



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO.9470 OF 2020 (KLR-RES)

BETWEEN:

1. SRI. SRINIVAS
S/O. NAGA ARASAPPA,
AGED ABOUT 71 YEARS.
2. SMT. MUNIYAMMA
W/O. LATE MUNIYAPPA,
AGED ABOUT 63 YEARS.
3. SRI. VENKATASWAMY
S/O. VENKATAPPA,
AGED ABOUT 71 YEARS.
4. SRI. ARASAPPA
S/O. MUNIYAPPA @ NANJAPPA,
AGED ABOUT 73 YEARS.

ALL ARE RESIDING AT
O.B. CHOODANAHALLI VILLAGE,
VIJAYAPURA POST,
KENGARI HOBLI,
BENGALURU SOUTH TALUK,
BENGALURU DISTRICT-560 082.

...PETITIONERS

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by CHAYAS A
Location: HIGH
COURT OF
KARNATAKA



(BY SRI. P.P.HEGDE, SENIOR COUNSEL FOR
SRI. RAMESHA H.E., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY,
DEPARTMENT OF REVENUE,
VIDHANA SOUDHA,
BENGALURU-560 001.
2. THE DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT,
KANDAYA BHAVANA,
KEMPEGOWDA ROAD,
BENGALURU-560 009.
3. THE ASSISTANT COMMISSIONER
BENGALURU SOUTH SUB-DIVISION,
KANDAYA BHAVANA, KEMPEGOWDA ROAD,
BENGALURU-560 009.
4. THE TAHSILDAR
BENGALURU SOUTH TALUK,
KANDAYA BHAVANA,
KEMPEGOWDA ROAD,
BENGALURU-560 009.

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE N., HCGP, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE ORDER DATED 06.09.2013 PASSED BY
RESPONDENT NO.3 ASSISTANT COMMISSIONER, BANGALORE



SOUTH SUB-DIVISION, BANGALORE IN CASE AS PER ANNEXURE-R, THE ORDER DATED 01.06.2016 PASSED BY RESPONDENT NO.2 DEPUTY COMMISSIONER, BANGALORE DISTRICT, BANGALORE IN MISC.NO.2/2013-14 AS PER ANNEXURE-U AND THE ORDER DATED 18.06.2020 PASSED BY THE KARNATAKA APPELLATE TRIBUNAL, BENGALURU, IN APPEAL NO.689/2016 AS PER ANNEXURE-W; AND ETC.

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 JUDGMENT

In this writ petition, the petitioners are assailing the order dated 06.09.2013 (Annexure-R), passed by respondent No.3-Assistant Commissioner in No.LND(RUC) CR-2/2013-14; order dated 01.06.2016 (Annexure-U) passed by respondent No.2-Deputy Commissioner in Revenue (Misc.) No.2/2013-14, and order dated 18.06.2020 (Annexure-W) in Appeal No.689 of 2016 passed by



the Karnataka Appellate Tribunal, *inter-alia*, sought for a declaration that, the grant made in favour of the petitioners is valid.

2. Relevant facts for the adjudication of this writ petition are that the petitioners are in cultivation of the land bearing Sy.No.132 of B.M.Kaval village, Kengeri Hobli, Bangalore South Taluk, for more than three decades as unauthorised occupants and as such, the petitioners have made an application seeking occupancy rights and same was placed before the committee constituted for the purpose of regularisation of unauthorised occupation of the land in question. It is further stated that the committee after considering the material on record resolved to regularise the land in favour of the petitioners as per the Resolution dated 24.11.1997 (Annexure-B). Thereafter, the Thasildar issued the



Grant Certificate in favour of each of the petitioner to an extent of 03 acres each on 07.05.1999 (Annexure-C1 to C3). Pursuant to the same, the mutation was made in favour of the petitioners as per Annexure-C4 to C10. It is further stated in the writ petition that, one Ashwath Naik and others have challenged the grant made in favour of the petitioners before the respondent No.3-Assistant Commissioner, which came to be allowed on 26.07.2005 (Annexure-F). Feeling aggrieved by the same, the petitioners herein preferred appeal before the respondent No.2-Deputy Commissioner, which came to be allowed by the respondent No.2 by order dated 15.07.2005 (Annexure-G) and the matter was remanded to the respondent No.3 herein, for fresh consideration.



3. In the meanwhile, Government of Karnataka has issued Notification dated 16.01.2007, extending the boundaries of Bangalore Mahanagara Palike and renamed as Bruhat Bengaluru Mahanagara Palike (for short BBMP) (Annexure-H). The petitioners have produced the copy of the letters addressed by the Assistant Executive Engineer PWD Department, to Assistant Executive Engineer BBMP as to the boundary of BBMP by letter dated 20.09.2007 and 09.10.2007 (Annexure-J and J1) respectively. It is the case of the petitioners that the land in question is situate beyond 10 kms from BBMP limits. It is further stated in the writ petition that, the said Ashwath Naik who suffered an order from the respondent-authorities had filed W.P.No.10769 of 2009 before this court, and this court, vide order dated 17.08.2012 (Annexure-P), allowed the writ petition. Pursuant to the order passed by this Court,



the respondent No.3, sought for certain clarification from the respondent No.4-Thasildar, and thereby, respondent No.4 has filed reply as per Annexure-Q series.

4. It is further stated in the writ petition that, the respondent No.3, after re-considering the material on record, has passed the order dated 06.09.2013 (Annexure-R) and as such, allowed the appeal. It is also stated by the petitioners that, in order to establish distance of the land in question from the BBMP limits, the survey and settlement as well as the Haddubast of the land regularised in favour of these petitioners as provided under the provisions of the Karnataka Land Revenue Act, 1964 and those proceedings were undertaken by way of appeal before Assistant Commissioner are relevant and copies of the proceedings are produced at



Annexure-S series. The petitioners have also, produced the order dated 19.06.2014 (Annexure-T) in W.A.No. 5794-99 of 2012, wherein the petitioners herein have withdrawn the writ appeals as having become infructuous on the ground that the matter was remitted by this court as per Annexure-P in W.P.No.10769 of 2009, which came to be concluded by the respondent No.3-Assistant Commissioner, at Annexure-R to the writ petition. Being aggrieved by the same, the petitioners have preferred Revenue (Misc.) 2/2013-14 before the respondent No.2-Deputy Commissioner, and the respondent No.2 by order dated 01.06.2016, rejected the petition on the ground that the land in question is situate within the purview of 18 kms of BBMP limits. Being aggrieved by the same, the petitioners have preferred Appeal No.689 of 2016 before the Karnataka Appellate Tribunal, Bengaluru, and the Tribunal by order dated



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18.06.2020, (Annexure-W), dismissed the appeal and being aggrieved by the same, the petitioners have presented this writ petition.

5. I have heard Sri. P. P. Hegde, learned Senior Counsel appearing on behalf of Sri. Ramesha H.E., learned counsel for the petitioners and Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for the respondents-State.

6. Sri. P.P. Hegde, learned Senior Counsel appearing for the petitioners contended that, the petitioners herein have submitted Form No. 50 seeking regularisation of the land in question on 19.09.1991 and thereafter, Form No.53 was filed on 01.12.1998, and as on the date of applications made by the petitioners, the land in question was lying beyond 18 kms from the BBMP limits and therefore, the impugned orders passed by the respondent-



authorities is without considering the relevant material on record on the right perspective.

7. It is also argued by the learned Senior Counsel for the petitioners that, as the saguvali chits as per Annexures-C1 to C3 had been issued to the petitioners, during the year 1999, and, same cannot be interfered with by the respondent-authorities after inordinate delay and as such, learned Senior Counsel for the petitioners submitted that, the interference made by the respondent-authorities at the instance of private parties after the delay of more than 8 years is required to be considered in this writ petition. It is also the submission of the learned Senior Counsel that, the prevailing rules as on the date of making applications by the petitioners during the year 1991, the land in question was not within the purview of 18 kms from the BBMP limits and



therefore, sought for setting aside the impugned orders.

8. It is the arguments of the learned Senior Counsel for the petitioners by referring to the notification dated 16.01.2017 Annexure-H, wherein, the land in question is situate within the Kengeri City Municipal Corporation and therefore, as per the provisions contained under Section 94-A of the Karnataka Land Revenue Act, 1964 (hereinafter referred to as Act, 1964), distance has to be taken as 05 kms., and therefore, learned Senior Counsel sought for interference of this court.

9. Per contra, Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for the respondent-State submitted that, cancellation of the grant made in favour of the petitioners is in exercise of power conferred under Rule 108-K of the



Karnataka Land Revenue Rules, 1966 (hereinafter referred to as Rules, 1966), and therefore, sought for dismissal of the writ petition. It is also argued by the learned High Court Government Pleader that, as the petitioners have withdrawn the W.A No. 5794-99 of 2012, and as such, the petitioners have no legal right to claim over the land in question. It is also argued by the learned High Court Government Pleader that, all the respondent-authorities, after considering the material on record, have rightly arrived at a conclusion that, the distance of the subject land from the BBMP limits is within 18 kms and therefore, sought for dismissal of the writ petition.

10. In the light of the submission made by the learned counsel appearing for the parties, on careful consideration of the writ papers would indicate that, petitioners are in possession of the land bearing



Sy.No.132 of the B. M. Kaval village, Bangalore South Taluk, as unauthorised occupants. The respondent No.4-Thasildar, after conducting preliminary enquiry and identification of the location of the land in question, has reported with the sketch to the competent Committee to take decision for regularisation of unauthorised occupants. The Committee vide Resolution dated 24.11.1997 considered the Form No. 53 filed by the petitioners as per Rule 108-C(2) of the Rules, 1966 and recommended for grant of the land to the petitioners. Copy of the Resolution of the Committee dated 24.11.1997 is produced at Annexure-B. Thereafter, the Saguvali Chits were issued by the competent authority in favour of the petitioners as per Annexures-C1 to C3 series. The petitioners have also produced the mutation entry made in favour of the them as per Annexures-C4 in respect of subject



land. RTC extracts are produced at Annexure- C5 to C10, would indicate that, name of the petitioners or their ancestors are reflected in the RTC extracts and therefore, the entire revenue records stands in the name of the petitioners. Perusal of Annexure- D, letter addressed by the Assistant Executive Engineer, Zilla Panchayat Technical Sub-Division, Bangalore South Taluk, to the Executive Engineer, Zilla Panchayat Technical Sub-Division, Bangalore, would indicate that, the B.M Kaval village is around 28 kms from the limits of BBMP.

11. It is forthcoming from the writ petition that, proceedings in LND RUC(S) 1/2003-04 was initiated against the petitioners at the instance of the complaint filed by one Ashwath Naik and others and the respondent No.3-Assistant Commissioner, by order dated 26.07.2004 (Annexure-F), directed for



resumption of the land made in favour of the petitioners. Perusal of the finding recorded therein, would indicate that the land in question is beyond 15 kms and the letter dated 06.12.1997, addressed by the Thasildar to the Committee envisages that the land in question is situate beyond 18 kms. It is also to be noted that the letter dated 27.03.1997 by the Assistant Executive Engineer, Zilla Panchayat, reported that distance of B.M.Kaval from BMP as 19 kms., and from the central of office of BBMP, it is 28 kms. However the said order passed by respondent No.3, was quashed by the respondent No. 2, as per order dated 15.07.2005 Annexure-G. The respondent No.2, after considering provisions contained under Section 94-A(4) of the Act, 1964, has rightly arrived at a conclusion that the distance has to be considered as on the date of the applications made by the grantees. Taking into consideration the



Notification dated 16.01.2007, (Annexure-H), wherein, the Kengeri City Municipal Corporation was formed and as such the distance taken by the respondent-authorities is contrary to law and the Rules.

12. Taking into consideration the material on record would indicate that W.P.No.10769 of 2009 was filed before this Court, by one Ashwath Naik, challenging the order passed by the respondent No.2-Deputy Commissioner and this court vide order dated 17.08.2009 (Annexure-P) allowed the writ petition. In furtherance of the same, proceedings have been conducted by the respondent No.3, and order dated 06.09.2013, is produced at Annexure-R, wherein, the grant made in favour of the petitioners, and other 34 members, was quashed. Though the said order was, ultimately, challenged by the



petitioners herein in WA No.5794-99 of 2012, however the said Writ Appeals were dismissed as having become infructuous on 19.06.2014 (Annexure-T). In the meanwhile, the order passed by the respondent No.3 was confirmed by the respondent No.2 as per Annexure-U dated 01.06.2016 which came to be confirmed by the Karnataka Appellate Tribunal by order dated 18.06.2020 (Annexure-W). The entire proceedings went against the petitioners on the sole ground that the land in question is situated within 18 kms from limits of BBMP, however, the respondent-authorities failed to consider the fact that, the distance has to be considered from the date on which the applications have been made by the petitioners in From No. 53. In this regard, this court in the case of ***Mahadev and others vs. State of Karnataka and Others***



reported in **ILR 2016 KAR 3509** at paragraphs 8 to 13 held as under:

"8. To answer this question, advertence to the relevant provisions of the Karnataka Land Revenue Act, 1964 and the Karnataka Land Revenue Rules, 1966 may be necessary. Section 94-A(6)(a) reads as follows;

"Not withstanding anything contained in the preceding Sub Section (a) "The Tahsildar concerned shall issue the order of grant of land, on the recommendations of the Committee or additional Committee as the case may be, if any and issue the Saguvali Chit."

9. Rule 108-D(2) and (3) of the Karnataka Land Revenue Rules, 1966 reads as follows:

Rule 108-D(2):

"After the expiry of the period specified in the notice the Committee (or the Additional Committee) shall, after considering the objections received and after further enquiry, if necessary, (recommend for grant of the land unauthorisedly occupied by the applicant or to dismiss it), subject to the provisions of Rule 108-1."

Rule 108-D(3):—

"On such recommendations, the Tahsildar, who shall be the Secretary of the Committee or the



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Additional Committee, as the case may be, shall, issue an order of grant and issue certificate of grant or Saguvali Chit in Form No. VII specified under the Karnataka Land Grant Rules, 1969, or dismiss the application, as the case may be.”

10. The perusal of the afore-extracted provisions reveals that once the fifth respondent Committee recommends the grant of the lands, the Tahsildar has no discretion in the matter. He has no option but to issue the grant order and Saguvali Chit on such terms as are permissible in law. The Tahsildar, who is the Member Secretary of the Committee cannot act as an Appellate Authority and sit in judgment over its orders or recommendations. The Member Secretary has no veto-power as such. The mandate of the law is that he has to only operationalize the recommendations of the Committee.

11. However, all these does not mean that if the resolution recommending the grant is illegal, irregular or if the applicant for the grant of the land is ineligible or if the land itself is not available for grant, then the remedy for the Tahsildar is to prefer an appeal before the Assistant Commissioner invoking Rule 108-K of the Karnataka Land Revenue Rules, 1966. It is for the



Assistant Commissioner to take the decision in the matter of cancellation of the grant.

12. The second question that falls for my consideration is whether the application for the grant of the land has to be examined with reference to the law which was in force at the time of making the application or as per the law, which is amended subsequent to the filing of the application?

13. It is a cardinal principle of construction that every statute is prima facie prospective, unless it is expressly or by necessary implication made to have retrospective operation. Unless there are words in the statute sufficient to show the intention of the Legislature to affect the existing rights, it is deemed to be prospective only. In the absence of anything in the enactment to show that it is to have retrospective operation, it cannot take away or impair a right acquired under the existing laws or attach a new disability."

11. Taking into consideration the order dated 20.09.2017, in W.P.No.58789 of 2016, it is to be concluded that, the distance has to be calculated



from the date of the applications made by the petitioners, and as per the report of Assistant Executive Engineer to the Executive Engineer of Zilla Panchayat, dated 26.12.2003 (Annexure-D), the B.M.Kaval village is situate beyond 18 kms from BBMP limits. That apart, the respondent-authorities have initiated proceedings against the petitioners after issuing of saguvali chit, grant order and the RTC extracts which stands in the name of the petitioners. It is also to be noted that the petitioners are in possession of land in question. In the event, if there is any violation of grant made in favour of the petitioners, there was no necessity for the very same respondent-authorities, to reject the applications made by the petitioners in Form No.53 as there is inordinate delay in taking action against the petitioners by the respondent-authorities, and therefore, I am of the opinion that, the impugned



orders are required to be set aside. In this regard, it is relevant to cite the judgment of the Hon'ble Supreme Court in the case of ***Joint Collector Rangareddy District and Another vs. D Narasing Rao and Others*** reported in ***(2015) 3 SCC 695*** it is held that, the authorities are required to exercise their power within a reasonable period and in the instant case as the respondent-authorities themselves issued the Saguvali Chits in favour of the petitioners, pursuant to the recommendation made by the Committee which has gone into all the eligibility criteria of the petitioners and their ancestors and thereafter, at the instance of some private parties, grant cannot be rejected after inordinate delay by issuing the cancellation order. It is relevant to mention here that grant order made in favour of the petitioners as per Annexure-C1 to C3, is on 07.05.1999 and at this juncture, after



inordinate delay, the authorities interfered with the grant orders of the petitioners, who are in settled position of land in question, at this juncture it is relevant to follow the judgment passed by this Court in the case of the State of ***Karnataka and others vs. Smt. Pyari Ma*** in ***W.A.No.284 of 2023*** disposed of on 24.02.2026, wherein it is held that, order of recommendation passed by the regularisation committee has to be considered in order to determine the distance of the land in question from the City Municipal Limits or Taluk Municipal Limits. Therefore, I pass the following:

ORDER

- i) writ petition is ***allowed.***
- ii) Order dated 06.09.2013 (Annexure-R), passed by respondent No.3-Assistant Commissioner in No.LND (RUC) CR-2/2013-



14; order dated 01.06.2016 (Annexure-U) passed by respondent No.2-Deputy Commissioner in Revenue (Misc.) No.2/2013-14, and order dated 18.06.2020 (Annexure-W) in Appeal No.689 of 2016 passed by the Karnataka Appellate Tribunal, are hereby set aside.

iii) The grant made in favour of the petitioners is accordingly, confirmed. Revenue authorities are directed to continue the names of the petitioners in the revenue records forthwith.

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

SB
List No.: 1 Sl No.: 65