Grow More Food) grant to an extent of 35 guntas in Survey No.137 of Bilekahalli Village, Begur Hobli, Bengaluru South Taluk. It is also forthcoming that the Grantee has fulfilled the condition in respect of payment of upset price on 02nd April, 1959 and accordingly, Saguvali Chit has been issued.



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7. On perusal of the impugned order, it is forthcoming that the land in question has been granted in favour of the father of the respondent No.2 way back in the year-1959 and after a lapse of fifty seven years, the Tahsildar, Bengaluru South Taluk initiated impugned proceeding before the respondent No.1 under Section 136(3) of the Karnataka Land Revenue Act. Pursuant to the same, the respondent No.1, after verifying the entire records pertaining to the land in question has rightly arrived at a conclusion to drop the proceedings initiated against the respondent No.2 herein. In this regard, the learned Additional Government Advocate Sri. Shamanth Naik, appearing for petitioner-State though alleged that the fraud has been committed at the time of issuance of Saguvali Chit during the year-1959, the same cannot be accepted after a lapse of more than five decades in terms of declaration of law by Hon'ble Supreme Court in the case **JOINT COLLECTOR, RANGAREDDY DISTRICT AND ANOTHER vs. D. NARSING RAO AND OTHERS** reported in (2015)3 SCC 695.

8. Recently, the Hon'ble Supreme Court in the case of **M.R.R. SETTY (DEAD) BY LRS vs. GOVERNMENT OF**



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KARNATAKA AND OTHERS reported in 2026 SCC OnLine SC 1743, at paragraph 14, it is held as under:

"14. We may also note that, in State of Gujarat v. Patil Raghav Natha, a 3-Judge Bench of this Court held that even where no limitation was prescribed for exercise of suo motu revisional power, this Court held that such power must be exercised within reasonable time and the length of the reasonable time must be determined by the facts of the case and the nature of the order which is being revised. More recently, in Securities and Exchange Board of India v. Sunil Krishna Khaitan, noting that the aforestated principle was affirmed and reiterated in Mansaram v. S.P. Pathak; Government of India v. Citedal Fine Pharmaceuticals, Madras; State of Orissa v. Brundaban Sharma; and State of Punjab v. Bhatinda District Cooperative Milk Producers Union Ltd., this Court again held that authorities are not empowered to initiate action at any time and even in the absence of limitation being prescribed by an enactment, every authority has to exercise power within a reasonable period and, though no hard and fast rules can be laid down in that regard, the nature of the statute, the rights and liabilities thereunder and other consequences, including prejudice caused and whether third-party rights have been created, are relevant factors to be considered. It was further observed that, whenever a question with regard to inordinate delay in issuance of a show-cause notice is made, it is open to the noticee to contend that the show-cause notice is bad



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on the ground of delay and it is the duty of the authority to consider the question objectively, fairly and in a rational manner. It was further held that there is public interest involved in not taking up and spending time on stale matters and, therefore, exercise of power, even when no time is specified, should be done within reasonable time as it prevents miscarriage of justice, misuse and abuse of power as well as ensures that violation of the provisions are checked and penalised without delay, thereby effectuating the purpose behind the enactment."

9. Hon'ble Supreme Court in the case of **M.R.R. SETTY (DEAD) BY LRS** (*supra*) held that, even where no limitation was prescribed for exercise of *suo moto* revisional power, such power must be exercised within reasonable time and the length of reasonable time must be determined by the facts of the case and the nature of order which is being revised.

10. In the case on hand, the respondent No.1, after verifying the original records has arrived at a conclusion that the grant has been made in favour of the father of the respondent No.2. In that view of the matter, after a lapse of more than five decades, the petitioner-State cannot allege that the grant is being made without considering the Rule 108-I of



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the Karnataka Land Revenue Rules. Therefore, it is made clear that, the grant is made during the year-1959 and the relevant Rules as contended by learned Additional Government Advocate appearing for petitioners were not promulgated at the time of grant. In view of the same, I do not find any merit in the writ petition. Accordingly, writ petition is ***dismissed.***

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

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List No.: 1 Sl No.: 6