



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO.13712 OF 2026 (KLR-RES)

BETWEEN:

1. S. SURESH KUMAR
S/O SUNDARAMURTHY
AGED ABOUT 55 YEARS
R/AT L-359, 6TH MAIN, 14TH 'B' CROSS,
SECTOR 6, HSR LAYOUT,
BENGALURU - 560 102.
2. S. PREM KUMAR
S/O SUNDARAMURTHY,
AGED ABOUT 54 YEARS,
R/AT NO.692, 9TH 'A' CROSS,
2ND STAGE, WEST OF CHORD ROAD,
MAHALAKSHMIPURAM,
BENGALURU - 560 086.

...PETITIONERS

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

(BY SRI. ANIL KUMAR SHETTY, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY REVENUE DEPARTMENT
BENGALURU - 560 001
REPRESENTED BY ITS
PRINCIPAL SECRETARY.



2. TAHASILDAR
NELAMANGALA TALUK - 562123.
3. YANTAGANAHALLI GRAMA
PANCHAYATH KASABA HOBLI,
NELAMANGALA TALUK,
BENGALURU RURAL - 562123
BY ITS CHIEF OFFICER.

...RESPONDENTS

(BY SMT. B.P. RADHA, AGA FOR R1 & R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER PASSED BY RESPONDENT NO.2 ON 04.04.2026 VIDE REFERENCE NO. THNL-LNDSONCR/208/2024 E-372895 VIDE ANNEXURE-M.

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

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

ORAL ORDER

1. In this Writ Petition, the petitioners are assailing the order dated 04.04.2026 (Annexure-M) passed by respondent No.2.
2. The factual matrix of the case are that, the land bearing Sy.No.27, presently Sy.No.27/1, totally measuring 8 acres 24



guntas (including 4 guntas of kharab) situate at Mallarabanawadi Village, Nelamangala Taluk, Bengaluru Rural District, was purchased by father of the petitioners as per two registered Sale Deeds dated 13.12.1982 (Annexures - A and B). It is also stated that portion of the land to an extent of 20 guntas was acquired by the National Highways Authority of India for the purpose of construction of road. It is also stated that remaining land to an extent of 8 acres 4 guntas is belonging to the petitioners' father.

3. The aforementioned land was converted by the competent authority on 30.09.1994 as per Annexure-E. A partition deed was effected between the father of the petitioners with his family members and the subject property was allotted to the share of the petitioners as per Annexure-G. It is also stated that petitioners are in possession of the land in question and the petitioners have not encroached any adjoining land. It is further stated that respondent No.2 has issued the notice to the father of the petitioners as to the encroachment made in respect of the adjacent tank belonging to the Government. It is also stated that respondent No.2 has issued



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the notice (Annexure-M), dated 04.04.2026, and has taken steps to remove the encroachment in the Government tank area situated in Sy.No.25 of Mallarabanawadi Village, Nelamangala Taluk, Bengaluru Rural District, and being aggrieved by the same, the petitioners have presented this Writ Petition.

4. Heard Sri. Anil Kumar Shetty, learned counsel appearing for the petitioners and Smt. B.P. Radha, learned Additional Government Advocate appearing on behalf of the respondent Nos.1 and 2.

5. Sri. Anil Kumar Shetty, learned counsel appearing for the petitioners contended that, the respondent - authorities without issuing appropriate notice to the petitioners have taken steps to interfere with the land belonging to the petitioners and therefore, sought for interference of this Court.

6. Per contra, Smt. B.P. Radha, learned Additional Government Advocate sought to justify the notice and the impugned order at Annexure-M and submitted that respondent No.2 has taken steps to remove the encroachments which are said to have been made in the tank area situated at



Mallarabanawadi Village, Nelamangala Taluk, Bengaluru Rural District and therefore, sought for dismissal of the Writ Petition and further submitted that the petitioners have no locus standi to challenge the notice/order at Annexure-M.

7. In the light of the submissions made by the learned counsel appearing for the parties, the petitioners have acquired the suit schedule property as per the partition deed dated 18.02.2015(Annexure-G) to an extent of 8 acres 4 guntas of Mallarabanawadi Village, Nelamangala Taluk, Bengaluru Rural District. The perusal of the notice dated 23.02.2026 would indicate that notice has been issued to the father of the petitioners under Section 104 and Section 192-A of the Karnataka Land Revenue Act, 1964 read with Rule 108-ZJ of the Karnataka Land Revenue Rules, 1966. Taking into consideration that respondent No.2 has taken steps to remove the encroachment said to have been made in the tank area situated in Sy.No.25 of Mallarabanawadi Village, Nelamangala Taluk, Bengaluru Rural District, I am of the view that, steps have been taken to remove encroachment on 16.04.2026 as per Annexure-M and therefore, the petitioners have no locus



standi to challenge the same. That apart, if at all the petitioners are being aggrieved by any encroachment made by the respondent - authority, under such circumstances, it is open for the petitioners to establish their right over the property in question as stated in the petition in a manner known to law before the Civil Court.

8. In that view of the matter, no interference is called for at this juncture, as the impugned order at Annexure-M would indicate that steps have been taken by respondent No.2 to remove the encroachment said to have been made in tank area and not in respect of the subject land belonging to the petitioners. In that view of the matter, there is no merit in the Writ Petition.

9. Accordingly, the Writ Petition is dismissed.

SD/-
(E.S.INDIRESH)
JUDGE

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List No.: 2 Sl No.: 1