HC-KAR

NC: 2026:KHC:17199
WP No. 19280 of 2024
C/W WP No. 32912 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 19280 OF 2024 (KLR-RES)

C/W

WRIT PETITION NO. 32912 OF 2024 (KLR-RES)

IN WP No. 19280/2024
BETWEEN:

1. MRS.SUDHA
   WIFE OF LATE P BACHEGOWDA,
   AGED ABOUT 48 YEARS,

2. NAVEEN GOWDA
   SON OF LATE P BACHEGOWDA,
   AGED ABOUT 25 YEARS,

3. VIDYA B
   D/O LATE P BACHEGOWDA,
   AGED ABOUT 18 YEARS,

ALL ARE RESIDING AT NO. 734,
BAGALUR, BENGALURU NORTH TALUK,
BANGALORE-562 149

REPRESENTED BY THEIR GPA HOLDERS

1) MRS. MALA RASTOGI,
   WIFE OF ROHIT RASTOGI,
   AGED ABOUT 39 YEARS,
   RESIDING AT 2031, TOWER 2,
   SOBHA PALM COURT, MARUTHI NAGAR,,
   YELAHANKA, BANGALORE - 560 064

Digitally signed by JUANITA THEJESWINI
Location: HIGH COURT OF KARNATAKA

2) MR. VITTAL KOLLUR,
SON OF GURAPPA,
AGED ABOUT 50 YEARS,
RESIDING AT NO. 639, 5TH CROSS,
8TH MAIN, RPC LAYOUT, VIJAYANAGAR,
BANGALORE - 560 040

…PETITIONERS

(BY SRI. DHYAN CHINNAPPA., SR. ADVOCATE FOR
SRI. PRASANNA DESHPANDE., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL
SECRETARY TO THE DEPARTMENT OF REVENUE,
MS BUILDING, VIDHANA VEEDI,
BANGALORE - 560 001

2. DEPUTY COMMISSIONER,
BANGALORE URBAN DISTRICT,
KANDAYA BHAVANA,
BANGALORE PIN CODE-560 009

3. TAHASILDAR
YELAHANKA TALUK,
BANGALORE URBAN DISTRICT
PIN CODE 560 063

…RESPONDENTS

(BY SRI.KEMPANNA., AAG FOR
SRI. V. SESHU., HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTION FOR CONSIDERATION OF THEIR APPLICATION / REPRESENTATIONS, (AS PER ANNX-K AND L) BOTH DTD. 29.06.2024 FOR CORRECTION OF REVENUE RECORDS PURSUANT TO THE ORDER DTD. 01.04.2024 IN PROCEEDINGS NO. RRT(2)(N)CR/897/2008-09 PASSED BY THE SPECIAL DEPUTY COMMISSIONER, BANGALORE NORTH DISTRICT (ANNX-H) AND FOR CARRYING OUT PHODI IN RESPECT OF THE IMMOVABLE PROPERTY MOREFULLY EXPALINED IN THE SCHEDULED HERE BELOW PURSUANT TO THE DIRECTIONS OF THE SPECIAL DEPUTY COMMISSIONER DTD. 06.05.2024 IN ANNX-J AND ETC.

IN WP NO. 32912/2024
BETWEEN:

STATE OF KARNATAKA
REPRESENTED BY ITS
THE TAHASILDAR,
YELAHANKA TALUK
BENGALURU 560 064

...PETITIONER

(BY SRI.KEMPANNA., AAG FOR
SRI. V. SESHU., HCGP)

AND:

1. THE SPECIAL DEPUTY COMMISSIONER
BENGALURU SOUTH SUB DIVISION,
BENGALURU DISTRICT,
BENGALURU 560 009

2. SMT. M SUDHA
W/O LATE P BACHHEGOWDA
R/AT DASANAYAKANAHALLI VILLAGE,
JALA HOBLI,
YELAHANKA TALUK,
BENGALURU

...RESPONDENTS

(BY SRI. SHAMANTH NAIK., HCGP FOR R1;
SRI. DHYAN CHINNAPPA., SR. ADVOCATE FOR
SRI. PRASANNA DESHPANDE., ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER PASSED BY R-1 DTD. 27.08.2024 IN CASE NO. RRT(2)(N)(A) CR.897/2008-09 PRODUCED AT ANNX-A AND ETC.

THESE WRIT PETITIONS, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R DEVDAS

ORAL ORDER

These two writ petitions are in respect of the order passed by the Special Deputy Commissioner-3, Bengaluru North Sub-Division, in proceedings bearing No.RRT(2)(N)(A)CR/897/2008-09 dated 01.04.2024. Therefore, both these writ petitions were clubbed, heard together, and are being disposed of by this common order.

2. The writ petition filed by the State of Karnataka in W.P.No.32912/2024 challenges the order passed by the Special Deputy Commissioner, while the petitioners in W.P.No.19280/2024 are only seeking implementation of the order passed by the Special Deputy Commissioner and to carry out the phodi proceedings.

3. A brief background is required to be stated to understand as to why and how the proceedings were initiated before the Special Deputy Commissioner. According to the petitioners in W.P.No.19280/2024, one Sri D.Jayaram initiated the proceedings in No.INAPR35/1964-65 before the Special Deputy

Commissioner for Inams abolition, Bengaluru, seeking re-grant for occupancy rights in respect of 12 acres and 30 guntas of land in Survey No.35 of Dasanayakanahalli Village, Jala Hobli, Yelahanka Taluk. The Special Deputy Commissioner for Inams Abolition is said to have passed an order on 11.03.1966, registering the applicant, Sri.D. Jayaram, S/o Dasappa in respect of 12 acres and 30 guntas of land in Survey No.35 under Section 5 of the Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954.

4. An endorsement was also issued from the office of the Special Deputy Commissioner stating that in terms of the order passed by the Special Deputy Commissioner in proceedings bearing No.INAPR35/1964-65 dated 11.03.1966, Sri D.Jayaram is registered as an occupant, and in terms of Section 10, Sri D. Jayaram is declared as the Hiduvalidar and Kathedar.

5. It is contented that the revenue Authorities and Survey settlement Authorities prepared a sketch demarcating the lands in favour of Sri D. Jayaram and the name of Sri D. Jayaram was entered in the revenue records in terms of the mutation order bearing MR.No.4/1990-91.

6. Sri. D. Jayaram sold the property in favour of Sri.P.Bacchegowda, the husband of petitioner No.1 and father of petitioners No.2 and 3, under a registered sale deed dated 29.03.2007. The name of Sri.P.Bacchegowda was entered in the revenue records in terms of MR.No.75/2006-07. Thereafter, Sri.P.Bacchegowda executed a registered gift deed dated 15.03.2008 in favour of petitioner No.1, and accordingly, mutation entries were also carried out in favour of petitioner No.1 herein in terms of MR No.35/2007-08.

7. That being the position, at the instance of some persons, who are inimically disposed towards the

petitioners, the Tahsildar, Yelahanka Taluk, requested the Special Deputy Commissioner to initiate *suo motu* proceedings under Section 136(3) of the Karnataka Land Revenue Act,1964 (hereinafter referred to 'the Act' for short) and accordingly, the proceedings were taken up by the Special Deputy Commissioner.

8. Learned Senior Counsel Sri Dhyan Chinnappa, appearing for the petitioners in W.P.No.19280/2024 submitted that the petitioners herein placed before the Special Deputy Commissioner the certified copy of the order dated 11.03.1966 in No.INAPR35/1964-65; the endorsement dated 11.03.1966; and the survey sketch prepared at the relevant point of time.

9. Learned Senior Counsel submits that the Special Deputy Commissioner took note of the mutation entries commencing from MR.No.4/1990-91 and concluded that from the material available on record, it is clear that pursuant to the orders passed by the Special Deputy

Commissioner for Inams abolition and the competent Authority under the provisions of the Act, 1964, the name of Sri D. Jayaram was entered in the revenue records in the year 1990-91. Thereafter, in terms of the registered instruments, the names of the subsequent purchaser, Sri. P.Bacchegowda and the name of petitioner No.1 herein were entered in the revenue records, which cannot be denied by the revenue Authorities. Such being the position, the Special Deputy Commissioner proceeded to drop the proceedings initiated under Section 136(3) of the Act, and no infirmity can be found in the orders passed by the Special Deputy Commissioner.

10. *Per contra*, the learned Additional Advocate General appearing for the State of Karnataka and the revenue Authorities submitted that in terms of the order sheet maintained by the Special Deputy Commissioner, it is clear that the Special Deputy Commissioner called for the original records. Since the original records were not placed by the Tahsildar before the Special Deputy

Commissioner, the Special Deputy Commissioner has concluded that the original file is not available, and therefore, he directed to build up the records with the consent of the petitioners.

11. The learned Additional Advocate General submits that when the Special Deputy Commissioner was not able to verify the material placed on record, he could not have concluded that the lands are not gomala land.

12. During the course of these proceedings, this Court had directed learned Additional Advocate General to produce before this Court the original records from the office of the Special Deputy Commissioner, the original mutation register, and the original record of rights.

13. Learned Additional Advocate General has accordingly placed before this Court the original register containing the information regarding the applications filed by various persons. At Ink page No.99, the same document of which a copy is annexed by the petitioners is

found. It is found that in terms of proceedings in No.INAPR35/1964-65, the name of the applicant is shown as Sri D. Jayarama S/o. Dasappa and the claim is in respect of Sy.No.35 and the extent of land is shown as 12 acres and 30 guntas.

14. However, learned Additional Advocate General seeks to point out that the name of the Village is shown as Gummanahalli Village and not Dasanayakanahalli Village for which the claim is made by the petitioners herein. Learned Additional Advocate General has, however, failed to produce the original records from the office of the Special Deputy Commissioner for inams abolition. At this juncture, the learned Senior Counsel for the petitioner clarified that the applicants' residential address is shown as **Gummahalli** and that cannot be misread as the Village in which the grant was made.

15. Nevertheless, learned Additional Advocate General submits that since there were no such

proceedings, the question of producing the original records from the office of the Special Deputy Commissioner for inams abolition would not arise.

16. Heard Sri.Dhyan Chinnappa, learned Senior counsel for the petitioner and Sri.Kempanna, learned Additional Advocate General. **Perused papers.**

17. This Court in the case of ***Smt Pyari Ma and Others Vs. The State of Karnataka and Others*** in ***W.P.No.22426/2021 dated 12.01.2022*** has held that such drastic action of removing the names of the kathedars from the revenue records or cancellation of the grant, if at all, has to be done; steps have to be taken within a reasonable time.

18. This Court notices the Judgments of the Hon'ble Supreme Court in case of ***MOHAMAD KAVI MOHAMAD AMIN /VS./ FATMABAI IBRAHIM - (1997) 6 SCC 71****, and the* ***JOINT COLLECTOR RANGA REDDY DISTRICT***

/VS./ D.NARSING RAO AND OTHERS - (2015) 3 SCC 695, where it was held as follows:

> *"The legal position is fairly well settled by a long line of decisions of this Court which have laid down that even when there is no period of limitation prescribed for the exercise of any power, revisional or otherwise, such power must be exercised within a reasonable period. This is so even in cases where allegations of fraud have necessitated the exercise of any corrective power. We may briefly refer to some of the 9 decisions only to bring home the point that the absence of a stipulated period of limitation makes little or no difference insofar as the exercise of the power is concerned which ought to be permissible only when the power is invoked within a reasonable period."*
>
> *Even in respect of the revisional jurisdiction, it was held that delayed exercise of revisional jurisdiction is frowned upon because if actions or transactions were to remain forever open to challenge, it will mean avoidable and endless uncertainly in human affairs, which is not the policy of law. Because, even when there is no period of limitation prescribed for exercise of such powers, the intervening delay, may have led to creation of third-party rights, that cannot be trampled by a belated exercise of a discretionary power especially when no cogent explanation for the delay is in sight. Rule of law it is said must run closely with the rule of life. Even in cases where the orders sought to be revised are fraudulent, the exercise of power must be within a reasonable period of the discovery of fraud. Simply describing an act or transaction to be fraudulent will not extend the time for its correction to infinity; for otherwise the exercise of revisional power would itself be tantamount to a fraud upon the statute that vests such power in an authority".*
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> *(emphasis supplied)*

19. Learned Senior Counsel Sri. Dhyan Chinnappa submits that the decision of this Court has been confirmed at the Hands of the Division Bench in W.A.No.284/2023 dated 24.02.2026.

20. This Court has held in several such cases where action is sought to be taken by the Tahsildar seeking invocation of Section 136(3) of the Act that if at all a claim is made by the State that a particular piece of land belongs to the Government, then action is required to be taken by the State and not the revenue Authorities. Admittedly, no information is placed on record to show that any request has come from the Secretary of the revenue Department to initiate the proceedings in this regard.

21. In that view of the matter, this Court has held that the revenue Authorities are only custodians of the revenue records and they are not custodians of Government lands and the State alone is the custodian of

the Government lands. Therefore, if at all any claim is sought to be raised on behalf of the State or the Government, then action has to be initiated by the State and the Government and not by the revenue Authority.

22. In the facts and circumstances narrated herein above, this Court is of the considered opinion that there is at least one document to show that such an application was indeed filed by Sri.D.Jayaram at an undisputed point of time. Therefore, it was the duty of the respondent-State and its Authority to have placed the original records from the office of the Special Deputy Commissioner for Inams abolition. The case number is clearly mentioned in the original document that is brought before this Court as No.INAPR35/1964-65. Therefore, when the petitioners have furnished the certified copy of the order before this Court, this Court should take note of the same and the entry found in the Register. The contention raised by the respondent-State and its Authorities that no such application was filed and no orders were passed by the

Special Deputy Commissioner for Inams Abolition is clearly without any basis and is accordingly rejected. Moreover, when third party rights are created on the basis of the revenue records, the respondent-State and its Authorities become answerable as to how this Court should permit such drastic action to be taken after an unreasonable delay on the part of the State and its Authorities. Undisputedly the first mutation entry is made in MR.No.4/1990-91 followed by two other revenue entries in MR.No.75/2006-07 and MR.No.35/2007-08.

23. When such being the case, the RTC's show the name of kathedars, it would be impermissible to allow the State and its Authorities to remove the mutation entries from the revenue records after lapse of nearly 40 years.

24. In that view of the matter, this Court is of the considered opinion that no infirmity can be found in the orders passed by the Special Deputy Commissioner.

25. Accordingly, this Court proceeds to pass the following:

ORDER

i) W.P.No.32912/2024 filed by the State of Karnataka and others stands dismissed.

ii) W.P.No.19280/2024 is allowed while directing the Revenue and Survey Settlement Authorities to proceed to conduct the phodi as requested by the petitioners and in accordance with the directions issued by the Special Deputy Commissioner at Annexure 'J' dated 06.05.2024.

iii) The entire exercise shall be completed as expeditiously as possible and at any rate within a period of three months from the date of receipt of certified copy of this order.

Sd/-
(R DEVDAS)
JUDGE

KTY
List No.: 1 Sl No.: 16