HC-KAR

NC: 2026:KHC:17985
WP No. 9335 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 9335 OF 2026 (KLR-RES)

BETWEEN:

SRI. NAGESH
S/O MUNIRAJU
AGED ABOUT 50 YEARS,
R/AT TOBARAPALYA, SOLUR HOBLI,
MAGADI TALUK - 562 120.

...PETITIONER

(BY SRI. MALLIKARJUN N.A, ADVOCATE FOR
SRI. SAMPATH A, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPTD. BY ITS SECRETARY
DEPARTMENT OF REVENUE
M.S. BUILDING,
DR. AMBEDKAR VEEDI
BENGALURU - 560 001.

2. TAHSILDAR
MAGADI TAJUK - 562 120.

...RESPONDENTS

(BY SRMT. B.P. RADHA, AGA)

Digitally signed by JUANITA THEJESWINI
Location: HIGH COURT OF KARNATAKA

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) QUASHING THE ENDORSEMENT BEARING NO. R.R.T/CR/258/23-24 DATED

03/11/2023 ISSUED BY THE R2-TAHSILDHAR VIDE ANNX-A AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R DEVDAS

ORAL ORDER

Learned Additional Government Advocate takes notice of both the respondents.

2. Learned counsel for the petitioner submits that contrary to the law laid down by this Court, in the case of ***Shivanna Vs. Deputy Commissioner and others,*** in ***W.P.No.19639/2021*** dated ***05.09.2022***, the impugned endorsement at Annexure-A dated 03.11.2023 has been issued by the Tahsildar, Magadi Taluk, declining to collect the arrears of land revenue from the petitioner and remove the forfeiture clause incorporated in the RTC.

3. This Court earlier has dealt with similar situations where an endorsement was issued by the

Tahasildar declining to collect the arrears of land revenue and had passed orders of cancellation of forfeiture (PADA). This Court, while analyzing the provisions contained in Section 163 of the Karnataka Land Revenue Act and the Rules therein, including Rule 119, held in W.P.No.19639 of 2021 dated 05.09.2022 that there is no time limit fixed in Section 163 for collection of arrears of land revenue in the normal circumstances. Having noticed the provisions contained in Section 163, this Court has held that second proviso to Section 163 of the Act clearly animates the wisdom of the legislature that in the normal circumstances where there is arrears of land revenue which may not exceed few tens of rupees having regard to the fact that the land revenue which is fixed at a very minimal rate such as Rs.1/-, Rs.2/- etc., annually, it is impossible that arrears of land revenue would exceed Rs.10,000/- as provided in the second proviso. Having regard to this aspect this Court has already concluded that the respondent authorities, i.e, the Deputy Commissioner and

the delegated authority, i.e., the Tahasildar are duty bound to collect the arrears of land revenue and pass orders of cancellation or forfeiture since it is not disputed that the petitioner continues to be in occupation of the land in question.

4. Consequently, the writ petition is ***disposed of*** with a direction to the respondent-Tahsildar, Magadi Taluk, to determine and collect the arrears of land revenue as found in the check-list and formally pass an order of cancellation of forfeiture (SARKARI PADA). The petitioner shall be permitted to pay the arrears of land revenue accordingly within a period of two weeks from the date of receipt of a copy of this order. The Tahsildar shall collect the arrears of land revenue accordingly and pass necessary orders of cancellation of forfeiture (SARKARI PADA) as expeditiously as possible and at any rate within a period of two weeks from the date of receipt of the arrears of land revenue at the hands of the petitioner in accordance with law.

Ordered accordingly.

Learned Additional Government Advocate is permitted to file memo of appearance within a period of four weeks from today.

Sd/-
(R DEVDAS)
JUDGE

rv
List No.: 1 Sl No.: 16