



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 36717 OF 2015 (KVOA)

BETWEEN:

1. SRI GANGANJINEYA
S/O LATE MYLARAIAH,
SINCE DEAD BY HIS LRS
- 1A. SMT. YELLAMMA
W/O. LATE GANGANJINEYA @ GANGAJINAPPA
AGED ABOUT 75 YEARS
- 1B. SRI. CHANDRSHEKAR
S/O. LATE GANGANJINEYA @ GANGAJINAPPA
AGED ABOUT 48 YEARS
- 1C. SRI. ANAND
S/O. LATE GANGANJINEYA @ GANGAJINAPPA
AGED ABOUT 46 YEARS

ALL ARE RESIDING AT
VISHVESHWARAPURA VILLAGE
KASABA HOBLI
NELAMANGALA TOWN
BENGALURU RURAL DISTRICT - 562 123

AMENDED VIDE COURT ORDER DATED 23.06.2026

2. SRI.HANUMANTHAPPA
S/O LATE MYLARAIAH,



SNICE DECEASED BY LRS

2A. GANGA HANUMAKKA
W/O. LATE HANUMANTHAIHA
AGED ABOUT 62 YEARS

2B. ANJANAMURTHY
S/O. LATE HANUMANTHAIHA
AGED ABOUT 40 YEARS

2C. VASU
S/O. LATE HANUMANTHAIHA
AGED ABOUT 38 YEARS

ALL ARE RESIDING AT LOHITH NAGARA
NELAMANGALA VILLAGE
BENGALURU RURAL DISTRICT - 562 123

AMENDED VIDE COURT ORDER DATED 23.06.2026

3. SMT. GALAHANUMAKKA W/O LATE NANJUNDAIAH,
SINCE DEAD BY LRS

3A. SRI. ANJANAMURTHY
S/O. LATE NANJUNDAIAH
AGED ABOUT 50 YEARS
R/AT VISHVESHWARAPURA VILLAGE
KASABA HOBLI
NELAMANGALA TOWN
BENGALURU RURAL DISTRICT - 562 123

AMENDED VIDE COURT ORDER DATED 23.06.2026

4. SRI. KRISHNAPPA S/O LATE MYLARAIAH,
SINCE DEAD BY LRS



4A. SMT. RATHNAMMA
W/O. LATE P. KRISHNAPPA
AGED ABOUT 62 YEARS

4B. SRI. MANJUNATH
S/O. LATE P. KRISHNAPPA
AGED ABOUT 43 YEARS

BOTH ARE RESIDING AT
VISHVESHWARAPURA VILLAGE
KASABA HOBLI
NELAMANGALA TOWN
BENGALURU RURAL DISTRICT - 562 123

AMENDED VIDE COURT ORDER DATED 23.06.2026

...PETITIONERS

(BY SRI. PRASANNA V.R., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
BANGALORE RURAL DISTRICT,
V.V. TOWER, PODIUM BLOCK,
DR B.R. AMBEDKAR ROAD,
BANGALORE - 560 001
2. THE TAHSILDAR
NELAMANGALA TALUK,
NELAMANGALA - 562 123
3. SRI. C.NAGESH
S/O. S. CHANDRASHEKARA SHETTY,
AGED ABOUT 50 YEARS,
R/AT PETE BEEDI, NELAMANGALA TOWN,
BANGALORE RURAL DISTRICT - 562 123



4. SMT. R. CHANDRAMMA
D/O H. RAMAIAH,
AGED ABOUT 69 YEARS,
R/AT INTHUR VILLAGE, MADHURE HOBLI,
DODDABALLAPURA TALUK,
BANGALORE RURAL DISTRICT - 560 089
5. SRI. GANGABYLAIHAH
S/O MYLARAIAH,
AGED ABOUT 52 YEARS,
VISHVESHWARAPURA VILLAGE,
KASABA HOBLI, NELAMANGALA TOWN,
BANGALORE RURAL DISTRICT - 562 123
6. SRI. N. GOPALAKRISHNA
S/O. M. NARAYANAPPA
AGED MAJOR
7. DR. N.S. VENKATESH
S/O. M. NARAYANAPPA
AGED MAJOR

RESPONDENTS NO.6 AND 7 ARE ALL
R/AT NO.840, 17TH 'G' MAIN ROAD
5TH STAGE, RAJAJINAGAR
BENGALURU EAST TALUK
BENGALURU -560 010

AMENDED CAUSE TITLE AS PER COURT ORDER
DATED 23.06.2026 FILED ON 24.06.2026

...RESPONDENTS

(BY SRI. M. SRINIVAS KUMAR, HCGP FOR R1 AND R2

R3 IS SERVED AND UNREPRESENTED

V/O DATED 07.09.2018,



WP STOOD DISMISSED AGAINST R4

SRI. S. PRABHAKAR, ADVOCATE FOR R5

VIDE ORDER DATED 19.02.2020,

NOTICE TO R6 AND R7 IS HELD SUFFICIENT)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ENDORSEMENT DATED 10.09.2014 PASSED IN H.O.A.C.R./09/14-15 PRODEUCED AS ANNEXURE-A TO THIS WRIT PETITION AND ETC.

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

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

Original petitioners are the grantees of land in Sy.No.5 measuring 1 acre 4 guntas situated at Vishveshwarapura Village, Kasaba Hobli, Nelamangala Town, Bangalore Rural District which was attached to Talwari, inam. The said grant was made on 17.01.1983 as per Annexure-B. There was a condition attached to the grant, prohibiting the grantees from alienating the land so granted for a period of 15 years from the date of the order. In violation of which, a deed of sale dated



07.12.1992 was executed by the grantees in favour of respondent No. 3 namely C. C. Nagesh, who in-turn stated to have alienated the land in favour of respondent No.4 R. Chandramma on 22.03.1995.

2. It is submitted there was a partition in the family members of said R Chandramma in terms of which, the subject land has been allotted to the share of respondent No.7 - Dr.N.S. Venkatesh on 23.06.2001. Things stood thus, the original petitioners have made an application on 25.08.2014 bringing into the notice of the Tahsildar, Nelamangala Taluk, for necessary action as contemplated under Section 7 and 7A of The Karnataka Village Offices Abolition Act, 1961 (for short 'the Act'). In response, the Tahsildar concerned issued endorsement dated 10.09.2014 as per Annexure-A wherein without adverting to the contentions urged by the petitioners with regard to the alienation being made within the prohibited period of 15 years, has declined to consider the application merely on the premise that names of the petitioners not having been registered/mutated in the revenue records and has further directed them to have their grievance redressed before the Appellate Authority. Being aggrieved, the present petition.



3. Learned counsel for the petitioners submit that the very fact that the names of the forefathers of the petitioners were reflected in the revenue records even as in year 2014 indicate the land has, despite being alienated in violation of the prohibition period, remained in the possession and enjoyment of the petitioners. That the Tahsildar, ought to have considered the grant made was in the year 1983 and the sale was in the year 1992 which is in violation to the terms and conditions of non-alienation. He ought to have considered the request for re-grant and in terms of Section 5 (4) of the Act, preference ought to have been given to the heirs of the guarantees who are the petitioners in this present petition. Thus, he submits that the Tahsildar has not discharged the statutory obligation casted/imposed on him in the manner known to law.

4. Learned HCGP on the other hand submits that, application by the petitioners has been made after expiry of 22 years from the date of alienation. There is inordinate delay in petitioners invoking the powers of the Tahsildar on the premise of alienation made in violation of the clause prohibiting such alienation. Therefore, the Tahsildar was justified in rejecting



their application and directing them to seek redressal of their grievance before the Appellate Authority. However, he submits that if directed and given opportunity, respondent-Tahsildar shall reconsider the matter in accordance with law and pass appropriate orders.

5. Heard and perused the records.

6. Annexure-B is the order dated 17.01.1983 passed in the case No.HOA.CR.323/80/81 on the file of Tahsildar, Nelamangala Taluk, Nelamangala. Perusal of which indicate that one Ganganjinaiah, Hanumanthappa, Nanjundaiah, Krishnappa, Gangabyalaiah were jointly granted land in Sy.No.5 measuring 1 acre 4 guntas of Talwari inamthi situated at Vishweshwarapura Village, Kasaba Hobli. Clause 8 of the said order indicated that the re-grant of Talwari inam land was subject to condition that the said land shall not be alienated for a period of 15 years from the date of the order. Admitted facts, that notwithstanding such prohibition, the grantees had alienated land in question vide deed of sale dated 07.12.1992 in favour respondent No.3. Records further reveal that respondent No.3 had further alienated the land in favour of respondent No.4 in terms of deed of sale dated 22.03.1995



which was subsequently subject matter of partition in the family.

7. Application seeking action under the Act was filed by the petitioners/ grantees on 25.08.2014. Relevant portion of the endorsement dated 10.09.2014 issued by the Tahsildar reads as under:

"ದಾಖಲಾತಿಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ನೀವು ತಿಳಿಸಿರುವಂತೆ ಈ ಜಮೀನು ಕ್ರಯವಾಗಿದ್ದರೂ ಸಹ ಕ್ರಯದಾರರ ಹೆಸರಿಗೆ ಖಾತೆ ಪಹಣಿ ವರ್ಗಾವಣೆ ಆಗಿರುವುದಿಲ್ಲ. ಗಂಗಾಂಜಿನಯ್ಯ, ಹನುಮಂತಯ್ಯ, ಗಂಗಬೈಲಯ್ಯ ಮತ್ತು ನಂಜುಂಡಯ್ಯ ನವರ ಹೆಸರಿನಲ್ಲಿಯೇ ಖಾತೆ ಪಹಣಿ ಇರುತ್ತದೆ. ಕ್ರಯವಾಗಿರುವ ವಿಚಾರದಲ್ಲಿ ನೀವು ಸೂಕ್ತ ಪ್ರಾಧಿಕಾರದ (ನ್ಯಾಯಾಲಯ) ಮುಂದೆ ಮೇಲ್ಮನವಿ ಸಲ್ಲಿಸಿ ಪರಿಹಾರ ಕಂಡುಕೊಳ್ಳಬಹುದಾಗಿರುತ್ತದೆ ಎಂದು ಈ ಮೂಲಕ ತಿಳಿಯಪಡಿಸಿದೆ."

8. As rightly pointed by the learned counsel for the petitioners, the aforesaid endorsement indicate notwithstanding the alienation made, the revenue records continued to reflect the names of the original grantees. In other words, original grantees seem to have continued to occupy the said land.

9. Section 7A of the Act reads as under:

"Restriction on transfer etc.—(1) No person shall transfer or acquire by transfer 2 [for a period of fifteen years from the date of re-grant made on or after the date of commencement of the Karnataka Village Offices Abolition (Amendment) Act, 2003]2 any land disposed or regranted under sub-section (4) of section 5 or sub-section (3) of section 7 and any transfer of such land in



contravention thereof shall be null and void. The land so transferred shall vest in the State Government free from all encumbrances. The provisions of sub-section (5) of section 5 shall mutatis mutandis apply to transfer of such land. (2) Any person who acquires by transfer such land in contravention of sub-section (1) shall on conviction be punished with imprisonment which may extend to six months."

10. Thus, an alienation made in contravention of the condition shall be null and void.

11. Learned counsel for the petitioners brings to the notice of the Court that proviso to Section 5 (4) of the Act providing for disposal of the land which was sold in contravention of the provisions. The said provision reads as under:

" Section 5. Re-grant of land resumed under section 4 to the holder of the village office.—

(1)+++

(2)+++

(3)+++

(4) Any transfer of land in contravention of sub-section (3) shall be null and void and the land so transferred shall, as penalty, be forfeited to and vest in the State Government free from all encumbrances and any person in possession thereof shall be summarily evicted therefrom by the Deputy Commissioner and the land shall be disposed of in accordance with the law applicable to the disposal of unoccupied unalienated lands: Provided that if the person who has transferred the land in contravention of subsection (3) is not alive, while disposing of such land preference shall be given to the heirs of such person."



12. The original grantees namely, Ganganjinaiah, Hanumanthappa and Krishnappa are no more. They are represented by the legal representatives who are brought on record. There appears to be considerable force in the submission being made by the petitioners that the said legal representatives of the original grantees may have a preferential right to seek re-grant for the allotment of land.

13. None of the above factual and legal aspects of the matter is considered by the Tahsildar except issuing a cryptic endorsement noted above.

14. In view of the aforesaid facts and the provisions of law referred to above, the following order is passed:

ORDER

- (i) The writ petition is ***allowed***.
- (ii) The endorsement dated 10.09.2014 passed in H.O.A.C.R/09/14-15 at Annexure-A is quashed.
- (iii) The matter is remitted to the Tahsildar.
- (iv) Tahsildar after taking into consideration the facts narrated above the applicability of provisions of Sections 5 and 7A of the Act and also keeping in mind the provisions of the limitation for the purpose of invoking the clause, and after



NC: 2026:KHC:32052
WP No. 36717 of 2015

affording sufficient opportunity to all the parties concerned with due prior notice, pass the appropriate order within an outer limit of 6 months from the date of receipt of certified copy of this order.

Sd/-
(M.G.S. KAMAL)
JUDGE

SPV
List No.: 1 Sl No.: 16