

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

WRIT PETITION NO. 17411 OF 2021 (GM-RES)

BETWEEN:

1. MR. K. ESHWAR PRASAD
S/O SRI. KASAIHA
AGED ABOUT 47 YEARS
R/AT: HAGARE, BELURU TALUK
HASSAN DISTRICT-573 216
2. MR. LOKESHA
S/O SRI. BASAVIAHA
AGED ABOUT 30 YEARS
R/AT: SHIVAYOGIPURA
ANDALE, BELURU TALUK
HASSAN DISTRICT-573 216
3. MR. LAKSHMANA
S/O LATE SRI. LAKKE GOWDA
AGED ABOUT 39 YEARS
R/AT: HAGARE, BELURU TALUK
HASSAN DISTRICT-573 216
4. MR. NAGARAJU
S/O SRI. BIRE GOWDA
AGED ABOUT 40 YEARS
R/AT: ANDALE, SHIVAYOGIPURA
BELURU TALUK
HASSAN DISTRICT-573 216
5. MR. MANJU
S/O SRI. DHARME GOWDA
AGED ABOUT 34 YEARS
R/AT: ANDALE, SHIVAYOGIPURA

BELURU TALUK
HASSAN DISTRICT-573 216

6. MR. LOKESH
S/O SRI. BEEREGOWDA
AGED ABOUT 46 YEARS
R/AT: ANDALE, SHIVAYOGIPURA
BELURU TALUK
HASSAN DISTRICT-573 216

...PETITIONERS

(BY SRI: SHIVAKUMAR N, ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF REVENUE
VIKASA SOUDHA
BANGALORE-560 001
REPRESENTED BY ITS
PRINCIPAL SECRETARY
2. THE DEPUTY COMMISSIONER
HASSAN DISTRICT
HASSAN-571 187
3. THE ASSISTANT COMMISSIONER
SAKALESHPUR SUB DIVISION
SAKALESHPUR
HASSAN DISTRICT-573 127
4. THE TAHSILDAR
BELURU TALUK
HASSAN DISTRICT-571 187
5. THE REVENUE INSPECTOR
MADIHALLI HAGARE HOBLI
BELUR TALUK
HASSAN DISTRICT-573 115
6. MR. P.N. PADME GOWDA
S/O SRI. NINGE GOWDA

MAJOR
R/AT: PRASADIHALLI VILLAGE
KASABA HOBLI, BELURU TALUK
HASSAN, HASSAN DISTRICT-573 115

7. MR. D.H. RAMANJINAPPA
S/O SRI. DODDA HANUMAPPA
MAJOR
R/AT: SRI MAHADESHWARA NILAYA
KALKERE VILLAGE
HORAMAVU POST
BENGALURU-560 043
8. MR MANJU SHETTY
S/O SRI. THIMMA SHETTY
(DEAD BY HIS LR's)
- 8(A). SMT. GOWRAMMA
W/O LATE MAJU SHETTY
AGED ABOUT 65 YEARS
R/AT: HAGARE VILLAGE
HAGARE POST, BELUR TALUK
HASSAN DISTRICT-573 115
- 8(B). SRI. PALAKSHA
S/O LATE MANJU SHETTY
AGED ABOUT 54 YEARS
R/AT: HAGARE VILLAGE
HAGARE POST, BELUR TALUK
HASSAN DISTRICT-573 115
- 8(C). SRI. RAVEESHA
S/O LATE MANJU SHETTY
AGED ABOUT 42 YEARS
R/AT: HAGARE VILLAGE
HAGARE POST, BELUR TALUK
HASSAN DISTRICT-573 115
9. SRI. H.K. GOWTHAM GOWDA
S/O KRISHNE GOWDA
AGED ABOUT 35 YEARS

R/AT: NO.48, GAVENAHALLI BYE-PASS
BHUVANAHALLI POST
HASSAN TALUK & DISTRICT-573 201

...RESPONDENTS

(BY SMT: PRAMODINI KISHAN, AGA FOR R1 TO R5;
SRI. T.M. VENKATA REDDY, ADVOCATE FOR R9
VIDE ORDER DATED 09.12.2021, NOTICE TO
R6 IS HELD SUFFICIENT;
R7, R8 [A TO C] ARE SERVED BUT UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS OR ANY OTHER WRIT OR ORDER OR DIRECTION IN THE NATURE DIRECTING THE RESPONDENT NO.1 TO 5 TO TAKE APPROPRIATE ACTION TO RESTORE / PRESERVE THE TANK SITUATED AT SY. NO. 59 MEASURING 1 ACRE 1 GUNTA OF SHIVAYOGIPUA VILLAGE, MADIHALLI HOBLI, BELURU TALUK, HASSAN DISTRICT PURSUANT TO THE REPORT DATED 13.12.2018 SUBMITTED BY THE 5TH RESPONDENT HEREIN ON 13.12.2018 IN MARANIPIR NO.177/2018-19 AT ANNEXURE - A AND ETC.

THIS WRIT PETITION, HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 16.09.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **T.P.VIVEKANANDA J.**, PRONOUNCED THE FOLLOWING:

HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
CORAM: HON'BLE MR. JUSTICE T.P.VIVEKANANDA

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE T.P.VIVEKANANDA)

The petitioners are before this Court seeking the following reliefs:.

a) *Issue a writ of mandamus or any other writ or order or direction in the nature directing the Respondent No.1 to 5 to take appropriate action to restore/preserve the tank situated at Sy.No.59 measuring 1 acre 1 gunta of Shivayogipura Village, Madihalli Hobli, Beluru Taluk, Hassan District pursuant to the report dated 13/12/2018 submitted by the 5th Respondent herein on 13/12/2018 in MaRaNiPiR No.177/2018-19 at Annexure-A.*

b) *Issue a writ of mandamus or any other writ, order, direction in the nature directing the Respondent 2 & 3 to consider the representation dated 09/08/2021 and representation dated 10/08/2021 submitted by the petitioners and others in the office of Respondent No.2, 3 & 4 respectively at Annexure-F, G & H.*

c) *Grant any other relief/s which are deemed fit in the facts and circumstances of the case and in the interest of justice and equity."*

2. This petition is filed in the nature of public interest litigation. Petitioner Nos.1, 3 to 6 claim to be the villagers of the village adjacent to Shivayogipura and petitioner No.2

claims to be the villager of Shivayogipura. The principal contention of the petitioners is that, land measuring 1 acre 1 gunta in Sy.No.59 of Shivayogipura of Madihalli Hobli, Belur Taluk, Hassan District is a Government land, which is being used by the villagers for the benefit of live stock, so also, agricultural purposes. When that being the position, at the midnight on 13.07.2017, respondent No.6 made an attempt to close the tank by filling waste soil and which was resisted by the villagers. It is then, the petitioners came to know that respondent No.6 is claiming right over the aforesaid tank land on the basis of registered sale deed dated 02.08.2013 executed by respondent No.7.

3. It is the assertion of the petitioners that they had submitted a complaint to respondent No.3 on 14.07.2017, pursuant to which, respondent No.5 conducted a spot inspection on 10.12.2018 and submitted a report to respondent No.4 on 13.12.2018 observing that there are sale transactions in respect to the subject land. However, there is no sign of agricultural activities being carried on, an attempt is being made to fill the tank with the aid of tipper and tractor and further reported to verify the file relating to the grant, so also,

genuineness of the grant and to take further action in the matter.

4. The first prayer in the writ petition is for a direction to respondent Nos.1 to 5 to take appropriate action pursuant to the report dated 13.12.2018 and the second prayer is for consideration of the representation at Annexures-F, G and H.

5. During the pendency of this writ petition, Sri H K Gowtham Gowda claiming to be the present owner of the aforementioned land has filed an application for impleading. The said application having been allowed, the impleading applicant is arrayed as respondent No.9 in the present writ petition. Along with the application for impleading, respondent No.9 has produced several revenue documents and three sale deeds dated 24.05.2007, 02.08.2013 and 08.11.2021. Respondent No.9 claims ownership over the subject land pursuant to the sale deed dated 08.11.2021.

6. It is the contention of respondent No.9 that the subject land was granted by respondent No.4 on 08.10.1968 in proceedings No.KDR 72/1963-64 in favour of respondent No.8. Pursuant to which, mutation proceedings was initiated and the name of respondent No.8 was mutated through MR No.2 of

1973-74 and all along the revenue records was standing in the name of respondent No.8/grantee.

7. It is further stated that proceedings of phodi and durasth was also undertaken in respect of the subject land in the year 2007. Respondent No.8 has sold the subject land in favour of respondent No.7 through sale deed dated 24.07.2007 after obtaining permission from the respondent No.4 on 24.05.2007. In turn, respondent No.7 has sold the subject land in favour of respondent No.6 through sale deed dated 02.08.2013, from whom, respondent No.9 claims to have purchased the subject land through registered sale deed dated 08.11.2021. It is also submitted that on two occasions, respondent No.4 has issued endorsements to the persons who have made similar complaint in the year 2018 and 2021 stating that there is no sign of existence of any tank in the land in question and durasth of the subject land has been carried out in terms of the order of grant and therefore, no action can be initiated.

8. When the matter was taken up for consideration, learned counsel for the petitioners while re-iterating the facts and grounds urged in the writ petition contended that though

the land was stated to have been granted way back in the year 1968 and several sale transactions, however, neither respondent No.9 or his predecessors in title have ever claimed possession of the subject land and the land in question had been used as a tank by the villagers and therefore, in the interest of the villagers, even if there is a grant, the same needs to be annuled.

9. Learned counsel for respondent No.9 has re-iterated the averments made in the application for impleading and also invited our attention to the documents enclosed to the application.

10. Confronting the order dated 16.10.2025 in this writ petition to the learned AGA, queried as to the stand of the State in respect of the complaint of the writ petitioners. In response to which, learned AGA submits that after filing this present writ petition and taking note of the contentions urged therein, so also, the order dated 16.10.2025, respondent No.4 has filed an appeal under Section 108 of the Karnataka Land Grant Rules before respondent No.3 to enquire into the validity or otherwise of the grant of the subject land, which is a

Government tank and pass necessary orders as regards the mutation proceedings effected in the year 1973-74 till 2021-22.

11. Learned AGA further contends that the appeal filed by respondent No.4 has been rejected by respondent No.3 on 04.08.2026 holding that since there are registered sale deeds in respect of land in question, he has no authority to examine the validity of the sale deeds and the dispute is of civil nature, and the writ petition-PIL is pending before this Court and therefore, he cannot pass any orders. She further submits that on 04.08.2026, respondent No.4 has submitted a proposal/petition before the respondent No.2 to consider the said communication as an appeal against the order passed by respondent No.3 - Assistant Commissioner and pass necessary orders. Therefore, the matter is now pending before the Deputy Commissioner.

12. Learned AGA does not dispute the revenue documents produced by the respondent No.9. However, it is her submission that the alleged grant records are not available, but the mutation proceedings have been effected quoting the grant of land under darkasth. It is her further submission that since the matter is now pending before the

Deputy Commissioner - respondent No.2, the entire issue brought before this Court in this PIL will be now adjudicated by the said authority. Therefore, further examination of the present writ petition to consider the prayer sought therein is unwarranted and the writ petitioners may also be relegated to approach the Deputy Commissioner in the proceedings that would be initiated pursuant to the petition/communication dated 04.08.2026 addressed by the respondent No.4 to the respondent No.2.

13. After having heard the learned counsel for the petitioners, learned counsel for respondent No.9 and learned AGA, and on perusal of the writ petition papers, application for impleading and the documents produced therein, so also, the documents submitted by the learned AGA before this Court, we are of the opinion that the validity or otherwise of the grant stated to have been made in the year 1968 cannot be adjudicated by this Court after lapse of nearly 60 years at the instance of the writ petitioners who claims to be the villagers of same village and adjacent village where the land is situated. Whether at this point in time, any proceedings for cancellation of the grant on the ground that the land is a Government land/Tank as per the revenue records at the relevant point in

time, is a question which is required to be left open for consideration by the revenue authorities.

14. In view of the fact that the proceedings are now pending before the Deputy Commissioner pursuant to the petition/communication by respondent No.4, any finding at the hands of this Court in the present proceedings would influence the revenue authorities who are empowered to examine the validity or otherwise of the grant. Therefore, we do not find it necessary to enter upon the domain of the revenue authorities in the matter of initiation of proceedings for cancellation of grant or whether the authorities are empowered to initiate such proceedings at this distance of time when there are three sale transactions commencing from 2007 till 2021-22.

15. In the result,

i) Writ Petition is ***disposed of*** with liberty to the writ petitioners to approach the Deputy Commissioner with a request to implead themselves in the proceedings that would be initiated pursuant to the petition/communication dated 04.08.2026 of respondent No.4 submitted to the respondent No.2.

ii) All the contentions urged by the petitioners, so also, respondent No.9 herein are left open to be considered by respondent No.2.

iii) We clarify that this Court has not expressed any opinion on the merits of the contentions of the petitioners and respondent No.9 including the validity of grant, if any.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(T.P.VIVEKANANDA)
JUDGE**

BGN