



CNR: KAHC010209112019

NC: 2026:KHC:45064
WP No. 30952 of 2019

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. 30952 OF 2019 (KLR-RR/SUR)

BETWEEN:

1. THE STATE OF KARNATAKA
DEPARTMENT OF REVENUE
M.S.BUILDING, BENGALURU - 560 001
REPRESENTED BY ITS PRINCIPAL SECRETARY.
2. THE TAHSILDAR
BENGALURU SOUTH TALUK
BENGALURU.

...PETITIONERS

(BY SRI.SPOORTHY HEGDE N, HCGP)

AND:

1. THE SPECIAL DEPUTY COMMISSIONER-2
BENGALURU SOUTH DIVISION,
BENGALURU - 09.
2. SRI. M. MARILINGEGOWDA
S/O MUDDAIAH, AGED MAJOR
R/AT MALIGONDANAHALLI VILLAGE
KENGARI HOBLI, KENGARI
BANGALORE SOUTH TALUK-560060.

...RESPONDENTS

(BY SMT.B P RADHA, AGA FOR R1
SRI. P V CHANDRASHEKAR, ADVOCATE FOR R2)

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



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS AND SET ASIDE THE ORDER PASSED BY THE SPECIAL DEPUTY COMMISSIONER-2, BENGALURU SOUTH SUB-DIVISION, BENGALURU DATED 05.02.2018 VIDE ANNEXURE-A

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

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

ORAL ORDER

The learned Additional Government Advocate accepts notice for respondent No.1.

2. In this writ petition, the petitioners are assailing the order dated 05.02.2018 (Annexure-A) passed by the respondent No.1.

3. It is argued by the learned High Court Government Pleader, Sri Spoorthy Hegde N, appearing for the petitioner-State that, the land in question is a Sarkari gomal land, and thereby, by invoking Section 7 of Mysore Personal Miscellaneous and Inam Abolition Act, 1954. It is submitted that, the respondent No.1, without proper verification as to the genuineness of the grant made in



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favour of the respondent No.2 has passed the impugned order which requires to be interfered with in this writ petition. It is also argued by the learned High Court Government Pleader that, the respondent No.1 has no jurisdiction to pass the impugned order as he does not have competency, and therefore, sought for interference of this Court.

4. Sri P. V. Chandrasekhar, learned counsel for respondent No.2 submitted that, the respondent No.2 is absolute owner in possession of the land in question. It is argued that, originally Hanumanthaiah was cultivating the land to an extent of 7 acres 30 guntas in Sy.No.26 of Maligondanahalli village, Kengeri Hobli, Bangalore South Taluk, as he has purchased the tenancy rights from the inamdar - R Venkatrao, as per the registered sale deed dated 27.07.1939 and by virtue of promulgation of Mysore Inam Abolition Act, 1954, the entire village of Maligondanahalli village was vested with the government



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as per the notification dated 15.09.1956, and thereby traced title in respect of the land in question by referring to the averments made in the statement of objection.

5. It is further contended by the learned counsel for respondent No.2 that, the phodi and durast has been made in respect of the land in question by the Survey Authorities, and the same has reached finality and also MR No.44/2004-05 reflects the ownership of the respondent No.2, and therefore, sought to justify the impugned order at Annexure-A.

6. Smt.B P Radha, learned Additional Government Advocate appearing for the respondent No.1 justifies the impugned order.

7. In the light of the submissions made by the learned counsel appearing for the parties and on careful consideration of the impugned order at Annexure-A, wherein the grant made in favour of one Hanumanthaiah,



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the erstwhile tenant of the land in question from R Venkatrao, wherein the order of re-grant was passed on 18.08.1959 in Case No.93/1956-57. In that view of the matter, there is a delay of more than five decades in invoking the suo motu proceedings under Section 136(3) of the Karnataka Land Revenue Act, 1964. In this regard, it is well settled principle of law in the case of **Jt. Collector Ranga Reddy Dist. & another vs D.Narsing Rao & Ors.** reported in **(2015) 3 SCC 695**, wherein it is stated that, the Authorities are required to invoke the suo motu proceedings within a reasonable period. I am of the opinion that the respondent-Authority cannot initiate any proceedings in respect of the subject land after the lapse of five decades. The Hon'ble Supreme Court in the case of **Nekkanti Ramalakshmi vs State of Karnataka and another** reported in **(2020) 14 SCC 232**, on the similar lines held that belated interference by the government in respect of the subject land would affect the possession of the land by the aggrieved parties, and therefore, held that,



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even if there is an element of fraud is alleged by the government or private persons, however, the same has to be exercised within a reasonable period.

8. In that view of the matter, I am of the view that no interference is called for in this writ petition.

Accordingly, writ petition is dismissed.

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

BKM
List No.: 1 Sl No.: 16