



CNR: KAHC010274462024

NC: 2026:KHC:46152
WP No. 13132 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

BEFORE

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

WRIT PETITION NO. 13132 OF 2024 (KLR-RES)

BETWEEN:

1. SMT. ZAINAB BAI
W/O ABBAS ALI BOHRA,
AGED ABOUT 63 YEARS,
R/AT NO.12/2,
GARDEN VILLA, 47TH CROSS,
5TH BLOCK, JAYANAGAR,
BENGALURU 560041.

...PETITIONER

(BY SRI.D R RAVISHANKAR, SENIOR COUNSEL FOR
SRI M S KOUSHIK, ADVOCATE)

AND:

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

1. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF REVENUE AND COMMERCE,
DR B R AMBEDKAR VEEDHI,
VIDHANA SOUDHA,
BENGALURU - 560001.
2. THE SPECIAL DEPUTY COMMISSIONER-3
BENGALURU NORTH SUB-DIVISION,
BENGALURU - 560009.



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3. THE TAHSILDAR
BENGALURU EAST TALUK,
K R PURAM,
BENGALURU - 560036.
4. THE VILLAGERS OF MULLLUR
RESIDENTS OF MULLUR VILLAGE
CARMELARAM POST,
VARTHUR HOBLI, 560087
BANGALORE EAST TALUK
BANGALORE.
5. SMT.MUNIYAMMA
W/O.LATE MUNISWAMY
AGED ABOUT 73 YEARS
RESIDENTS OF MULLUR VILLAGE
CARMELARAM POST,
SARJAPURA MAIN ROAD
VARTHUR HOBLI, 560087
BANGALORE EAST TALUK.

...RESPONDENTS

(BY SRI.SPOORTHY HEGDE N, HCGP FOR R1 TO R3,
R4 & 5, NOTICE D/W)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS IN CASE NO. RRT(2)(E)CR/39/2022-23 FROM THE OFFICE OF THE SPECIAL DEPUTY COMMISSIONER -3 BENGALURU NORTH SUB DIVISION BENGALURU AND QUASH THE IMPUGNED ORDER DTD 5.09.2023 PASSED BY THE SPECIAL DEPUTY COMMISSIONER-3 BENGALURU NORTH SUB DIVISION BENGALURU I.E 2ND RESPONDENT HEREIN IN CASE NO. RRT(2)(E) CR /39/2022-23 VIDE ANNEX-A.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

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



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ORAL ORDER

In this writ petition, the petitioner is assailing the order dated 05.09.2023 (Annexure-A) passed by the respondent No.2-Special Deputy Commissioner-3, Bangalore Sub-Division, Bangalore, interfered with the order of grant made in favour of the vendor of petitioner.

2. Sri D R Ravishankar, learned Senior Counsel appearing for petitioner, contended that, originally the land in question was granted in favour of one Muniswami, resident of Mullur Village, as an unauthorised occupant. Accordingly, the order of grant was made on 08.04.1978 (Annexure-B). It is also stated that, thereafter, the revenue records stands in the name of the grantee (vendor of the petitioner). It is also stated that the respondent - Authorities have issued the grant certificate in favour of the vendor of petitioner on 11.04.1979 in respect of the land in question. Dharkast Register extract is also produced at Annexure E, evidencing the grant made



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in favour of the vendor of petitioner. It is also to be noted that, the mutation has been made in the name of the vendor of the petitioner. In the meanwhile, the vendor of the petitioner had sought for permission from respondent No.2 to sell the land in question and in this connection, the petitioner has produced a copy of permission granted by respondent No.2 as per Annexure-G. Thereafter, the original grantee had sold the land in question in favour of the petitioner as per Annexure-H. Therefore, it is contended by the learned Senior Counsel appearing for the petitioner that, as the revenue records stand in the name of the petitioner after purchasing the same as per the registered sale deed dated 04.08.2003 (Annexure-H), and thereafter, the respondents have not taken any action against the original grantee and have initiated the proceedings after period of 48 years, and therefore, it is contended by the learned Senior Counsel that, the respondent - Authorities have no jurisdiction to invoke the suo motu proceedings against the original grantee as to



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the land in question, and argued that, the action taken against the petitioner is beyond the reasonable period, and therefore, sought for interference of this Court.

3. *Per contra*, the learned High Court Government Pleader appearing for the respondent - Authorities submitted that the grant claimed by the original grantee is based on the fake documents, and therefore, fraud has been committed by the original grantee, and therefore submitted that, the finding recorded by the respondent - Authority is just and proper and requires to be confirmed in this petition.

4. In the light of the submissions made by the learned counsel appearing for parties, it is not in dispute that the land in question was originally granted in favour of one Muniswami as per the grant certificate produced as per O.M. dated 08.04.1978 (Annexure-B), and thereafter, the grant certificate was issued in favour of the original grantee on 11.04.1979 (Annexure-D). It is also



forthcoming from the writ petition that Dharkasth Register was issued in the name of the original grantee as per Annexure-E, and mutation entry has been made in favour of the petitioner as per Annexure-F to the writ petition. It is also to be noted that the original grantee has sought for permission from respondent No.2 to sell the schedule land, and thereby respondent No.2 has permitted the original grantee to sell the property on 06.05.2003. Accordingly, the original grantee had sold the land in question in favour of the petitioner herein on 04.08.2003 (Annexure-H). In the meanwhile, at the behest of the complaint made by the villagers of the Mullur, the respondent-Authorities have initiated the suo motu proceedings against the original grantee under Section 136(3) of the Karnataka Land Revenue Act, 1964.

5. On careful consideration of the same would indicate that the respondent-Authorities, have to initiate the suo motu proceedings against the grantee within a



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reasonable period, and further, it is to be noted that, this Court in a catena of decision has held that the respondent-Authorities have no jurisdiction to, initiate suo motu proceedings under Section 136(3) of the Act, 1964 after the inordinate delay.

6. Perusal of the petition would indicate that the initiation of the enquiry against the petitioner for cancellation of the grant made in favour of the original grantee (vendor of the petitioner) after lapse of four decades is without jurisdiction and barred by time.

7. In that view of the matter, following the declaration of law made by the Hon'ble Supreme Court in case of **H Guruswamy & ors. vs A Krishnaiah since deceased by L.Rs** reported in **2025 SCC Online SC 54**, **Smt.Shyamo Devi and ors. vs State of UP through Secretary and ors.** reported in **AIR 2024 SC 2862** and **Joint Collector Ranga Reddy District and another vs D Narsing Rao and others** reported in **(2015) 3 SCC**



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695, and therefore, I am of the view that the respondent - Authorities have no jurisdiction to initiate the proceedings under Section 136(3) of the Act, 1964 belatedly, that too, after a period of 45 years.

8. In that view of matter, I find force in the submission made by the learned Senior counsel appearing for the petitioner.

Accordingly, I passed the following:

ORDER.

- i) Writ petition is allowed.
- ii) The order dated 05.09.2023 (Annexure-A) passed by respondent No.2 is accordingly set aside;
- iii) The respondent No.3 is directed to enter the name of the petitioner herein in the revenue records if any modification has been made



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pursuant to the issuance of impugned order at
Annexure-A forthwith.

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

BKM
List No.: 1 Sl No.: 4