



CNR: KAHC010348332026

NC: 2026:KHC:53289
WP No. 16008 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 16008 OF 2026 (SC/ST)

BETWEEN:

SRI. MALLESH,
S/O. MALLEGOWDA,
AGED ABOUT 46 YEARS,
R/AT JADAGANAPURA VILLAGE,
KIRUGAVALU HOBLI, MALAVALLI TALUK,
MANDYA DISTRICT - 571 430,
ALSO R/AT KANAKAPURA MAIN ROAD,
TATHAGUNI,
BENGALURU SOUTH - 560 062.

...PETITIONER

(BY SRI. V VISWANATH SETTY, ADVOCATE)

AND:

1. DEPUTY COMMISSIONER,
MANDYA,
MANDYA DISTRICT. 571401.
2. ASSISTANT COMMISSIONER,
MANDYA SUB-DIVISION,
MANDYA DISTRICT - 571401.
3. THE TAHASILDAR,
MALAVALLI TALUK, MALAVALLI,
MANDYA DISTRICT-571401.
4. SMT. LAKSHMAMMA,
W/O. LATE BYRABHOVI,
MAJOR,



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5. SMT. NAGAMMA,
D/O. LATE BYRABHOVI,
MAJOR,
6. RATHNAMMA
D/O. LATE BYRABHOVI,
MAJOR,

RESPONDENTS NO. 4 TO 6 ARE
R/AT ATTUVANAHALLI VILLAGE,
KASABA HOBLI, MALAVALLI TALUK,
MANDYA DISTRICT - 571 430.

...RESPONDENTS

(BY SMT. SPOORTHY V., HCGP FOR R1 TO R3;
SMT. ARCHANA PATIL, ADVOCATE FOR
SRI. MADDAN KUMAR S.M., ADVOCATE AND
SRI. KISHOR B.M., ADVOCATE FOR R4 TO R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN
RELIEFS.

THIS WRIT PETITION IS LISTED FOR ORDERS, THIS DAY,
AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.V.Viswanath Setty., counsel appearing for the
petitioner, Smt.Spoorthi., HCGP., appearing for respondent
Nos.1 to 3 and Smt.Archana Patil., counsel appearing on



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behalf of Sri.Madan Kumar S.N., and Sri.Kishor.B.M., for respondent Nos.4 to 6 have appeared in person.

2. The petition is filed seeking a writ of certiorari to quash the notices/ communications passed by the Tahsildar. These orders are challenged in this writ petition on several grounds as set out in the memorandum of the writ petition.

3. Counsel for the respective parties advanced several contentions.

Counsel appearing for the petitioner, in the course of his submissions, contended that the resumption proceedings were initiated and that the Assistant Commissioner, by order dated 16.04.2026, allowed the claim for resumption. Aggrieved by the said order, an appeal has been preferred before the Deputy Commissioner, along with an application seeking interim relief, which is pending consideration.

It is further contended that, during the pendency of the appeal, the family members of the grantee approached the Tahsildar seeking restoration of possession of the land.



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Taking note of the same, the Tahsildar issued a communication to the petitioner intimating that possession of the land would be taken over on 25.08.2026. However, on the very same day, another communication was issued intimating that possession would be taken over on 25.05.2026. Counsel submits that, when the appeal along with the application for interim relief is pending consideration before the Deputy Commissioner, the Tahsildar could not have proceeded further in the matter.

High Court Government Pleader and counsel appearing for respondent Nos. 4 to 6 submitted that appropriate orders may be passed.

4. The Court heard the arguments and carefully perused the papers.

5. The issue involved in the present petition lies within a narrow compass and pertains to the communications issued by the Tahsildar during the pendency of the appeal. Suffice it to note that the subject land was granted in favor



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of Sri.Byrabhovi in 1961. Subsequently, he sold the subject land in favor of Sri. Mohammad Rabudeen Saab in 1967, who, in turn, sold the same in favor of the petitioner in 2007 under a registered sale deed.

The resumption proceedings were initiated in the year 2025, alleging violation of the provisions of the Prohibition of Transfer of Certain Lands Act, 1978. It is relevant to note that the Assistant Commissioner, by order dated 16.04.2026, allowed the claim for resumption. Aggrieved by the said order, the petitioner preferred an appeal before the Deputy Commissioner in PTCL No.14/2026. Along with the appeal, the petitioner also filed an application seeking interim relief, which is pending consideration.

It is pertinent to note that, during the pendency of the appeal, the Tahsildar, acting upon a representation submitted by respondent Nos. 4 to 6, issued a notices/ communications to the petitioner proposing to take over possession of the subject property. Such action cannot be sustained in law. The reason is evident. The order passed by



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the Assistant Commissioner is presently under challenge before the Deputy Commissioner, and the appeal is yet to be considered on its merits. In such circumstances, there was neither any occasion nor justification for the Tahsildar to proceed further and take steps for taking over possession of the subject property pursuant to the representation submitted by respondent Nos. 4 to 6.

6. In view of the aforesaid circumstances, this Court is of the considered view that the action of the Tahsildar in proceeding to take possession of the subject property during the pendency of the appeal cannot be sustained. Accordingly, the communications at Annexures-G and H are liable to be quashed.

7. The writ of certiorari is ordered. The notices/ communications both dated 18.05.2026 issued by the Tahsildar vide Annexure-G and Annexure-H are quashed. The Deputy Commissioner is directed to dispose of the appeal as expeditiously as possible, and in any event, within an outer limit of three (03) months from the receipt of a certified copy



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of this order. Until the disposal of the appeal, the operation and effect of the order passed by the Assistant Commissioner shall remain stayed.

12. Resultantly, the writ petition is ***allowed***.

On disposal of the Writ Petition, any interim order stands discharged, and any pending interlocutory applications, if any, are disposed of.

**SD/-
(JYOTI M)
JUDGE**

CH
List No.: 1 Sl No.: 24