



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 9521 OF 2021 (KLR-RES)

C/W

WRIT PETITION NO. 22812 OF 2023 (KLR-RES)

WRIT PETITION NO. 2548 OF 2024 (KLR-RES)

IN WP No. 9521/2021

BETWEEN:

SMT. SHWETHA D.RAO
AGED ABOUT 41 YEARS,
D/O DEVADAS RAO,
NO.831, 13TH CROSS ROAD,
MAHALAKSHMI LAYOUT
BANGALORE - 560 086.
REP. BY GPA MRS. G PRATHIMA PAI

...PETITIONER

(BY SMT. POONAM PATIL, ADVOCATE)

AND:

1. THE SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT,
GOVERNMENT OF KARNATAKA ,
M.S.BUILDING, VIDHANA VEEDI,
BANGALORE - 560 001
2. THE DEPUTY COMMISSIONER
BANGALORE URBAN DISTRICT,
K.G.ROAD, BANGALORE-560001.

Digitally signed
by JUANITA
THEJESWINI
Location: HIGH
COURT OF
KARNATAKA



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3. THE ASSISTANT COMMISSIONER
BANGALORE SUB-DIVISION,
BANGALORE SOUTH TALUK,
K.G.ROAD, BANGALORE - 560 001.
4. THE TAHSILDAR
BANGALORE SOUTH TALUK,
K.G.ROAD, BANGALORE - 560 001.
5. THE KARNATAKA SLUM DEVELOPMENT BOARD
NO.5, ABHAYA COMPLEX. 3RD FLOOR,
RISALDAR STREET, SESHADRIPURAM,
BANGALORE - 560 020
RE BY ITS COMMISSIONER.

...RESPONDENTS

(BY SMT. B.P. RADHA, AGA FOR R1 TO R4
SRI. B.B. PATIL, ADVOCATE FOR R5)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-DIRECT R2, 3 AND 4 SURVEYING THE LAND TO AN EXTENT OF 4 ACRE 30 GUNTAS IN SY.NO.26 OF MALIGONDANAHALLI VILLAGE, KENGERI HOBLI, BANGALORE SOUTH TALUK, HOLDING PODING OPERATION AND PREPARING AKARBAND AS PER THE ANNEXURE-G AND G1 DATED 23.10.2019.

IN WP NO. 22812/2023

BETWEEN:

SMT SHWETHA D RAO
AGED 41 YEARS
D/O DEVADAS RAO
NO.831, 13TH CROSS ROAD
MAHALAKSHMI LAYOUT



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BANGALORE - 560 086
REP BY GPA HOLDER MRS G PRATHIMA PAI
AGED ABOUT 59 YEARS
W/O. K.S. PRABHU
R/AT NO.199, 17TH CROSS
M.C. LAYOUT, VIJAYANAGAR
BENGALURU - 560 040.

...PETITIONER

(BY SMT. POONAM S. PATIL, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP BY SECRETARY
REVENUE DEPARTMENT
BANGALORE - 560 001
2. THE DEPUTY COMMISSIONER
BANGALORE URBAN
K G ROAD, BANGALORE - 560 001
3. TAHSILDAR
BANGALORE SOUTH TALUK
K G ROAD, BANGALORE - 560 001
4. KARNATAKA SLUM DEVELOPMENT BOARD
NO.55, 3RD FLOOR, ABHAYA COMPLEX
RISALDAR STREET, BANGALORE - 560 020
REP BY ITS COMMISSIONER

...RESPONDENTS

(BY SRI. SHAMANTH NAIK, HCGP FOR R1 TO R3
SRI. B.B. PATIL, ADVOCATE FOR R4)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE
ORDER BEARING NO. LND (S) CR 585/17-18 DTD 22.02.18
ISSUED BY THE R2 VIDE ANNEXURE-A, QUASHING THE



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ORDER BEARING NO.LND(K)CR 87/16-17 DTD 27.09.18
ISSUED BY THE R3 VIDE ANNEXURE-B AND ETC.

IN WP NO. 2548/2024

BETWEEN:

SMT. SHWETHA D RAO
AGED 43 YEARS,
D/O DEVADAS RAO
NO.831, 13TH CROSS ROAD
MAHALAKSHMI LAYOUT,
BANGALORE - 560 086
REPRESENTED BY GPA HOLDER
MRS. G PRATHIMA PAI
AGED ABOUT 59 YEARS,
W/O K S PRABHU
R/AT NO.199, 17TH CROSS,
M.C. LAYOUT, VIJAYANAGAR,
BANGALORE - 560040.

...PETITIONER

(BY SRI. C.N. MAHADESWARAN, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY SECRETARY,
REVENUE DEPARTMENT,
BANGALORE - 560 001.
2. THE SPECIAL DEPUTY COMMISSIONER,
BANGALORE URBAN DISTRICT
BANGALORE SOUTH SUB DIVISION
K.G.ROAD, BANGALORE - 560 001.

...RESPONDENTS

(BY SRI. SESHU V., HCGP FOR R1 TO R2
SRI. B.B. PATIL, ADVOCATE FOR IMPLEADING
APPLICANT IN I.A.NO.2/2024)



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THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO PROHIBITION PROHIBITING THE RESPONDENT NO. 2 FROM PROCEEDINGS WITH THE PROCEEDINGS IN CASE NO. RRT(S)CR 107 /2013-14 IN SO FAR AS THE PETITIONER IS CONCERNED AND ETC.

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

CORAM: HON'BLE MR. JUSTICE R DEVDAS

ORAL COMMON ORDER

These three writ petitions are filed by the same petitioner and the disputes involved in all three writ petitions are also connected to each other and therefore, these three writ petitions are clubbed together, heard and are being disposed of by this common order.

2. The petitioner filed a writ petition in W.P.No.1870/2010 seeking a direction to the respondent authorities for effecting measurements, mapping of sub-division and apportionment of assessment in respect of the sub-divisions and further for mutations as contemplated under Rule 72 of the Karnataka Land Revenue Rules, 1966, with respect to



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the land purchased by the petitioner under a registered sale deed dated 21.07.2003, measuring 4 acres 30 guntas in Survey No.26 of Maligondanahalli Village, Kengeri Hobli, Bangalore South Taluk. During the course of the said writ petition, it was stated on behalf of the respondent authorities that they are unable to proceed with the survey and phodi proceedings due to non-availability of the records in the office of the Tahsildar. This Court held that the revenue authorities cannot decline to conduct the phodi on the ground that the records are not available. Nevertheless, this Court directed the respondent authorities to do everything possible to retrieve the file. Nevertheless, in spite of best efforts, if the file is not traced, they are directed to build up a parallel file as per the procedure in vogue. Further, the Tahsildar, Bangalore South Taluk was directed to consider the petitioner's representation for surveying the land, holding the phodi operation and preparing the akarband, etc., in accordance with law. It was directed that the entire exercise should be completed within four months from the date of the order.



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3. Learned counsel for the petitioner submits that after such order was passed by this Court, since there was interference at the hands of one Sri.R.Ravikumar, the petitioner approached the Tahsildar. The Tahsildar passed an order in proceedings bearing No.TQ.PR.1/2010-11 stating that after verification of the records, it is found that in survey No.26 of Marigondanahalli, which was earlier an Inam village, had a total extent of 56.18 hectares and the Special Deputy Commissioner for Inams abolition had passed various orders re-granting lands to various persons. One such grantee was late Sri.Muniyappa. The petitioner herein purchased the lands in question from the children of Sri.Muniyappa. However, it was found that the respondent therein, namely, Sri.R.Ravikumar also had purchased the lands in the same survey number from a different grantee. It was later identified that the two lands are separate and the identification of the two lands was also made and accordingly, the matter was disposed of, with a direction to proceed to conduct the phodi in favour of the petitioner in terms of the boundaries found in the sale deed belonging to the petitioner.



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4. Nevertheless, when the phodi proceedings were not completed, the petitioner initiated contempt proceedings in CCC.No.1263/2010. During the course of the proceedings, since it was submitted on behalf of the respondent authorities, that notices for the survey have been issued to the neighbouring landowners, the contempt proceedings were accordingly closed, recording the submission made on behalf of the respondent authorities that the phodi proceedings will be conducted subsequent to the adjoining landowners being served with the notices. Nevertheless, when the phodi proceedings were not completed, one more contempt proceeding was initiated in CCC.No.600/2012 and during the course of the said proceedings, an affidavit was filed by the then Tahsildar. In paragraph No.7 of the affidavit filed by the Tahsildar, it was stated that on 20.10.2012, in the presence of the landowners, a survey was conducted and in terms of the boundaries shown in the sale deed belonging to the petitioner, the land claimed by the petitioner was identified, and a mahazar was drawn in the presence of the local villagers. Accordingly, the phodi proceedings were concluded in terms of the sketch appended to the affidavit.



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5. Learned counsel for the petitioner submits that although it is true that such an affidavit was filed before the Hon'ble Division Bench, nevertheless, it is the contention of the petitioner that after the phodi proceedings were concluded, a new number was not assigned to the land belonging to the petitioner. In that view of the matter, the writ petition in W.P.No.9521/2021 is filed by the petitioner with a prayer to issue a writ of mandamus directing the respondent authorities to survey the land belonging to the petitioner, hold a phodi operation, prepare an akarband as per Annexures-G and G1 dated 23.10.2019. During the pendency of the said writ petition, it came to the knowledge of the petitioner that the respondent- Deputy Commissioner, Bangalore Urban District, had passed an order on 22.02.2018 granting 5 acres of land in Survey No.26 in favour of respondent No.5-The Karnataka Slum Development Board for establishing a layout under the 'Ashraya scheme' for distribution of sites in favour of deserving persons. On the basis of the said order, passed by the Deputy Commissioner, respondent No.5-Board put up a notice board on the land in question saying that the land belongs to respondent No.5-Board in terms of the orders passed by the Deputy



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Commissioner. Therefore, the petitioner filed writ petition No.22812/2023 raising a challenge to the order passed by the Deputy Commissioner along with the order of possession at Annexure-B.

6. Learned counsel submits that interim orders have been passed in the said petition directing respondent No.5-Board not to continue with its construction. Thereafter, proceedings were initiated by the respondent-Deputy Commissioner *suo motu* in exercise of powers conferred under Section 136(3) of the Karnataka Land Revenue Act, 1964, in case No.RRT(S)CR.107/2013-14. At this juncture, it is clarified by the learned Additional Government Advocate that the proceedings were initiated in the year 2013-14 and not in the year 2024 as claimed by the petitioner.

7. Learned counsel for the petitioner submits that in the light of the facts narrated hereinabove, and in the light of the law laid down by this Court in the matter of the exercise of *suo motu* powers by the Deputy Commissioner/Special Deputy Commissioners invoking Section 136(3) of the Act, more particularly, in the case of **SMT.PYARI MA AND OTHERS VS.**



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THE STATE OF KARNATAKA AND OTHERS in **W.P.No.22426/2021** decided on **12.01.2022**, that such initiation of proceedings for cancellation of grants or for cancellation of the revenue entries, on the ground that the entries are fraudulent, is required to be conducted within a reasonable time from the date when which the entries were made in the revenue records.

8. Learned counsel submits that this Court has taken note of at least two judgments of the Hon'ble Supreme Court in the case of **MOHAMAD KAVI MOHAMAD AMIN VS. FATMABAI IBRAHIM** reported in **(1997) 6 SCC 71** AND **JOINT COLLECTOR RANGA REDDY DISTRICT VS. D.NARASING RAO AND OTHERS** reported in **(2015) 3 SCC 695** and paragraph No.25 of the decision in **Joint Collector** has been extracted in the said judgment as follows:

"The legal position is fairly well settled by a long line of decisions of this Court which have laid down that even when there is no period of limitation prescribed for the exercise of any power, revisional or otherwise, such power must be exercised within a reasonable period. This is so even in cases where allegations of fraud have necessitated the exercise of any corrective power. We



may briefly refer to some of the decisions only to bring home the point that the absence of a stipulated period of limitation makes little or no difference insofar as the exercise of the power is concerned which ought to be permissible only when the power is invoked within a reasonable period."

Even in respect of the revisional jurisdiction, it was held that 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. "

9. Learned counsel submits that thereafter several judgments have been passed by this Court on the same lines as



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in the case of Pyari Ma, setting aside or quashing such proceedings initiated by the Deputy Commissioners/Special Deputy Commissioners invoking Section 136(3) of the Act on the ground of the proceedings being initiated after unreasonable delay. The cases referred to are writ petition in **W.P.No.41881/2019, NAGARATHNAMMA.S AND ANOTHER VS. STATE OF KARNATAKA AND OTHERS, SMT.N.REVATHI AND OTHERS VS. ASSISTANT COMMISSIONER, BANGALORE SOUTH SUB-DIVISION AND CONNECTED MATTERS** in **W.P.No.25877/2017** dated **07.02.2022** and **SMT.S.NAGALAKSHMI VS. THE DEPUTY COMMISSIONER, CHIKKABALLAPURA DISTRICT** in **W.P.No.56799/2018** dated **14.01.2022**. It is submitted that the State Government has not challenged any of the orders passed by this Court and therefore, the decision rendered by this Court has attained finality. In this background, learned counsel for the petitioner submits that the third petition filed by the petitioner in W.P.No.2548/2024 should be allowed by quashing the proceedings in case No.RRT(S)CR.107/2013-14 initiated by the respondent, Special Deputy Commissioner, Bangalore Urban District.



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10. Learned counsel would further submit that having regard to the facts narrated hereinabove, since it is clear that the land belonging to the petitioner, it cannot be granted to any other person, the orders passed by the Deputy Commissioner in which is under challenge in **W.P.No. 22812/2023**, should also be quashed.

11. Learned Additional Government Advocate submits that the proceedings were initiated by the Special Deputy Commissioner invoking the powers conferred under Section 136(3) in the year 2013-14 and not in the year 2024, as contended by the petitioner. Learned Additional Government Advocate submits on instructions that the total extent of land in Survey No.26 is 136 acres 16 guntas in terms of the akarband and in terms of the claims of various persons, the total extent of land would be 262 acres 21½ guntas. In that view of the matter, proceedings have been initiated by the Special Deputy Commissioner to cancel the revenue entries made in favour of the original grantee Sri.Muniyappa, since according to the respondent authorities no such grant was made in favour of Sri.Muniyappa.



12. Learned counsel Sri.B.B.Patil, appearing for respondent No.5-Board submits that the board is in occupation of the lands granted by the Deputy Commissioner. It is not the intention of respondent No.5-Board to usurp or encroach upon the lands belonging to the petitioner. Constructions have already commenced, but in terms of the interim directions given by this Court, the constructions have been held up. Learned counsel would therefore submit that the lands granted by the Deputy Commissioner in favour of the respondent No.5-Board have to be identified and if respondent No.5-Board is put in possession of the said lands granted to the Deputy Commissioner, it would protect the interest of the Board.

13. Heard the learned counsel for the petitioner, learned Additional Government Advocate for the respondent authorities, Sri.B.B.Patil, learned counsel for respondent No.5-Board and perused the petition papers.

14. Having regard to the undisputed facts narrated hereinabove, this Court is of the considered opinion that initiation of proceedings at the hands of the Special Deputy Commissioner to cancel the entries made in the revenue



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records in the year 1964 cannot be permitted at this juncture, even if it is true that the proceedings were initiated in the year 2013-14, having regard to the law laid down by this Court in the cases cited hereinabove. Moreover, third party rights have been created and at this stage, if such proceedings are permitted to be initiated and the earlier revenue entries are permitted to be cancelled, it will be clearly in prejudice of the rights of the petitioner who purchased the property in question in the year 2003, and the name of the petitioner was also entered in the revenue records pursuant to the registered sale deed.

15. Having regard to the said position, what remains to be considered is the orders passed by the Deputy Commissioner granting lands in favour of respondent No.5-Board. The rights of the petitioner cannot be prejudiced, since the government or the competent authority cannot grant land belonging to a private individual in favour of respondent No.5-Board. In that regard, this Court finds that a sketch appended to the affidavit filed at the hands of the Tahsildar before the Hon'ble Division Bench in the contempt proceedings would



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become a relevant record for the identification of the land belonging to the petitioner. This Court also finds that during the course of the proceedings in W.P.No.9521/2021, directions were issued to the respondent authorities to file a report along with a sketch showing the total extent of land in Survey No.26 and the lands allotted by the Deputy Commissioner/State Government to various entities in Survey No.26. Accordingly, Annexure-AD has been produced by the petitioner in W.P.No. 22812/2023, where the lands granted to respondent No.5 is identified as 4A and 4B in the sketch. What is further required to be done to redress the grievance of the petitioner is to identify the lands belonging to the petitioner in terms of the phodi sketch filed along with the affidavit of the Tahsildar before the Hon'ble Division Bench in CCC.No.1263/2010, which has been produced as Annexure-R4 along with the statement of objections filed at the hands of the respondent-State Government, which is also filed as Annexure-P. The respondent Tahsildar along with the jurisdictional-Assistant Director of Land Records are required to proceed to identify the lands belonging to the petitioner in terms of the phodi sketch as stated hereinabove and find out as to whether the lands belonging to



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the petitioner would overlap the lands granted in favour of respondent No.5-Board. If it is found that the land granted in favour of respondent No.5-Board overlaps the land belonging to the petitioner, then the order passed by the Deputy Commissioner will stand quashed. On the other hand, if the two lands are found to be identified in different places, then the order passed by the Deputy Commissioner in favour of the respondent No.5-Board shall remain undisturbed.

16. Consequently, this Court proceeds to pass the following order:

ORDER

- i. W.P.No.9521/2021 is ***partly allowed*** while directing the respondents-Tahsildar, Assistant Director of Land Records and the Deputy Commissioner to assign a new number to the land belonging to the petitioner in terms of the phodi already conducted.
- ii. W.P.No.2548/2024 is ***allowed*** while quashing all further proceedings in case No.RRT(S)CR:107/2013-14 initiated by the respondent-Special Deputy Commissioner.
- iii. In so far as W.P.No.22812/2023 is concerned, the respondent-Tahsildar, jurisdictional



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Assistant Director of Land Records shall proceed to identify the lands belonging to the petitioner in terms of the phodi sketch found at Annexure-P in W.P.No.22812/2023.

17. It is clarified that this is a sketch appended to the affidavit filed by the then Tahsildar, who clearly stated that the phodi proceedings are concluded in terms of the sketch appended to the affidavit in CCC.No.600/2012.

18. Similarly, the lands granted in favour of respondent No.5-Board which has been identified in terms of Annexure-AD in W.P.No.22812/2023, shall also be identified, and the two sketches shall be superimposed to find out whether the lands belonging to the petitioner and the lands granted to respondent No.5-Board overlap each other or not.

19. If it is found that the lands belonging to the petitioner and the land granted to respondent No.5-Board do not overlap each other, then respondent No.5-Board is free to proceed with its activities and simultaneously, the grant order passed by the Deputy Commissioner in favour of respondent No.5-Board shall remain undisturbed.



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20. On the other hand, if it is found that the lands belonging to the petitioner and lands granted to respondent No.5-Board overlap each other, then the lands granted in favour of respondent No. 5-Board in terms of order dated 22.02.2018 passed by the Deputy Commissioner shall stand quashed and set aside. The construction put up by respondent No.5-Board in such a situation is found to be on the lands belonging to the petitioner, respondent No.5-Board shall remove all such construction and ensure that the vacant possession is handed over to the petitioner, failing which, the petitioner can also remove the construction and encroachment and recover the cost from respondent No.5-Board. It is needless to observe that the Deputy Commissioner or the respondent-state is free to identify any other land to be granted in favour of respondent No.5-Board.

21. The entire exercise shall be completed as expeditiously as possible and at any rate within a period of two months from the date of receipt of copy of this order.

22. For that purpose, the petitioner and the competent Officer from respondent No.5-Board are directed to be present



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at the spot on **12.03.2026 at 11.00 a.m.** to enable the Tahsildar and the jurisdictional Assistant Director of Land Records to conduct a survey and identify the properties.

23. Needless to observe that till the Tahsildar and the Assistant Director of Land Records prepare a report identifying the two lands, respondent No.5-Board shall not proceed with the construction or any other activity.

All pending I.As stand disposed of accordingly.

Sd/-
(R DEVDAS)
JUDGE

rv/GPG