



CNR: KAHC010292462025

NC: 2026:KHC:48130
WP No. 12604 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 03RD DAY OF SEPTEMBER, 2026

BEFORE

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

WRIT PETITION NO.12604 OF 2025 (KLR-RES)

BETWEEN:

1. NANDI INFRASTRUCTURE CORRIDOR
ENTERPRISES LTD.,
(A COMPANY REGISTERED UNDER
THE COMPANIES ACT, 1956)
HAVING OFFICE AT: NO.1,
MIDFORD ROAD, OFF. M.G. ROAD,
BENGALURU - 560 001.
REP. BY ITS AUTHORIZED SIGNATORY,
MR. SRINATH MANGALORE
GENERAL MANAGER.
2. M/S. NANDI ECONOMIC CORRIDOR
ENTERPRISES LTD.,
(A COMPANY REGISTERED UNDER
THE COMPANIES ACT, 1956)
HAVING OFFICE AT NO.1,
MIDFORD ROAD, OFF. M.G. ROAD,
BENGALURU - 560 001.
REP. BY ITS AUTHORIZED SIGNATORY
MR. SRINATH MANGALORE
GENERAL MANAGER.

...PETITIONERS

(BY SRI. DHYAN CHINNAPPA, SENIOR COUNSEL FOR
SRI. GEORGE JOSEPH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY THE TAHSILDAR,
BENGALURU NORTH TALUK,
BENGALURU - 560 009.

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COURT OF
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2. SMT. PUTTAMMA
D/O LATE PUTTA MADIAH,
KODIGEHALLI VILLAGE,
YESHWANTHAPUR HOBLI,
BENGALURU NORTH TALUK - 560 092.
3. SRI. H.B. SRIDHAR
S/O LATE BETTAIAH,
KODIGEHALLI VILLAGE,
YESHWANTHAPUR HOBLI,
BENGALURU NORTH TALUK - 560 092.
4. SRI. K.V. CHANDRAN
S/O VELAYUDHAN,
KODIGEHALLI VILLAGE,
YESHWANTHAPUR HOBLI,
BENGALURU NORTH TALUK - 560 092.
5. SMT. PUTTAGOWRAMMA
D/O LATE BORAIH,
KODIGEHALLI VILLAGE,
YESHWANTHAPUR HOBLI,
BENGALURU NORTH TALUK - 560 092.
6. SPECIAL DEPUTY COMMISSIONER-3,
BENGALURU NORTH SUB-DIVISION,
K.G. ROAD,
BENGALURU - 560 009.
7. THE TAHSILDAR,
BENGALURU NORTH TALUK,
KANDAYA BHAVAN,
K.G. ROAD,
BENGALURU - 560 009.

...RESPONDENTS

(BY SRI. H.L. PRADEEP KUMAR, SPECIAL COUNSEL FOR
R1, R6 AND R7;
SRI. K.VIJAY KUMAR, ADVOCATE FOR R2 TO R5)



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE COMMON ORDER DATED 27TH MARCH, 2025 PASSED BY THE RESPONDENT NO.6-SPECIAL DEPUTY COMMISSIONER-3, BENGALURU NORTH SUB-DIVISION, BENGALURU IN CASE NOS.RRT(2)(N)CR.01/2009-10, RRT(2)(N)CR.02/2009-10, RRT(2)(N)CR.03/2009-10 AND RRT(2)(N)CR.04/2009-10 VIDE ANNEXURE-A; AND ETC.

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 ORDER

In this petition, petitioners are challenging the order dated 27th March, 2025 (Annexure-A) passed by the respondent No.6-Special Deputy Commissioner-3, Bengaluru North Sub-Division, Bengaluru in Case Nos.RRT(2)(N)CR.01/2009-10, RRT(2)(N)CR.02/2009-10, RRT(2)(N)CR.03/2009-10 and RRT(2)(N)CR.04/2009-10 as non-sustainable under law.

2. It is the case of petitioners that the respondent-State issued Notification Dated 27th October, 1998 (Annexure-B) under Section 3(1) of the Karnataka Industrial Areas



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Development Act, 1966 (for short, hereinafter referred to as 'KIAD Act'), reserving the land bearing Survey No.86 measuring to an extent of 95 acre 17 guntas of Kodigehalli Village, Bengaluru North Taluk, for the purpose of Bangalore-Mysore Infrastructure Corridor Project (for short, hereinafter referred to as '*BMIC Project*'). It is stated in the petition that, pursuant to the Notification dated 27th October, 1998 (Annexure-B), the land to an extent of 79 acre and 7 guntas was transferred to the petitioners on Lease-cum-Sale basis for execution of BMIC Project by virtue of Government order dated 07th October, 1999 (Annexure-C) and accordingly, Possession Certificate has been issued on 07th June, 2000 (Annexure-D). The Lease Deed dated 04th July, 2002 is produced at Annexure-E. It is the further case of petitioners that the mutation and RTC extracts in respect of the subject land stands in the name of the petitioner No.2.

3. It is also averred in the petition that the respondents 2 to 5 herein claims to be the grantees of portion of the land leased out to the petitioners by the respondent-State. It is also stated that the land bearing Survey Nos.143,



144, 145 and 146 was earlier the part of land bearing Survey No.86 of Kodigehalli Village measuring to an extent of 118 acres. The land to an extent of 32 acre 33 guntas out of total extent of 118 acres was granted in favour of various persons and as such, new survey numbers have been assigned in respect of the same. It is also the case of petitioners that, an extent of 11 acre 20 guntas of land has been granted in favour of four persons namely, Gangappa, B.C. Rajanna, Jayappa and T.N. Lakshmi Narasimhaiah and remaining 79 acre 7 guntas of land has been transferred in favour of the petitioners for BMIC Project as per Annexure-G.

4. It is also averred in the petition that, an enquiry was initiated by the respondent No.6 against the respondents 2 to 5 as to the alleged grant orders being forged and fabricated, while considering the case of respondents 2 to 5 to enter the name in RTC Records as per letter dated 28th February, 2009 (Annexure-H). Pursuant to the same, the Special Deputy Commissioner, Bengaluru District has conducted *suo moto* proceedings under Section 136(3) of the Karnataka Land Revenue Act (for short, hereinafter referred to as '*KLR Act*')



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with regard to correctness of the grant made in favour of respondents 2 to 5 and the said authority, by order dated 04th February, 2010 (Annexure-J) had come to a conclusion that the grant made in favour of respondents 2 to 5 is based on bogus entries and as such, directed the respondent No.7-Tahsildar, Bengaluru North Taluk, to enter the name of 'Government' in the RTC Extracts. The aforementioned order dated 04th February, 2010 (Annexure-J) was questioned before this Court by respondents 2 to 5 in Writ Petition Nos.16330/2010, 12824/2010, 17880/2010 and 16329/2010 and this Court, by order dated 08th July, 2010 (Annexure-L), 21st July, 2010 (Annexure-M), 21st July, 2010 (Annexure-N) and 08th July, 2010 (Annexure-P) allowed the writ petitions and remanded the matter to the Special Deputy Commissioner for fresh consideration. After remand made by this Court, the proceedings were initiated by the Special Deputy Commissioner, Bengaluru Urban District in Case No.RRT(2)(N)CR.01/2009-10, RRT(2)(N)CR.02/2009-10, RRT(2)(N)CR.03/2009-10 and RRT(2)(N)CR.04/2009-10. In the aforementioned proceedings, petitioners herein have filed impleading



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application to implead themselves as per Annexure-Q series and same were allowed on 03rd June, 2013 (Annexures 'R' and 'R1'). In furtherance of the same, petitioners herein have filed statement of objections as per Annexures 'X', 'Y', 'Z' and 'AA' respectively; and respondents 2 to 5 herein have filed statement of objections as per Annexures 'S', 'T', 'V' and 'W'. The respondent No.6, by order dated 03rd October, 2015 (Annexure-AC), directed the respondent No.7 to conduct an enquiry as to the acquisition of land in question by the petitioners. Pursuant to the same, the respondent No.7-Tahsildar filed Report dated 14th March, 2016 (Annexure-AD) stating that, there is no original grant records in favour of respondents 2 to 5, however, concluded that the respondents 2 to 5 have been granted with land in the original Survey No.86 and same was objected by the petitioners. Thereafter, the respondent No.6, by order dated 28th February, 2020, directed the respondent No.7 to file appropriate report on the grant being made in favour of the respondents 2 to 5 and thereby, report dated 16th December, 2021 (Annexure-AF) was filed by the respondent No.7. The respondent No.6, after considering



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the material on record, by order 28th July, 2023 (Annexure-AH), arrived at a conclusion that the grant made in favour of the respondents 2 to 5 is genuine and accordingly, dropped the proceedings. The aforementioned order was questioned by the petitioners herein before this Court in Writ Petition No.22186/2023 and this Court, by order dated 14th August, 2024 (Annexure-AI), quashed the order dated 28th July, 2023 passed by the respondent No.6 and remanded the matter to the respondent No.6 to reconsider the case of the parties afresh and take decision in the matter in accordance with law.

5. Pursuant to the order of remand made by this Court, the respondent No.6 conducted proceedings and passed impugned order dated 27th March, 2025 (Annexure-A) and as such, dropped the *suo moto* proceedings against the respondents 2 to 5. Being aggrieved by the same, petitioners presented this writ petition.

6. Heard Sri. Dhyan Chinnappa, learned Senior Counsel on behalf of Sri. George Joseph, appearing for petitioners; Sri. H.L. Pradeep Kumar, learned Special Counsel



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appearing for respondents 1, 6 and 7; and Sri. K. Vijay Kumar, learned counsel appearing for respondents 2 to 5.

7. Sri. Dhyan Chinnappa, learned Senior Counsel appearing for the petitioners refers to the finding recorded by this Court in the order dated 14th August, 2024 passed in Writ Petition No.22186 of 2023 particularly at paragraphs 12 to 14 and contended that the respondent No.6 has not conducted the enquiry in a manner directed by this Court to look into the original records pertaining to the grant of land made in favour of respondents 2 to 5 and therefore, the impugned order passed by the respondent No.6 requires interference by this Court.

8. Learned Senior Counsel Sri. Dhyan Chinnappa appearing for the petitioners refers to the finding recorded by the Special Deputy Commissioner, Bengaluru District in the order dated 04th February, 2010 (Annexure-J) and contended that the fallacy reflected in the grant orders pointed out by the said authority has not been examined by the respondent No.6 in the right perspective. By referring to the previous order dated 28th July, 2023 (Annexure-AH) passed by the respondent



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No.6, it is contended by learned Senior Counsel that the present impugned order is nothing but a similar order passed by the respondent No.6 without considering the finding recorded by this Court in Writ Petition No.22186/2023 (Annexure-AI) and therefore, the same is liable to be set-aside.

9. Nextly, by referring to the finding recorded by the respondent No.6 in the impugned order dated 27th March, 2025 (Annexure-A), it is further argued by learned Senior Counsel appearing for petitioners that the reasons assigned by the respondent No.6 fortifies that no original records have been examined as per the direction issued by this Court and accordingly, submitted that the order of grant made in favour of respondents 2 to 5 is fake and based on the concocted documents. Accordingly, learned Senior Counsel sought for interference of this Court.

10. Per contra, Sri. K. Vijay Kumar, learned counsel appearing for respondents 2 to 5 refers to order passed by this Court dated 14th August, 2024 (Annexure-AI) in Writ Petition No.22186 of 2023 particularly to the paragraph 13 and the order sheet in the impugned proceedings at Annexure-AN



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particularly the orders dated 21.01.2025, 28.01.2025, 28.02.2025 and 11.03.2025 and argued that the records have been summoned from the office of the Tahsildar and Assistant Director of Land Records and as such, the respondent No.6 passed an order by looking into the original Darkasth Register, Mutation Register, RTC's, Saguvali Chit Issuance Register, RR Register, Phodi Records and Grant file/Phodi Ledger and thereby, arrived at a conclusion that the grant made in favour of respondents 2 to 5 is valid. Therefore, learned counsel appearing for respondents 2 to 5 contended that the observation made by this Court in Writ Petition No.22186 of 2023 has been complied with by the respondent No.6.

11. Secondly, Sri. K. Vijay Kumar, learned counsel appearing for respondents 2 to 5 contended that the petitioners have no *locus standi* to challenge the order of grant as it is the only the State Government has to challenge the grant, if it is contrary to law.

12. Finally, it is contended by learned counsel Sri. K. Vijay Kumar, appearing for respondents 2 to 5 that the alleged lands have been granted to the respondents 2 to 5 way back in



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the year-1954 and the *suo moto* proceedings have been initiated during the year-2009, after a lapse of more than fifty years and therefore, the writ petition deserves to be dismissed on the ground of inordinate delay by following the judgment of Hon'ble Supreme Court in the case of ***JOINT COLLECTOR, RANGAREDDY DISTRICT AND ANOTHERS vs. D. NARSING RAO AND OTHERS*** reported in (2015)3 SCC 695.

13. Sri. H.L. Pradeep Kumar, learned Special Counsel appearing for respondents 1, 6 and 7 sought to justify the impugned order passed by the respondent No.6 produced at Annexure-A. Accordingly, sought for dismissal of the writ petition.

14. In the light of the submission made by learned counsel appearing for the parties, it is not in dispute that the respondents 2 to 5 are claiming right over the subject land based on the order of grant dated 12th May, 1954. In furtherance of the order of grant, the Saguvali Chit was issued in favour of respondents 2 to 5 on 16th December, 1954 and Mutation entries have been effected during the year 1958 to 1960. The respondents 2 to 5 have produced the RTC extracts



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to establish their possession in respect of the subject land. In the meanwhile, the Tahsildar, Bengaluru North Taluk, by letter dated 28th February, 2009 (Annexure-H) has questioned the genuineness of the grant made in favour of respondents 2 to 5. Accordingly, the Special Deputy Commissioner, Bengaluru District had initiated proceedings in No.RRT(2)(N)CR.01/2009-10, RRT(2)(N)CR.02/2009-10, RRT(2)(N)CR.03/ 2009-10 and RRT(2)(N)CR.04/2009-10 against the respondents 2 to 5. The Special Deputy Commissioner, Bengaluru District, by order dated 04th February, 2010 (Annexure-J) has arrived at a conclusion that, there is overwriting as well as the ink printed in the original records differs from each of the entries and as such, concluded that the grant made in favour of respondents 2 to 5 was on the basis of false/fabricated entries and accordingly, cancelled the alleged grant claimed by the respondents 2 to 5; inter alia directed the Tahsildar, Bengaluru North Taluk to enter the name of 'Government' in the revenue records pertaining to the subject land. The aforementioned order of cancellation of grant was questioned by the respondents 2 to 5 before this Court in Writ Petition



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Nos.16330/2010, 12824/2010, 17880/2010 and 16329/2010 and this Court, by order dated 08th July, 2010 (Annexure-L), 21st July, 2010 (Annexure-M), 21st July, 2010 (Annexure-N) and 08th July, 2010 (Annexure-P) allowed the writ petitions and as such, quashed the finding recorded by the Special Deputy Commissioner, Bengaluru District and thereby, remanded the matter to the Special Deputy Commissioner for fresh consideration. Pursuant to the same, the proceedings were continued by the respondent No.6. At this juncture, during the pendency of the proceedings before the respondent No.6, the petitioners have made a claim in respect of the subject land based on the Notification dated 27th October, 1998 (Annexure-B) under Section 3(1) of the KIAD Act, wherein, the land to an extent of 79 acre 7 guntas in Survey No.86 of Kodigehalli Village was transferred to the petitioners as per Annexure-C and thereby, referred to possession certificate issued as per Annexure-D. In that view of the matter, the petitioners got impleaded in the aforementioned proceedings i.e., in RRT(2)(N)CR.01/2009-10, RRT(2)(N)CR.02/2009-10, RRT(2)(N)CR.03/ 2009-10 and RRT(2)(N)CR.04/2009-10. The order



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of impleadment of petitioners was unchallenged and thereby, reached finality. Thereafter, the respondent No.6, by order dated 28th July, 2023 (Annexure-AH), after considering the material on record has dropped the proceedings against the respondents 2 to 5 and as such, upheld the grant made in favour of respondents 2 to 5. Being aggrieved by the same, petitioners have presented Writ Petition No.22186 of 2023 and this Court, by order dated 14th August, 2024 (Annexure-AI) allowed the writ petition and as such, remanded the matter to the respondent No.6 for fresh consideration. It is relevant to extract paragraph 13 of the aforesaid order, which reads as under:

"13. Insofar as the genuineness of the grant made in favour of the respondent No.2 to 5 are concerned, the respondent Nos.2 to 5 have produced various documents to establish the grant particularly, Annexure-R3, wherein, it is stated that, Saguvali Chit has been issued to one Puttamadaiah S/o Nagaian in Sy.No.86 of Kodigehalli Village, Bengaluru North Taluk. On the other hand, the case of the petitioners, is that, various land in Sy No.86 have been acquired by the Government in favour of the KIADB and thereafter, the portion of the land has been given on lease to the petitioners-Company for construction of Expressway and



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as such, it appears that the lis between the parteis is relating to the boundaries or overlapping of land belonging to themselves subject to genuineness of the grant made in favour of predecessors of respondent Nos.2 to 5. The original records produced by the Special Counsel appearing for respondent-State do not contain the Revenue Sketch nor Saguvali Chit to identify the boundaries as contended by the parties. It is also relevant to state that, the respondent Nos.2 to 5 have not produced Tax paid receipts to establish that the land in question is in their possession. It is also pertinent to mention here that, by order dated 04.02.2010 (Annexure-H), the then Special Deputy Commissioner has made remarks with regard to the tampering and fabrication of the records. In the backdrop of these aspects, nothing is discussed in the impugned order with regard to observation made by the very same authority as per Annexure-H. Therefore, I feel that the respondent-Authorities out to have taken case of the observation made by the earlier Special Deputy Commissioner and the jurisdictional Thasildar, (Annexure-Y) with regard to adjudicating the genuineness of the grant made in favour of respondent Nos.2 to 5."

15. In the backdrop of the order of remand made by this Court in Writ Petition No.22186 of 2023, directing the respondent No.6 to verify the records pertaining to genuineness of grant of subject land in favour of respondents 2 to 5, the



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parties were represented before the respondent No.6 and filed statement of objections accordingly. Taking into account the submission made by learned Senior Counsel appearing for the petitioners alleging that the respondent No.6 has not considered the finding of the Special Deputy Commissioner, Bengaluru District in the order dated 04th February, 2010 (Annexure-J) and the order dated 14th August, 2024 (Annexure-AI) passed by this Court in Writ Petition No.22186 of 2023, I have carefully examined the finding recorded by the respondent No.6 in the impugned order dated 27th March, 2025 (Annexure-A). In order to ascertain as to whether the respondent No.6 had verified the original records in respect of genuineness of the grant made in favour of respondents 2 to 5, I have carefully perused the order dated 21.01.2025, 28.01.2025, 17.02.2025, 28.02.2025 and 11.03.2025 passed in the impugned proceedings produced at Annexure-AN, which reveals that the records have been summoned from the office of the Tahsildar and Assistant Director of Land Records and the respondent No.6 had verified the original DR, RTC's, MR, IL/RR and grant file. It is also to be noted that the respondent No.6



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verified the Saguvali Chit Issuance Register, which is an official revenue department register used to record the issuance of Saguvali Chits, which are formal land grant certificates issued by the competent authority to the respondents 2 to 5.

16. It is pertinent to mention here that the respondent No.6 has particularly taken into consideration the order passed by this Court dated 14th August, 2024 (Annexure-AI) in Writ Petition No.22186 of 2023 and the order dated 04th February, 2010 (Annexure-J) passed by the Special Deputy Commissioner, Bengaluru District particularly the remarks made therein as to the genuineness of grant of land made in favour of respondents 2 to 5 and verified the records summoned from the office of the Assistant Director of Land Records particularly Phodi Ledger, Phodi Records, Survey Sketch based on the SCIR, RR, Grant File, which is reflected in the order dated 28th January, 2025 and 11th March, 2025 of the respondent No.6 at Annexure-AN. The aforementioned aspect makes it clear that the respondent No.6 followed the direction issued by this Court and has thoroughly examined the entire records from the office of Tahsildar and the Assistant Director



of Land Records. Therefore, I am of the considered opinion that, no interference be called for in this petition.

17. Nextly, the point to be considered in this petition is that the respondents 2 to 5 are claiming right over the subject land based on the order of Grant made during the year-1954 and thereafter, Mutation has been effected as per M.R. Nos.1, 2, 3 & 4/1958-59. The aforementioned records have been examined by the respondent No.6 and it is categorically stated through the documents that the petitioners are in possession of the land in question accordingly. The question as to the genuineness of the grant raised by the Tahsildar, Bengaluru North Taluk as per letter dated 28th February, 2009 (Annexure-H), is after a lapse of more than fifty years. It is not forthcoming from the arguments advanced by learned Senior Counsel appearing for petitioners and the learned Special Counsel appearing for the respondent-State as to the delay and laches on the part of the Tahsildar questioning the grant made in favour of respondents 2 to 5 after an inordinate delay for invoking *suo moto* proceedings under Section 136(3) of the Karnataka Land Revenue Act.



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18. In this regard, it is relevant to extract paragraph 31 and 32 in the case of **D. NARSING RAO** (supra), which reads as under:

"31. *To sum up, delayed exercise of revisional jurisdiction is frowned upon because if actions or transactions were to remain forever open to challenge, it will mean avoidable and endless uncertainty in human affairs, which is not the policy of law. Because, even when there is no period of limitation prescribed for exercise of such powers, the intervening delay, may have led to creation of third-party rights, that cannot be trampled by a belated exercise of a discretionary power especially when no cogent explanation for the delay is in sight. Rule of law it is said must run closely with the rule of life. Even in cases where the orders sought to be revised are fraudulent, the exercise of power must be within a reasonable period of the discovery of fraud. Simply describing an act or transaction to be fraudulent will not extend the time for its correction to infinity; for otherwise the exercise of revisional power would itself be tantamount to a fraud upon the statute that vests such power in an authority.*

32. *In the case at hand, while the entry sought to be corrected is described as fraudulent, there is nothing in the notice impugned before the High Court as to when was the alleged fraud discovered by the State. A specific statement in that regard was essential for it was a*



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jurisdictional fact, which ought to be clearly asserted in the notice issued to the respondents. The attempt of the appellant State to demonstrate that the notice was issued within a reasonable period of the discovery of the alleged fraud is, therefore, futile. At any rate, when the Government allowed the land in question for housing sites to be given to government employees in the year 1991, it must be presumed to have known about the record and the revenue entries concerning the parcel of land made in the ordinary course of official business. Inasmuch as, the notice was issued as late as on 31-12-2004, it was delayed by nearly 13 years. No explanation has been offered even for this delay assuming that the same ought to be counted only from the year 1991. Judged from any angle the notice seeking to reverse the entries made half a century ago, was clearly beyond reasonable time and was rightly quashed."

(emphasis supplied)

19. Hon'ble Supreme Court in the case of **TELENGANA HOUSING BOARD vs. AZAMUNNISA BEGUM (DEAD) THROUGH LEGAL REPRESENTATIVES AND OTHERS** reported in (2018)7 SCC 346 at paragraphs 59 to 62 held as under:

"59. *It is now well settled that where no time-limit is specified, whatever is required to be done should be within a reasonable period. In Collector v. P. Mangamma (2003)*



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4 SCC 488 it was held in paras 5 and 6 as follows: (SCC pp. 491-92)

"5. A reasonable period would depend upon the factual circumstances of the case concerned. There cannot be any empirical formula to determine that question. The court/authority considering the question whether the period is reasonable or not has to take into account the surrounding circumstances and relevant factors to decide that question.

6. In State of Gujarat v. Patil Raghav Natha [State of Gujarat v. Patil Raghav Natha, (1969) 2 SCC 187] it was observed that when even no period of limitation was prescribed, the power is to be exercised within a reasonable time and the limit of the reasonable time must be determined by the facts of the case and the nature of the order which was sought to be varied. ... Reasonable, being a relative term is essentially what is rational according to the dictates of reason and not excessive or immoderate on the facts and circumstances of the particular case."

60. Similarly, in *Collector v. D. Narsing Rao* (2015) 3 SCC 695, the exercise of revisional jurisdiction where no time-limit is specified was considered and it was held in para 31 of the report as follows: (SCC pp. 710-11)

"31. To sum up, delayed exercise of revisional jurisdiction is frowned upon because if actions or transactions were to remain forever open to challenge, it will mean avoidable and endless uncertainty in human affairs, which is not the policy of law. Because, even when there is no period of limitation prescribed for exercise of such powers, the intervening delay, may have led to creation of third-party rights, that cannot be trampled by a belated exercise of a discretionary power especially when no cogent explanation for the delay is in sight. Rule of law it is said must run closely with the



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rule of life. Even in cases where the orders sought to be revised are fraudulent, the exercise of power must be within a reasonable period of the discovery of fraud. Simply describing an act or transaction to be fraudulent will not extend the time for its correction to infinity; for otherwise the exercise of revisional power would itself be tantamount to a fraud upon the statute that vests such power in an authority."

61. Finally *in Basanti Prasad v. Bihar School Examination (2009) 6 SCC 791*, it was pointed out where third-party rights are likely to be affected, the courts decline to interfere but if there is a necessity to interfere then the aggrieved person should be heard on merits.

62. Insofar as the facts of the present case are concerned, the claim made under Section 87 of the Act was after a period of at least 25 years. This can hardly be described as a reasonable period. There is no explanation for the inordinate delay and to make matters worse, third-party interests have been created through a housing scheme developed on the land in dispute or in any event on the surrounding land. After a further lapse of 25 years it is not possible to put the clock back, even if there is any reason to do so, which reason we cannot even visualise in this case."

20. Recently, the Hon'ble Supreme Court in the case of **SMT. SYAMO DEVI AND OTHERS vs. STATE OF U.P. THROUGH SECRETARY AND OTHERS** in Civil Appeal



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No.5539 of 2012 decided on 16th May, 2024, it is held as under:

"13. This Court had an occasion to consider similar issue in the matter of Ibrahimpatnam Taluk Vyavasaya Coolie Sangham v. K. Suresh Reddy, (2003) 7 SCC 667 namely the exercise of suo moto power under sub-section (4) of Section 50-B of Andhra Pradesh (Telangana Area) Tenancy and Agriculture Lands Act, 1950 (for short 'AP Act') i.e., can it be at any time or such power is to be exercised within a reasonable time and if so, within what time? The facts obtained in the said case was that the owners of the subtle land executed various sale deeds in favour of different persons on plain paper and possession of the lands was also delivered to the purchasers. The vendees applied under Section 50-B of the AP Act for validation of sales and the concerned Tehsildar issued validation certificates on various dates. The said orders of the Tehsildar came to be challenged before the Joint Collector of the District by the Special Tehsildar and authorised officer (land reforms) which appeals came to be dismissed in 1988. It is thereafter the Joint Collector issued show cause notices purporting to exercise the suo moto power under sub-section (4) of Section 50-B of the Act to both the vendors and the vendees as to why the validation certificates issued in the year 1974 or earlier should not be cancelled after considering the objections filed in response to the show cause notices, the Joint Collector set aside the validation certificates in 1989. The



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learned Single Judge before whom challenge was laid accepted the plea of the writ petitioners by arriving at a conclusion that suo moto power of revision ought to have been exercised within a reasonable period, though Section 50-B (4) of the Act empowers the authority to exercise such suo moto power at any time. The impleading applicants who had filed the complaint, assailed the order of learned Single Judge before the Division Bench without success. In so far as the validation certificates which were found to be fraught with fraud came to be set aside by the Division Bench and also taking into account that the parties did not produce the documents.

14. Sub-section (4) of Section 50-B of the AP Act can be juxtaposition with sub-section (6) of Section 122-C of the UPZALR Act for immediate reference and it reads:

122-C (6) The Collector may of his own 50-B (4) The Collector may, suo-motu at motion and shall on the application of any time, call for and examine the record any person aggrieved by an allotment of relating to any certificate issued or land under this section inquire in the proceedings taken by the Tahsildar under manner prescribed into such allotment, this section for the purpose of satisfying and if he is satisfied that the allotment is himself as to the legality or propriety of irregular, he may cancel the allotment, such certificate or as to the regularity of and thereupon the right, title and interest such proceedings and pass such order in of the allottee and of every other person relation thereto as he may think fit:

claiming through him in the land allotted Provided that no order adversely affecting shall cease. any person shall be passed under this sub- section unless such person has had an opportunity of making his representation thereto.



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15. *In Ibrahimpatnam's case (supra) wherein sub-section (4) of Section 50-B was pressed into service discloses that the expression 'the collector may, suo moto at any time; is occurring while such expression is conspicuously absent in sub-section (6) of Section 122-(C) of UPZALR Act. In the aforesaid case, it came to be held by the Apex Court that suo moto power should be exercised within a reasonable period even in case of fraud and within a reasonable time from the date of discovery of fraud and it depends on facts and circumstances of each case. It came to be further held:*

"12. The learned Single Judge has referred to and relied on various decisions including the decisions of this Court as to how the use of the words "at any time" in sub-section (4) of Section 50-B of the Act should be understood. In the impugned order the Division Bench of the High Court approves and affirms the decision of the learned Single Judge. Where a statute provides any suo motu power of revision without prescribing any period of limitation, the power must be exercised within a reasonable time and what is "reasonable time" has to be determined on the facts of each case.

13. In the light of what is stated above, we are of the view that the Division Bench of the High Court was right in affirming the view of the learned Single Judge of the High Court that the suo motu power under sub-section (4) of Section 50-B of the Act is to be exercised within a reasonable time.

19. It is also necessary to note that the suo motu power was sought to be exercised by the Joint Collector after 13-15 years. Section 50-B was amended in the year 1979 by adding sub-section (4), but no action was taken to invalidate the certificates in exercise of the suo motu power till 1989.



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There is no convincing explanation as to why the authorities waited for such a long time. It appears that sub-section (4) was added so as to take action where alienations or transfers were made to defeat the provisions of the Land Ceiling Act. The Land Ceiling Act having come into force on 1-1-1975, the authorities should have made inquiries and efforts so as to exercise the suo motu power within reasonable time. The action of the Joint Collector in exercising suo motu power after several years and not within reasonable period and passing orders cancelling validation certificates given by the Tahsildar, as rightly held by the High Court, could not be sustained. In the teeth of the expression 'any time' not being found in sub-section (6) of Section 122-C, it would not detain us for too long to set aside the impugned orders."

(emphasis supplied)

21. The Division Bench of this Court, in **Writ Appeal No.284 of 2023** decided on **24th February, 2026** at paragraphs 8 to 10 held as under:

"8. The contention of the appellant that the land is granted in violation of Section 94(4) of the Revenue Act as well as Rule 108-I of the Rules cannot be considered in view of the delay in initiation of action by the appellant-Authorities. It is trite law that even in cases where the orders sought to be revised are fraudulent, the exercise of



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power must be within a reasonable period of the discovery of fraud. In the instant case, the impermissibility of the grant as contended by the appellant-State is rooted in the fact that the lands in question are within 5 kms of City Municipal limits. However, the order of recommendation passed by the Regularization Committee at Annexure-B clearly mentions that the land is situated at 4 kms distance from Vijayapur City. Hence, the appellant-State, being aware of the distance of the lands in question from the City Municipal limits, ought to have initiated the action at a much earlier stage.

9. The learned Single Judge has rightly placed reliance on the decisions of the Hon'ble Supreme Court in the case of MOHAMAD KAVI MOHAMAD AMIN Vs. FATMABAI IBRAHIM1 and JOINT COLLECTOR RANGA REDDY DISTRICT Vs. D.NARASING RAO AND OTHERS and held that no explanation is offered by the appellant No.3 as to why the action is initiated after a lapse of more than a decade, when it was well within the knowledge of the Regularization Committee as well as the appellant No.4 that the granted land was well within the restricted limits.

10. It is also noticed that the initial application for regularization of unauthorized occupation is made in the year 1993 and Section 94(4) of the Act, was only brought in by way of amendment on 06.07.1994. In regard to the same, the Co-ordinate Bench of this Court in the case of MAHADEVA AND OTHERS Vs. STATE OF KARNATAKA AND OTHERS3, has held that the Authority is required to take



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note of the law prevailing as on the date of filing of the application and the provisions of Section 94A of the Act, has prospective application. In view of the said finding and taking note of the fact that the application is filed in the year 1993, the Authorities are required to consider the law prevailing on the date of filing of the application and not the later events. Even on this ground, the cancellation of grant is bad in law."

(emphasis supplied)

22. Perusal of the aforementioned judgments of Hon'ble Supreme Court and this Court, makes it clear that, it is the duty of the respondent-Authorities to invoke *suo moto* proceedings being statutory powers under the KLR Act to be exercised within a reasonable period, if the alleged grant of land was made fraudulently.

23. The facts of the case on hand would indicate that the grant said to have been made in favour of respondents 2 to 5 is during the year-1954 and the respondent-Authorities have expressed doubt in respect of genuineness of the grant during the year-2009, after an inordinate delay of more than fifty years. It is also pertinent to mention here that, during this interregnum period, all revenue records viz., Mutation Register,



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RTCs, Index of Land and Phodi have been made by the respondent-Authorities and therefore, it has to be concluded that the respondent-Authorities have time and again looked into the original records and verified the records pertaining to the grant made in favour of the respondents 2 to 5. Therefore, I am of the opinion that, no interference be called for after a period of more than five decades. In that view of the matter, the contention raised by learned Senior Counsel appearing for petitioners cannot be accepted. Even, if the arguments are advanced by the learned Senior Counsel appearing for the petitioners as to the alleged fraud and fabrication of documents, however, such, actions have to be taken by the respondent-Authorities within a reasonable period and not after a lapse of five decades. That apart, it is forthcoming from the writ papers that the respondents 2 to 5 are in possession of the subject land as on today. Therefore, in view of the above observation, I am of the view that there is no perversity in the order passed by the respondent No.6 at Annexure-A as the respondent No.6 had rightly dropped the *suo moto* proceedings, after examining original records as stated above.



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Therefore, the writ petition deserves to be dismissed as there is no merit in the petition. Accordingly, Writ Petition is ***dismissed.***

24. Consequently, the respondent No.7-Tahsildar is directed to enter the name of respondents 2 to 5 in the revenue records pertaining to the subject land froth with.

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

ARK
List No.: 1 Sl No.: 108