



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 732 OF 2026 (KLR-RES)

BETWEEN:

1. THE STATE OF KARNATAKA
REPRESENTED BY CHIEF SECRETARY TO
GOVERNMENT M S BUILDING,
AMBEDKAR ROAD,
BENGALURU-560001
2. THE DEPUTY COMMISSIONER
MANDYA DISTRICT
MANDYA - 571401
3. THE ASSISTANT COMMISSIONER
MANDYA SUB DIVISION,
MANDYA DISTRICT
MANDYA - 571401
4. THE TAHASILDAR
MANDYA TALUK AND DISTRICT
MANDYA - 571401

...APPELLANTS

(BY SRI. B.RAVINDRANATH, AGA)

AND:

1. SMT NINGAMMA
W/O LATE MADIAH
AGE ABOUT 88 YEARS
RESIDING AT H MALLIGERE,
DUDDA HOBLI,

Digitally
signed by
VASANTHA
KUMARY B K

Location:
HIGH
COURT OF
KARNATAKA



MANDYA TALUK AND DISTRICT - 571402
...RESPONDENT
(BY SRI. SHANKARANARAYANA BHAT N., ADVOCATE)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO ALLOW THE WRIT APPEAL AND SET ASIDE THE IMPUGNED ORDER DATED 17/09/2025 PASSED BY THE LEARNED SINGLE JUDGE OF THE HONBLE HIGH COURT IN WP NO.28256/2025, ETC.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT
(PER: HON'BLE MR. JUSTICE D K SINGH)

The present intra Court appeal has been filed impugning the judgment and order dated 17.09.2025 passed by the writ Court in W.P.No.28256/2025 (KLR-RES) filed by the respondent herein.

2. The aforesaid writ petition was filed seeking to quash the order dated 24.08.2025 passed by the Deputy Commissioner, Mandya District, Mandya in No.MDC-RHMO-LND/525/2025 and a writ of mandamus was sought to the respondents to consider and pass an order on the application filed in Form No.53 in respect of grant of land in Survey No.73 of H.Malligere Village,



Dudda Hobli, Mandya Taluk. The writ petition came to be partly allowed on the same day when it was listed before the Court.

3. Some interesting facts which needs to be noticed in this case are that after the order dated 24.08.2025 was passed by the Deputy Commissioner, an endorsement dated 03.09.2025 came to be issued by the then Tahsildar, Mandya Taluk, stating therein that the application in Form No.53 was pending since 05.02.1998. After 27 long years, the writ petition came to be filed on 11.09.2025. The Tahsildar who is alleged to have issued the endorsement dated 03.09.2025, died on 14.09.2025 and on 17.09.2025 the writ petition came to be partly allowed.

4. Even if we assume that an application was filed in Form No.53 on 05.02.1998, the speed and alacrity with which the petitioner swiftly moved the matter, after the order dated 24.08.2025 was passed by the Deputy Commissioner is something which will alarm any reasonable person. Vide order dated 24.08.2025, the land in question was reserved for public burial ground that means, it was a 'B' kharab land. The Deputy Commissioner in the order dated 24.08.2025 had made the following observation:-



"In Survey No.73 of H.Malligere village, Dudda Hobli, Mandya Taluk, out of 1.00 acres of government Kharab land, 0.38 gunta of land is free, there is no land acquisition for any purpose, there is no forest area under any CD. No application has been submitted under Form-50, 53, 57, 94C for the sanction of the said land. There is no encroachment, there are no valuable trees, Since the said land has road connectivity, the proposed land can be reserved for the purpose of public cemetery, and the Tahsildar, Mandya Taluk, has submitted a proposal as per reference (4) to the Sub-Divisional Officer, Mandya Sub-Division, Mandya."

5. After the said order was passed by the Deputy Commissioner, suddenly, an endorsement came to be allegedly issued by the Tahsildar (dead) and immediately, the aforesaid writ petition was filed before this Court on 11.09.2025 and it came to be party allowed on 17.09.2025 without even giving an opportunity to the State to put forth its response/file objections.

6. At the moment, we are not observing anything further. However, the impugned judgment and order passed by the writ Court is unsustainable, in view of the fact that the State was



not granted an opportunity to defend the order dated 24.08.2025 passed by the Deputy Commissioner in order to bring on record the relevant documents to suggest that the endorsement dated 03.09.2025 could not have been issued by the Tahsildar.

7. We therefore, **allow** the writ appeal and set aside the impugned judgment and order dated 17.09.2025 passed in W.P.No.28256/2025 (KLR-RES) and remand the matter back to the learned Single Judge for reconsideration afresh after giving an opportunity to the State to file its objections, so that the entire facts and relevant documents are brought on record for proper adjudication of the writ petition.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**