



CNR: KAHC010178902023

NC: 2026:KHC:47248
WP No. 7778 of 2023

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.7778 OF 2023 (KLR-LG)

BETWEEN:

1. Sri. M.C. MOHAN KUMAR
S/O CHUNCHEGOWDA,
AGED ABOUT 57 YEARS,
RESIDING AT NO.296,
BASAVANAGUDI STREET,
MAHADEVAPURA,
SRIRANGAPATNA TALUK,
MANDYA - 571415,
MOBILE : 9964750051.

...PETITIONER

(BY SRI. S.S. NAGANAND, SENIOR COUNSEL FOR
SRI. SHRIDHAR PRABHU, ADVOCATE)

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

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS
ADDITIONAL CHIEF SECRETARY
TO GOVERNMENT
REVENUE DEPARTMENT,
ROOM NUMBER 505, V FLOOR,
GATE NO.3, M S BUILDING,
BENGALURU - 560001,
E- mail: prs-revenue@karnataka.gov.in



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2. THE REGIONAL COMMISSIONER
MYSORE DIVISION,
"HIGH VIEW",
VINOBA ROAD,
OPPOSITE KALAMANDIR,
MYSURU - 570005.
E-mail: rc-kamy@nic.in.
3. THE DEPUTY COMMISSIONER
DEPUTY COMMISSIONER OFFICE,
MANDYA - 571401,
E-Mail: dcmandya09@gmail.com
4. THE ASSISTANT COMMISSIONER
PANDAVAPURA SUB DIVISION,
SH-19, THYAGARAJA COLONY,
PANDAVAPURA,
MANDYA - 571434,
E-mail: ac ppura@ gmail.com
5. THE TAHSILDAR
SRIRANGAPATNA TALUK,
MANDYA DISTRICT 571438,
E-mail: toactsrpatna@gmail.com
6. THE SECRETARY SRI GURU GNANA
KENDRA TRUST (R)
VISHWA VOKKALIGARA
MAHA SAMSTHANA MATHA,
A PUBLIC TRUST REGISTERED
UNDER THE INDIAN REGISTRATION ACT 1908,
KENGARI, BENGALURU SOUTH,
BENGALURU - 560060.



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...RESPONDENTS

(BY SRI. SPOORTHY HEGDE N., HCGP FOR R1 TO R5;
SRI. H.C. SHIVARAMU, ADVOCATE FOR R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE OFFICIAL MEMORANDUM DATED 09.03.2023 BEARING NO.MDC - RHMOLND /1654/2022- REV SEC - DC MANDYA, AT ANNEXURE-A ISSUED BY THE RESPONDENT NO.3 WHEREIN AN EXTENT OF 09.36 ACRES OF THE SUBJECT LAND SITUATED AT SURVEY NO.411 IN MAHADEVAPURA HAS BEEN GRANTED BY WAY OF LEASE TO THE RESPONDENT NO. 6.

THIS WRIT PETITION HAVING BEEN RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, **E.S. INDIRESH J.**, MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

CAV ORDER

1. In this writ petition, the petitioner calls in question the Official Memorandum dated 09.03.2023 (Annexure-A) issued by Respondent No.3-Deputy Commissioner, whereby the subject land was granted on lease in favour of Respondent No.6 to effectuate its objects.



2. The relevant facts for the adjudication of the present case, as averred in the writ petition, are that the petitioner claims to be a farmer residing at Mahadevapura Village and states that he owns several cattle. It is the case of the petitioner that he is dependent upon the Gomal land bearing Sy. No. 411 of Mahadevapura Village, Srirangapatna Taluk, Mandya District, for grazing his cattle. It is further stated in the writ petition that Respondent No.6 is a Public Trust registered by Vishwa Vakkaligara Mahasamsthana Mutt, Kengeri, as per Annexure-B. It is the further contention of the petitioner that the respondent-authorities, in contravention of Rule 97(4) of the Karnataka Land Revenue Rules, 1966 (for short, 'the Rules'), have granted the subject land on lease in favour of Respondent No.6, without taking into consideration the requirement that 12 hectares of Gomal land ought to be reserved for every 100 cattle.



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Aggrieved by the same, the petitioner has filed the present writ petition calling in question the impugned Official Memorandum dated 09/13.03.2023 issued by Respondent No.3.

3. Heard Sri. S. S. Naganand, learned Senior Counsel appearing on behalf of Sri. Sridhar Prabhu, learned counsel for the petitioner; Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for respondent- State and Sri. H. C. Shivaramu, learned counsel appearing for respondent No.6.

4. Sri. S.S. Naganand, learned Senior Counsel appearing for the petitioner, while referring to Rule 97 of the Karnataka Land Revenue Rules, 1966 (hereinafter referred to as 'Rules, 1966') , as well as Rules 3, 5 and 6 of the Karnataka Land Grant Rules, 1969, (hereinafter referred to as 'Grant Rules, 1969')



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contended that the respondent-authorities, without conducting any exercise as to ascertain the availability of land for grazing cattle in the village and without issuing any public notice regarding the proposal to lease out the land in question in favour of Respondent No.6, proceeded to pass the impugned official Memorandum, which calls for interference by this Court.

5. Learned Senior Counsel, referring to the Trust Deed dated 03.02.1989 (Annexure-B) of Respondent No.6, further contended that, having regard to the objects of the Trust and the reasons assigned in the application dated 02.01.2023 (Annexure-D), the respondent-authorities, without proper application of mind, have granted the land in question on lease for a period of ten years in favour of Respondent No.6. Accordingly, learned Senior Counsel



contended that the impugned official Memorandum is liable to be set aside.

6. It is also argued by the learned Senior Counsel appearing for the petitioner, by drawing the attention of this Court to Annexure-E, that several columns in the Rev. Form No.121 submitted by Respondent No.6 have been left unfilled by the respondent-authorities. It is contended that the application does not contain adequate particulars or material to justify the grant of the land in question. Accordingly, learned Senior Counsel contended that the impugned Official Memorandum is liable to be interfered with by this Court.

7. Sri. S S Naganand, learned Senior Counsel appearing for the petitioner, drawing the attention of this Court to the objections submitted by the petitioner against the grant of lease in favour of



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Respondent No.6, as per Annexures-F and G, contended that the respondent-authorities have failed to consider the objections raised by the petitioner and other villagers before passing the impugned Official Memorandum and as such, sought for quashing the impugned official Memorandum passed by the respondent No.3-Deputy Commissioner.

8. It is further contended by the learned Senior Counsel, by referring to Annexure-J, which is a recommendation made by Respondent No.5 to Respondent No.4, that the present Pontiff of Respondent No.6 had earlier served as the Additional Deputy Commissioner of Mandya District. Learned Senior Counsel, therefore, submitted that the impugned official Memorandum appears to have been passed with an intention to facilitate the then Additional Deputy Commissioner of Mandya District,



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who subsequently assumed the position of Matadhipati of Respondent No.6. Accordingly, learned Senior Counsel sought for interference by this Court with the impugned Official Memorandum.

9. In order to buttress his submissions, learned Senior Counsel appearing for the petitioner places reliance on the judgment of the Division Bench of this Court in W.P. No. 11546 of 2017, dated 11.10.2022, particularly, referred to paragraphs 10 and 11 thereof, and submitted that it is the duty of the respondent-authorities to consider the objections raised by the villagers and thereafter take decision in the matter in accordance with law.

10. Learned Senior Counsel further places reliance on the judgment of the Hon'ble Supreme Court in the case of ***Jagpal Singh and Others v. State of Punjab and Others***, reported in **(2011) 11**



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SCC 396, particularly referred to paragraphs 3 and 4 thereof, and contended that the sole intention of Respondent No.6 is to secure the gomal land for its own benefit. Accordingly, learned Senior Counsel sought for interference by this Court with the impugned Official Memorandum.

11. Referring to the judgment of this Court in the case of ***Gram Panchayat Ugargol Village, Parasadgad Taluk, Belgaum District vs. State of Karnataka*** reported in ***1998 SCC OnLine Kar 658***, learned Senior Counsel appearing for the petitioner contended that the provisions contained in the Rules, 1966, particularly Rule 97 of the Rules 1966 thereof, are required to be duly considered while examining the validity of the impugned action by the respondent-authorities.



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12. Learned Senior Counsel further places reliance on the judgment of the Hon'ble Supreme Court in ***Hanuman Laxman Aroskar v. Union of India***, reported in ***(2019) 15 SCC 401***, and contended that it is incumbent upon the respondent-State to take into consideration public opinion and undertake appropriate consultation with the affected public before taking any decision in the matter. Accordingly, learned Senior Counsel sought for interference by this Court with the impugned Official Memorandum.

13. Per contra, Sri. H.C. Shivaramu, learned counsel appearing for Respondent No.6, submitted that the present writ petition is not maintainable, primarily on the ground that the petitioner is not a rival claimant in respect of the subject land.



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14. It is further contended by learned counsel appearing for Respondent No.6 that the petitioner is a former Taluk Panchayat member and has been set up by the rival claimant, namely, ISKCON, Bengaluru, who have been granted land by the respondent-authorities with certain objects similar as to the respondent No.6. Learned counsel further submitted that, land bearing Sy. No. 411, measuring 608.14 acres, and also land bearing Sy. No. 342, measuring 391.21 acres, situated at Mahadevapura Village, Srirangapatna Taluk, constitute gomal land belonging to the Government.

15. It is further submitted that, on 05.11.2022, an extent of 30 acres of land was granted in favour of ISKCON, pursuant to the grant order dated 15.11.2022 (Annexure-R1) to the statement of objections filed by Respondent No.6), for the



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establishment of a school, free hostel, Ayurvedic hospital, prayer hall, and an agriculture and research centre etc., Learned counsel for the respondent No.6 contended that the said grant in favour of ISKCON was unconditional and was made without specifying any period of lease as that of ten years given to the respondent No.6 and that apart, it is contended that the sole intention of the petitioner, acting at the behest of ISKCON, is to prevent Respondent No. 6 from emerging as a competitor to ISKCON, since both the institutions pursue common and identical objectives.

16. It is submitted that, the respondent No.6 had sought for ten acres of land, on lease, and the respondent No.3-Deputy Commissioner, vide Official Memorandum dated 09/13.03.2023 (Annexure-R2 to the statement of objections filed by Respondent No.6),



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granted an extent of 9.36 acres on lease for a period of ten years only, which is not permanent unlike grant made in favour of ISKCON.

17. Accordingly, learned counsel appearing for Respondent No.6 contended that, having regard to the vast extent of land available for grazing purposes in Mahadevapura Village and surrounding Villages, the respondent-authorities, after duly considering the objects and activities of the Trust, have rightly granted the subject land on lease in favour of Respondent No.6 for ten years only. Hence, it is submitted that, no interference by this Court is called for in this writ petition.

18. Learned counsel appearing for Respondent No.6 also referred to the cattle census of Mahadevapura Village and submitted that an extent of 88.25 acres of land is available in excess of the



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required extent of gomal land and therefore, refutes the contentions of the petitioner.

19. It is further contended by learned counsel appearing for Respondent No.6 that the underlying motive behind filing the present writ petition is to facilitate ISKCON, as Respondent No.6 would otherwise emerge as a competitor to it. It is, therefore, contended that the petitioner has no legal right or locus standi to challenge the impugned Official Memorandum at Annexure-A to the writ petition. Learned counsel further contended that ISKCON has encroached upon several adjacent lands and has also purchased several parcels of land from the owners of the lands in question with a view to achieving its objectives and if the petitioner is so conscious about the cattle grazing, why he has not raised similar query against the respondent-authorities at the time of



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granting land on lease to the ISKCON and such other grantees.

20. It is also argued by learned counsel appearing for Respondent No.6 that the contention raised by the learned Senior Counsel for the petitioner that the lease was granted at the behest of the present Pontiff is wholly baseless, as the present Pontiff (then Additional Deputy Commissioner) has no connection whatsoever with Respondent No.6 in relation to the subject matter of the present proceedings before the grant of lease to be made and therefore, sought for dismissal of the writ petition.

21. In reply to the contention of the learned Senior Counsel for the petitioner that the provisions contained in Rules 3, 5 and 6 of the Karnataka Land Grant Rules, 1969, have not been complied with, learned counsel for Respondent No.6 submitted that



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the said contention is incorrect and misconceived. In this regard, he referred to the reasons assigned by the respondent-authorities while granting the subject land on lease in favour of Respondent No.6, as per Annexure-A. Accordingly, learned counsel appearing for Respondent No.6 submitted that the impugned Official Memorandum does not suffer from any illegality or infirmity warranting interference by this Court and, therefore, sought dismissal of the writ petition.

22. Learned counsel appearing for Respondent No.6 also produced a copy of the order dated 12.01.1994, whereby permission was granted to ISKCON to purchase several parcels of land in and around Mahadevapura Village. Accordingly, learned counsel contended that the present writ petition has been instituted at the instance of ISKCON and that the



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petitioner has been set up to challenge the impugned Memorandum. Hence, learned counsel sought dismissal of the writ petition.

23. Referring to Rule 97(4) of the Rules, 1966, Sri. H.C. Shivaramu, learned counsel appearing for Respondent No.6, contended that the concurrence of the Regional Commissioner is required only in cases where land in excess of the prescribed limit is sought to be granted in favour of an applicant. Therefore, it was contended that the then Additional Deputy Commissioner had no role to play in the matter of grant of lease made to the respondent No.6. Learned counsel further submitted that the entire records and materials relating to the grant of the subject land on lease in favour of Respondent No.6 were required to be considered by the Tahsildar and the Deputy Commissioner. Accordingly, learned counsel appearing



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for Respondent No.6 sought for dismissal of the writ petition.

24. Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for the respondent-State, submitted that the petitioner is not a neighbouring landowner of the land granted on lease to Respondent No.6. Learned Government Pleader, by producing the original records, further contended that the respondent-authorities had duly complied with the requirements of Rules 3, 5 and 6 of the Grant Rules, 1969, as well as Rule 97 of the Rules, 1966 and as such, contended that the allegations and submissions made by the learned Senior Counsel appearing for the petitioner cannot be accepted and accordingly, sought for rejecting the writ petition.

25. Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for the respondent-



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State also produced the relevant original records pertaining to grant of land made in favour of ISKCON.

26. Having heard the learned counsel appearing for the parties and upon careful consideration of the writ papers along with the original records, it is evident that the petitioner claims to be a resident of Mahadevapura Village, Srirangapatna Taluk, and he further states that he owns cattle which are depending upon the gomal land for grazing.

27. It is not in dispute that the land bearing Sy. No. 411 of Mahadevapura Village is gomal land, spread over an extent of 608.14 acres. It is forthcoming from the records that the respondent-authorities, taking into consideration the total extent of gomal land available in Mahadevapura Village and the surrounding villages, as well as the fact that there are 1,606 cattles in Mahadevapura village and the



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surrounding villages, arrived at the conclusion that an extent of 608.14 acres in Sy. No. 411 and also an extent of 391.29 acres in Sy. No. 342, which are available for grazing purposes in Mahadevapura village and the surrounding villages and accordingly, issued the impugned memorandum in favour of the respondent No.6, granting land on lease for a period of ten years.

28. It is further forthcoming from the records that an extent of 464.14 acres of gomal land is available in Mundagadare Village and an extent of 205 acres is available in Hangarahalli Village. Thus, the total extent of gomal land available in Mahadevapura Village and the surrounding villages is to an extent of 1,412.23 acres, which is in excess of the extent of land required having regard to the number of cattle in the said villages.



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29. It is also forthcoming from the records that no applications in Form Nos. 53 or 57 have been filed by any unauthorised occupants in respect of the land granted in favour of Respondent No.6. Further, there are no pending proceedings before the concerned respondent-authorities or before any Court in respect of the subject land. In the aforesaid circumstances, Respondent No.3, after taking into consideration the guidance value of the land per acre in Mahadevapura Village, issued the impugned Official Memorandum at Annexure-A, granting an extent of 9.36 acres of land in favour of Respondent No.6 for the purposes of establishing a Cow Shelter, Agricultural Training and Research Centre, providing free education to poor and underprivileged children, and establishing an Old Age Home, all of which are intended for the benefit of society. The aforesaid lease has been granted for a period of ten years, and accordingly, a sum of



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Rs.5,75,833/- has been received from Respondent No.6–Trust towards the prescribed fee.

30. Though the learned Senior Counsel appearing for the petitioner contended that the present Pontiff of Respondent No.6 had earlier served as the Additional Deputy Commissioner of Mandya District, during the relevant period and the impugned Official Memorandum was issued in March 2023. However, the said Additional Deputy Commissioner had not yet been coroneted as the Pontiff of Respondent No.6. Therefore, the contention of the learned Senior Counsel in this regard cannot be accepted.

31. Though the learned Senior Counsel appearing for the petitioner contended that the respondent-authorities have failed to comply with the provisions contained in Rules 3, 5 and 6 of the



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Karnataka Land Grant Rules, 1969, while granting the subject land on lease in favour of Respondent No.6, the said contention cannot be accepted as the respondent-authorities have clearly given finding in the impugned Official Memorandum as to the requirement of the land for grazing and same is forthcoming from the records produced by the respondent-State.

32. The aforesaid provisions contemplate as to the procedure for grant of land to eligible applicants on a permanent basis. However, in the present case, the subject land has not been granted on a permanent basis; rather, it has been leased in favour of Respondent No.6 for a period of ten years, subject to compliance with the terms and conditions stipulated in the lease deed. Therefore, I am of the considered view that the contention raised by the learned Senior



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Counsel appearing for the petitioner, with regard to non-compliance with Rules 3, 5 and 6 of the Karnataka Land Grant Rules, 1969, cannot be accepted.

33. I have also perused Rule 97 of the Karnataka Land Revenue Rules, 1966, which provides for making available adequate grazing land for the cattle, goats and sheep of each village. Taking into consideration the total extent of gomal land available in Mahadevapura Village and surrounding villages, as stated hereinabove, it is evident from the impugned Official Memorandum at Annexure-A that the respondent-competent authority has duly considered the availability of gomal land vis-à-vis the number of cattle, goats and sheep in Mahadevapura Village and the surrounding villages. The records further disclose that the extent of gomal land available is in excess of



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the requirement having regard to the livestock population in the said villages. Therefore, I am of the considered view that the contention advanced by the learned Senior Counsel appearing for the petitioner cannot be accepted.

34. Though the learned Senior Counsel appearing for the petitioner has placed reliance on the aforementioned judgments and further contended that the procedure contemplated under the relevant provisions has not been followed and that the gomal land has been de-reserved, a perusal of the records and the findings recorded by Respondent No.3 in the impugned Official Memorandum at Annexure-A would indicate otherwise as the land has been granted to respondent No.6 for ten years on lease and therefore, the judgment referred to by the learned Senior



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Counsel for the petitioner cannot be made applicable for the facts and circumstances of the case.

35. The impugned order contains a detailed consideration of the availability of gomal land in and around Mahadevapura Village and the surrounding villages. It is specifically recorded therein that an extent of 1,412.23 acres of gomal land is available for grazing purposes, which is in excess of the extent required having regard to the livestock population in the said villages.

36. Further, it is pertinent to note that the respondent-authorities had granted an extent of 30 acres of land in the very same Sy. No. 411, pursuant to the official memorandum dated 15.11.2022 (Annexure-R1 to the statement of objections filed by respondent No.6), for similar purposes to the ISKCON and on par with the grant made in favour of



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Respondent No.6. It is significant to note that no specific period was stipulated in the said grant made in favour of ISKCON, like one which is granted to the respondent No.6 for 10 years, that too, less than 10 acres.

37. However, the aforesaid finding is based on the submissions advanced by the learned counsel appearing for the respective parties and the records placed before this Court by the learned High Court Government Pleader. Nevertheless, the same would not have any effect on the grant made in favour of ISKCON, as ISKCON is not a party to the present proceedings. In this regard, it is relevant to refer to the judgments of the Hon'ble Supreme Court in the case of ***Johra and others vs. State of Haryana*** and others reported in ***(2019) 2 SCC 324***, wherein it has been held that no order can be passed by a Court in



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judicial proceedings against a party without affording such party an opportunity of being heard.

38. In the backdrop of the aforesaid aspects, though the learned Senior Counsel appearing for the petitioner has placed reliance on the objections submitted by the petitioner along with others, as per Annexures-F, G and H, and a perusal of the records would indicate that the decision to grant the subject land on lease in favour of Respondent No.6 is based on objective criteria. The respondent-authorities have taken into consideration the total number of cattle in Mahadevapura Village and the surrounding villages, as well as the availability of gomal land in excess of the requirement for grazing purposes. Therefore, the satisfaction recorded by the competent authority for granting the subject land on lease in favour of



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Respondent No.6 cannot be said to be arbitrary or without consideration of the relevant factors.

39. It is also to be noted from the submissions advanced by the learned Senior Counsel appearing for the petitioner that the grant of the subject land in favour of Respondent No.6 is contrary to Rule 97 of the Rules, 1966. However, a perusal of the records, particularly, the permission letter dated 12.01.1994 addressed by the Assistant Commissioner, Pandavapura, would indicate that 17 applications had been filed by various unauthorised occupants seeking regularisation of their occupation over different extents of land bearing Sy. No. 411 of Mahadevapura Village, however, there is no claim as to the land sought for by the respondent No.6 in Sy.No.411 of Mahadevapura village.



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40. The aforesaid circumstance establishes that substantial gomal land is available in Mahadevapura Village and the surrounding villages. Therefore, having regard to the availability of gomal land vis-à-vis the requirement for grazing purposes, the contention raised by the learned Senior Counsel appearing for the petitioner cannot be accepted.

41. It is also forthcoming from the records that the grant of the subject land in favour of Respondent No.6 has been made on lease for a period of ten years, subject to the terms and conditions stipulated therein. Having regard to the objects of Respondent No.6, as set out in the registered Trust Deed dated 03.02.1989 (Annexure-B), and also taking into consideration the grant of land made in favour of ISKCON for similar purposes, it is evident that the said grant in favour of ISKCON has remained unchallenged



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by anyone, much less by the petitioner herein. The aforesaid circumstances would indicate that the petitioner has no genuine or substantial interest in protecting the gomal land, as sought to be projected in the present writ petition.

42. Therefore, I am of the considered view that the petitioner has failed to make out any ground warranting interference by this Court in the present writ petition. Accordingly, the writ petition stands ***dismissed*** as being devoid of merit.

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

SB
List No.: 1 Sl No.: 60