



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2026

BEFORE

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

WRIT PETITION NO. 2309 OF 2025 (KLR-RES)

C/W

WRIT PETITION NO. 37177 OF 2025 (KLR-RES)

IN WP No. 2309/2025

BETWEEN:

SHRI NARASIMHAIAH
SINCE DECEASED BY HIS LRS

1. SMT. JAYAMMA
W/O LATE NARASIMHAIAH
AGED ABOUT 73 YEARS.
2. SRI. NARASIMHAIAH MURTHY
S/O LATE NARASIMHAIAH
AGED ABOUT 48 YEARS.
3. SMT. RADHAMMA
D/O LATE NARASIMHAIAH
AGED ABOUT 55 YEARS.
4. SMT. ANITA
W/O LATE VENKATESH
AGED ABOUT 35 YEARS.

PETITIONERS NO.1 TO 4 ARE
R/AT RAJANAKUNTE VILLAGE
HESARAGHATTA HOBLI
BENGALURU – 560 088.

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



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

5. SRI. ARAVIND P.S.
S/O MUNIRAJU
AGED ABOUT 48 YEARS
DODDA TUMKUR VILLAGE
DODDABALLAPURA TALUK
BENGALURU - 561 203.
6. SRI. CHARAN
S/O LATE NARAYANA REDDY
AGED ABOUT 45 YEARS
SINGANAYAKANAHALLI VILLAGE
YELAHANKA
BENGALURU - 560 064.

PETITIONERS NO.2 TO 4 ARE
REP. BY THEIR GPA HOLDERS
PETITIONERS NO.5 & 6.

...PETITIONERS

(BY SMT. S. SUSHEELA, SENIOR COUNSEL FOR
SRI. K.R. RAMESH, ADVOCATE)

AND:

1. TAHASILDAR,
YELAHANKA TALUK,
BENGALURU URBAN,
BENGALURU - 560064.
2. DEPUTY COMMISSIONER,
BANGALORE URBAN DISTRICT,
KANDAYA BHAVAN,
D.C OFFICE COMPOUND,
K.G ROAD,
BENGALURU - 560 009.

...RESPONDENTS



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

(BY SRI. MITHUN G.A., AAG A/W
SRI. ADITYA DIWAKARA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE PROCEEDINGS IN APPEAL NO.481/2024 BEFORE THE HON'BLE KARNATAKA APPELLATE TRIBUNAL AT BENGALURU VIDE ANNEXURE-A PREFERRED BY THE RESPONDENT AS IT IS ARBITRARY, ILLEGAL, ERRONEOUS AND BAD IN THE EYES OF LAW; AND ETC.

IN WP NO. 37177/2025

BETWEEN:

1. SMT. JAYAMMA
W/O LATE NARASIMHAIAH
AGED ABOUT 70 YEARS
NEAR VENUGOPALSWAMY TEMPLE,
HESARAGHATTA HOBLI,
RAJANUKUNTE,
BENGALURU-5600064.
2. SR. NARASIMHA MURTHY
S/O LATE NARASIMHAIAH
AGED ABOUT 50 YEARS,
NEAR VENUGOPALSWAMY TEMPLE,
HESARAGHATTA HOBLI,
RAJANUKUNTE,
BENGALURU-5600064.
3. SMT. RADHAMMA @ RADHA
W/O. H. MUNIYAPPA



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

AGED ABOUT 54 YEARS,
R/AT.NO.4/1, 11TH CROSS ROAD,
LAKSHMAIAH BLOCK,
GANGANAGARA, R T NAGAR,
BENGALURU-560032.

4. SRI. ARAVIND P.
S/O. MUNIRAJU
AGED ABOUT 49 YEARS
R/AT.1004, GOWRI APARTMENT,
NEW BEL ROAD,
DODDA TUMKUR VILLAGE
NEAR RAMAIAH HOSPITAL,
BENGALURU- 560054.

5. SRICHARAN
S/O. LATE NARAYANA REDDY
AGED ABOUT 48 YEARS
SINGANAYAKANAHALLI VILLAGE
YELAHANKA TALUK
BENGALURU-560 064.

PETITIONER NO.2 & 3 ARE
REP. BY THEIR GPA HOLDER
PETITIONER NO.4 & 5.

...PETITIONERS

(BY SRI. ADIT CHANDANGOUDAR.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF REVENUE
VIDHANA SOUDHA,
BENGALURU - 560 001.



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

2. THE SPECIAL DEPUTY COMMISSIONER-3,
BENGALURU NORTH SUB-DIVISION
BENGALURU-560 009.
3. THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT,
BENGALURU.
K.G. ROAD, NEAR DISTRICT
REGISTRAR OFFICE
AMBEDKAR VEEDHI
SAMPANGI RAMANAGARA
BENGALURU-560 009.
4. THE ASSISTANT COMMISSIONER
BENGALURU NORTH DIVISION
BENGALURU-560009
KANDAYA BHAVAN,
DISTRICT OFFICE ROAD
DR.B.R.AMBEDKAR VEEDHI,
BENGALURU – 560001.
5. THE TAHSILDAR
YELAHANKA TALUK, BENGALURU.
KANDAYA BHAVAN,
DISTRICT OFFICE ROAD,
AMBEDKAR VEEDHI,
BENGALURU – 560001.

...RESPONDENTS

(BY SRI. MITHUN G.A., AAG A/W
SRI. ADITYA DIWAKARA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

THE ENTIRE PROCEEDINGS IN RRT (2) NA (CR) 190/09-10 INITIATED BY THE 2ND RESPONDENT, A COPY OF WHICH IS PRODUCED HERewith AS ANNEXURE-AJ, IN SO FAR AS PETITIONER CONCERNED; AND ETC.

THESE WRIT PETITIONS HAVING BEEN RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, **E.S. INDIRESH J.**, MADE THE FOLLOWING:

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

CAV ORDER

1. In Writ Petition No.2309/2025, petitioners are challenging the proceedings in Appeal No.481/2024 (Annexure-A) on the file of the Karnataka Appellate Tribunal, Bengaluru; *inter alia* sought for a direction to the respondent Nos. 1 and 2 to implement the judgment dated 06.12.2023 passed in Writ Appeal No.1289/2023 and order dated 27.03.2024 passed in C.C.C. No.418/2023 by this Court.



NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

2. In Writ Petition No.37177/2025, petitioners are challenging the entire proceedings in RRT(2)(NA) CR 190/2009-10 (Annexure-AJ) initiated by the respondent No.2 against the petitioners and all further proceedings thereto, as null and void.

Facts of the case in WP No.2309/2025

3. The petitioners herein are the legal heirs of the deceased Narasimhaiah. The said Narasimhaiah was owner in possession of the land bearing Survey No.62, measuring to an extent of 31 acres 27 guntas situated at Madappanahalli Village, Hesaraghatta Hobli, Bengaluru. Originally, the aforesaid land was acquired by one Dala Bylappa in an auction proceedings held on 22.08.1927 and on his demise, the revenue records of the subject land were transferred in favour of his son Narasimhaiah. In view of the amendment to Rule 119 of the Karnataka Land Revenue Rules, 1966 (for short,



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

hereinafter referred to as '**KLR Rules**'), the said Narasimhaiah made an application seeking restoration of subject land from Phada on 22.12.2004 (Annexure-C). On 16.06.2012, the respondent No.1 submitted a report to the Deputy Commissioner, stating that the name of said Narasimhaiah has to be restored and word Phada has to be removed in the revenue records and accordingly, the respondent No.2 passed an order dated 30.06.2012 (Annexure-D) to release the subject land from Phada and restored the same in favour of the land holder viz., Narasimhaiah. Thereafter, the respondent No.2 has issued Notice dated 19.07.2012 (Annexure-E) to the said Narasimhaiah for appearance on 30.07.2012 at 03.00 p.m. by recalling the order dated 30.06.2012. Thereafter, the respondent No.2 initiated proceedings in RRT(1)CR.190/2009-10 by issuing Notice dated 23.07.2012 (Annexure-F). In furtherance of the same, the respondent No.2 passed



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

order dated 22.09.2012 (Annexure-G) and directed the Tahsildar, Bengaluru North (Addl.) Taluk to recover the arrears of land revenue from Narasimhaiah and accordingly, Narasimhaiah paid Rs.2,796/- on 24.09.2012 as per the Challan at Annexure-H and thereafter, the name of Narasimhaiah was reflected in the RTC Extracts and Mutation extracts as per Annexures-J and K respectively. It is also stated in the writ petition that the respondent No.2 has passed an order dated 06.10.2012 (Annexure-L), directing the Tahsildar to delete the name of Narasimhaiah in respect of the subject land. The aforementioned order was questioned before this Court in W.P.No.50129/2012 and this Court, by order dated 30.09.2015 (Annexure-N), allowed the writ petition and quashed the order dated 06.10.2012 passed by respondent No.2. Being aggrieved by the same, the respondent-State preferred an appeal in



NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

Writ Appeal No.178/2016 and this Court, by order dated 07.11.2016 (Annexure-P), dismissed the appeal. Thereafter, petitioners filed C.C.C. No.1439/2017 & 1859-61/2017 and this Court, by order dated 28.03.2018 (Annexure-Q), disposed of the petition as the respondent-Authorities have entered the name of Narasimhaiah in the RTC Extracts. It is also to be noted that the respondent-State has preferred Civil Appeal No.2847-49/2020 against the order passed in Writ Appeal No. 178 of 2016 and the Hon'ble Supreme Court, allowed the petition on 04.08.2020 against (Annexure-R) and remitted the matter to this Court for fresh consideration.

4. It is further stated in the writ petition that, after the observation made by the Hon'ble Supreme Court, this Court heard the W.P.No.50129/2012 and allowed the writ petition on 25.07.2022 (Annexure-S). Being



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

aggrieved by the same, the respondent-State filed Writ Appeal No.1289/2023 and the Division Bench of this Court, by order dated 06.12.2023 (Annexure-T) dismissed the appeal filed by the respondent-State and thereafter, the petitioners have preferred CCC No.418/2023 and this Court, by order dated 27.03.2024 (Annexure-V) directed the respondent-Authorities to restore the revenue entries in favour of the petitioners. Thereafter, the respondent-Tahsildar has filed Appl.No.481/2024 before the Karnataka Appellate Tribunal challenging the order dated 22.09.2012 in RRT (1)CR.190/2009-10 and the matter is pending consideration before the Karnataka Appellate Tribunal. Being, aggrieved by the same, petitioners have challenged the proceedings before the Karnataka Appellate Tribunal in Appeal No.481/2024 in this petition.



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

Facts of the case in W.P.No.37177/2025

5. The petitioners have sought for quashing the entire proceedings in RRT (2) (NA) CR.190/2009-10 (Annexure-AJ) before the respondent No.2. It is averred in the writ petition that, the entire proceedings before the respondent No.2 itself is non-est as the matter has reached upto the Hon'ble Supreme Court and rights of the parties have been declared and therefore sought for quashing the entire proceedings in RRT (2) (NA) CR.190/2009-10.

6. Heard Smt. S. Susheela, learned Senior Counsel appearing on behalf of K. R. Ramesh, learned counsel and Sri. Adit Chandanagoudar, learned counsel appearing for the petitioners and Sri. Mithun G.A., learned Additional Advocate General, along with Sri. Aditya Diwakara, learned Additional Government Advocate appearing for the respondent-State.



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

7. Smt. S. Susheela, learned Senior Counsel appearing for the petitioners contended that, on earlier two rounds of litigation, the claim made by the petitioners has been fortified upto the declaration of land in their favour passed by Hon'ble Supreme Court in Civil Appeal No.2847-49/2020 and before this Court in Writ Appeal No.1289/2023 and therefore, contended that the respondent-Authorities have no jurisdiction to initiate fresh proceedings against the petitioners based on the earlier proceedings initiated, which reached finality and as such, sought for interference of this Court.

8. It is further contended by learned Senior Counsel that the orders passed by this Court and the Hon'ble Supreme Court has attained finality and therefore, principles of *Res-judicata* is applicable to the facts of the case and therefore, submitted that the



NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

respondent-Authorities should not have initiated third round of litigation against the petitioners before the Karnataka Appellate Tribunal.

9. Learned Senior Counsel appearing for the petitioners further contended that, there must be a finality to the proceedings in respect of the subject matter of the land and accordingly, sought to setting aside the proceedings pending before the Karnataka Appellate Tribunal as the said proceeding is initiated after an inordinate delay of 12 years and accordingly, sought for setting aside the entire proceedings before the respondent-authorities.

10. Per contra, Sri. Mithun G.A., learned AAG appearing for the respondent-State submits that the petitioners are claiming land bearing Sy No.62 through fabricated and concocted documents and the material produced by the petitioners have been verified with



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

the original records in the office of the Tahsildar and no documents are available in the office to indicate that the petitioners have right over the property in question. Accordingly, sought for dismissal of the petition.

11. Learned Additional Advocate General further refers to Rule 119 of the KLR Rules and contended that the petitioners have no legal right to claim the land in question.

12. In this regard, Learned Additional Advocate General appearing for the respondent-State submits that, some of the materials have been sent to State Forensic Department, Madiwala, Bengaluru for expert opinion and as such, submitted that the claim made by the petitioners cannot be accepted.



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

13. In the light of the submission made by learned counsel appearing for the parties, on careful consideration of writ papers, it is forthcoming that the land bearing Sy No.62 measuring 31 acres 27 guntas of Madappanahalli Village, Bengaluru North Taluk was acquired by one Dala Bylappa in an auction held on 22.08.1927 and after his demise, land in question was transferred into the name of his son Narasimhaiah (husband of petitioner No.1 and the father of petitioners 2 and 3). The petitioners have produced the Dharkast Register (Annexure-B in W.P.No.2309/2025) and perusal of the same, would indicate that the subject land has been transferred in favour of Narasimhaiah. At this stage, it is relevant to extract Rule 119 of the KLR Rules, which provides for restoration of the land by the Deputy Commissioner on payment of arrears.



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

119. Restoration of forfeited occupancy or alienated holding on payment of the arrear due: [(1)]

The Deputy Commissioner may restore any forfeited occupancy or alienated holding which has been purchased on account of the Government and which has not been disposed of otherwise within three years from the date of forfeiture on payment of the arrear in respect of which the forfeiture was incurred together with the amount of land revenue in respect of the holding from the date of forfeiture to the date of restoration and the expenses incurred so far in the recovery and further proceedings as may be forced by the Commissioner.

(2) During a period of not more than Twenty-one months from 7-12-2012 to 6-9-2014 the Deputy Commissioner may, notwithstanding the expiry of the period specified in sub-rule (1), restore any forfeited occupancy or alienated holding which has been purchased on account of the Government dues and which has not been disposed of otherwise, to the person who has not been dispossessed of such occupancy or holding immediately before such commencement, on payment of the arrears in respect of which the forfeiture was incurred together with the amount of land revenue in respect of the holding from the date of forfeiture to the date of restoration and expensed incurred so far in the recovery and further proceedings as may be fixed by the Deputy Commissioner.



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

[Provided that the provisions of this sub-rule shall not apply in respect of alienate pada (Beelu) land forfeited by Government.]

14. It is forthcoming from the writ papers that, late Narasimhaiah filed application seeking restoration of land from Phada on 22.12.2004 (Annexure-C in W.P.No.2309/2025) and in this regard, Official Memorandum dated 30.06.2012 (Annexure-D in W.P.No.2309/2025), wherein the respondent No.2 directed for restoration of the schedule land in favour of Narasimhaiah. In the meanwhile, the respondent No.2 issued Office Memorandum dated 19.07.2012 (Annexure-E in W.P.No.2309/2025), recalling its own order dated 30.06.2012 (Annexure-D in W.P.No.2309/2025) and directed the parties to appear on 30.07.2012 at 3:00 p.m. It is also forthcoming from the writ papers that the respondent No.2 has initiated proceedings against Narasimhaiah under



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

Section 136(3) of the Karnataka Land Revenue Act, 1964 (for short, the Act) and the respondent No.2, by order dated 22.09.2012 (Annexure-G in W.P.No.2309/2025), after conducting an enquiry, dropped the proceedings under Section 136(3) of the Act and directed the Tahsildar, Bengaluru North (Addl.) Taluk to recover the arrears of land revenue from Narasimhaiah. Pursuant to the same, Narasimhaiah has remitted the arrears of the land revenue, which is forthcoming from Annexure-H in W.P.No.2309/2025 and accordingly, revenue entries restored in the name of Narasimhaiah as per Annexure-K in W.P.No.2309/2025. Be that as it may, the respondent No.2 has reviewed and recalled the restoration order dated 30.06.2012 (Annexure-D) in proceedings bearing No. RRT (1)CR.190/2009-10 and passed order dated 06.10.2012 (Annexure-L in W.P.No.2309/2025) to delete the name of Dala Bylappa and Narasimhaiah



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

and directed to enter the name 'Government' in the revenue records. The aforementioned order at Annexure-L reviewing the earlier order was questioned before this court in W.P.No.50129/2012 and this Court, by order dated 30.09.2015 (Annexure-N in W.P.No.2309/2025) allowed the writ petition. Paragraph 2 of the above said order reads as under:

*"2. In the circumstances, this petition deserves to be **allowed**. In the result, the petition is allowed. The order dated 06.10.2012 is quashed. The name of the Narasimhaiah S/o. late Dala Bylappa stands restored in the revenue records as required by Section 127 of the Karnataka Land Revenue Act, 1964. The petitioner to pay the arrears of the land revenue to the State / Authorities forthwith on demand, as made by the Tahsildar within fortnight from today."*

15. The aforementioned order of the learned Single Judge was challenged in Writ Appeal No.178/2016 and the Division Bench of this Court, by order dated 07.11.2016 (Annexure-P in W.P.No.2309/2025) dismissed the writ appeal and confirmed the order of



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

learned Single Judge as to restoration of revenue records in the name of Narasimhaiah. Thereafter, petitioners filed C.C.C. No.1439/2017 & 1859-61/2017 and this Court, by order dated 28.03.2018 (Annexure-Q in W.P.No.2309/2025), disposed of the petition as the respondent-Authorities have entered the name of Narasimhaiah in the RTC Extracts. It is also to be noted that the respondent-State has preferred Civil Appeal No.2847-49/2020 and the Hon'ble Supreme Court, allowed the petition on 04.08.2020 (Annexure-R) and remitted the matter for fresh consideration.

16. Nextly, after the remand made by the Hon'ble Supreme Court in Civil Appeal No.2847-49/2020, the Writ Petition was taken up for hearing, and this Court by order 25.07.2022 (Annexure-S in W.P.No.2309/2025), allowed the writ petition. Paragraph 3 of the order reads as under:



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

*"3. The interim order dated 06.10.2012 at Annexure-S has been passed by Deputy Commissioner, Bangalore District invoking the review jurisdiction as could be found in the interim order itself. It is stated that these review proceedings were initiated at the hands of respondent-State government and others and Deputy Commissioner has allowed the review petition. They being no such power vested with the Deputy Commissioner to review his own order under Section 25 of the Karnataka Land Revenue Act, 1964 as held in **N. Raghavendra Murthy** (supra). The interim order requires to be set aside."*

17. Therefore, the order passed in RRT (1) CR.190/2009-10 dated 30.06.2012 (Annexure-D in W.P.No.2309 /2025) came to be confirmed in W.P.No.50129 /2012 (Annexure-S in W.P.No.2309 /2025) dated 25.07.2022. Being aggrieved by the same, the respondent-State has preferred Writ Appeal No.1289/2023 and this Court, by order dated 06.12.2023 (Annexure-T in W.P.No.2309/2012) dismissed the writ appeal preferred by the respondent-State and as such, the order dated 30.06.2012 is hereby confirmed. Again the petitioners



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

preferred C.C.C. No.418/2023 and this Court, by order dated 27.03.2024 at paragraphs 2 and 3 held as follows:

"2. Learned Government Advocate Mr. S. S. Mahendra for respondents stated that the order passed by learned Single Judge and confirmed in the writ appeal shall be acted upon and the entries shall be restored in the revenue record within a period of two weeks from today.

3. In view of above statement, the contempt petition is disposed of as closed."

18. Taking into consideration the fact that, on earlier two rounds of litigation, this Court upheld the order dated 30.06.2012 (Annexure-D) passed by the respondent -Deputy Commissioner to restore the name of Narasimhaiah in the revenue records and the land in question was released from the Phada and as such, the order dated 30.06.2012 was erroneously reviewed by the respondent-Deputy Commissioner in the order dated 06.10.2012 (Annexure-L in



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

W.P.No.2309/2025), I am of the opinion that, there is nothing to be done in the impugned proceedings before the Karnataka Appellate Tribunal.

19. It is pertinent to mention here that, on the remand made by Hon'ble Supreme Court in its order dated 04.08.2020 (Annexure-R in W.P.No.2309/2025) and subsequently, this Court, by order dated 25.07.2022 (Annexure-S in W.P.No.2309/2025) in WP No.50129/2012 quashed the order of the review passed by the respondent No.2 in order dated 06.10.2012 and as such, the order dated 30.06.2012 is to be confirmed. The said order of learned Single Judge in WP No. 2309/2025 has been confirmed by this Court, in W.A. No.1289/2003 dated 06.12.2023 (Annexure-T in W.P.No.2309/2025) and therefore, I am of the view that the fresh proceedings initiated by the respondent-Tahsildar by filing Appeal No.481/2024



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

before the Karnataka Appellate Tribunal, Bengaluru challenging the order dated 22.09.2012 does not survive for consideration and it is nothing but reviewing the orders of the learned Single Judge and the Division Bench of this Court by the Karnataka Appellate Tribunal. It is also forthcoming from the writ petition that, this Court in C.C.C. No.418/2023 disposed of 27.03.2024 (Annexure-V in W.P.No.2309 /2025) directed the respondent-Authorities to restore the revenue entries in the name of the petitioners and same has reached finality and therefore, the contention urged by the learned AAG cannot be accepted.

20. In that view of the matter, I find force in the submission made by learned Senior Counsel appearing for the petitioners that, as the proceedings have attained finality by the upholding of order dated



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

30.06.2012 (Annexure-D in W.P.No.2309/2025) by the respondent No.2 in second round of litigation in the order dated 25.07.2022 (Annexure-S) in Writ Petition No.50129/2012 confirmed in W.A. No.1289/2023 dated 06.12.2023 and therefore, the initiation of fresh proceedings challenging the earlier orders passed by the competent authorities cannot be accepted. It is also forthcoming from the writ petition that the respondent-Tahsildar has filed the Appeal No.481/2024 before the Karnataka Appellate Tribunal, Bengaluru after a period of 12 years and there is no acceptable explanation from the respondent-State except alleging fake documents which cannot be agitated after period of a decade. Therefore, as the matter has reached finality as stated above, the initiation of proceedings in Appeal No.481/2024 before the Karnataka Appellate Tribunal is contrary to records and entire proceedings requires to be set-aside. In



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

this regard, it is apt to cite the judgment of this Court in the case of **N. CHANDRAREDDY vs. STATE OF KARNATAKA** reported in **ILR 2016 KAR 3275** particularly, paragraphs 2 to 8, which reads as under:

"2. The facts of the case in brief are that the Tahasildar effected M.R. No. 23/1997-98 in respect of the land measuring 30 guntas at Sy. No. 98/11 of Rayasandra Village. By the said M.R., the mutation entry and the khatha were effected in favour of the respondent No. 4. The petitioner challenged the said M.R. by way of appeal in 2015 invoking Section 136(2) of the Karnataka Land Revenue Act, 1964 (for short 'KLR Act'). On finding that the respondent No. 4 had not purchased the land standing at Sy. No. 98/11, the Assistant Commissioner set-aside the said entry and directed the restoration of the entries, as they stood prior to the said M.R. This was done on 19.12.2015. The respondent No. 4 submitted a representation on 06.01.2016 (wrongly shown as 06.01.2015). The said representation was for reconsideration and the recalling of the order, dated 19.12.2015. On the representation, the Assistant Commissioner has endorsed 'put up recall'. On the same day, the Assistant Commissioner also stayed his own order, dated 19.12.2015 as is evident from his order, dated 06.01.2016 (Annexure-G) addressed to the Special Tahasildar. On 14.03.2016, the Assistant Commissioner



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

adjourns the matter to 31.03.2016 for the appearance of the petitioner.

3. *The petitioner's Learned Advocate Sri D.P. Mahesh submits that once the Assistant Commissioner passes the final order under Section 136(2) of the KLR Act, he becomes functus-officio. He has no power to recall his order, reconsider or review the matter. In support of his submissions, he relies on the Apex Court's judgment in the case of **Harbhajan Singh v. Karam Singh [(1966) 1 SCR 817]** , to advance the submission that if there is no provision in the statute granting express power of review, the officer can not review his previous order.*

4. *Nextly he relies on the Apex Court's judgment in the case of **Patel Narshi Thakershi v. Shri Pradyumansinghji Arjunsinghji [(1971) 3 SCC 844]** . The relevant portion of para 4 read by him is as follows:*

"... . It is well settled that the power to review is not an inherent power. It must be conferred by law either specifically or by necessary implication. No provision in the Act was brought to notice from which it could be gathered that the Government had power to review its own order. If the Government had no power to review its own order, it is obvious that its delegate could not have reviewed its order"

5. *He submits that the review is only a creation of statute and that therefore if the reviewing power is not expressly granted, the question of exercising the review jurisdiction would not arise at all. Drawing support from the case of **Dr. (Smt.) Kuntesh Gupta v. Management***



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

of Hindukanya Mahavidyalaya, Sitapur (U.P.) [(1987) 4 SCC 525] , wherein it is held that a quasijudicial authority cannot review its own order unless the power of review is expressly conferred on it by the statute under which it derives its jurisdiction.

6. He relies on the Apex Court's judgment in the case of **Kapra Mazdoor Ekta Union v. Birla Cotton Spinning and Weaving Mills Ltd. [(2005) 13 SCC 777]** , to advance the submission that the power of review is not an inherent power and that therefore it cannot be exercised invoking Section 25 of the KLR Act. He submits that review of the final order, dated 19.12.2015 is not traceable to any provision in the KLR Act. He read out paras 31 and 33 from the Apex Court's decision in the case of **Sunita Jain v. Pawan Kumar Jain [(2008) 2 SCC 705]** :

"31. The section makes it clear that a court cannot alter or review its judgment or final order after it is signed except to correct clerical or arithmetical error. The scheme of the Code, in our judgment, is clear that as a general rule, as soon as the judgment is pronounced or order is made by a court, it becomes functus officio (ceases to have control over the case) and has no power to review, override, alter or interfere with it.

... ..

33. It is also well settled that power of review is not an inherent power and must be conferred on a court by a specific or express provision to that effect (Vide **Patel Narshi Thakershi v. Pradyumansinghi**



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

Arjunsinghji). No power of review has been conferred by the Code of a criminal court and it cannot review an order passed or judgment pronounced.”

7. Nextly, he brings to my notice, the Apex Court's judgment in the case **Kalabharati Advertising v. Hemant Vimalnath Narichania [(2010) 9 SCC 437]**, and submits that unless the statutes/rules so permit, the review application is not maintainable in case of judicial/quasi-judicial orders. If an order in review is passed without the statute conferring an express power of review, it is ultra vires, illegal and without jurisdiction. It is further held in the said decision that the application for review under the garb of clarification/modification/correction is not permissible.

8. Learned Counsel read out Para 17 from the Apex Court's decision in the case of **Binabhai Bhate v. State of Madhya Pradesh [(2011) 13 SCC 32]**.

“17. So far the power of review is concerned, the High Court does not have the power of review as such power of review has to be specifically provided for in the Act. A power of review against an order passed is a creature of the statute and since no such power of review is provided for under the provisions of the Act, the High Court was justified in holding that there could be no review to the order passed. So far the review and modifications of the development plan or adjoining plan as provided in Sections 23 and 23-A of the Act are concerned, the said provisions are not applicable in the present case for the State Government has not made any modification in the



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

development plan, and therefore, the contentions appearing for the appellant are held to be without any merit. Besides, the said power is exclusively vested with the State Government and in appropriate case, the State Government is empowered to exercise such power as and when deemed proper. This is not a case where the State Government thought it fit to invoke such power."

21. Insofar as the W.P No.37177 of 2025 is concerned, the petitioners have assailed the proceedings in RRT (2) (NA) CR. 190/2009-10, which has reached finality as the very same authority has confirmed the order of restoration of the Phada in favour of late Narasimhaiah. Therefore, for the forgoing reasons, the entire proceedings in RRT (2) (NA) CR.190/2009-10 requires to be set-aside. At this stage, it is relevant to cite the judgment of Hon'ble Supreme Court in the case of **BENEDICT DENIS KINNY vs. TULIP BRIAN MIRANDA AND OTHERS** and **PRACHI PRASAD PARAB vs. STATE OF**



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

MAHARASHTRA AND OTHERS reported in **(2021)**
12 SCC 780, wherein, it is held that, in a case where arbitrary exercise of power by the authorities to revive the stale claims against the individuals, under such circumstances, in order to remove the injustice caused to such individuals, the Courts have to pass orders in the ends of justice. Following, the principle laid down in the above case, as the respondent-Authorities in the present case have initiated enquiry against the petitioners in respect of land in question on earlier round of litigations and again challenging the order before the Karnataka Appellate Tribunal after a period of 12 years, despite the claim made by the petitioners that their grandfather – Dala Bylappa acquired the land in question on 22.08.1927 through public auction and on his demise the land in question was transferred to his son Narasimaiah and after the death of Naraismaiah, the revenue records have been



NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

transferred into the name of petitioners herein, I am of view that, prolonging the stale claim by the respondent-Authorities in respect of the subject land against the petitioners is contrary to law.

22. In the result, I pass the following:

ORDER

- (i) Writ Petitions are ***allowed***;
- (ii) Entire proceedings in Appeal No.481/2024 (Annexure-A) on the file of the Karnataka Appellate Tribunal, Bengaluru challenged in WP No.2309/2025 is hereby quashed;
- (iii) Respondent-Tahsildar, Yelahanka is directed to implement the orders passed by this Court in W.A. No.1289/2023 and C.C.C No.418/2023 within two weeks from the date of receipt of certified copy of this order.



CNR: KAHC010058322025

NC: 2026:KHC:53130
WP No. 2309 of 2025
C/W WP No. 37177 of 2025

(iv) Entire proceedings in RRT (2) (NA) CR.190/2009-10, (Annexure-AJ) on the file of the Spl. Deputy Commissioner-III, Bengaluru North Sub-Division, Bengaluru challenged in WP No.37177/2025 is hereby quashed;

Sd/-
(E.S.INDIRESH)
JUDGE

SB
List No.: 1 Sl No.: 69