



CNR: KAHC010197082025

NC: 2026:KHC:44935-DB
WA No. 430 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 430 OF 2025 (KLR-RES)

BETWEEN:

1. SRI. DEVI PRASAD
AGED ABOUT 63 YEARS,
SENIOR CITIZEN BENEFITS NOT CLAIMED
S/O LATE ANANTHESHWARA BHAT
R/AT ANILAKODI,
BANUR VILLAGE,
PUTTUR TALUK,
DAKSHINA KANNADA DISTRICT-574203.

...APPELLANT

(BY SRI. UDAYA HOLLA, SENIOR ADVOCATE FOR
SRI. SACHIN B S., ADVOCATE)

AND:

1. THE ASSISTANT COMMISSIONER
PUTTUR SUB-DIVISION, PUTTUR,
DAKSHINA KANNADA-574201.
2. TAHSILDAR
PUTTUR TALUK
DAKSHINA KANNADA DISTRICT -574201.
3. ESHWARA BHAT
AGED ABOUT 55 YEARS,
S/O KESHAV BHAT,
PANJIGUDDE, PADNOOR VILLAGE,

Digitally
signed by
VASANTHA
KUMARY B
K

Location:
HIGH
COURT OF
KARNATAKA



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PUTTUR TALUK,
DAKSHINA KANNADA DISTRICT-574201

...RESPONDENTS

(BY SRI. N. BYRE GOWDA, AGA FOR R1 & R2;
SRI. G.BALAKRISHNA SHASTRI, ADVOCATE FOR R3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 19/02/2025 IN WP NO.4207/2025 PASSED BY THE LEARNED SINGLE JUDGE AND CONSEQUENTLY ALLOWS THE WRIT PETITION IN WP NO.4207/2025 AS PRAYED FOR.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT

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

The present intra Court appeal has been filed impugning the judgment and order dated 19.02.2025 passed by the writ Court in W.P.No.4207/2025 (KLR-RES) instituted by the respondent No.3 herein.

2. The parties are referred to as per their ranking before the writ Court for the sake of convenience.

3. The writ petition was filed challenging the order dated 21.01.2025 passed by the Assistant Commissioner, Puttur Sub-



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Division, Puttur in Appeal ADS R.E.V.S.R:70/23-24. Respondent No.3 and his wife have secured two sites. Under the relevant scheme, allotting the sites in a beneficial scheme would be for those persons, who do not own residential house and seek allotment of sites. Enquiry Officer found from the records that the petitioner and his wife had secured allotment of sites in violation of the scheme by suppressing the material fact. There was delay of five years in filing the appeal before the Assistant Commissioner. But the Assistant Commissioner had condoned the delay exercising the power under Section 22 of the Karnataka Land Revenue Act, 1964, as in the opinion of the Assistant Commissioner, two sites allotted in favour of the petitioner and his wife was fraud under the Statute, inasmuch as the valuable public land was being sought to be conveyed to the petitioner in violation of the scheme itself, and the fraud vitiates everything including the finality of the judgment or decree.

4. The final enquiry is said to be conducted and the order passed by the Assistant Commissioner condoning the delay came to be challenged in the writ petition. The writ Court vide



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impugned judgment and order in paragraph 5 and 6 observed as under :-

"5. In light of these significant details, the judgments cited by the petitioner are not at all applicable to the present case on hand. The petitioner has no pre-existing right in these properties. He is entitled subject to eligibility. Therefore, the matter deserves to be enquired, and if the petitioner is found to have flouted the rules and by suppression secured two sites, one in his name and one in his wife's, there has to be an appropriate enquiry. This enquiry cannot be scuttled at this juncture. Any indulgence would deprive a genuine house-less person of getting the benefit under the scheme. In that view of the matter, the writ petition is liable to be dismissed.

6. The government's housing schemes are specifically designed to provide residential sites to genuinely homeless individuals and families who do not own any property. These schemes aim to alleviate housing insecurity and ensure equitable distribution of resources. Allowing both husband and wife to individually apply for site allotments would defeat the fundamental purpose of these welfare measures, as it would enable a single household to acquire multiple properties under a program intended



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for single-site beneficiaries. This would unfairly deprive other deserving applicants of the opportunity to obtain housing, thereby violating the core principles of fairness and equity embedded in such schemes.

*Order impugned does not warrant interference. Accordingly **dismissed**."*

5. The delay has been condoned. The enquiry is still to be held regarding the legality of allotment of two sites to the petitioner and his wife.

6. We find no ground to interfere with the impugned judgment and order dated 19.02.2025 passed by the writ Court in W.P.No.4207/2025 (KLR-RES), which is why the writ appeal stands **dismissed**, being devoid of merit.

7. We make it clear that the observation made in this order is only in respect of the present appeal. All contentions are left open to the parties.

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

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**