



CNR: KAHC010236262022

NC: 2026:KHC:39968
WP No. 10724 of 2022
C/W WP No. 24571 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO.10724 OF 2022 (KLR-RES)

C/W

WRIT PETITION NO.24571 OF 2021 (KLR-LG)

IN WP No. 10724/2022

BETWEEN:

1. M/S KRISHI PROJECTS PVT LTD
(A COMPANY INCORPORATED UNDER THE
PROVISIONS OF THE COMPANIES ACT, 1956)
HAVING ITS REGISTERED OFFICE AT
NO.40/1A BASAPPA COMPLEX
3RD FLOOR, LAVELLE ROAD
BENGALURU - 560 001.
REP BY ITS AUTHORIZED SIGNATORY
MR. B. RAMACHANDRACHAR
S/O LATE B.R. SHESHAGIRIACHAR
AGED ABOUT 59 YEARS.

...PETITIONER

(BY SMT. LAKSHMY IYENGAR, SENIOR COUNSEL FOR
SRI. N. GOWTHAM RAGHUNATH, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP BY ITS PRINCIPAL SECRETARY

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



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REVENUE DEPARTMENT
M.S. BUILDING
BENGALURU - 560001.

2. THE DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT
SECOND FLOOR, KANDAYA BHAVAN
K G ROAD
BENGALURU -560009.
3. THE ASSISTANT COMMISSIONER
BENGALURU SOUTH SUB DIVISION
SECOND FLOOR, KANDAYA BHAVAN
K G ROAD
BENGALURU -560009.
4. THE TAHSILDAR
BENGALURU SOUTH
KANDAYA BHAVAN
K G ROAD
BENGALURU -560009.
5. MR. B.E. KUMAR
S/O LATE EKAMBARAM
AGED ABOUT 62 YEARS
R/AT NO.8, 3RD CROSS
6TH MAIN, VIRATANAGARA
BENGALURU SOUTH TALUK
BENGALURU - 560 068.

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE N., HCGP FOR R1 TO R4;
SRI. P.P. HEGDE, SENIOR COUNSEL FOR
SRI. RAJARAM SOORYAMBAIL, ADVOCATE FOR R5)



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT NO.2 TO IDENTIFY TO ACT UPON THE REPRESENTATION DATED 07.10.2020 ANNEXURE-A TO RE-ENTER THE NAME OF THE PETITIONER IN THE GOVERNMENT RECORDS WHILE HANDING OVER THE PHYSICAL VACANT POSSESSION OF THE PROPERTY OF WHICH THE SALE CERTIFICATE HAS BEEN ISSUED TO THE PETITIONER; AND ETC.

IN WP NO. 24571/2021

BETWEEN:

1. B.E. KUMAR
S/O LATE EKAMBARAM,
AGED ABOUT 62 YEARS,
R/AT NO 8, 3RD CROSS,
6TH MAIN, VIRATANAGARA,
BENGALURU SOUTH TALUK,
BENGALURU - 560068.

...PETITIONER

(BY SRI. P.P.HEGDE, SENIOR COUNSEL FOR
SRI. RAJARAM SOORYAMBAIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REVENUE DEPARTMENT,
M S BUILDING,
DR. B.R. AMBEDKAR VEEDHI,
BANGALURU - 560 001,
REPRESENTED BY ITS SECRETARY.



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2. THE DEPUTY COMMISSIONER
BANGALURU URBAN DISTRICT,
BANGALURU - 560 009.
3. THE ASSISTANT COMMISSIONER
BANGALURU SOUTH SUB DIVISION,
BENGALURU - 560 009.
4. THE TAHASILDAR
BANGALURU SOUTH TALUK,
BENGALURU - 560 009.
5. M/S KRISHI PROJECTS PVT LTD
NO 29/2, K H ROAD,
BENGALURU - 560027,
REPRESENTED BY ITS M.D.

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE N., HCGP FOR R1 TO R4;
SMT. LAKSHMY IYENGAR, SENIOR COUNSEL FOR
SRI. N. GOWTHAM RAGHUNATH, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH
THE OFFICIAL MEMORANDUM DATED 11.02.2014 PASSED BY
THE RESPONDENT NO.2 AS PER ANNEXURE-A AND CERTIFICATE
OF SALE OF IMMOVABLE PROPERTY DATED 11.02.2014 PASSED
BY THE RESPONDENT NO.2 AS PER ANNEXURE-B.

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



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

CAV ORDER

In W.P. No. 10724 of 2022, the petitioner has sought a writ of mandamus directing respondent No. 2 to act upon the representation dated 07.10.2020 (Annexure-A) and to enter the name of the petitioner in the Government records in accordance with the Sale Certificate issued by the respondent-authorities. In the alternative, the petitioner has sought a direction to respondent No. 2 to allot alternative land of equivalent extent and value in an area free from encroachment and other encumbrances.

2. In W.P. No. 24571 of 2021, the petitioner has sought for the quashing of the Office Memorandum dated 11.02.2014 (Annexure-A) and the Certificate of Sale of Immovable Property dated 11.02.2014 (Annexure-B), both issued by respondent No. 2.

3. The relevant facts for the adjudication of W.P. No. 10724 of 2022, as averred in the writ petition, are that the respondent-State conducted a public auction to an extent of 7



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acres and 5 guntas of land in Sy. No. 22 of Bettadasanapura Village, Bangalore South Taluk. The said auction was conducted pursuant to the survey report produced as Annexure-C, which disclosed that a portion of the land had been encroached upon by certain individuals. Thereafter, the said unauthorised occupants were evicted from the land measuring 7 acres and 5 guntas, as evidenced by the reports of the Revenue Inspector produced at Annexures-D and E. A paper publication notifying the sale of the schedule property was issued and is produced at Annexure-F. The petitioner participated in the public auction held on 29.12.2008 and was declared as the highest successful bidder for a bid amount of Rs.3,28,00,000/-, in accordance with the terms and conditions of the public auction. Thereafter, the respondent No.2 has issued Certificate of Sale in favour of the petitioner to an extent of 7 acres 5 guntas of land in Sy No.22, comprising several blocks. It is also stated that, before issuance of the Sale Certificate, the respondent No.4 has conducted survey, spot inspection which is reflected in the letter dated 22.12.2012 along with the survey sketch and same is produced as per Annexure-J. Registered Sale Certificate was



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issued on 11.02.2014 vide Annexure-K and thereafter, revenue records transferred into the name of the petitioner. Thereafter, khata in respect of the schedule property was mutated in the name of the petitioner in MR No. H.16/2014-15. Petitioner made an application dated 08.03.2014 before the Thasildar, for insertion of its name in the owner's column of the pahani in respect of the property in question and certain objections were filed by few individuals claiming that they were the grantees of the land in Block No. 3.

4. It is also stated that one of the unauthorised occupants filed W.P.No.9035 of 2014 and this court directed the parties to approach the civil court and as such OS No. 749 of 2015 was filed before the Senior Civil Judge, Bangalore Rural District. It is the case of the petitioner that the grant certificate relied upon by the rival claimants, produced at Annexure-L, would disclose that the boundaries of the property covered under the said grant are different from those of the land auctioned to the petitioner. The respondent No.4, rejected the objection raised by such rival claimants and passed an order to enter the name of the petitioner in the RTC extracts / Pahani by



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order dated 07.08.2020 (Annexure-M). Feeling aggrieved by the mutation effected in favour of the petitioner, the rival claimants approached respondent No. 3 by challenging the same. The said proceedings were allowed by order dated 18.02.2021 whereby respondent No. 3 remitted the matter to the Tahsildar with a direction to delete the name of the petitioner from the revenue records.

5. It is the case of the petitioner that, the respondent No.4 has issued Endorsement dated 26.10.2021 (Annexure-P), stating that, there is no document as to the grant made in favour of unauthorised occupants. It is also stated in the writ petition that, it is the duty of the respondent -State to identify and demarcate area of auction land free from all encroachment /encumbrances and put the petitioner into the possession of the land in question. In the meanwhile, Karnataka Power Transmission corporation Limited, Hebbal had acquired portion of the land for establishing power station. It is the grievance of the petitioner that, though petitioner is successful bidder and has paid full consideration towards auction sale, the petitioner has not been given full possession of the entire extent of



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schedule land. Hence, the petitioner has presented this writ petition.

6. The relevant facts for the adjudication of W.P. No. 24571 of 2021, as averred in the writ petition, are that the father of the petitioner was cultivating land bearing Sy. No. 22, measuring an extent of 4 acres, situated at Bettadasanapura Village, Bangalore South Taluk. It is stated that the said land was granted in favour of the petitioner's father, as evidenced by the Grant Certificate produced at Annexure-C. It is further stated that the revenue records, namely the Record of Rights, Tenancy and Crops (RTC) extracts and the Mutation Register, stand in the name of the father of petitioner, as evidenced by the documents produced at Annexure-D series. After the demise of the petitioner's father, the petitioner has continued to be in possession and enjoyment of the land in question.

7. It is the grievance of the petitioner that respondent No. 5 claims to be the auction purchaser of the very same land. Aggrieved thereby, the petitioner has challenged the Office Memorandum dated 11.02.2014 (Annexure-A) and the



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Certificate of Sale of Immovable Property dated 11.02.2014 (Annexure-B), issued in favour of respondent No. 5. Hence, this writ petition is filed.

8. I have heard Smt. Lakshmy Iyengar, learned Senior Counsel appearing on behalf of Sri. N. Gowtham Raghunath, for the petitioner in W.P.No.10724 of 2022 and respondent No.5 in W.P.No.24571 of 2021; Sri. P. P. Hegde, learned Senior Counsel appearing on behalf of Sri. Rajaram Sooryambail, learned counsel for the petitioner in W.P.No.24571 of 2021 and respondent No.5 in W.P.No.10724 of 2022 and Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing on behalf of respondent-State.

9. Smt. Lakshmy Iyengar, learned Senior Counsel appearing for the petitioner in W.P. No. 10724 of 2022, contended that the petitioner had purchased the property in a public auction pursuant to the paper publication produced at Annexure-F. It was further contended that, consequent upon the confirmation of the sale, a Certificate of Sale of Immovable Property dated 11.02.2014 (Annexure-K) was issued in favour



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of the petitioner. Thereafter, a portion of the land in question was encroached by several individuals, as evidenced by Annexure-C. Learned Senior Counsel further submitted that, despite having invested a substantial amount in purchasing the land, the petitioner has been deprived of the fruits of the auction purchase and, therefore, sought for intervention of this Court.

10. It is further contended that this Court, on several occasions, had directed the respondent-authorities to identify and allot alternative land to the petitioner in lieu of the land covered by the grants made in favour of certain unauthorised occupants. However, it is vehemently argued that, the respondent-State has failed to take any decision in the matter and has thereby violated the interim orders passed by this Court. On these grounds, learned Senior Counsel sought initiation of appropriate penal action against respondent No. 2 for non-compliance with the directions issued by this Court and accordingly, sought for interference of this court.

11. Per contra, Sri P. P. Hegde, learned Senior Counsel appearing for the petitioner in W.P. No. 24571 of 2021,



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referred to grant certificate produced at Annexure-C and contended that the land in question had been granted in favour of the petitioner's father. Learned Senior Counsel further submitted that the said grant has never been cancelled by the respondent-authorities. He further submitted that the RTC extracts and mutation records produced as Annexure-D series disclose that the name of the petitioner's father as entered in the revenue records and that father of the petitioner was continued to be in possession of the land until his demise. Thereafter, the petitioner has been in continuous possession and enjoyment of the land in question. On these grounds, learned Senior Counsel sought the intervention of this Court.

12. Learned Senior Counsel further places reliance on the order dated 06.08.2015 produced at Annexure-G and submitted that the grant made in favour of the petitioner's father has been confirmed by the competent authority. Therefore, it is contended that the respondent-authorities could not have auctioned the very same land in favour of the petitioner in W.P. No. 10724 of 2022. Accordingly, learned Senior Counsel sought for quashing of the Office Memorandum



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dated 11.02.2014 (Annexure-A) and the Certificate of Sale of Immovable Property dated 11.02.2014 (Annexure-B), issued by respondent No.2-Deputy Commissioner, insofar as they relate to the land claimed by the petitioner is concerned.

13. Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for the respondent-State, sought to justify the action of the respondent-authorities. He further submitted that this Court had directed the respondent-authorities to identify and allot alternative land to the petitioner and that respondent No. 2 is presently in the process of locating suitable alternative land in compliance with the directions issued by this Court. On these grounds, he sought for dismissal of the writ petitions.

14. In the light of the submissions made by the learned counsel appearing for the respective parties, it is not in dispute that the land bearing Sy. No. 22, comprising Block Nos. 3, 4, 5, 7, 9, 10 and 11, totally measuring 7 acres and 5 guntas, situated at Bettadasanapura Village, Bangalore South Taluk, was brought to public auction by the respondent-authorities



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pursuant to the paper publication dated 20.12.2008 (Annexure-F in W.P.No.10724 of 2022). Prior to conducting the public auction, a survey sketch was prepared, as evidenced by Annexure-C, which discloses that certain portions of the land were under the unauthorised occupation by several individuals.

15. It is also evident from the records in W.P.No. 24571 of 2021 that the respondent-authorities had granted portion of the said land to various grantees as far back in the year 1962. The Grant Certificate issued in favour of the father of the petitioner in W.P. No. 24571 of 2021 is produced at Annexure-C. Pursuant to the said grant, the revenue records were mutated in the name of the petitioner's father, and similar revenue entries were also effected in favour of the other grantees.

16. In view of the fact that, the grants were made as early as in the year 1962 and have remained undisturbed for more than six decades, this Court is not inclined to interfere with the rights accrued to such grantees, including the petitioner in W.P. No. 24571 of 2021, in respect of the land bearing Sy. No. 22 and accordingly, I am of the view that no



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interference is called for in respect of the land allotted to the grantees, including the petitioner herein.

17. Insofar as the land auctioned in favour of the petitioner in W.P.No.10724 of 2022, on careful consideration of the same, the Sale Certificate as per Annexure-K dated 11.02.2014, made it clear that the petitioner therein, is entitled for the possession to an extent of 07 acres, 05 guntas in Survey No.22 of Bettadasanapura. Since, sale certificate has been issued in favour of the petitioner and the same is for all practical purpose equivalent to the registered Sale Deed, it is also to be noted that portion of the land in question has been parted with the unauthorised occupants and grant orders have been issued to them, therefore, I am of the view that, the relief claimed by the petitioner cannot be denied. It is also to be noted that, the petitioner has paid the entire bid amount to the respondent No.2, pursuant to the issuance of sale certificate. In this regard, perusal of the order sheet would indicate that, this Court, vide order dated 27.02.2025, held as follows:

" Learned Senior Counsel even on the previous date, on instructions, had made a statement that the petitioner is willing to



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accept alternate suitable land of equivalent value provided the authorities are able to allot an alternative land.

Today, learned HCGP submits that he has instructions that the respondent/State is willing to provide alternate land. However, the suitable land identification has to be done.

To enable the State to come up with a comprehensive proposal, list after four weeks.

List during the first week of June 2025."

18. On 30.07.2025, respondent No. 2 was present before this Court and was apprised of the proposal to provide alternative land to the petitioner. Thereafter, the matter was listed on several occasions, however, despite the passage of considerable time, the respondent-State has failed to identify suitable alternative land for the petitioner, in terms of their undertaking made before this court and no satisfactory explanation has been offered for such failure. In this regard, order dated 03.07.2026 reads as under:

"Heard Smt. Lakshmy Iyengar, learned Senior Counsel appearing on behalf of Sri. N. Gowtham Raghunath learned counsel for the petitioner and Sri. P.P. Hegde, learned Senior Counsel appearing on behalf of Sri. Rajaram Sooryambail, learned counsel for respondent No.5.



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Learned Senior Counsel representing the parties referred to the order dated 27.02.2025, wherein learned High Court Government Pleader, on instructions, submitted that the State Government is willing to provide an alternative land to the petitioner and identification of suitable land would be done shortly.

In that view of the matter, as no action has been taken by the respondent - authority since 27.02.2025, finally learned Additional Government Advocate is directed to secure instructions from respondent No.2 and to file proper affidavit as to the action taken by the respondent - authority pursuant to the order dated 27.02.2025, by next date of hearing.

Re-list the matters on 14.07.2026."

(Underlined by me)

19. A careful examination of the aforesaid aspect makes it clear that the land in question was auctioned in the year 2008 and further, the petitioner was declared to be the successful bidder and had paid the bid amount of Rs. 3,28,00,000/-. Thereafter, respondent No. 2 issued a Sale Certificate dated 11.02.2014, which clearly specifies that the total extent of the land conveyed is 7.05 acres to the petitioner in W.P.No.10724 of 2022.

20. In that view of the matter, this Court is of the considered opinion that respondent No. 2 shall put the



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petitioner in possession of the available vacant land, if any, in Sy. No. 22 of Bettadasanapura Village, excluding the portion of the land already granted in favour of the respective grantees, including the grantee who is the petitioner in W.P. No. 24571 of 2021. In the event the available vacant land in Sy. No. 22 falls short of the total extent of 7.05 acres covered under the Sale Certificate, respondent No. 2 shall provide the petitioner with alternative land, free from all encumbrances, to the extent of the deficiency and put the petitioner in possession thereof. The aforesaid exercise shall be completed as expeditiously as possible and, in any event, within an outer limit of six months from the date of receipt of a certified copy of this order. It is made clear that it shall be the duty of respondent No. 2 to identify and allot suitable alternative land, as nearly comparable in nature and location to the land comprised in Sy. No. 22 of Bettadasanapura Village, having due regard to the Sale Certificate issued in favour of the petitioner, produced as Annexure-K, and thereafter put the petitioner in lawful possession of such land.



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21. With the above observations and directions, W.P. No. 10724 of 2022 and W.P. No. 24571 of 2021 stand ***disposed of***. The Respondent No. 2 shall comply with the directions issued herein within the time stipulated.

22. It is further directed that no precipitative action shall be taken to dispossess the petitioner in W.P. No. 24571 of 2021 from the land already granted in favour of the father of the petitioner.

23. In view of disposal of Writ Petitions, the respondent-authorities are directed to mutate the name of Petitioner in W.P. No.24571/2021, in the revenue records within the period of 4 weeks from the date of receipt of certified copy of this order.

Ordered accordingly.

SD/-
(E.S.INDIRESH)
JUDGE

SB
List No.: 1 Sl No.: 70