



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH 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. 1446 OF 2026 (KLR-RES)

BETWEEN:

SRI. CHIKKANAYAKA,
SON OF LATE THIMMA NAYAKA,
AGED ABOUT 63 YEARS,
RESIDING AT KALKERE VILLAGE,
RAVANDUR HOBLI,
PERIYAPATNA TALUK,
MYSURU DISTRICT - 571 108.

...APPELLANT

(BY SRI. PUNITH C., ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
VIDHANA SOUDHA,
BENGALURU - 560 001.
2. THE DISTRICT COMMISSIONER,
KRISHNARAJA BOULEVARD ROAD,
MYSURU - 570 001.
3. THE ASSISTANT COMMISSIONER,
HUNASURU SUB DIVISION,
HUNASURU TALUK,
MYSURU DISTRICT - 571 105.



4. THE TAHSILDAR,
OFFICE OF THE THASILDAR,
PERIYAPATNA TALUK,
PERIYAPATNA - 571 107.
5. SRI. PREM KUMAR.K.N,
SON OF LATE NAGARAJEGOWDA,
AGED ABOUT 43 YEARS,
RESIDING AT KALKERE VILLAGE,
RAVANDUR HOBLI,
PERIYAPATNA TALUK,
MYSURU DISTRICT - 571 108.
6. SMT. RADHIKA,
WIFE OF PREM KUMAR.K.N,
AGED ABOUT 28 YEARS,
RESIDING AT KALKERE VILLAGE,
RAVANDUR HOBLI,
PERIYAPATNA TALUK,
MYSURU DISTRICT - 571 108.

...RESPONDENTS

(BY SRI. SUNEEL S NARAYAN., ADVOCATE
FOR C/R5 AND C/R6,
SRI. B. RAVINDRANATH, AGA FOR R1 TO R4)

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED:08.04.2026 IN W.P No.38203/2025 (KLR-RES) PASSED BY THE LEARNED SINGLE JUDGE, BY ALLOWING THE APPEAL AND TO PASS ANY OTHER ORDER AS THIS HON'BLE COURT DEEMS FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

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)

The fifth respondent in W.P.No.38203/2025 is before us in this intra-Court appeal filed under Section 4 of the Karnataka High Court Act, 1961, assailing the order dated 08.04.2026 passed by the Writ Court.

2. By the impugned order, the Writ Court allowed the Writ Petition, quashed the impugned order and directed the fourth respondent - Tahsildar to restore the names of the petitioners in the revenue records as it was prior to the passing of the impugned orders, in a time bound manner.

3. The parties are referred to as per their ranking before the Writ Court.

4. Facts in brief to file the present appeal are as under:

4.1 The petitioners claim that they filed an application seeking regularization of land in Sy.No.5 of Kalkere



Village, Ravandoor Hobli, Periyapatna Taluk measuring 12 Guntas. The matter was referred to Committee for Regularization of Unauthorized Occupation. The Committee after considering the entire matter and seeking the reports, passed an order granting 12 Guntas of land in favor of the petitioner by means of order dated 02.12.2022, after issuance of notice in Form-59 and no objections were filed to the said notice. Subsequently, the petitioner paid the amount fixed as premium and upon payment of the same, on 03.01.2023, Saguvali Chit came to be issued. In furtherance of the Saguvali Chit, the name of the petitioners effected in the katha in respect of the RTC of the land.

- 4.2 The fifth respondent who claims to be a whistle blower, filed an appeal (as a complaint) before the Assistant Commissioner calling in question the grant of land on the premise that the land in Sy.No.5 measuring 38 Guntas, out of which 12 Guntas was granted illegally in favor of the petitioners. Pursuant to the appeal, notice was issued, wherein the petitioners filed objections. However,



overruling their objections, without calling for any record and ascertaining whether the land has been reserved for the villagers for the benefit of local villagers, the Assistant Commissioner passed an order allowing the appeal, directing the concerned Tahsildar to conduct a spot mahazaar and place the same before the Akrama-Sakrama Committee for reservation of land for public purpose and take action in accordance with the law. This order was the subject matter before the Deputy Commissioner in LND No.16/2015.

- 4.3 The Deputy Commissioner, rejected the Revision application, however modified the order of the Assistant Commissioner, by canceling the order dated 02.12.2022 in respect of 12 Guntas of land in Sy.No.5 of Kalkere Village, Rawandur Hobli, Piriapatna Taluk and the Tahsildar, Piriapatna was ordered to enter the katha of the said land in the name of 'Government', with further directions. These two orders were assailed before the Writ Court by the petitioners.



- 4.4 The Writ Court having gone through the entire record and after considering the rival submissions, has observed that there is no reference to any document or order said to have been passed by the competent authority reserving the land in Sy.No.5 for any particular purpose. In those circumstances, simply based on a report submitted by the Revenue Inspector and Village Accountant, the Committee could not have taken a decision and the confirmation by the Deputy Commissioner further modifying the order thereby, canceling the order of Grant. The Writ Court further observed that the Assistant Commissioner could not have entertained the appeal filed by the fifth respondent since he was not a rival claimant in respect of the land in question.
- 4.5 The Writ Court further observed that if the lands were reserved for any public purpose, then it is the duty of the Assistant Commissioner and the Deputy Commissioner to have called for information from the office of the Tahsildar to find out whether any such orders were earlier passed by the competent authority reserving any part of



Sy.No.5 for any public purpose. The Writ Court having found that no such exercise has been undertaken by the Assistant Commissioner or the Deputy Commissioner, held that the orders passed by them are not sustainable. Accordingly, allowed the Writ Petition and set-aside the impugned orders with further directions as stated supra. It is this order passed by the Writ Court is called in question in this appeal.

5. Heard, Sri.Punith.C, learned counsel for the appellant, Sri.B.Ravindranath, learned Additional Government Advocate appearing for respondents 1 to 4 and Sri.Suneel S.Narayan, learned counsel for caveator/ respondents 5 and 6.

6. Sri.Punith.C, learned counsel for the fifth respondent/ appellant herein has taken altogether a different stand before this Court stating that the land which was sought is in different survey number and the Grant was made in different survey number. As such the Grant Order is not proper.

7. What was contended before the Appellate Authority as per the appeal was, the land was reserved for public purpose of the villagers of the concerned village and the Grant was



made without looking into the order of reserving the land for public purpose and same stand was maintained before the Writ Court. But a different stand is now been taken before us.

8. Be that as it may. The fifth respondent claiming to be the whistle blower, made a complaint in the form of an appeal, which has been entertained by the authorities and orders have been passed. Aggrieved by the said orders, the petitioners were before the Writ Court. The Writ Court having found that there is no order reserving the land for public purposes, which were neither stated in the order nor considered by the authorities, held that the orders passed are not sustainable.

9. Once the compliant, in the form of an appeal was filed and entertained, the petitioner ceased to have any role in the matter. It is for the State Government to take action. The State Government having taken action, which was ultimately quashed in the Writ Petition filed by the petitioners. The State has accepted the order passed by the Writ Court and did not challenge it by filing an appeal. In these circumstances, the fifth respondent has no *locus standi*, as he cannot be treated as



an aggrieved party, as rightly observed by the Writ Court stating that the Appellate Authority could not have entertained the appeal filed by him, since he was not a rival claimant. In that view of the matter, we find no reason to entertain this appeal. The appeal sans merits and is accordingly, ***dismissed***. However, without costs.

10. In view of dismissal of the Writ Appeal, pending interlocutory applications, if any, stand disposed of.

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

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

TKN
List No.: 1 Sl No.: 24