



CNR: KAHC010057772025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 3238 OF 2025 (SC/ST)

BETWEEN:

SRI. K.NAGARAJA,
S/O. LATE SRI. H.KRISHNAPPA,
AGED ABOUT 59 YEARS,
NO.2310, SAMRUDHI NILAYA,
'C' BLOCK, 23RD CROSS,
SAHAKAR NAGAR,
BENGALURU-560 092.

...PETITIONER

(BY SRI. VISHWANATH R. HEGDE, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
CHIKKABALLAPURA DISTRICT,
CHIKKABALLAPURA-562101.
2. ASSISTANT COMMISSIONER,
CHIKKABALLAPURA SUB-DIVISION,
CHIKKABALLAPURA-562101.
3. THE TAHSILDAR,
CHIKKABALLAPURA TALUK,
CHIKKABALLAPURA-562101.
4. SMT. SARASWATHAMMA,
W/O. LATE LAKSHMINARAYANAPPA,
R/AT GOLLAHALLI VILLAGE,



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NANDI HOBLI,
CHIKKABALLAPURA TALUK
AND DISTRICT-562101.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R3;
SRI. NAGENDRA H.C.RAJ, ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN
RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY
HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS
UNDER:

ORAL ORDER

Sri. Vishwanath R. Hegde, counsel for the petitioner, Smt.
Savithramma, Additional Government Advocate for respondents
Nos. 1 to 3, and Sri. Nagendra H. C. Raj, counsel for
respondent No. 4, appeared in person.

2. This petition is filed seeking the following reliefs:

- (i) Issue a writ of certiorari or any writ, order or
direction quashing the order dated 16.12.2024
in R.A./ST.SC/11/2023-24 passed by the 1st
respondent (Annexure-G);



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- (ii) Issue a writ of certiorari or any writ, order or direction quashing the order dated 05.12.2022 in PTCL (Chikka) 19/2022-23 passed by the 2nd respondent (Annexure-F);
- (iii) Pass such other order or direction as this Hon'ble Court deems fit to pass in the circumstances of the case, including awarding cost of this writ petition.

3. The key facts are these:

The property is Survey No. 45/5, with an extent of 3 acres. The land was granted to Sri Lakshminarayanappa, son of Venkatappa, on 13.07.1965, and the saguvali chit was issued on 14.03.1975.

As things stood, the legal representatives of Sri.Lakshminarayanappa sold the property in favor of the petitioner on 17.03.2022. Contending that the Act's provisions were violated, the Tahsildar initiated suo motu proceedings before the Assistant Commissioner. The Assistant Commissioner, vide order dated 05.12.2022, approved the claim. An appeal was filed before the Deputy Commissioner, and the Deputy Commissioner, vide order dated 16.12.2024,



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confirmed the order of the Assistant Commissioner. Under these circumstances, the petitioner is before the Court.

4. Counsel for the respective parties advanced several contentions.

The petitioner's counsel argued that after the sale of the property, the grantee never filed an application for resumption. However, the suo motu proceedings were initiated by the Tahsildar. This cannot be sustained. He further urged additional grounds and submitted that the orders may be set aside.

In contrast, the Additional Government Advocate supported the orders of the Assistant Commissioner and Deputy Commissioner, arguing that the Tahsildar was justified in initiating suo motu proceedings due to a violation of the Act's provisions.

Counsel for respondent No.4 justified the orders, arguing that the petitioner has not paid the full consideration after executing the sale deed. He also added additional grounds, asserting that the petition is without merit and should be dismissed.



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5. Heard the arguments and perused the papers carefully.

6. The issue is confined to a narrow scope and pertains to the suo motu proceedings initiated by the relevant authority. It is not disputed that the land was granted, nor is it disputed that the legal representatives of the grantee sold the property to the petitioner in 2022. The main concern revolves around the suo motu proceedings opened by the concerned authorities.

It is important to note that the grantee's legal representatives did not file any application for land resumption after executing the deed. Therefore, claims alleging violations of the Act's provisions cannot be supported.

The contention regarding non-payment of the consideration cannot be considered in the writ proceedings.

7. For the reasons stated above, the Writ of Certiorari is ordered. The orders of the Assistant Commissioner and the Deputy Commissioner dated 05.12.2022 and 16.12.2024 are liable to be quashed. Accordingly, they are quashed.



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Resultantly, the writ petition is ***allowed***.

On disposal of the Writ Petition, any interim order stands discharged, and pending interlocutory applications, if any, are disposed of.

**Sd/-
(JYOTI M)
JUDGE**

SS
List No.: 1 Sl No.: 38