



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO. 10863 OF 2023 (KLR-LG)

BETWEEN:

SOMASHEKAR SHETTY
S/O NARASIMHA SHETTY
AGED 68 YEARS
R/AT KENCHANOOR VILLAGE AND POST
KUNDAUPRA TTALUK
UDUPI DISTRICT - 576 283

...PETITIONER

(BY SRI. PAVANA CHANDRA SHETTY H., ADVOCATE)

AND:

1. THE PRL SECRETARY
REVENUE DEPARTMENT
GOVERNMENT OF KARNATAKA
M S BUILDING
BENGALURU - 560 001
2. THE DEPUTY COMMISSIONER
UDUPI DISTRICT
UDUPI - 576 101
3. THE ASSISTANT COMMISSIONER
KUNDAPURA SUB DIVISION
KUNDAPURA
UDUPI DISTRICT - 576 101



4. TAHSILDAR
KUNDAPURA TALUK
KUNDAPURA
UDUPI DISTRICT - 576 101

5. AKRAMA SAKRAMA SAMITHI
TALUK OFFICE
KUNDAPURA TALUK
UDUPI DISTRICT - 576 101
REP BY ITS SECRETARY

...RESPONDENTS

(BY SRI. .,ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO-QUASH THE IMPUGNED ORDER IN NO. CDS.LND.SR.12/2023 PASSED BY THE R-2 DATED 06/02/2023 AND THE ORDER PASSED BY THE R-3 ASSISTANT COMMISSIONER, KUNDAPURA SUB-DIVISION, KUNDAPURA IN NO.N.C.R.230/2016-17 DTD 07/06/2022 PRODUCED AT ANNEXURE-A AND B, BY CANCELLING THE GRANT MADE BY THE R-5 INFAVOUR OF THE PETITIONER HEREIN DTD 17/12/1996 MEASURING 3 ACRE 42 CENTS AT LAND BEARING SY.NO.7 OF KENCHANOOR VILLAGE, KUNDAPURA TALUK, UDUPI DIST. PRODUCED AT ANNEXURE- C AND ETC.

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

In this writ petition, the petitioner is assailing the order dated 06.02.2023 passed by Respondent No.2 and the order dated 07.06.2022 passed by Respondent No.3, cancelling the grant made in favour of the petitioner by Respondent No.5 on 17.12.1996 in respect of subject land produced at Annexure-C.

2. The relevant facts for adjudication of this writ petition are that the petitioner claiming to be an agriculturist, had made an application before Respondent No.5 seeking grant of land under the provisions of Karnataka Land Revenue Rules, 1966 (hereinafter referred to as Rules). Pursuant to the same, the respondent authorities have granted the schedule land in favour of the petitioner by considering the merits of the entitlement of the petitioner and as such Form No.50 came to be issued. Form No.50, survey report and Form No.7 are hereby produced as Annexures-D, E & F respectively. It is also stated in the writ petition that pursuant to the grant made in favour of the petitioner, the mutation entries has been made in favour of the petitioner as per Annexures-G and G1 respectively



and the petitioner is paying necessary tax in favour of the revenue authorities. In order to establish right over the property, the petitioner has produced the RTC and Khata Certificate issued by the competent authorities at Annexure-J series and Annexure-K to the writ petition.

3. In the meanwhile, the respondent-authorities have taken action under Section 108-K of the Rules as to the cancellation of grant made in favour of the petitioner on the ground that as per the report of the Tahsildar, the petitioner was holding 2.89 acres of wet land and 30 cents of garden land at the time of grant made to the petitioner. The said order was challenged by the petitioner before the respondent- authorities, resulting in passing the impugned order at Annexures-A and B. Hence this petition is filed by the petitioner.

4. Heard Sri Pavan Chandra Shetty.H., learned counsel appearing for the petitioner and Smt.B.P.Radha learned AGA for the respondents.

5. It is argued by learned counsel appearing for the petitioner that the land in question was granted in favour of the petitioner on 17.12.1996, however, an action has been taken



against the petitioner by cancelling the same after 26 years and therefore the action taken by the respondent-authorities suffers from infirmity on the ground of delay and laches on the part of the respondent-authorities.

6. It is also submitted by the learned counsel appearing for the petitioner that the petitioner is in possession of the land in question and that he has constructed a house and is residing in same and therefore the belated action on the part of the respondent-authorities is to be taken into consideration and the hardship caused to the petitioner. Accordingly learned counsel for the petitioner sought for interference of this court. It is also submitted that as Respondent No.4-Tahsildar himself had issued Form No.7 and entire revenue records stand in the name of the petitioner at this juncture passing the impugned order is incorrect and accordingly sought for interference of this court.

7. Per contra, Smt.B.P.Radha,learned AGA submitted that as the grant made in favour of the petitioner is fraudulently, which vitiates the solemn action from the beginning and therefore sought for dismissal of the petition. It is also argued by learned AGA that, even if there is a delay on



the part of the respondent-authorities to take action against the petitioner belatedly, however the petitioner has suppressed the fact about the existence of the land at the time of grant made in favour of the petitioner during 1996 and therefore sought for dismissal of the petition.

8. In the light of submissions made by learned counsel for the parties and on careful consideration of the writ papers, it would indicate that the grant made in favour of the petitioner is produced at Annexure-C dated 06.02.1997 by the Respondent No.4. Thereafter, the spot inspection has been conducted by the revenue authorities and the petitioner has paid the requisite kimat in respect of the subject land to the authorities which is forthcoming from the writ petition.

9. It is also to be noted that, Form No.7 has been issued on 19.02.1997 (Annexure-F) in favour of the petitioner by the respondent-authority. Further, mutation extracts have been produced at Annexure-G and G1, which stands in the name of the petitioner pursuant to the grant made in favour of the petitioner. It is noticed that, RTC extracts are also produced at Annexure-J series which stands in the name of the



petitioner and Khata has been effected in the favour of the petitioner long ago.

10. In that view of the matter, taking into consideration the steps taken by the respondent-authorities the inordinate delay of 26 years cannot be accepted as the petitioner is in settled possession. Though learned AGA submitted that there is no time limit for cancellation of grant, in the event the grantee has obtained the grant falsely. However such exercise of power has to be made in a reasonable period. Though the Karnataka Land Revenue Act, 1964 or the Rules do not provide for the limitation and action to be taken against such falsification of the documents by the grantees, however such action has to be taken within a reasonable period. In this regard, it is apt to cite the judgments of Hon'ble Supreme Court in the case of **JOINT COLLECTOR RANGA REDDY DISTRICT AND ANOTHER -VS- D. NARSING RAO AND OTHERS** reported in **(2015) 3 SCC 695** and in the case of **Chairman/Managing Director, U.P. Power Corporation Limited and Others vs. Ram Gopal** reported in **(2021) 13 SCC 225** wherein the Hon'ble Supreme Court has held that, the



respondent authorities have to take action within a reasonable period.

11. In that view of the matter, taking into consideration the fact that the respondent-authorities have taken action against the petitioner after inordinate delay of 26 years of grant made in favour of the petitioner, I find force in the submissions made by the learned counsel for the petitioner. Accordingly, I pass the following:

ORDER

(i) Writ petition is ***allowed.***

(ii) The order dated 06.02.2023 (Annexure-A) passed by Respondent No.2 and order dated 07.06.2022 (Annexure-B) passed by Respondent No.3 are hereby set aside.

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

SNB
List No.: 1 Sl No.: 61