



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 11360 OF 2026 (KLR-RES)

BETWEEN:

SMT. KAMALA SHEDTHY
SINCE DEAD BY HER LR'S

YASHODHA SHETTY,
AGED ABOUT 76 YEARS,
W/O KARUNAKARA SHETTY
REP BY ITS GPA HOLDER
SANDEEP SHETTY
S/O. YASHODHA SHETTY
AGED ABOUT 49 YEARS
2-48A, SUBBAYYA SHETTY HOUSE,
PADU, KAUP, UDUPI-574106.

...PETITIONER

(BY SRI. APARAJITHA ARIGA K., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY ITS SECRETARY
REVENUE DEPARTMENT
M.S. BUILDING
BENGALURU - 560001.
2. THE DEPUTY COMMISSIONER
UDUPI DISTRICT
UDUPI - 576101.

Digitally signed
by JUANITA
THEJESWINI
Location: HIGH
COURT OF
KARNATAKA



3. THE ASSISTANT COMMISSIONER
UDUPI DISTRICT.
UDUPI - 576101.
4. TAHSILDAR
UDUPI TALUK
UDUPI DISTRICT - 576101.
5. AKRAMA-SAKRAMA COMMITTEE
UDUPI TALUK - 576101
REP BY ITS CHAIRMAN

...RESPONDENTS

(BY SRI. SHAMANTH NAIK., HCGP)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE IMPUGNED ORDER DATED 01.04.2025 PASSED BY THE 2ND RESPONDENT / DEPUTY COMMISSIONER, UDUPI DISTRICT, PRODUCED AS ANNEXURE-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 High Court Government Pleader takes notice for respondent Nos.1 to 4. Notice to respondent No.5 is not necessary for the following reasons:



2. Learned Counsel for the petitioner submits that the petitioner had filed Form No.53 on 28.01.1999 for regularization of unauthorized occupation of 45 guntas of land in survey number 51/1A2 of Padu Village, Kapu Hobli, Udupi District. The same was considered and the impugned order was passed on 01.04.2025 at Annexure-A, rejecting the application on the ground that the land in question is within the limits of Kapu Municipality.

3. Learned counsel for the petitioner has drawn the attention of this court to Annexure - J, a notification issued in the Karnataka Gazette on 22.05.2015 and submits that the municipality was established by the said notification. Earlier the lands in question were within the limits of Kapu Revenue Village. Therefore, what was required to be taken into consideration was the geographical limits of Kapu Revenue Village and the distance from the land in question to the boundary of the panchayat limits as on the date of the application.



4. Learned Counsel for the petitioner further submits that this Court has held in several such cases, including the case of ***Sri.Ravikumar and Another Vs. The State of Karnataka and Others***, in ***W.P.No.237/2022 dated 17.01.2024***, has laid down the law as to the manner in which the distance has to be measured. The learned counsel prays for similar orders.

5. This Court has held, having regard to the earlier decisions in the case of ***Sri.Ravikumar and Another*** (*supra*), as follows:

"5. Having heard the learned counsel for the petitioners, learned High Court Government Pleader for the respondent-State and the Revenue Authorities and on perusing the petition papers, this Court is of the considered opinion that the law as to the consideration of the distance having regard to the date of the application has been settled by this Court. Therefore, all that is required to be done now at the hands of the respondent - Tahsildar is to find out the distance between the land in question and the boundary of Bangalore Mahanagara Palike as on the date of the application. Learned counsel had submitted during the course of the arguments that it appears that the boundaries of then Bangalore Mahanagara Palike were extended in the year 2007 by a notification. If that is the truth, then the Tahsildar is required to



*re-ascertain regarding the distance between the land in question and boundary of the Bangalore Mahanagara Palike as it was prior to 2007, if such a notification was issued and the boundaries of Bangalore Mahanagara Palike were extended in the year 2007. At any rate in terms of the law laid down by this Court in the case of **Sri.Ashwathappa and others Vs. The State of Karnataka and others, in W.P.No.2411/2022 dated 18.02.2022**, the distance has to be measured as per the geographical jurisdiction of local body as it was on the date of the application filed by the petitioners.*

6. For that purpose, the writ petition is partly allowed while setting aside the impugned order dated 07.03.2018 passed by the Assistant Commissioner and all other earlier orders passed by the Tahsildar. The matter stands remanded to the Tahsildar, Hosakote with a specific direction that he shall decide as to what was the distance between the land in question and the boundary of then Bangalore Mahanagara Palike as it was as on the date of application i.e., in the year 1998. If it is clear that the land in question was not within the prohibited distance having regard to the boundaries of then Bangalore Mahanagara Palike, then the Tahsildar shall immediately proceed to issue Saguvali Chit in favour of the petitioners. The entire exercise shall be completed as expeditiously as possible at any rate within a period of two months from the date of receipt of copy of this order."

6. Consequently, the writ petition stands **disposed of**. The impugned order dated 01.04.2025 at Annexure-A issued by the 2nd respondent- Deputy Commissioner,



Udupi District, is hereby quashed and set aside. The matter stands remanded back to the 4th respondent-Tahsildar, with a specific direction that he shall decide as to what was the distance between the land in question and the boundary of the then Kapu Revenue Village as it was on the date of application filed in the year 1999. If it is clear that the land in question was not within the prohibited distance having regard to the boundaries of the then Kapu Revenue Village, then the Tahsildar shall place the report and application filed by the petitioner in Form No.53 before the Committee, the Committee shall consider the application of the petitioner and proceed to pass necessary orders in accordance with law. The entire exercise shall be completed as expeditiously as possible at any rate within a period of three months from the date of receipt of copy of this order.

Ordered accordingly.



**NC: 2026:KHC:21833
WP No. 11360 of 2026**

7. Learned High Court Government Pleader is permitted to file memo of appearance within a period of four weeks from today.

**Sd/-
(R DEVDAS)
JUDGE**

KLY
CT:JL