



CNR: KAHC010338262026

NC: 2026:KHC:46446  
WP No. 15259 of 2026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 27<sup>TH</sup> DAY OF AUGUST, 2026**

**BEFORE**

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

**WRIT PETITION NO.15259 OF 2026 (KLR-RES)**

**BETWEEN:**

1. SRI. H.D. GOVINDE GOWDA  
S/O DASEGOWDA,  
AGED ABOUT 68 YEARS.  
RESIDING AT NO. 1691,  
B.M. ROAD, PERIYAPATNA- 571107,  
MYSURU DISTRICT.
2. SMT. D.C. NAGARATHNA,  
WIFE OF H.D. GOVINDEGOWDA,  
AGED ABOUT 66 YEARS  
RESIDING AT NO. 1691,  
B.M. ROAD, PERIYAPATNA- 571107,  
MYSURU DISTRICT.

...PETITIONERS

(BY SRI. RAJARAMA S., ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REPRESENTED BY ITS  
SECRETARY  
REVENUE DEPARTMENT,  
MYSURU DISTRICT,  
MYSURU-570001.

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Location: HIGH  
COURT OF  
KARNATAKA



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2. THE DEPUTY COMMISSIONER,  
MYSURU DISTRICT,  
MYSURU - 570011.
3. THE ASSISTANT COMMISSIONER  
HUNSUR SUB-DIVISION,  
HUNSUR,  
MYSURU DISTRICT - 571105.
4. THE TAHSILDAR  
PERIYAPATNA TALUK  
PERIYAPATNA  
MYSURU DISTRICT - 571 107.
5. SRI. CHANDRA  
S/O SRI. KALAPPA,  
AGED ABOUT 56 YEARS.  
R/AT HITTINA HEBBAGILU VILLAGE,  
RAVANDUR HOBLI,  
PERIYAPATNA TALUK,  
MYSURU DISTRICT - 571107.
6. SMT. SHIVAMMA  
W/O SRI. CHANDRA,  
AGED ABOUT 46 YEARS.  
R/AT HITTINA HEBBAGILU VILLAGE,  
RAVANDUR HOBLI,  
PERIYAPATNA TALUK,  
MYSURU DISTRICT - 571107.

...RESPONDENTS

(BY SRI. SKANDA R.K. RAO, AGA FOR R1 TO R4;  
SRI. MURTHY D.L., ADVOCATE FOR R5 & R6)



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ENTIRE JUDGEMENT DATED 30.04.2026 IN REV. REVISION NO.89/2015 FILE OF THE COURT OF BEFORE THE COURT OF THE KARNATAKA APPELLATE TRIBUNAL AT BENGALURU VIDE ANNEXURE-A.

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

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

**ORAL ORDER**

1. In this Writ Petition, petitioners are assailing the order dated 30.04.2026 in Rev.Revision No.89/2015 on the file of the karnataka Appellate Tribunal at Bengaluru.

2. Heard Sri. Rajarama S., learned counsel appearing for the petitioners, Sri. Skanda R.K. Rao, learned Additional Government Advocate appearing for respondent Nos.1 to 4, Sri. Murthy D.L., learned counsel appearing for the respondent Nos.5 and 6.



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3. It is submitted by Sri. Rajarama S., learned counsel appearing for the petitioners, that petitioner No.1 was cultivating the land bearing Sy.No.1 of Avarekai Gudda Kaval Village of Periyapatna Taluk as an unauthorised cultivator and accordingly, petitioner No.1 made an application seeking regularisation of unauthorised occupation of land in Form-53 to the competent Committee and thereby the competent Committee had taken a decision to grant an extent of 3 acres 18 guntas of land in Sy.No.1/P-43, vide order dated 08.01.1997. It is further contended by the learned counsel appearing for the petitioners that the respondent-authorities have issued saguvali chit on 08.01.1997 (Annexure-B).

4. It is also the contention of learned counsel appearing for the petitioners that the respondent Nos.5 and 6 were never cultivating the land in Sy.No.1 and further contended that respondent Nos.5 and 6 have interfered with the land granted to the petitioner No.1 based on the alleged saguvali chit dated 10.02.2004 said to have been issued by the respondent-authority in favour of respondent Nos.5 and 6. Therefore it is the contention of the learned counsel appearing for the



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petitioners that cancellation of grant made in favour of the petitioner No.1 by the respondent-authority, by order dated 11.02.2013 in case No.LND(Form 53)20/2012-13 passed by respondent No.3 requires to be set aside in this Writ Petition.

5. It is further contention of the learned counsel appearing for the petitioners, that the respondent-authority including the karnataka Appellate Tribunal has failed to consider the fact that petitioners did not possess any land as on the date of making the application seeking regularisation of unauthorised occupation of the land in question and therefore, the finding recorded by the respondent-authority requires to be set aside in this Writ Petition.

6. Per contra, Sri. Murthy D.L., learned counsel appearing for respondent Nos.5 and 6, sought to justify the impugned order and submitted that the land in question granted to the petitioner No.1 is different from the land in question granted to respondent Nos.5 and 6. It is further contended by the learned counsel appearing for the respondent Nos.5 and 6, that the finding recorded by the Karnataka Appellate Tribunal that the



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petitioner is having excess of land which is just and proper and accordingly, sought for dismissal of the Writ Petition.

7. Sri. Skanda R.K. Rao, learned Additional Government Advocate sought to defend the impugned order and submitted that the family of the petitioner had an extent of 17.09 acres of land and therefore contended that, order of cancellation of grant made in favour of the petitioner is just and proper and does not call for interference and accordingly, sought for dismissal of the Writ Petition.

8. In the light of the submissions made by the learned counsel appearing for the parties and on careful consideration of the material on record, would indicate that, the finding recorded by the respondent-authorities, particularly respondent No.3 in the order produced at Annexure-C would indicate that the authority has taken the total extent of land belonging to the joint family of the petitioner including the land belonging to the father of the petitioner and brother of the petitioner and as such arrived at the conclusion that the petitioner is having an extent of 17.09 acres. It is to be noted that the said finding recorded by the respondent-authority holding that the



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petitioner is having excess of land is incorrect as same cannot be considered as a grant in so far as eligibility criteria is concerned under the Rules. The said finding recorded by the respondent-authority requires to be interfered with in the light of the Judgment of this Court in the case of SRI. CHANDRAHASA RAI AND OTHERS Vs. THE ASSISTANT COMMISSIONER, PUTTUR AND ANOTHER in W.P.Nos.32537-540/2011 disposed of on 02.04.2013, wherein, this Court at para Nos.7 to 12, has held as under:

“ 7. My perusal of the Assistant Commissioner’s order reveals that it is more philosophical than legal. The Assistant Commissioner observes that the cause of social justice would be betrayed, if everybody’s unauthorized occupation of the Government land is regularized. He has observed that the economic status of the applicant for the regularization of the unauthorized occupation of the land has to be taken into account.

8. Even when the anxiety of the Assistant Commissioner to render social justice is praiseworthy, I cannot uphold his order, as it does not withstand the scrutiny of law. Rule 108- K of the said Rules enumerates only three reasons for



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cancelling the grant: (a) if the land-grant is obtained by making the false representation (b) if it is obtained by making the fraudulent representation (c) if the land-grant is contrary to the said Rules. In the instant case, the land-grant is not obtained by making false or fraudulent representation; nor there is any violation of the Rules.

9. The proviso to Section 94-A(4) to the said Act states that the land granted together with the land already held by such person shall not exceed two hectares of 'D' Class land. The word 'person' is not defined in the said Act. Rule 108F of the said Rules, which deals with the eligibility for the land grant, states, inter alia, that no person shall be eligible for the grant of the land unless he is not prohibited from holding or acquiring the land under the provisions of the Karnataka Land Reforms Act, 1961. The word 'person' is not defined in the said Rules. It is also interesting to notice that the word 'person' was defined by Section 2A (24) of the Karnataka Land Reforms Act, 1961. However, it was omitted from the Karnataka Land Reforms Act by Act No.1/1974 with effect from 1.3.1974. What emerges from this position is that the lands held by the other members of his family cannot be taken into account for the purpose of computing the two hectares of the 'D' class land while granting the land.



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10. This Court in the case of RAMACHANDRA REDDY (supra) has expressed the considered view that there is no restriction that the lands should not be granted to more than 10 one member in the same family. Under Section 94-A of the said Act, any person who is in unauthorised cultivation of the Government land, on fulfillment of certain eligibility conditions under Rule 108-F of the said Rules, may be granted with the land.

11. My perusal of the order passed by the K.A.T. reveals that the K.A.T. has upheld the Assistant Commissioner's order as the petitioner's father Mundappa Rai was holding the 'D' class lands of 9 acres 18 cents. The K.A.T. has not approved of the land-grants, as they are made to the members of the same family. Its reasoning runs contrary to the judicial pronouncement in the case of RAMACHANDRA REDDY (supra). There is no statutory prescription that the land holdings of the family or joint family are to be taken into account while giving effect to the proviso to Section 94-A(4) of the said Act.

12. There is no doubt that Chapter XIII-A of the Karnataka Land Revenue Rules, 1966 is inserted with the laudable object of granting the lands to the landless persons. But neither in the Karnataka Land



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Revenue Act, 1964 nor in the Karnataka Land Revenue Rules, 1966 framed thereunder impose any restriction that if the land holdings of the family or joint family exceed particular extent, its members are not entitled to the grant of the land either separately or collectively. It is for the Legislature to take a call on the issue and prescribe the necessary restrictions."

(underlined by me)

9. Perusal of the aforementioned Judgment by this Court would indicate that the land held by other members of the family of the petitioner cannot be taken into account for the purpose of computing the 2 hectares of 'D Class' land granted to the petitioner. In that view of the matter, on careful consideration of the declaration of law made by this Court and perusal of the finding recorded by respondent No.3 wherein it is stated that the land belonging to the father of the petitioner and the brother of the petitioner were taken into consideration by the respondent-authority and accordingly, the respondent-authority has passed the erroneous order to cancel the grant made in favour of the petitioner. The said aspect of the matter



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was wrongly construed by the respondent-authorities including the Karnataka Appellate Tribunal at Annexure-A, at point No.(xi) and arrived at an erroneous conclusion that the petitioner is not eligible for grant of land as petitioner is having land in excess of the ceiling limit as on the date of application made in Form-53.

10. The relevant fact to be considered by the respondent-authorities is that as on the date of application made in Form-53, whether the applicant is owning any land in his individual capacity. If the proposed grantee is having any land in excess of 2 hectares of D Class land, under such circumstances, such applicant would not be entitled for grant from respondent-authority. However, in the present case, as on the date of making the application in Form-53, petitioner did not possess any land in his individual capacity. In that view of the matter, I am of the view that, the respondent-authorities have committed an error in cancelling the land which was granted to the petitioner as per the order of grant dated 08.01.1997 (Annexure-B).

11. In the result, I pass the following:



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ORDER

(i) The Writ Petition is allowed.

(ii) The order dated 30.04.2026 in Rev.Revision No.89/2015 on the file of the karnataka Appellate Tribunal at Bengaluru, is hereby set aside.

(iii) The order dated 17.03.2015 in R.A.No.18/2012-13 passed by respondent No.2 is accordingly set aside.

(iv) The respondent-authorities are directed to issue relevant revenue records in respect of the subject land in favour of the petitioner forthwith.

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

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List No.: 1 Sl No.: 71