



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO. 4763 OF 2026 (LR)

BETWEEN:

MR. FAROOQUE L DADABHOY,
S/O. MR. L. N. DADABHOY,
AGED ABOUT 77 YEARS,
RESIDING AT NO. 13, 1st STREET,
SUBBA RAO AVENUE, COLLEGE ROAD,
GREAMS ROAD, CHENNAI-600 006

...PETITIONER

(BY SRI. PRAKASH T., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REVENUE DEPARTMENT,
5TH FLOOR, MULTI-STORIED BUILDING,
DR. B.R. AMBEDKAR ROAD, VIDHANA VEEDHI,
BENGALURU-560 001.
REP. BY ITS PRINCIPAL SECRETARY.
2. THE ASSISTANT COMMISSIONER,
DODDABALLAPURA SUB-DIVISION,
DODDABALLAPURA.
3. THE THASILDAR
DEVANAHALLI TALUK,
DODDABALLAPURA RURAL-562110
4. MR. N. S. KHALIVELIYA,
S/O. N. KHALIMOLI,
OCCUPATION: AGRICULTURIST,
R/AT. LINGADHEERA GOLLAHALLI VILLAGE,
KUNDANA HOBLI,
DEVANAHALLI TALUK.

Digitally
signed by
PRAMILA G V
Location:
HIGH COURT
OF
KARNATAKA



5. MR. D. N. BILIMORIA,
S/O. LATE N. N. BILIMORIA,
OCCUPATION AGRICULTURIST,
AGED ABOUT 75 YEARS,
R/AT. NO.442, THE EMBASSY 15,
ALI ASKAR ROAD,
BENGALURU-560 052.

...RESPONDENTS

(BY SMT. SHARADHA AGA FOR R1 TO R3
NOTICE TO R4 AND R5 IS DISPENSED WITH)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO ADMIT THIS WRIT PETITION, CALL FOR THE ENTIRE RECORDS FROM THE FILE OF THE ASSISTANT COMMISSIONER, DODDABALLAPURA SUB-DIVISION IN CASE NO.LRF.SR(D)62/2003-04 PERUSE THE SAME, HEAR THE PARTIES AND GRANT THE FOLLOWING RELIEFS TO THE PETITIONER (A) TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OF DIRECTION TO QUASH THE IMPUGNED ORDER DATED 29.01.2026 BEARING NO. REV. MISC. NO.34/2021 AS PER ANNEXURE-A AND ALSO THE ORDER DATED 15.07.2019 IN CASE NO.418/2015 PASSED BY THE HONBLE KARNATAKA APPELLATE TRIBUNAL AS PER ANNEXURE-B 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 Writ Petition, the petitioner is assailing the order dated 29.01.2026 in Revision Miscellaneous No.34/2021 on the file of the Karnataka Appellate Tribunal at Bengaluru (Annexure-A), and Order dated 15.07.2019 in Case No.418/2014 (Annexure-B) passed by the Karnataka Appellate



Tribunal. Consequently, sought for declaration that the proceedings initiated by respondent No.2 under Section 83 of the Karnataka Land Reforms Act, 1961 (for short 'Act, 1961') and the order dated 18.01.2005, in respect of the land in question as abated.

2. Heard Sri.G.L.Vishwanath, learned Senior Counsel appearing on behalf of Sri.Prakash T.Hebbar, for the petitioner and Smt.Sharada, learned Additional Government Advocate for respondents No.1 to 3.

3. It is argued by learned Senior counsel appearing for the petitioner that the petitioner herein ought to have approached this Court directly by challenging the impugned order passed by respondent No.2 at Annexure-C. However, on a mistaken of fact, the petitioner has approached Karnataka Appellate Tribunal and as such they have suffered an order at Annexures-A and B which requires to be interfered with in this petition.

4. It is also argued by learned Senior counsel by referring to the provisions under Section 77A and 77-B of the Act, 1961, which came to be amended by the respondent-State



and in this regard, learned Senior counsel refers to the judgment of this Court in ***Sri.Gajendrappa and another vs. State of Karnataka and others***¹ and submitted that as the impugned order at Annexure-C was passed without providing opportunity of hearing to the petitioner herein and accordingly, sought for interference of this Court.

5. *Per contra*, learned Additional Government Advocate also sought to justify the impugned order at Annexure-C and the orders passed by the authority.

6. In the light of the submission made by the learned counsel for the parties and on careful consideration of the writ papers wherein the respondent-Government has initiated proceedings against the vendors of the petitioner herein under Section 77A and 77-B of Act, 1961, which is an *exparte* order passed against the vendors of the petitioner. In this connection, after the amendment has been made to the above provisions by deleting the same from the Act, the said aspect was considered by this Court in the case of ***Sri Gajendrappa*** (*supra*) wherein paragraph No.2 to 4 reads as under:

¹ ***WP No.12829/2023 disposed of on 01.04.2025***



"2. The Assistant Commissioner proceeded to pass the impugned order on the ground that the petitioners have not produced any relevant documents despite service of notice. In essence, the impugned order passed was without hearing or without considering the claims of the purchasers. Since the order of vesting would take away the rights of the ownership of land in question, the appropriate course would be to afford one more opportunity to the petitioners.

3. In the normal course, the matter would have to be remanded to the Assistant Commissioner, since Sections 79A and 79B of the Act were omitted by virtue of an amendment to the Land Reforms Act, no useful purpose would be served by remanding the matter to the Assistant Commissioner and hence, the impugned proceedings initiated shall stand abated.

4. In view of the above, the revenue authorities to restore the name of the petitioners in the revenue record. "

7. Following the declaration of law made by this Court in respect of the identical circumstances in which the Assistant



Commissioner has initiated the proceedings against the applicants therein under Sections 79A and 77-B of the Act, 1961, I am of the view that as the said provisions have been omitted by virtue of the amendment to the Land Reforms Act, 1961, interference is warranted in this petition.

8. It is also to be noted that, since the order passed by respondent No.2 under the Act, 1961 has reached finality and therefore there was no occasion for the petitioner herein to approach the Karnataka Appellate Tribunal, which has no jurisdiction to entertain the petition insofar as the order passed by respondent No.2 under the aforementioned provisions. Therefore, I find force in the submission made by the learned Senior counsel for the petitioner.

9. Hence, I proceed to pass the following

ORDER

- (i) The Writ Petition is ***allowed.***
- (ii) The order dated 18.01.2005 (Annexure-C) passed by respondent No.2 is accordingly set aside and the revenue authorities are directed to enter the name of the petitioner in the



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revenue records as the petitioner herein had purchased the land from the vendors who were the respondents before the respondent No.2, in terms of the registered sale deed dated 08.12.1995 (Annexure-E) to the Writ Petition.

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

GVP
List No.: 1 SI No.: 15