



CNR: KAHC010145462026

NC: 2026:KHC:47326
WP No. 6511 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2026

BEFORE

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

WRIT PETITION NO. 6511 OF 2026 (KLR-RES)

BETWEEN:

1. SRI. KISHORE KUMAR PRASAD
S/O LATE K.R.PRASAD
AGED ABOUT 46 YEARS
R/AT NO. 638, MATHRU CHAAYA
2ND FLOOR, 2ND CROSS
2ND MAIN, NEAR PAPAIAH KALYANA MANTAPA
BEML 3RD STAGE, RR NAGAR
BENGALURU-560098

...PETITIONER

(BY SRI. VIGNESHWAR S SHASTRI, SENIOR COUNSEL FOR
SRI. BHASKAR GOWDA, N.M., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL
SECRETARY/COMMISSIONER
DEPARTMENT OF REVENUE
M.S.BUILDING
BENGALURU 560 001.
2. THE DEPUTY COMMISSIONER
BANGALORE URBAN DISTRICT
KANDAYA BHAVAN
K.G.ROAD, BENGALURU 560 009.

Digitally signed by
CHAYA S A
Location: HIGH
COURT OF
KARNATAKA



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3. THE ASSISTANT COMMISSIONER
BENGALURU SOUTH SUB DIVISION
KANDAYA BHAVAN, K.G.ROAD
BENGALURU 560 009.

4. THE TAHSILDAR,
BENGALURU SOUTH TALUK,
KANDAYA BHAVAN,
K.G. ROAD,
BENGALURU 560 009

...RESPONDENTS

(BY SRI. SKANDA R.K. RAO, AGA)

THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO DIRECTING THE RESPONDENT NO.3 TO EFFECT MUTATION AND ISSUE RTC BY ENTERING THE NAME OF THE PETITIONER WITH RESPECT TO SY NO.35 MEASURING 2 ACRES SITUATED AT B.M.KAVAL VILLAGE, KENGERI HOBLI, BANGALORE SOUTH TALUK, BENGALURU AS PER THE ORDER DATED 30.04.2024 PASSED IN RA(S)/174/2024-25 ANNEXURE-G PASSED BY THE ASSISTANT COMMISSIONER, BANGALORE SOUTH SUB-DIVISION AS PER REPRESENTATION DATED 17.09.2024 ANNEXURE-H 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

1. Heard Sri. Vigneshwar S. Shastri, learned senior counsel appearing for Sri. Bhaskar Gowda N.M.,



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learned counsel for the petitioner and Sri. Skanda R.K. Rao, learned Additional Government Advocate for the respondents.

2. Learned senior counsel appearing for the petitioner submits that the petitioner is not pressing prayer-A.
3. Having taken note of the submission made by the learned senior counsel for the petitioner and learned Additional Government Advocate, wherein the senior counsel for the petitioner has placed reliance on the judgment of this court in W.P.No.5985/2016 disposed of on 05.04.2016, and submitted that under similar circumstances, this court had quashed the impugned notification produced at Annexure-A. Accordingly, he sought for interference of this court.
4. *Per contra*, Sri. Skanda R.K. Rao, learned Additional Government Advocate appearing for the respondents-State sought to justify the impugned communication and also sought for dismissal of the writ petition.



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5. Having heard the learned senior counsel appearing for the petitioner and the learned AGA for respondents, and on careful consideration of the same would indicate that the petitioner is claiming right over the land bearing survey No.35 of B.M.Kaval Village, Kengeri Hobli, Bangalore-South Taluk, Bengaluru, which is the land granted in favour of the original grantee Nazeer Pasha s/o Abdul Khadar. Accordingly, the Land Grant Committee by its meeting held on 06.07.1999 has passed an order to grant the land in favour of the original grantee. Accordingly, the saguvali chit dated 06.08.2007 (Annexure- C) issued in favour of the original grantee.
6. In that view of the matter, since the revenue records stand in the name of the original grantee and thereafter the petitioner herein has subsequently purchased the land in question as per the registered sale deed dated 16.01.2024 (Annexure-F), the petitioner is placed under similar circumstances. This



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Court in W.P.No.9470/2020 disposed of on 13.07.2026, held at paragraphs 10 and 11, reads as follows:

10. In the light of the submission made by the learned counsel appearing for the parties, on careful consideration of the writ papers would indicate that, petitioners are in possession of the land bearing Sy.No.132 of the B. M. Kaval village, Bangalore South Taluk, as unauthorised occupants. The respondent No.4-Thasildar, after conducting preliminary enquiry and identification of the location of the land in question, has reported with the sketch to the competent Committee to take decision for regularisation of unauthorised occupants. The Committee vide Resolution dated 24.11.1997 considered the Form No. 53 filed by the petitioners as per Rule 108-C(2) of the Rules, 1966 and recommended for grant of the land to the petitioners. Copy of the Resolution of the Committee dated 24.11.1997 is produced at Annexure-B. Thereafter, the Saguvali Chits were issued by the competent authority in favour of the petitioners as per Annexures-C1 to C3 series. The petitioners have also produced the mutation entry made in favour of them as per Annexures-C4 in respect of subject land.



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RTC extracts are produced at Annexure- C5 to C10, would indicate that, name of the petitioners or their ancestors are reflected in the RTC extracts and therefore, the entire revenue records stands in the name of the petitioners. Perusal of Annexure- D, letter addressed by the Assistant Executive Engineer, Zilla Panchayat Technical Sub-Division, Bangalore South Taluk, to the Executive Engineer, Zilla Panchayat Technical Sub-Division, Bangalore, would indicate that, the B.M Kaval village is around 28 kms from the limits of BBMP.

11. It is forthcoming from the writ petition that, proceedings in LND RUC(S) 1/2003-04 was initiated against the petitioners at the instance of the complaint filed by one Ashwath Naik and others and the respondent No.3-Assistant Commissioner, by order dated 26.07.2004 (Annexure-F), directed for resumption of the land made in favour of the petitioners. Perusal of the finding recorded therein, would indicate that the land in question is beyond 15 kms and the letter dated 06.12.1997, addressed by the Thasildar to the Committee envisages that the land in question is situate beyond 18 kms. It is also to be noted that the letter dated 27.03.1997 by the Assistant Executive Engineer, Zilla Panchayat, reported that distance of B.M.Kaval from BMP as 19 kms., and from the central of office of BBMP, it is 28



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kms. However the said order passed by respondent No.3, was quashed by the respondent No. 2, as per order dated 15.07.2005 Annexure-G. The respondent No.2, after considering provisions contained under Section 94-A(4) of the Act, 1964, has rightly arrived at a conclusion that the distance has to be considered as on the date of the applications made by the grantees. Taking into consideration the Notification dated 16.01.2007, (Annexure-H), wherein, the Kengeri City Municipal Corporation was formed and as such the distance taken by the respondent-authorities is contrary to law and the Rules.

7. Following the aforementioned judgment of this Court and order dated 05.04.2016 in W.P.No.5985 of 2016, I proceed to pass the following:

ORDER

- i. The writ petition is ***allowed***.
- ii. The impugned communication dated 12.03.2023, issued by the Tahsildar, Bangalore South Taluk as per Annexure-J are hereby set aside.



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- iii. Insofar as the land belonging to the petitioner is concerned, respondent No.4 is directed to mutate the name of the petitioner in the revenue records. Consequently, any modifications made thereunder pursuant to the impugned order are also set aside.
- iv. Pending IA(s), if any, stands disposed of accordingly.

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

SKS
List No,:1 Sl No.:14