



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.11378 OF 2022 (KLR-RES)

BETWEEN:

1. SRI. RAMAKRISHNAPPA
S/O LATE MUNIYAPPA,
AGED ABOUT 67 YEARS,
AGRICULTURIST,
R/AT HESARAGHATTA,
BENGALURU NORTH (ADDL.) TALUK,
BENGALURU-560088.
REP. BY GPA HOLDER OF VANAJAKSHI.
2. H.S .PILLAPPA
S/O SHAMANNA,
AGED ABOUT 60 YEARS,
AGRICULTURIST,
R/AT PUTTASWAMY LAYOUT,
GOLLAHALLI ROAD,
BENGALURU-560088.

...PETITIONERS

(BY SRI. UDAY HOLLA, SENIOR COUNSEL FOR
SRI. V.F.KUMBAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
VIDHANA SOUDHA,



BENGALURU-560001.

2. THE SPECIAL DEPUTY COMMISSIONER
BANGALORE URBAN DISTRICT,
KANDAYA BHAVAN,
K.G.ROAD,
BENGALURU-560009.
3. THE TAHSILDAR
BENGALURU NORTH TALUK,
KANDAYA BHAVANA,
GROUND FLOOR, K.G.ROAD,
BENGALURU-560009.
4. CHIEF EXECUTIVE OFFICER
TALUKA PANCHAYATH,
BENGALURU NORTH TALUK - 560 088.
5. RAJIV GANDHI HOUSING CORPORATION
CAUVERY BHAVAN
KHB BUILDING, 7TH FLOOR
K.G. ROAD
BENGALURU - 560 001.
6. THE TAHASILDAR
NELAMANGALA TALUK
NELAMANGALA
BENGALURU RURAL DISTRICT - 562 123.

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE N., HCGP FOR R1 TO R3 AND R6;
SRI. D.R. RAVISHANKAR, SENIOR COUNSEL FOR SRI. M.S.
DEVARAJU, ADVOCATE FOR R4;
SMT. SUMANA BALIGA, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET
ASIDE THE IMPUGNED ORDER PASSED BY THE RESPONDENT
NO.2, BEARING NO.LND(N).CR.110/10-11 DATED 22.03.2011



VIDE ANNEXURE-H; SET ASIDE THE IMPUGNED ORDER PASSED BY THE RESPONDENT NO.3 BEARING NO.LND(D)CR-318, 320, 317, 319, 315, 316, 314, 323/10-11 DATED 13.05.2022 VIDE ANNEXURE-J IN SO FAR AS PETITIONERS CONCERNED.

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, petitioners are assailing the order dated 22.03.2011 (Annexure-H) passed by respondent No.2-Spl. Deputy Commissioner and order dated 13.05.2022 (Annexure-J) passed by respondent No.3-Thasildar.

2. The relevant facts for adjudication of this Writ Petition are that, the petitioners claim to be the owners of the land bearing Sy.No.2 of Govindapura Village, Dasanapura Hobli, Bengaluru North Taluk, measuring to an extent of 4 acres. It is stated that the



aforementioned land was granted on 17.08.1979 (Annexure-A) to the petitioners by the respondent No.2. Grant Certificate is produced at Annexure-B. The petitioners are in cultivation of the land in question. It is also stated that, the petitioners have paid Kimmat in respect of the granted land which is reflected at Annexure-C. The petitioners have also produced the revenue records at Annexure-D series. In the meanwhile, the petitioners have requested the respondent No.3-Thasildar, to enter the name of the petitioners in computerised RTC extracts and same was rejected by the respondent No.3 on 16.07.2006 on the ground that there is no original grant certificate and the name of the petitioners has not found place in the original grant register. Thereafter, the petitioners have preferred Appeal Nos.397/2018 and 399/2018 before the Karnataka Appellate Tribunal, challenging the order passed by the competent authority interfering with the land in question. It is further stated that the officials of



respondent Nos.2 and 3 interfered with the possession of the land in question and the petitioners were informed that the land in question has been allotted to the Taluk Panchayat under Ashraya Yogane for allotting sites to landless people. On enquiry with the respondent No.2, the petitioners came to know that the respondent No.2 has issued the Notification dated 22.03.2011 in respect of the subject land without hearing the parties (Annexure-H). It is also stated that, the respondent No.3 has passed an order dated 13.05.2022 (Annexure-J) handing over possession of the land in question to the respective allottees. Hence, the petitioners have presented this Writ Petition.

3. I have heard Sri. Uday Holla, learned Senior Counsel appearing on behalf of Sri. V.F. Kumbar, learned counsel for the petitioners; Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for the respondent-State; Sri. D. R. Ravishankar, learned Senior Counsel appearing on behalf of Sri. M.S.



Devaraju, for the respondent No.4 and Smt. Sumana Baliga, learned counsel for the respondent No.5.

4. Sri. Uday Holla, learned Senior Counsel appearing for the petitioners contended that the petitioners are the grantees of the land on 17.08.1979, and were cultivating the land prior to grant, as unauthorised occupants as per Annexure-A and B, and further, the revenue records stands in the name of the petitioners, till the computerisation of revenue records. It is further contended by the learned Senior Counsel that, after introducing computerisation of revenue records, the names of the petitioners was not found in computerised RTC extracts and as such, petitioners had approached the respondent-authorities and their claim was erroneously rejected by the respondent-authorities and therefore, it is the contention of the learned senior counsel for the petitioners that respondent-authorities have committed an error in rejecting the claim made by the petitioners. It is also argued by the learned Senior



Counsel for the petitioners that, the respondent-authorities have no authority under law to make an attempt to form a layout, in a granted land and the impugned orders at Annexure-H and J are contrary to law and therefore, sought for interference of this court.

5. It is further argued by the learned Senior Counsel for the petitioners that, since the land in question was granted in the year 1979, any interference with the granted land after a lapse of 35 years, without assigning any reasons and allotting it for some other purpose, as reflected in Annexure-H, is arbitrary and contrary to well established principle in law and therefore, learned Senior Counsel for the petitioners sought for interference by this Court in the present writ petition.

6. Per contra, Sri D. R. Ravishankar, learned Senior Counsel appearing for respondent No. 4, submitted that the impugned order at Annexure-H was



passed in the year 2011, whereas the present writ petition has been filed after a lapse of 11 years. Therefore, the writ petition is liable to be dismissed on the ground of delay and laches. It is further contended by the learned Senior Counsel that the revenue records for the period from 1999 to 2016 describe the land as "Sarkari". Therefore, the impugned order passed by the respondent-authorities does not call for interference and deserves to be confirmed. Learned Senior Counsel for respondent No.4 further submitted that the petitioners have failed to challenge the order passed by the Karnataka Appellate Tribunal in Appeal Nos. 397/2018 and 399/2018 and, on that ground alone, the writ petition is liable to be dismissed.

7. Sri. Spoorthy Hegde N., High Court Government Pleader appearing for the respondent-State argued in favour of the impugned orders passed by the respondent-authorities.



8. 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, the petitioners are grantees of the land in question as per Annexure-A dated 17.08.1979 as unauthorised occupants. Grant certificates have been produced at Annexure-B. The RTC extracts as per Annexure-D series stand in the name of grantees. The grievance of the petitioners is that, name of the petitioners not found in computerised RTC extracts and therefore, approached the respondent No.3, to enter their names in the computerised extracts, however, the respondent No.3, has issued Endorsement 18.07.2016 (Annexures-E and F), rejecting the claim made by the petitioners. The said orders were challenged in Appeal Nos.397/2018 and 399/2018 before the Karnataka Appellate Tribunal. The Karnataka Appellate Tribunal by order dated, 12.12.2022, (Annexure- V29) dismissed the appeals as not maintainable and relegated the petitioners to



approach the Assistant Commissioner under Section 49(a) of the Karnataka Land Revenue Act, 1964. It is to be noted that, as the grant made in favour of the petitioners is valid, and their names have been continued in the revenue records, and as such, the respondent-authorities ought not to have issued the impugned order at Annexure-H, granting the very same land to the respondent No.4-Taluka Panchayat under Ashraya Scheme, unless there is an order to cancel the same in a manner known to law. In an identical circumstances, this Court in W.P.No.22426 of 2021 disposed of on 12.01.2022 and W.P.No.24112 of 2018 and connected writ petition disposed of on 01.04.2026 and also in the case of W.A.No.284 of 2023 disposed of on 24.02.2026 held that the respondent authorities are required to exercise their powers within a reasonable period from the discovery of the fraud, if any, however, it is impermissible for the authorities to initiate action after an inordinate delay. Therefore, I am of the opinion that



the impugned orders are liable to be quashed. The
aforementioned aspect was considered by the Hon'ble
Supreme Court in the case of ***Joint Collector Ranga
Reddy District and another vs. D. Narsing Rao and
another*** reported in ***(2015) 3 SCC 695***, and as such I
am of the opinion that, allotment and handing over of
the land in question in favour of Taluka Panchayat-
respondent No.4 by the respondent No.3, as per
Annexure-J is contrary to law. In that view of the matter,
arguments advanced by the learned Senior Counsel
appearing for the respondent No.4, cannot be accepted
as to the delay on the part of the petitioners to challenge
the impugned orders since, the petitioners are in
possession of the land in question and further, the
petitioner have not been heard in the matter and
therefore, entire proceedings of the respondent-
authorities while issuing the impugned orders are based
on the irrelevant material and the respondent-authorities
had taken decision after inordinate delay of four decades.



Therefore, the impugned orders are liable to be quashed.

Hence, I pass the following:

ORDER

- i) The writ petition is ***allowed***;
- ii) Order dated 22.03.2011 (Annexure- H) issued by the respondent No.2-Spl Deputy Commissioner, and order dated 13.05.2022 (Annexure-J) passed by respondent No.3- Thasildar, insofar as petitioners is concerned, accordingly, is set aside.
- iii) Respondent-authorities are directed to continue the name of the petitioners in the revenue records forthwith.

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