



NC: 2026:KHC:53711
WP No. 7907 of 2022

CNR: KAHC010170612022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 7907 OF 2022 (SC/ST)

BETWEEN:

1. SRI THIMMAPPA GOWDA M,
AGED 48 YEARS
S/O RUKMAYYA GOWDA M,
2-56, MALLARA HOUSE,
YENNUR VILLAGE, SULLIA TALUK,
D K -574328
2. SMT PRIYA A
AGED 41 YEARS,
W/O SRI THIMMAPPA GOWDA M,
2-56, MALLARA HOUSE,
YENNUR VILLAGE, SULLIA TALUK,
D K-574328

...PETITIONERS

(BY SRI. PUNDIKAI ISHWARA BHAT, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF REVENUE,
M S BUILDING, BENGALURU-560001
2. THE DEPUTY COMMISSIONER
DAKSHINA KANNADA DISTRICT,
MANGALORE, D K -575001.
3. THE ASSISTANT COMMISSIONER
PUTTUR SUB DIVISION,
PUTTUR D K-574201

Digitally signed by
PREMCHANDRA M R
Location: HIGH
COURT OF
KARNATAKA



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4. THE TAHSILDAR
SULLIA TALUK, D K-574239
5. SRI N VISHWANATHA ALEKKADI
MAJOR,
S/O LATE KEPU MUGERA,
PADMASHREE NILAYA,
MURULYA VILLAGE,
SULLIA TALUK, D K -574328
CHIEF OFFICER,
ZILLA DALITHA SANGHARSHA SAMITHI,
KARNATAKA RAJYA DALITHA SANGHARSHA SAMITHI,
ZILLA SAMITHI, MURULYA POST, SULLIA TALUK,
D K-574328

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA FOR R1 TO R4;
R5 SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN
RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY
HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS
UNDER:

ORAL ORDER

Sri.Pundikai Ishwara Bhat, counsel for the petitioners
and Smt.Savithramma, Additional Government Advocate for
respondent Nos.1 to 4 appeared in person.



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2. The order passed by the Deputy Commissioner dated 07.01.2022 vide Annexure-A is challenged in this writ petition on several grounds as set out in the memorandum of the writ petition.

3. Counsel for the respective parties advanced several contentions. Heard the arguments and perused the papers with utmost care.

4. The issue involved in the present case lies within a narrow compass and pertains to the initiation of resumption proceedings. The property in question is land was granted in favor of one Ramanna Naik in 1972. Ramanna Naik was a bachelor and, accordingly, executed a Will dated 18.08.2008 in favor of Petitioner No. 2, Smt. M. Priya. He subsequently died on 08.12.2008. By virtue of the said Will, Petitioner No. 2 claimed ownership over the property in question. Contending that the property was granted land, Sri. Narayana Naik, Duggamma and Somayya Naik initiated resumption proceedings before the Assistant Commissioner in the year 2013. The Assistant



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Commissioner, by order dated 06.09.2018, rejected their claim on the ground that they were not family members of the original grantee. Aggrieved by the said order, an appeal was preferred before the Deputy Commissioner. By order dated 07.01.2022, the Deputy Commissioner allowed the appeal, holding that Ramanna Naik had no authority to execute a Will in favor of Petitioner No.2. Such a finding cannot be sustained in law.

The Deputy Commissioner, while exercising jurisdiction under the relevant statutory provisions, was not exercising the jurisdiction of a Civil Court. Therefore, the finding that Ramanna Naik had no authority to execute a Will in favor of Petitioner No. 2 was beyond the scope of such proceedings and cannot be sustained. More importantly, Petitioner No. 2 had instituted O.S. No. 46/2009, which came to be settled before the Lok Adalat by way of compromise. Pursuant to the order dated 18.07.2009, Petitioner No. 2, who was the plaintiff therein, was declared to be the owner of the property on the basis of the Will.



The Deputy Commissioner failed to take into consideration the order passed by the competent Civil Court and proceeded to examine the validity and effect of the Will as though exercising the jurisdiction of a Civil Court. Consequently, the order directing resumption of the land in favor of the Government cannot be sustained.

5. For the foregoing reasons, the order dated 07.01.2022 passed by the Deputy Commissioner, produced at Annexure-A, is hereby set aside.

6. Consequently, the writ petition is ***allowed***.

Upon disposal of the writ petition, any interim order passed in the matter shall stand discharged. All pending interlocutory applications, if any, shall also stand disposed of.

Sd/-
(JYOTI M)
JUDGE

SS
List No.: 1 Sl No.: 38