



CNR: KAHC010237682021

NC: 2026:KHC:48376
WP No. 12711 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF SEPTEMBER, 2026

BEFORE

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

WRIT PETITION NO. 12711 OF 2021 (KLR-RR/SUR)

BETWEEN:

1. SRI SIDDAPPA
S/O. LATE. SRI. VENKATAPPA,
NO. 8, VAJRAKATTEPALYA,
MANDIGERI POST,
NELAMANGALA TALUK,
BENGALURU RURAL DISTRICT 562123

...PETITIONER

(BY SRI. JAYARAJ D S.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REVENUE DEPARTMENT,
AMBEDKAR VEEDHI,
VIDHANA SOUDHA,
BENGALURU 560001.
REPRESENTED BY ITS CHIEF SECRETARY.
2. THE DEPUTY COMMISSIONER
BANGALURU URBAN DISTRICT,
KANDAYA BHAVAN,
KG ROAD, BENGALURU - 560009.
3. THE ASSISTANT COMMISSIONER
BENGALURU NORTH SUB DIVISION,
KANDAYA BHAVAN,
KG ROAD, BENGALURU - 560009.

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



CNR: KAHC010237682021

NC: 2026:KHC:48376
WP No. 12711 of 2021

4. THE TAHSILDAR
NELAMANGALA TALUK,
NELAMANGALA,
THE SUB DIVISIONAL COMMISSIONER,
DODDABALLAPURA 561203

...RESPONDENTS

(BY SRI ADITYA DIWAKAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ENDORSEMENT DATED 12.02.2019 ISSUED BY THE OFFICIAL R4 IN HIS PROCEEDINGS VIDE ANNEXURE-A AND ISSUE WRIT AS AGAINST THE OFFICIAL RESPONDENTS IN DIRECTING THEM TO ISSUE SAGUVALI CHIT IN FAVOUR OF THE PETITIONER WITH RESPECT TO THE SCHEDULE PROPERTY.

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

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

ORAL ORDER

Heard the learned counsel appearing for the parties.

2. In this writ petition, petitioner is assailing the endorsement dated 12.02.2019 (Annexure-A) issued by the respondent No.4, inter-alia sought for direction to respondent No.2 to issue saguvali chit in respect of the land in question.



3. Sri Sandesh C R, learned counsel appearing for the petitioner contended that, the respondent No.4 has no jurisdiction to issue the endorsement and accordingly, places reliance on the order dated 05.07.2016 in WP Nos.3658-59/2015 and contended that, the impugned endorsement requires to be set aside in this petition. It is also submitted by the learned counsel appearing for the petitioner, placing reliance on the judgment of this Court in W.P.No.24900/2023, disposed of on 04.08.2025, that the land in question was granted in favour of the petitioner as per the grant order dated 23.09.1994, and that, the said land was situated beyond 18 kilometres from the limits of the BBMP. Accordingly, learned counsel seeks interference of this Court.

4. *Per contra*, learned Additional Government Advocate appearing for the respondents sought to justify the impugned endorsement at Annexure-A.



CNR: KAHC010237682021

NC: 2026:KHC:48376
WP No. 12711 of 2021

5. In the light of the submissions made by the learned counsel for the parties, the respondent No.4 has issued the impugned endorsement at Annexure-A stating that the land in question which was granted in favour of the petitioner lies beyond 18 kilometres. In this regard, this Court in WP Nos.3658-59/2015 and paragraph Nos.6 to 10 reads as follows.

"6. The perusal of the afore-extracted provisions clearly indicate that the Tahsildar has no discretion or option in the matter. If the Committee has passed the resolution for regularizing the unauthorized occupation in violation of any Rule, the remedy open to the Tahsildar is to file an appeal before the Assistant Commissioner. But in any case, and under any circumstances, he cannot sit in judgment over the resolutions of the Committee of which he himself is the Member Secretary. There is no provision either in the Karnataka Land Revenue Act or Land Revenue Rules giving him the power to withhold any resolution passed by the Committee.

7. It is also profitable to refer to this Court's decision in the case of RAMA NAIK v. THE DEPUTY COMMISSIONER AND OTHERS reported in ILR 2007 KAR 1521, wherein it is held that issuance of the saguvali chit is only incidental to the granting of the land.



CNR: KAHC010237682021

NC: 2026:KHC:48376
WP No. 12711 of 2021

8. *The next question that falls for my consideration is whether the application for the regularization of unauthorised occupation has to be examined with reference to the rules which were prevailing at that time or as per the subsequent amendment to law ?*

9. *It is a cardinal principle of construction that every statute is prima facie prospective unless it is expressly or by necessary implication is made to have retrospective application. Unless there are words in the statute sufficient to show that the intention of the legislature is to affect the existence of 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 the amendment can not take away or impair a vested right acquired under existing law or attach a new disability. In the instant case, admittedly, the application for the regularizaion of unauthorized occupation was made in 1991. In 1991 there was no prohibition in granting the land or in regularizing the unauthorized occupation within 18 kms. from the limits of the B.B.M.P. This prohibition is introduced subsequent to the filing of the application for the regularization of unauthorized occupation.*

10. *It is also to be noticed that when the petitioners made the application, the applicable local body in existence was Bangalore City Corporation. Subsequently, it was reorganized. The territory of the said local body was enlarged by adding a number of villages and by creating the B.B.M.P. The subsequent reorganization of the local body cannot militate against the claim*



CNR: KAHC010237682021

of the petitioners for the regularization of unauthorized occupation."

6. Following the declaration of law made by this Court in the aforementioned case, and in view of the fact that respondent No.4 has no jurisdiction to issue the impugned endorsement, and therefore, I find force in the submission made by the learned counsel appearing for the petitioner.

7. In that view of the matter, taking into consideration the declaration of law made by this Court in the case of **Rama Naik vs The Deputy Commissioner and Others** reported in **ILR 2007 Kar. 1521**, I am of the view that, the respondent No.4 is directed to issue the saguvali chit in respect of the subject land to the petitioner in terms of the OM dated 23.09.1994 within a period of three months from date of the receipt of this order.

8. It is also to be noted that as the land in question was granted to the petitioner on 23.09.1994, the



CNR: KAHC010237682021

NC: 2026:KHC:48376
WP No. 12711 of 2021

respondents herein cannot take any action against the petitioner after two decades. In that view of the matter, following the declaration of law made by the Hon'ble Supreme Court in the case of **Joint Collector Ranga Reddy District and another vs D Narasing Rao and others** reported in **(2015) 3 SCC 695**, I am of the view that, the impugned endorsement at Annexure-A requires to be set aside.

Accordingly, I pass the following:

ORDER

- i) Writ petition is allowed.
- ii) The respondent No.4 is directed to issue saguvali chit in favour of the petitioner within a period of three months from the date of receipt of certified copy of this order.
- iii) It is also made clear that if any kimat is to be made by the petitioner, the respondent No.4 is directed to raise the payment as to the same



CNR: KAHC010237682021

**NC: 2026:KHC:48376
WP No. 12711 of 2021**

within a period of two months from the date of receipt of certified copy of this order, and thereafter, the petitioner shall pay the same within two weeks thereafter.

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

BKM
List No.: 1 Sl No.: 48