



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO.757 OF 2025 (KLR-RES)

BETWEEN:

1. SRI. HALLAPPA H.G.,
S/O. LATE GANGADHARAPPA,
AGED ABOUT 60 YEARS,
R/AT HEBBALU GRAMA,
HALEBIDU HOBLI,
BELUR TALUK,
HASSAN DISTRICT - 573 115.
2. SRI. H. M. THIRTHANAND,
S/O. MALLEGOWDA,
AGED ABOUT 58 YEARS,
R/AT SOMANAHALLI GRAMA,
MADIHALLI HOBLI,
BELURU TALUK,
HASSAN DISTRICT - 573 115.

...APPELLANTS

(BY SRI. SHIVASHANKAR K., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
HASSAN,
OFFICE OF THE DEPUTY
COMMISSIONER,
HASSAN, KARNATAKA - 573 201.
2. THE ASSISTANT COMMISSIONER,
SAKALESH PURA SUB-DIVISION,



SAKALESHPURA -0 573 134.

3. THE TAHASILDAR,
TAHASILDAR OFFICE,
BELUR TALUK,
HASSAN DISTRICT - 573 115.
4. SRI. B. C. BASAVARAJU,
S/O. CHANNABASAVEGOWDA,
AGED ABOUT 63 YEARS,
5. SRI. B. K. KALA,
W/O. B. C. BASAVARAJU,
AGED ABOUT 50 YEARS,

RESPONDENTS NO.4 & 5 ARE
R/AT BANADA HALLI,
KASABA HOBLI,
BELUR TALUK,
HASSAN DISTRICT - 573 115.

...RESPONDENTS

(BY SRI. B. RAVINDRANATH, AGA FOR R1 TO R3,
SRI. AFSAR A.P., FOR R4 AND R5)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER PASSED BY THE LEARNED SINGLE JUDGE OF THIS HONBLE COURT IN WP No.6906/2025 DATED:26.04.2025 BY ALLOWING THIS APPEAL ACCORDINGLY IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

Respondent Nos.4 and 5 in W.P.No.6905/2025 are before this Court in this intra-court appeal assailing the order dated 26.04.2025 by the Writ Court. By means of impugned order the Writ Court has allowed the writ petition and quashed the impugned order passed by the Deputy Commissioner in R.A.No.105/2023-24 and the order dated 24.01.2024 passed by respondent No.2- Assistant Commissioner in NCR (C.B) 150/2022-23 (Annexures – A and B).

2. Parties are referred to as per their rankings before the Writ Court.

FACTS GERMANE TO FILE THIS APPEAL ARE AS UNDER:

3. The petitioner No.1 claims that he has filed an application seeking for regularization of his unauthorized occupation. After much deliberation on the application, an



order came to be passed in the year 1998 regularising his unauthorized occupation by means of grant order.

4. A complaint was made alleging that the land had been granted in favour of the petitioner, who was appointed as a Teacher on 30.08.1991. The Assistant Commissioner considering the claim, exercising the jurisdiction, cancelled the grant on the ground that the petitioner No.1 was appointed as Teacher on 31.08.1991. Said order came to be confirmed with the order of the Deputy Commissioner. These orders were the subject matter in the writ petition. The Writ Court after securing the records from the office found that the application had been filed in the year 1986 seeking for regularization of his unauthorized occupation. The proceedings had been initiated for imposition of fines and found that the petitioner was in occupation of the land much prior to 13.08.1991, the day on which the petitioner No.1 was appointed as a Teacher.



5. The Writ Court having found that it is settled position of law that in order to test the eligibility of an applicant for grant of land is the date on which the application is made and not the subsequent events. The petitioners having filed the application in the year 1986 seeking for regularization of unauthorized occupation cannot be held to be disentitled on the subsequent event that the petitioner No.1 had been appointed as Teacher in the year 1991. Further taking note of the fact that the complaint has been made after 26 years from the date of grant, the Writ Court held that the said action on the part of the respondent-Authorities is wholly irrational and cannot be entertained or sustained. In that view of the matter, the Writ Court allowed the petition and quashed the impugned orders therein. This order of the Writ Court is called in question by the respondent No.4 and 5 in this appeal.

6. Heard Sri. Shiva Shankar K, learned counsel appearing for the appellant, Sri.B.Ravindranath, learned



AGA appearing for the respondent Nos.1 to 3 and Sri. Afsar A.P., learned counsel appearing for the respondent Nos.4 and 5.

7. The appellants reiterated the very same points, which have been taken before the respondent-Authorities and before the Writ Court. The Writ Court having secured the records found that the application having been filed in the year 1986, much prior to the date the petitioner No.1 was appointed as a Teacher and reasoned this order that what is relevant to be considered is the fact when the application was filed and not the subsequent event. The petitioners herein are not rival claimants. Even if they are so, the proceedings sought to be annulled on the count that the petitioner No.1 was appointed as Teacher only in the year 1991, i.e., much prior to passing of order of grant. But the fact remains that the application was filed in the year 1986 as rightly considered by the Writ Court that it is the date on which the application is filed is relevant for consideration of the right for regularization



and not the subsequent events. We find no infirmities in the order passed by the learned Single Judge. Accordingly, the appeal sans merits and is dismissed. However, in the facts and circumstances, no costs.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

DR
List No.: 2 Sl No.: 6
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