HC-KAR

NC: 2026:KHC:16785
WP No. 5343 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 5343 OF 2026 (KLR-RES)

BETWEEN:

SMT GANGOJAMMA
SINCE DECEASED BY HER LR

SRI. CHANDRA BABU,
SON OF LATE MUNIVENKATA REDDY,
AGED ABOUT 53 YEARS,
RESIDING AT GARUDADHRAHALLI,
BETHMANGALA HOBLI,
KGF TALUK -563 122.

PETITIONER

(BY SRI. SRINIVASAN T., ADVOCATE)

AND:

Digitally signed by VANAMALA N
Location: HIGH COURT OF KARNATAKA

1. THE STATE OF KARNATAKA
   REPRESENTED BY ITS SECRETARY,
   REVENUE DEPARTMENT,
   M.S. BUILDING,
   BENGALURU-560001.

2. THE DEPUTY COMMISSIONER
   KOLAR DISTRICT,
   KOLAR 563 103.

3. THE ASSISTANT COMMISSIONER
   KOLAR SUB-DIVISION,
   KOLAR 563 103.

4. THE TAHSILDAR,
BANGARPET TALUK,
BANGARPET-563 114.

5. THE TAHSILDAR,
KGF TALUK,
DR.B.R.AMBEDKAR ROAD,
ROBERTSONPET POST, KGF-563 122.

…RESPONDENTS

(BY SMT. B. P. RADHA, AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER PASSED BY THE 2ND RESPONDENT DATED 04/12/2025 IN THE PROCEEDINGS BEARING NO. LND/121/2025 AS PER ANNEXURE-A AND ALSO QUASH THE ORDER DATED 30/07/2025 IN PROCEEDINGS BEARING LNDRUC/33/2023 PRODUCED AS ANNEXURE-B AND CONSEQUENTLY UPHOLD THE GRANT MADE IN FAVOUR OF THE PETITIONERS MOTHER AND PROTECT THE POSSESSION AND ENJOYMENT OF THE PETITIONER IN RESPECT OF LAND IN SY.NO.10 OF GARUDADHRAHALLI, BETHMANGALA HOBLI, BANGARPET TALUK, MEASURING 4 ACRES 25 GUNTAS.

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

CORAM: HON'BLE MR. JUSTICE R DEVDAS

ORAL ORDER

Learned Additional Government Advocate takes notice for all the respondents.

2. The grievance of the petitioner is that 25 years after the grant was made in favour of the petitioner, an appeal is filed by the Tahsildar before the Assistant Commissioner, Kolar Sub-Division in the proceedings bearing No.LNDRUC/33/2023 seeking to cancel a grant that was made in the year 1998-99. Learned counsel submits that no reference is made to the provision under which the appeal is filed, no application for condonation of delay is filed, and no such consideration is forthcoming from the impugned order passed by the Assistant Commissioner at Annexure - B either in respect of the provision applicable or the question of delay considered by the Assistant Commissioner.

3. Learned counsel submits that this Court, in the case of ***Pyari Ma and Others Vs. State of Karnataka and others***

in ***W.P.No.22426/2021*** disposed of on ***12.01.2022*** has held that the action, if at all for cancellation of the entries made in the revenue records by invoking *suo moto* powers under Section 136(3) of the Karnataka Land Revenue Act, 1964 [for short, '*the Act*'] or any such drastic measure should be taken within a reasonable time.

4. There is a substance in the submission made by the learned counsel for petitioner that the action of the Tahsildar is clearly biased against the petitioner. The grant was made in the year 1998-99 and along with the petitioner, many other persons were granted lands in the same survey number. However, action is sought to be taken only against the petitioner and without filing an application for condonation of delay. Moreover, when the grants are made in the year 1998-99, it is clear that the application for regularisation has been made much prior to the said date. This Court, in the case of ***Ashwathappa and others Vs. State of Karnataka and others*** in ***W.P.No.2411/2022*** disposed of on ***18.02.2022*** has clearly held that consideration of the application for regularisation should be made in terms of the date when the

application is made and not when the application is taken up for consideration.

5. Having regard to all these aspects, it is clear that when the competent authority passed an order in the year 1998-99 granting the lands in favour of the petitioner, the competent authority had taken into consideration the relevant provisions and found that the lands are required to be regularised in favour of the petitioner, as was done in the case of other applicants.

6. In that view of the matter, the writ petition is ***allowed***. The impugned orders passed by the Assistant Commissioner at Annexure - B and the order at Annexure - A passed by the Deputy Commissioner in the second appeal filed under Section 50 of the Act are hereby quashed and set aside. If the revenue records have been mutated pursuant to the impugned orders, respondent No.4 - Tahsildar, Bangarpet Taluk and the respondent No. 2, Deputy Commissioner, Kolar District are hereby directed to restore the name of the petitioner in the revenue records as expeditiously as possible and at any rate

within a period of six [6] weeks from the date of receipt of a copy of this order.

Sd/-
(R DEVDAS)
JUDGE

RB