



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 01ST DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO.6544 OF 2024 (KLR-LG)

BETWEEN:

1. M/S NORTH STAR REALTY VENTURES
A PARTNERSHIP FIRM HAVING ITS
OFFICE AT NO. 2011
EMBASSY HABITAT
PALACE CROSS ROAD,
VASANTH NAGAR,
BENGALURU -560 020
REPRESENTED BY ITS AUTHORIZED SIGNATORY
MR. N. GOPALAI AH
S/O LATE RANGE GOWDA,

...PETITIONER

(BY SRI. ASHOK HARANAHALLI, SENIOR COUNSEL FOR
SRI. ANOOP HARANAHALLI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY
REVENUE DEPARTMENT
VIDHANA SOUDHA
BENGALURU - 560 001.
2. THE DEPUTY COMMISSIONER
BANGALORE RURAL DISTRICT
DISTRICT OFFICE COMPLEX



BEERASANDRA VILLAGE
DEVANAHALLI TALUK - 562 110.

3. THE ASSISTANT COMMISSIONER
DODDABALLAPURA SUB DIVISION
DODDABALLAPURA - 561203
BENGALURU RURAL DISTRICT.

4. THE TAHASILDHAR
MINI VIDHANA SOUDHA
BUILDING
DEVANAHALLI TALUK
DEVANAHALLI
BENGALURU RURAL DISTRICT - 562 110.

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE N., HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE NOTICE DATED 05.02.2024 ISSUED BY THE RESPONDENT NO.3 - ASSISTANT COMMISSIONER IN R.U.C(A)05/2024 AGAINST THE PETITIONER VIDE ANNEXURE -G. IN SO FAR AS CONCERNED TO PETITIONER.

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

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

ORAL ORDER

Learned Additional Government Advocate accepts notice for the respondents.



2. Heard Sri. Ashok Haranahalli, learned Senior Counsel appearing for Sri. Anoop Harnahalli, for the petitioner and Sri. Spoorthy Hegde N., learned Additional Government Advocate appearing for the respondents.

3. In the present writ petition, the petitioner has called in question the notice dated 05.02.2024 produced at Annexure-G, issued by respondent No.3- Assistant Commissioner.

4. The brief facts necessary for adjudication of the writ petition are that the petitioner claims to be the absolute owner of lands bearing Sy. Nos. 121/1, 121/2, 122, 123/1, 123/2, 123/3, 124, 125 and 126, totally measuring 24 acres, situated at Kamenahalli Village, Kundana Hobli, Devanahalli Taluk, Bengaluru Rural District.



5. It is stated that the original land bearing Sy. No.31 of Kamenahalli Village was purchased in a public auction on the upset price by one Narasimhachar and others. Thereafter, a Grant Certificate under the relevant provisions of the Karnataka Land Grant Rules, 1969 governing grant of Government land for cultivation was issued in favour of the vendors of the petitioner's vendors. It is further stated that the requisite *kimmat* was paid to the Government, which is reflected in the Grant Certificate dated 06.05.1963 produced at Annexure-B.

6. Subsequently, the revenue records were mutated in the names of the original grantees, who thereafter conveyed the subject lands in favour of the vendors of the petitioner under registered sale deeds. Thereafter, in the year 2022-23 the petitioner had purchased the land and got converted the said land for



non-agricultural purposes pursuant to the Memorandum dated 16.01.2023, copies of which are produced at Annexure-E series.

7. While matters stood thus, respondent No.4- Thasildar, based on a complaint made by certain third parties, addressed a communication to respondent No.3- Assistant Commissioner alleging violation of the grant conditions by the original grantees and recommended initiation of action under the provisions of the Karnataka Land Grant Rules, 1969 as per Annexure-F. Based on the said recommendation, respondent No.3-Assistant Commissioner initiated proceedings and issued the impugned notice dated 05.02.2024 at Annexure-G. Aggrieved thereby, the petitioner is before this Court.

8. Learned Senior Counsel appearing for the petitioner contended that the grant made in favour of



the vendors of petitioner's vendor was made under the Grant Certificate dated 06.05.1963 (Annexure- B), and ever since then, the revenue records stood in the names of the original grantees until the petitioner purchased the schedule properties. It is submitted that the respondent-authorities have initiated proceedings against the original grantees after an inordinate delay of more than six decades without assigning any justifiable reason. Hence, the impugned proceedings are liable to be interfered with.

9. Learned Senior Counsel appearing for the petitioner further placed reliance upon the judgment of the Hon'ble Supreme Court in ***Telangana Housing Board v. Azamunnisa Begum (D) by Irs. & Others***, reported in ***(2018) 7 SCC 346***, and contended that where statutory powers are exercised after an unreasonable and unexplained delay, such



exercise of jurisdiction is impermissible. It is therefore submitted that the impugned proceedings deserve to be quashed.

10. Per contra, learned Additional Government Advocate sought to justify the impugned proceedings by contending that the original grantees had violated the conditions of grant and, therefore, respondent No.3-Assistant Commissioner was justified in initiating proceedings. Accordingly, he sought dismissal of the writ petition.

11. Having heard the learned counsel appearing for the parties and upon perusal of the material on record, it is not in dispute that the grant in respect of the subject land was made in favour of the vendors of petitioner's vendor under the Grant Certificate dated 06.05.1963. It is also not in dispute that the requisite *kimmat* was paid to the Government and the revenue



records stood in the names of the original grantees for several decades, thereafter, the petitioner acquired the properties through registered sale deeds from the purchasers of the original grantees.

12. In the above circumstances, initiation of proceedings against the original grantees after more than six decades cannot be sustained. The respondent-authorities have not placed any material to explain the extraordinary delay in initiating the proceedings. In the meantime, third-party rights have also been created in respect of the subject properties.

13. At this stage, it is useful to refer to paragraphs 59 to 62 of the judgment of the Hon'ble Supreme Court in ***Telangana Housing Board v. Azamunnisa Begum & Others***, reported in **(2018) 7 SCC 346**, which read as under:



"59. *It is now well settled that where no time-limit is specified, whatever is required to be done should be within a reasonable period. In Collector v. P. Mangamma [Collector v. P. Mangamma, (2003) 4 SCC 488] it was held in paras 5 and 6 as follows: (SCC pp. 491-92)*

"5. A reasonable period would depend upon the factual circumstances of the case concerned. There cannot be any empirical formula to determine that question. The court/authority considering the question whether the period is reasonable or not has to take into account the surrounding circumstances and relevant factors to decide that question.

6. In State of Gujarat v. Patil Raghav Natha [State of Gujarat v. Patil Raghav Natha, (1969) 2 SCC 187] it was observed that when even no period of limitation was prescribed, the power is to be exercised within a reasonable time and the limit of the reasonable time must be determined by the facts of the case and the nature of the order which was sought to be varied. ... Reasonable, being a relative term is essentially what is rational according to the dictates of reason and not excessive or immoderate on the facts and circumstances of the particular case."



HC-KAR

NC: 2026:KHC:32652
WP No. 6544 of 2024

60. Similarly, in *Collector v. D. Narsing Rao* [*Collector v. D. Narsing Rao*, (2015) 3 SCC 695 : (2015) 2 SCC (Civ) 396] the exercise of revisional jurisdiction where no time-limit is specified was considered and it was held in para 31 of the report as follows: (SCC pp. 710-11)

"31. To sum up, delayed exercise of revisional jurisdiction is frowned upon because if actions or transactions were to remain forever open to challenge, it will mean avoidable and endless uncertainty in human affairs, which is not the policy of law. Because, even when there is no period of limitation prescribed for exercise of such powers, the intervening delay, may have led to creation of third-party rights, that cannot be trampled by a belated exercise of a discretionary power especially when no cogent explanation for the delay is in sight. Rule of law it is said must run closely with the rule of life. Even in cases where the orders sought to be revised are fraudulent, the exercise of power must be within a reasonable period of the discovery of fraud. Simply describing an act or transaction to be fraudulent will not extend the time for its correction to infinity; for otherwise the exercise of revisional power would itself be tantamount to a fraud upon the statute that vests such power in an authority."



61. Finally in *Basanti Prasad v. Bihar School Examination Board* [*Basanti Prasad v. Bihar School Examination Board*, (2009) 6 SCC 791 : (2009) 2 SCC (L&S) 252] it was pointed out where third-party rights are likely to be affected, the courts decline to interfere but if there is a necessity to interfere then the aggrieved person should be heard on merits.

62. Insofar as the facts of the present case are concerned, the claim made under Section 87 of the Act was after a period of at least 25 years. This can hardly be described as a reasonable period. There is no explanation for the inordinate delay and to make matters worse, third-party interests have been created through a housing scheme developed on the land in dispute or in any event on the surrounding land. After a further lapse of 25 years it is not possible to put the clock back, even if there is any reason to do so, which reason we cannot even visualise in this case."

14. Following the law declared by the Hon'ble Supreme Court in the aforesaid decision, this Court is of the considered opinion that the initiation of proceedings after an unexplained delay of more than six decades is wholly arbitrary and unsustainable.



Consequently, the impugned notice and all consequential proceedings are liable to be quashed. Accordingly, the following:

ORDER

- (i) The writ petition is ***allowed***.
- (ii) The notice dated 05.02.2024 bearing Annexure-G, issued by respondent No.3- Assistant Commissioner, and all consequential proceedings, if any, in respect of the subject land, are hereby quashed.
- (iii) Pending interlocutory applications, if any, stand disposed of.

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