



CNR: KAHC010166322026

NC: 2026:KHC:44985
WP No. 7622 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

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

WRIT PETITION NO.7622 OF 2026 (KLR-RES)

BETWEEN:

1. SRINIVAS JAYARAM
S/O K.V. JAYARAM,
AGED ABOUT 56 YEARS,
RESIDING AT JAKKUR VILLAGE,
K. V. JAIRAM ESTATE,
YELAHANKA,
BANGALORE NORTH TALUK-560 064.

...PETITIONER

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

AND:

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

1. THE STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE,
VIDHANA SOUDHA,
BENGALURU - 560001.
2. THE UNDER SECRETARY
DEPARTMENT OF REVENUE,
LAND GRANT - 1,
M S BUILDING,
AMBEDKAR VEEDHI,
BENGALURU - 560 001.



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3. THE DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT,
K.G. ROAD, BEHIND KANDAYA BHAVAN,
BENGALURU - 560009.

...RESPONDENTS

(BY SRI. SRIKANTH PATIL, AAG A/W
SRI. SPOORTHY HEGDE N., HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO NOTIFICATION NO. RD-LGB/16/2026 (E-2037071) DATED 16.01.2026 ISSUED UNDER SEC. 68(1) OF THE KARNATAKA LAND REVENUE ACT, 1964 AND PUBLISHED IN THE KARNATAKA GAZETTE ON 29.01.2026, PRODUCED AS ANNEXURE-A; 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

In, this writ petition, the petitioner has assailed the Notification dated 16.01.2026 issued under Section 68(1) of the Karnataka Land Revenue Act, 1964, (for short, the Act) and published in the Karnataka Gazette on 29.01.2026 (Annexure-A), whereby an extent of 3



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guntas forming part of a *sarakari oni*, abutting to the western side of the petitioner's property and passing through land bearing Sy.Nos.76 and 91 of Jakkur Village, Yelahanka Taluk, sought to be closed by the respondent-authorities. The petitioner has consequently sought a direction to the respondents to remove the fence erected across the aforesaid 3 guntas of land in question.

2. It is the case of the petitioner that the subject properties were acquired under a registered Partition Deed dated 30.03.2001 (Annexure-B) and are adjacent to and adjoining each other, as reflected in the sketch produced at Annexure-C. The petitioner had obtained conversion of the land under Section 95 of the Karnataka Land Revenue Act, 1964 (hereinafter referred to as 'Act'), and the property is being used for residential purposes. The petitioner contends that the land falls within the jurisdiction of the Greater



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Bengaluru Authority (GBA) / Bruhat Bengaluru Mahanagara Palike (BBMP) and is covered by the Revised Master Plan, 2015. Pursuant to the applicable zoning regulations and permission granted by the competent authorities, the petitioner has put up constructions on the property, in question, besides establishing including a petrol pump during 2019, for which the relevant permission and documents are produced as Annexures-H, J, K and L. The petitioner has also constructed a Kalyana Mantapa pursuant to permission granted by the BBMP, which is produced as Annexures-P and Q.

3. The grievance of the petitioner is that respondent No.2, without issuing notice to the petitioner or other affected persons, unilaterally sought to close the *oni* and also cancelled the order of conversion made in favour of the petitioner. The order of cancellation of conversion was challenged before this



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Court in W.P.No.25702 of 2023, which came to be allowed, and the cancellation order was set aside. It is further alleged that respondent No.2 has continued to harass the petitioner by taking coercive measures, culminating in issuance of impugned Notification dated 16.01.2026. The petitioner has specifically alleged in paragraphs 20 and 21 of the writ petition that the Principal Secretary, Revenue Department, was instrumental in installing the fence across the *oni*. Hence this petition is filed.

4. Heard Sri. Ashok Haranahalli, learned Senior Counsel appearing on behalf of Sri. Yashodhar Hegde, for the petitioner, and Sri. Srikanth Patil, learned Additional Advocate General appearing along with Sri. Spoorthy Hegde N., Learned High Court Government Pleader appearing for the respondent-State and.



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5. Sri. Ashok Haranahalli, learned Senior Counsel for the petitioner contended, having regard to the scope and ambit of Section 68 of the Act that, the impugned Notification was issued at the instance of the Principal Secretary, Revenue Department, who resides in the same locality. It was argued that the Notification seeks to close only 3 guntas out of an approximately 20-gunta stretch of the *oni*, indicating colourable exercise of power with an intention to facilitate the personal interest of the Principal Secretary. It was further submitted that, immediately after issuance of the Notification, a fence was erected, thereby preventing the public from using the road.

6. The learned Senior Counsel also placed reliance on the sketch showing the petitioner's properties in Sy.Nos.92/7, 92/2, 92/3 and 76/3 and submitted that closure of the 3-gunta portion of the *oni* would seriously affect the petitioner's access to the



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main road and easementary rights of the petitioner. Accordingly, sought for interference of this court.

7. Per contra, Sri. Srikanth Patil, learned Additional Advocate General sought to justify the impugned Notification. He submitted that Section 68 of the Act does not contemplate issuance of prior notice to the public before initiating proceedings. Reliance was placed on the judgment in the case of ***Chinnaswamy Reddy and Others vs. The State of Karnataka, by its Secretary, Revenue Department and Others*** reported in ***ILR 2009 KAR 412***. It was contended that, if the petitioner is aggrieved, he is at liberty to submit objections, which may be considered by the competent authority in accordance with law. Referring to Section 68(3) of the Act, the learned AAG submitted that the grievance of the petitioner can be considered after conducting an enquiry as contemplated under the aforesaid provision and,



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therefore, he submits that, writ petition is premature and liable to be rejected.

8. In the light of the arguments advanced by the learned counsel appearing for the parties, I have carefully considered the submissions made by the learned Senior Counsel for the petitioner, particularly the allegations contained in paragraphs 20 and 21 of the writ petition.

9. The learned Senior Counsel has also submitted that the residence of the Principal Secretary is situated in the vicinity of the schedule property, however, the said contention has not been specifically controverted by the learned AAG. In this backdrop, on perusal of the writ petition and the material placed on record, it is evident that the original land in question was agricultural land, which was subsequently converted by the competent authority under Section 95



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of the Act. Thereafter, the conversion order was cancelled by the competent authority, which was challenged before this Court, and this Court interfered with the said order and thereby cancellation of the conversion order came to be set aside.

10. It is pertinent to note that the impugned Notification dated 16.01.2026 (Annexure-A) has been issued seeking to close an extent of 3 guntas out of the total extent of 20 guntas of land being used by the public as '*sarakari oni*'. In this backdrop, the question that arises for consideration is whether, having regard to the scope and ambit of Section 68 of the Act, wherein the affected parties are required to be afforded a prior opportunity of hearing before issuance of a Notification under the said provision.

11. The learned AAG submitted that the writ petition is premature and that Section 68 does not



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contemplate issuance of prior notice to the affected parties before issuing a Notification thereunder. However, on careful consideration of the language employed in Section 68(1) of the Act, it is evident that the power is vested with the State Government to extinguish a road, street, lane or park which "is not required for the use of the public" and the same is objective assessment by the competent authority.

12. It is also pertinent to note that Section 68(5) of the Act requires the satisfaction of the Government before such power is being exercised. However, in the present case, there is no order or material demonstrating the satisfaction of the State Government, to use an extent of 3 guntas and of 20 guntas of land. The affidavit filed by Sri. Jagadeesha .G, Deputy Commissioner, Bengaluru Urban District, merely refers to an alleged oral complaint made by members of the public. However, no material



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whatsoever has been placed on record to substantiate the existence of such a complaint by the respondent-authorities.

13. The absence of any supporting material, coupled with the contention of the learned Senior Counsel that the residence of the Principal Secretary is situated in the same lane, assumes significance. It gives rise to a reasonable apprehension that the said circumstance may have been the reason for issuance of the impugned Notification at Annexure-A.

14. It is also significant that the *oni* extends to approximately 20 guntas, whereas the alleged satisfaction of the Government has been confined only to 3 guntas, that too, in front of the petitioner's property. No explanation is forthcoming as to why the remaining portion of the *oni* has not been subjected to similar action. This circumstance also lends support to



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the contention of the petitioner that the power under Section 68 of the Act has been exercised in a colourable manner by the respondent-authorities.

15. Further, the photographs produced by the learned Senior Counsel for the petitioner and the learned AAG demonstrate that immediately after issuance of the impugned Notification, the respondent-authorities erected a fence across the 3-gunta portion which is the subject matter of Annexure-A. The immediate closure of the said portion, without there being any material demonstrating the requisite satisfaction of the Government, is also a relevant circumstance while considering the manner and purpose for which the impugned Notification came to be issued.

16. Nextly, insofar as the judgment relied upon by the learned AAG in ***Chinnaswamy Reddy*** (supra)



is concerned, this Court, while considering the scope of Section 68(1) of the Act, proceeded on the basis that no objections had been received by the Government. However, in the facts and circumstances of the present case, the respondent-authorities have failed to produce any material to establish that any complaint was lodged by members of the public using the *oni* to access the other end of the road. Therefore, the judgment relied upon by the learned AAG would not come to the assistance of the respondents.

17. For the foregoing reasons, the writ petition is ***allowed***. The Notification dated 16.01.2026 issued under Section 68(1) of the Karnataka Land Revenue Act, 1964, and published in the Karnataka Gazette (Annexure-A), is hereby set aside.

18. Respondent No.3-Deputy Commissioner is directed to remove the fence erected across the 3-



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gunta portion of the *oni*, which is the subject matter of Annexure-A, within an outer limit of one week from the date of receipt of a certified copy of this order.

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

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List No.: 1 Sl No.: 13