

Reserved on : 02.04.2026

Pronounced on : 08.06.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 08TH 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. 1989 OF 2025 (KLR-LG)

C/W

WRIT APPEAL NO. 833 OF 2025 (KLR-LG)

IN WA No. 1989/2025

BETWEEN:

1. STATE OF KARNATAKA
THROUGH ITS PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE,
BENGALURU - 560 001.
2. THE SPECIAL DEPUTY
COMMISSIONER,
BANGALORE DISTRICT,
KANDAYA BHAVAN,
BENGALURU - 560 009.
3. THE TECHNICAL ASSISTANT AND
DESIGNATED DDLR,
OFFICE OF DEPUTY COMMISSIONER,
KANDAYA BHAVAN,
BENGALURU - 560 009.

...APPELLANTS

(BY SRI. I. THARANATH POOJARY AAG A/W
SRI. M.N. SUDEV HEGDE, AGA)

AND:

1. SRI. R. CHANDRU,
S/O. SRI. D. RAMAIAH,
AGED ABOUT 52 YEARS,
RESIDING NEAR
VENUGOPALASWAMY TEMPLE,
DEVASANDRA MAIN ROAD,
K.R. PURAM POST,
BENGALURU - 560 036.
2. BRUHAT BENGALURU
MAHANAGARA PALIKE
MAHADEVAPURA RANGE,
BENGALURU - 560 048,
BY ITS COMMISSIONER.
3. SRI. MACHI MADIWALARA
KSHEMABHIVRUDHI SANGHA (R),
NO. 26, BASAVANAPURA DHOBIGHAT,
NEAR MARIYAMMA TEMPLE,
SWATHANTHRA NAGAR,
VEERGO POST,
BENGALURU-560049.

...RESPONDENTS

(BY SRI. ADITYA SONDHI SR. ADVOCATE FOR
SRI. KARTHICK V., ADVOCATE FOR C/R1)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO CALL FOR RECORDS ON WP
NO.3148/2024 AND SET ASIDE THE ORDER DATED:25.04.2025
THEREIN, THE SAID WRIT PETITION BE DISMISSED AND PASS
ANY OTHER ORDER OR ORDERS OR DIRECTION.

IN WA NO. 833/2025

BETWEEN:

SRI MACHI MADIWALARA
KESHMABHIVRIDHI SANGHA (R),
REPRESENTED BY ITS PRESIDENT
SRI. MUNIRAJU

NO. 26, BASAVANAPURA DHOBIGHAT,
NEAR MARIYAMMA TEMPLE,
SWATHANTRA NAGAR, VEERGO POST,
BENGALURU - 560 049.

...APPELLANT

(BY SRI. MARILINGE GOWDA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
THROUGH ITS PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE,
M.S. BUILDING, AMBEDKAR VEEDI,
BENGALURU - 560 001.
2. THE SPECIAL DEPUTY COMMISSIONER,
BENGALURU DISTRICT,
KANDAYA BHAVAN,
BENGALURU - 560 009.
3. THE TECHNICAL ASSISTANT AND
DESIGNATED DDLR,
OFFICE OF DEPUTY COMMISSIONER,
KANDAYA BHAVAN,
BENGALURU - 560 009.
4. BRUHAT BENGALURU
MAHANAGARA PALIKE,
MAHADEVAPURA RANGE,
BENGALURU - 560 048,
BY ITS COMMISSIONER
5. SRI. R. CHANDRA,
S/O. SRI. D. RAMAIAH,
AGED ABOUT 52 YEARS,
RESIDING NEAR
VENGUPLALASWAMY TEMPLE,
DEVASANDRA MAIN ROAD,
K.R. PURAM POST,
BENGALURU - 560 036.

...RESPONDENTS

(BY SRI. I. THARANATH POOJARY AAG, A/W
SRI. M.N. SUDEV HEGDE, AGA FOR R1 TO R3,
MS. PAVITHRA. N., ADVOCATE FOR C/R)

THIS WRIT IS APPEAL FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO CALL FOR RECORDS IN W.P No.3148/2024 AND SET ASIDE THE IMPUGNED ORDER DATED:25.04.2025 IN WP No.3148/2024 WITH COST AND ETC.,

THESE APPEALS HAVING BEEN HEARD AND RESERVED FOR JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT IS DELIVERED/ PRONOUNCED AS UNDER:

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

CAV JUDGMENT

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

These appeals, being W.A.No.1989/2025 by the State and its instrumentalities and W.A.No.833/2025 by respondent No.5 in the Writ Petition, calling in question the order dated 25.04.2025 passed by the Writ Court in W.P.No.3148/2024.

2. The Writ Court vide impugned order allowed the Writ Petition, set-aside the order dated 13.05.2009 passed by the Deputy Commissioner (Annexure-E) and the order

dated 01.09.2023 passed by the Technical Assistant to Deputy Commissioner (Annexure-R) with further direction in a time bound manner.

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

4. Facts germane to file these appeals are as under:

5. At the outset, as per the rival contentions of both the parties, we are called upon to deliberate upon the issue of delay on the part of the State instrumentalities in re-classification of mode of land from A-Kharab to B-Kharab, that too as per the contentions of the petitioner without issuing any notice as contemplated under Rule 21 of Karnataka Land Revenue Rules, 1966.

5.1 The petitioner filed the Writ Petition seeking following reliefs:

"MAIN PRAYER"

Wherefore, it is prayed that this Hon'ble Court may kindly be pleased to:

- i. Issue a Writ in the nature of certiorari or any other writ or direction quashing the order dated 13.05.2009 in No.LND(Poo)CR:47/07-08 passed by the Deputy Commissioner, Bengaluru a copy of which is produced at Annexure-E.*
- ii. Issue a Writ of certiorari or any other writ or direction quashing the order dated 1.9.2023 passed by the Technical Assistant to Deputy Commissioner & Designated D D L R, office of Deputy Commissioner, Kandaya Bhavan, Bengaluru 560 009, a copy of which is produced at Annexure-R.*
- iii. Grant such other reliefs, as this Hon'ble Court deems fit and proper in the facts and circumstances of the case, in the interest of justice and equity."*

5.2 The petitioner claims that he is the absolute owner in possession and enjoyment of 04 Acres 18 Guntas of land including 04 Acres 09 Guntas of Kharab land in Sy.No.26/1. The petitioner traces title based on registered Sale Deed dated 25.11.2013 executed by the erstwhile owner of the property.

5.3 The petitioner claims that the originally, the land to an extent of 05 Acres and 04 Acres 09 Guntas of Kharab land was granted to R.K.Muthukrishna in

Sy.No.26 of Basavanapura, K.R.Puram Hobli, Bengaluru South vide order dated 30.08.1966. Following the grant, Saguvali Chit was issued (Annexures-B and C respectively). Subsequently, the land was subjected to durasth and the extent was corrected as 04 Acres 28 Guntas instead of 05 Acres along with 04 Acres 09 guntas kharab land and the land granted to petitioner's vendor was assigned a fresh Sy.No.26/1 as per Annexure-D in the year 1983.

5.4 It was contended that on 13.05.2009, the then Deputy Commissioner¹ passed an order allotting an extent of 01 Acre 20 Guntas of land in Sy.No.26 in favour of respondent No.5 - Bruhat Bengaluru Mahanagara Palike² through an Official Memorandum dated 08.07.2009. Aggrieved by the said act of the then DC allotting the land which according to the petitioner forms part in the land belonging to his vendor which was conveyed to him subsequently

¹ 'DC', for short

² the BBMP, for short

under the aforesaid sale deed, filed a Revision before the DC seeking to establish his title and possession in question as well as other adjoining lands. After initiation of the Revision, an inquiry was conducted by the DC and upon detailed consideration of the records and materials available, an order dated 24.11.2015 came to be passed as per Annexure-G, unequivocally holding that the lands claimed and held by the petitioner were not Government lands, thereby recognizing the petitioner's right over the said property.

5.5 It is further claimed that, following the DC's order, the jurisdictional Tahsildar initiated appropriate steps by addressing a communication to the Assistant Director of Land Records³, requesting a formal survey of 01 Acre 20 Guntas of land in Sy.No.26 which had been previously granted to BBMP. In the midst of processing the above action, the petitioner was constrained to file W.P.No.22154/2021 seeking a

³ the ADLR, for short

writ of mandamus to direct the concerned authorities to remove the illegal entries made as "Sarkari Beedu Banjara" in the column of the revenue records such as the Karda and Pakka book, which adversely affecting his title. The Writ Court vide order dated 23.12.2021, disposed of the Writ Petition directing the ADLR to consider the contents of the letter dated 08.07.2019 issued by the Technical Assistant to the DC and to pass appropriate orders in a time bound manner.

- 5.6 As there was no compliance, the same forced the petitioner to initiate Contempt proceedings by filing CCC No.1090/2022. In the contempt proceedings, the ADLR submitted a compliance affidavit and placed on record a copy of the sketch showing enjoyment dated 19.07.2023, marked as Annexure-N. The same confirms the possession and cultivation of 04 Acres 28 Guntas of agricultural land, which includes 04 Acres 09 guntas classified as Kharab land, thereby supporting petitioner's long standing

occupation, as also evidenced by documents placed at Annexure-K.

5.7 As the matter stood thus, the petitioner aggrieved by the subsequent and arbitrary action of the Technical Assistant to the DC and the designated Deputy Director of Land Records⁴, who by means of order dated 01.09.2023 proceeded to reclassify a portion of land measuring 03 Acres 20 Guntas from 'A' Kharab to 'B' Kharab, the petitioner contended that this reclassification was done without notice, justification, or adherence to due process, and stated that perhaps it appears to have been undertaken solely to facilitate diversion and grant of the said land in favour of respondent No.5. The said order stated supra dated 01.09.2023 passed by the Technical Assistant to DC and the DDLR and the order passed by the DC dated 13.05.2009 were the subject matter in the Writ Petition.

⁴ the DDLR, for short

5.8 Before the Writ Court, the petitioner contended that the land was granted to his vendor by means of Grant way back in the year 1966 and after durasth in the year 1983, extent of land corrected along with showing the adjacent land which is A-Kharab land measuring 04 Acres 09 Guntas is in the cultivation of the petitioner's vendor, the same was conveyed by means of Sale Deed in the year 2013 and the petitioner is enjoying the same without there being any interference from any person. However, by means of order stated supra, there started interference by the BBMP as well as respondent No.5 and other State authorities.

5.9 He further contended that Annexure-K & N clearly shows the continued possession and enjoyment of the petitioner and his occupation. In these circumstances, the orders passed are untenable. However, the learned counsel for the Government, learned counsel for the BBMP and learned counsel appearing for respondent No.5 denied the rights of

the petitioner and supported the order stating that what was granted was only 04 Acres 28 Guntas and the lands were properly classified as per the records.

5.10 The Writ Court having found that the action of the revenue authorities are deliberated and arbitrary in reclassification of the petitioner's land and these drastic and unlawful steps of reclassifying portion of petitioner's holding from A-Kharab to B-Kharab was only to facilitate and benefit respondent No.5, the Writ Court following the Judgment of this Court in the case of **MUNIYAPPA VS. TAHSILDAR AND OTHERS**⁵ and **NANJAPPA VS. STATE OF KARNATAKA**⁶, held that the entire exercise of reclassification of A-Kharab to B-Kharab was without following due process of law and as such, the same is illegal and unlawful. The Writ Court has held that the records produced unambiguously demonstrate that the land now sought to be appropriated in favour of respondent No.5 was in fact part of the land already

⁵ (2003) ILR KAR 400

⁶ (2015) 2 KCCR 1449

acknowledged as being in possession and enjoyment of the petitioner, which is evident from the Sketch and durast proceedings following sub-division and re-survey clearly shows the petitioner's holdings from the rest of the survey number. On this, the Writ Court has held that the classification of land as A-Kharab denotes that although the land may not be presently assessed to land revenue, it remains under the possession and control of the land holder and does not vest in the State. Therefore, any reclassification of such land into B-Kharab implying its conversion into Government land cannot be undertaken by executive fiat or internal correspondence. It must necessarily be preceded by a detailed inquiry, wherein the landholder is afforded full opportunity to be heard, as mandated by principles of natural justice and settled judicial precedents stated supra.

5.11 Having held so, the Writ Court concluded that the action of the State authorities by means of impugned

order at Annexure-E and R are liable to be quashed,
passed the following:

ORDER

- (i) *Writ Petition is allowed;*
- (ii) *The order dated 13.05.2009 passed in No.LND(POO)CR:47/07-08 by respondent No.2/Deputy Commissioner as per Annexure-E is hereby quashed and set-aside. Consequently, the order dated 01.09.2023 passed by Technical Assistant to Deputy Commissioner vide Annexure-R is quashed and set-aside;*
- (iii) *The respondent No.2/ Deputy Commissioner is hereby directed to restore the petitioner's name insofar as 3 acres 20 guntas of 'A' kharab in Sy.No.26/1;*
- (iv) *This exercise shall be accomplished within a period of eight weeks from the date of receipt of a copy of this order.*

It is this order passed by the Writ Court is called in question in these appeals.

6. Heard, Sri.I.Tharanath Poojary, learned Additional Advocate General assisted by Sri.M.N.Sudev Hegde, learned Additional Government Advocate for the State, Dr.Aditya Sondi, learned Senior counsel assisted by

Sri.Karthik.V, learned counsel for respondent No.1 in W.A.No.1989/2025 and Sri.Marilinge Gowda, learned counsel appearing for the appellant, Ms.Pavithra.N, learned counsel appearing for caveator/ respondent and Sri.I.Tharanath Poojari, learned AAG assisted by Sri.M.N.Sudev Hegde, learned AGA for respondents 1 to 3 in W.A.No.833/2025.

7. Though W.A.No.833/2025 is in the stage of compliance of office objection, with consent of learned counsel for the respective parties, it is heard finally with W.A.No.1989/2025 filed by the State.

8. Sri.I.Tharanath Poojari, learned AAG with all vehemence submits that the Writ Court has erred in holding that no notice was issued to the petitioner, as the land belongs to Government, there is no necessity of issuing notice to the petitioner, as such the impugned order is unsustainable in law. Secondly, if the Writ Court was of the opinion that there is no notice, it ought to have remanded the matter to pass a fresh order, however the Writ Court has quashed the entire order by allowing the

Writ Petition out-rightly closing the matter. Thirdly, the Writ Court has not considered the detailed objection filed by the State wherein notice was issued to BBMP for payment of amount and accordingly, the BBMP has paid the amount for the said land and the land after considering the claim of respondent No.5 has been allotted for construction of Dhobighat. Fourthly, it was contended that the B-Kharab land is a Government land and the petitioner is not entitled to be granted with said land, as such no right flows in favor of the petitioner as contended in the Writ Petition. The Writ Court without considering these aspects of the matter has allowed the Writ Petition. Accordingly, he sought to dismiss the Writ Petition.

9. Dr.Aditya Sondi, learned Senior counsel appearing for the contesting respondent/ petitioner submits as follows:

9.1 Firstly, the entire action was contemplated against the provisions contained in Rule 21 of the Karnataka Land Revenue Rules stating that before any reclassification, the same could have been done by

undertaking a survey with due notice to the petitioner and other affected persons. Without resorting to such a procedure as contemplated under the Rules, any exercise done is unsustainable in law. To buttress his argument, learned Senior counsel relied on the judgment of coordinate bench of this Court in ***STATE OF KARNATAKA AND OTHERS VS, SRI.T.UMA SHANKAR AND ANOTHER***⁷.

9.2 Secondly, learned Senior counsel submits that all the rights were settled from 1966 to 1983, at a later point of time, it is not amenable that too after 26 years to the DC (as he has passed the order on 13.05.2009) nearly after 40 years to DDLR (as he has passed the order in 2023) to reclassify the lands, as the said actions are barred by limitation.

9.3 Learned Senior counsel further submitted that in cases where the delay is sought to be condoned by offering the explanation of bureaucratic lethargy or red-tapism must be one of the circumspection and

⁷ W.A.NO.1560/2024 disposed of on 17.03.2026

reluctance, the Court ought to loathe in accepting such explanation as sufficient cause. The Court while exercising constitutional powers, be very careful and slow in condoning the delays on such reasons, and exceptional instances where the explanation is found to be genuine, reflective of reasonable vigilance and promptitude in conduct, and free from gross negligence, or casual indifference, should such an explanation be accepted. In the case on hand, there is no such explanation forthcoming for the delayed action. The entire thing has already been settled in favour of the vendors of the petitioner long back by classifying the lands as A-Kharab way back in the year 1983 and shown that the vendors of the petitioner were in possession of property and continuing. In that view of the matter, learned Senior counsel contends that the unexplained bureaucratic apathy & lethargy bars the authority from taking any action of reclassifying the land at the belated point of time.

9.4 It is further contended that in the Contempt Petition which was filed for non-compliance of the order passed by the Writ Court on the earlier point of time, a Sketch and report was submitted stating compliance with the order, which clearly shows and put quietus to the long standing claim of occupation by the petitioner and supported his claim and now it is not available for the State Authorities to go back from the same after considerable delay of time and undo the things and create unrest, as the land is not the Government Land and coming within the purview of A-Kharab. To substantiate his argument, learned Senior counsel placed reliance on the Judgment of Supreme Court in **SHIVAMMA (DEAD) BY LRS VS. KARNATAKA HOUSIGN BOARD AND OTHERS**⁸. With this, sought to dismiss the Writ Appeals.

10. Whereas, learned counsel for respondent No.5 in the Writ Petition, argued in line with the State Government and submits that the land has been granted

⁸ 2025 SCC ONLINE SC 1969

in favour of the respondent No.5 organization after classifying the land as B-Kharab which is in accordance with law and they are the beneficiaries belonging to suppressed class and land has been granted for their benefit cannot be undone at this point of time. Accordingly, sought to allow the appeal at least with respect to setting aside the grant made in their favor as the same was prior to the petitioner purchasing the property.

11. Having given our anxious thought to the rival submissions, we have perused the entire Writ appeal papers in both the appeals as well as judgments relied on by the parties.

12. The point of limitation as raised by learned Senior counsel for the petitioner is no more *res-integra* with the conclusion of the point of law by the Supreme Court in catena of cases and especially in the case of **SHIVAMMA** supra, wherein the Supreme Court at Paragraphs No.257 to 260 has clearly stated and held on the lethargic actions of the State instrumentalities in

taking any actions without proper explanations for such delayed actions. The said paragraphs reads as under:

257. We also wish to highlight that the High Court applied the legal position incorrectly in the impugned order and performed an exercise of "merit-hunting". It gave a *prima facie* relevance to the argument of the respondent no. 1 on the grounds that the suit of the appellant was not at all maintainable in the first place. In paragraph 13 of the impugned order, the High Court recorded that a semblance of right in favour of respondent no. 1 swayed its mind to allow the condonation of delay, and it accepted the same as a "sufficient cause". We hold such observations to be erroneous and *ex facie* bad in law. Similar contentions were rejected by this Court in *State of Madhya Pradesh v. Bherulal*, (2020) 10 SCC 654, wherein the appellant-State was seeking a condonation of delay of 663 days. This Court sternly noted that it will not let the courts to be forums wherein the Government can walk-in, when it desires, entirely ignoring the period of limitation, and buttress reliance on cases of this Court wherein it allowed condonation, employing its discretionary powers, on merits or modalities of peculiarities of those cases. Relevant paragraphs are extracted below:

"3. No doubt, some leeway is given for the government inefficiencies but the sad part is that the authorities keep on relying on judicial pronouncements for a period of time when technology had not advanced and a greater leeway was given to the Government [...]"

xxx xxx xxx

5. A preposterous proposition is sought to be propounded that if there is some merit in the case, the period of delay is to be given a go-by. If a case is good on merits, it will succeed in any case. It is really a bar of limitation which can even shut out good cases. This does not, of course, take away the jurisdiction of the Court in an appropriate case to condone the delay.

6. We are also of the view that the aforesaid approach is being adopted in what we have categorised earlier as "certificate cases". The

object appears to be to obtain a certificate of dismissal from the Supreme Court to put a quietus to the issue and thus, say that nothing could be done because the highest Court has dismissed the appeal. It is to complete this formality and save the skin of officers who may be at default that such a process is followed. We have on earlier occasions also strongly deprecated such a practice and process. There seems to be no improvement. The purpose of coming to this Court is not to obtain such certificates and if the Government suffers losses, it is time when the officer concerned responsible for the same bears the consequences. The irony is that in none of the cases any action is taken against the officers, who sit on the files and do nothing. It is presumed that this Court will condone the delay and even in making submissions, straightaway the counsel appear to address on merits without referring even to the aspect of limitation as happened in this case till we pointed out to the counsel that he must first address us on the question of limitation.

7. We are thus, constrained to send a signal and we propose to do in all matters today, where there are such inordinate delays that the Government or State authorities coming before us must pay for wastage of judicial time which has its own value. Such costs can be recovered from the officers responsible."

(Emphasis supplied)

258. The length of the delay is a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the respondents, it appears that they want to fix their own period of limitation for instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, it cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to

first ascertain the *bona fides* of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.

259. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. We should not keep the 'Sword of Damocles' hanging over the head of the respondent for indefinite period of time to be determined at the whims and fancies of the appellants.

260. From the above exposition of law, it is abundantly clear that the High Court has erroneously condoned a massive delay of 3966 days on account of certain lapses at the administrative levels and of there being no follow-ups in the proceedings, along with finding certain merits in the case of the respondent no. 1 against the maintainability of the suit of the appellant and that of the relief molded by the First Appellate Court. We have no hesitation in stating that such grounds are nowhere near to being "*sufficient cause*" as per Section 5 of the 1963 Act. The High Court lost sight of the fact that the precedents and authorities it relied upon by it had delays of two-digits, or even that of single-digit, more particularly the delay in those cases was supported by sufficient cause. The present case, however, stands on a very different footing, owing to such an enormous delay. Hence, we are not inclined to accept the condonation of the delay by the High Court.

13. The coordinate bench of this Court in the case of **STATE OF KARNATAKA VS. M.SHASHIDHAR**⁹ has considered the delay in taking appropriate action by the State Government. Even in the said case, there was drastic delay in taking action in filing the Writ petition

⁹ W.P.No.31978/2025 disposed of on 07.11.2025

against the order passed by the Tribunal. The coordinate Bench of this Court in paragraph No.13 and 14 has held as under:

"13. The doctrine of delay and latches should not be brushed aside lightly. The writ Court, while exercising power under Articles 226 is required to weigh the explanation offered and the acceptability of the same, since the pivotal amplification is, it is exercising an extraordinary jurisdiction.

14. The State cannot claim any exception to the case when there is delay and latches in approaching the Court, than a citizen - party/litigant. The delay does bring in hazard and causes injury to the lis. As the delay defeats all the rights. On scrutiny of the entire case papers, we find no reason to condone the inordinate delay. This Court, if it ignores the obvious and enormous delay, will foster injustice, as it is likely to affect others. A finality attained cannot be permitted to be reopened if there is unreasonable lapse of time. The unexplained delay of six years four months is fatal to the case on hand. On this count alone, the writ petition is liable to be rejected, and is accordingly rejected."

14. In these circumstances, the delay caused in doing high handed acts of State Authorities undoing the earlier settled position is highly arbitrary, erroneous and is

unsustainable in law. On this account only, the Writ Appeals are required to be dismissed.

15. We find force in the argument of learned Senior counsel for the contesting respondent/ petitioner that there is a total diversion from the proceedings incorporated under Rule 21 of Karnataka Land Revenue Rules, 1966 by the authority before even reclassification of the land. We are in complete agreement with the judgment relied on by the learned Senior counsel in the case of **STATE OF KARNATAKA Vs T.UMA SHANKAR** supra, wherein the coordinate Bench of this Court upon considerable deliberation on the provision of Rule 21 has held that any actions giving a go-bye to the procedure contemplated under said Rule is unsustainable in law.

16. We have gone through the order passed by the Writ Court. The Writ Court with all pains, empathetically considered the entire case of the petitioner on the basis of records placed, properly considered the same in its finding especially at Paragraph Nos.9, 12, 14, 16 which reads as under:

"9. In light of the above, a deeper and closer scrutiny of the official records leaves no room for doubt that the authorities, having realized that no unencumbered or vacant land was available within Survey No.26, resorted to a deliberate and arbitrary reclassification of the petitioner's land. In an apparent attempt to make land available for the benefit of respondent No.5, the authorities have taken the drastic and unlawful step of reclassifying a portion of the petitioner's holding , specifically, 3 acres and 20 guntas of 'A' kharab land to 'B' kharab. This reclassification is not only factually and legally unsustainable, but also appears to be a calculated effort to divest the petitioner of his lawful holding under the guise of administrative action. The petitioner contends that the classification of the land as 'A' kharab had already been settled and acknowledged by the authorities themselves, and that such land, though termed kharab, remained in his possession and was not subject to any competing claim or public use.

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12. On a detailed examination of records, more particularly the sketch furnished by the respondent officials in contempt proceedings evidenced at Annexure-N coupled with RTC which is evidenced at Annexure-K and the durasth proceedings evidenced at Annexure-D, it is clearly evident that petitioner owns a cultivable portion measuring 4 acres 20 guntas and 3 acres 20 guntas of 'A' kharab land. Time and again, this Court has consistently held that 'A' kharab land is clearly attached

to the owners and the State has no control over 'A' kharab lands.

xxxx

14. Further, the RTC for Survey No.26/1 categorically indicates that an extent of 3 acres 20 guntas is classified as 'A' kharab. This classification, as consistently held by this Court in binding precedents such as Muniyappa vs. Tahsildar and Others and Nanjappa vs. State of Karnataka, carries significant legal implications. The classification of land as 'A' kharab denotes that although the land may not be presently assessed to land revenue, it remains under the possession and control of the landholder and does not vest in the State. Therefore, any reclassification of such land into 'B' kharab implying its conversion into government land cannot be undertaken by executive fiat or internal correspondence. It must necessarily be preceded by a detailed enquiry, wherein the landholder is afforded full opportunity to be heard, as mandated by principles of natural justice and settled judicial precedents.

xxxx

16. The impugned orders passed by the Technical Assistant to the Deputy Commissioner and the Deputy Director of Land Records, which are produced at Annexures-E and R, are therefore patently illegal, arbitrary, and unsustainable in law. These orders have been passed in violation of the principles of natural justice, without notice or hearing to the petitioner, and in contravention of the settled legal position laid down by this Court regarding the treatment of 'A' kharab lands. The attempt to dispossess the petitioner of his land

under the guise of reclassification and subsequent grant is manifestly malafide and cannot be permitted to stand."

17. We having considered the entire material, though have no contra opinion with respect to reclassification of the land, but the facts of the case when viewed, particularly the grant in favor of respondent No.5 - Sri Machi Madiwalara Kshemabhivridhi Sangha (R) which came to be made by means of order dated 13.05.2009, allotting an extent of land measuring 01 Acre 20 Guntas in favor of respondent No.5. The fact remains that the vendor i.e., the original Grantee has not staked any challenge to the order of grant of 01 Acre 20 Guntas and the same remain as it is for a period of four years. This in our considered opinion amounts to acquiescence to the order passed by the State authorities. Though the land is classified as A-kharab which is available to the adjacent land which is granted in favor of the petitioner's vendor, but the State being the sovereign and ultimate owner of land, in exercise of its sovereign power granted the land through its authorities in favor of appellant in

W.A.No.833/2025. Since there was no challenge by the petitioner's vendor and the same as we have stated above comes within the purview of acquiescence, what could have been conveyed by the vendor is the rest of the lands remained after deducting 01 Acre 20 Guntas. The fact remains that the petitioner became owner of the land only on the basis of registered Sale Deed dated 25.11.2013.

18. The Writ Court missed this point. Though the Writ Court is right in all other aspect on reclassification of the land, however in view of no challenge made by the vendor and in view of the fact that the land has already been granted prior to the purchase of land by the petitioner, we find force in the argument of the learned counsel for the appellant in W.A.No.833/2025 that the land granted in their favor to an extent of 01 Acre 20 Guntas be saved. Accordingly, both the appeals require to be allowed to that extent. However, we find no infirmity in the order passed by the Writ Court in all other aspects.

19. For the aforesaid reasons, we ***partly allow*** both the appeals, setting aside the order passed by the

Writ Court only with respect to grant of land to an extent of 01 Acre 20 Guntas in favor of the appellant in W.A.No.833/2025 /respondent No.5 in the Writ Petition. In all other aspects, the order of the Writ Court is confirmed. With these observations, the Writ Appeals stand disposed of modifying the order passed by the Writ court, thereby saving the land granted in favor of respondent No.5 - Sri Machi Madiwalara Kshemabhivridhi Sangha (R) to an extent of 01 Acre 20 Guntas in Sy.No.26 of Basavanapura, K.R.Puram Hobli, Bengaluru South Taluk. Given the facts and circumstances, no order as to costs.

20. In view of disposal of the appeals, pending interlocutory application/s, if any does not survive for consideration and the same stand disposed of.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(T.M.NADAF)
JUDGE

TKN
Ct: Vn