



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 02ND DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO.20393 OF 2021 (KLR-RES)

BETWEEN:

1. SRI. MANOHAR RAJU
S/O LATE RAGHAVA RAJU,
AGED ABOUT 59 YEARS.
2. SMT. S. AMRUTHA KUMARI
W/O K. MANOHAR RAJU.
AGED ABOUT 57 YEARS.

BOTH ARE RESIDING AT:
NO.2-18/8, NEAR AYYAPPASWAMY TEMPLE,
HOSAPALYA ROAD,
MANGAMMANAPALYA,
BENGALURU - 560 068.

...PETITIONERS

(BY SRI. ASHOK HARANAHALLI, SENIOR COUNSEL FOR
SRI. B.R. VISWANATH, ADVOCATE)

AND:

1. SPECIAL DEPUTY COMMISSIONER-II
BENGALURU SOUTH SUB-DIVISION,
BENGALURU - 560 001.
2. THE ASSISTANT COMMISSIONER
BENGALURU SOUTH SUB-DIVISION,
BENGALURU - 560 001.
3. THE TAHSILDAR,
BENGALURU SOUTH SUB-DIVISION,
BENGALURU - 560 009.



4. SRI. K.R. VENUGOPAL
S/O RAMASWAMY MUDALIAR,
AGE: MAJOR,
R/AT INDLAVADI VILLAGE,
KASABA HOBLI,
ANEKAL TALUK - 560 058.

REP. BY HIS POWER OF ATTORNEY HOLDER
SRI. Y. BHASKAR
S/O NARAYANA,
AGED ABOUT 38 YEARS,
R/AT NO.45, INDUSTRY HOUSE,
1ST FLOOR, RACE COURSE ROAD
BENGALURU - 560 001.
5. SRI. PRABHARADHYA
AGED ABOUT 66 YEARS,
HONARARY PRESIDENT,
M/S YELLUKUNTE EXTENSION AND
HOSAPALYA RESIDENTS WELFARE
ASSOCIATION (REGD.)
HAVING OFFICE AT NO.32
'SHIVAKRUPA', YELLUKUNTE EXTENSION,
I.T.I. LAYOUT
BENGALURU - 560 068.

...RESPONDENTS

(BY SRI. KIRAN V. RON, AAG A/W
SMT. B.P. RADHA, AGA FOR R1 TO R3;
SMT. RUPA B.P., ADVOCATE FOR R4;
SRI. T.H. AVIN, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 07TH OCTOBER, 2021 PASSED BY THE RESPONDENT NO.1-SPECIAL DEPUTY COMMISSIONER-II, BENGALURU SOUTH SUB-DIVISION, BENGALURU IN CASE NO.RRT(VG-2)(S)CR-03/2018-19 VIDE ANNEXURE-J; QUASH THE ORDER DATED 06TH MAY, 2016 PASSED BY THE RESPONDENT NO.2-ASSISTANT COMMISSIONER, BENGALURU SOUTH SUB-DIVISION IN RA(S)NO.328/2015-16 VIDE ANNEXURE-H; AND ETC.



THIS PETITION COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE E.S. INDIRESH

ORAL ORDER

In this petition, petitioners are challenging the order dated 07th October, 2021 (Annexure-J) passed by the respondent No.1 in Case No.RRT(VG-2)(S)CR-03/2018-19 and order dated 06th May, 2016 (Annexure-H) passed by the respondent No.2 in R.A.(S)No.328/2015-16.

2. Heard Sri. Ashok Haranahalli, learned Senior Counsel on behalf of Sri. B.R. Vishwanath, appearing for petitioners; Sri. Kiran V. Ron, learned Additional Advocate General and Smt. B.P. Radha, learned Additional Government Advocate appearing for respondents 1 to 3; Smt. Rupa B.P., learned counsel appearing for the respondent No.4; and Sri. T.H. Avin, learned counsel appearing for the respondent No.5.

3. Sri. Ashok Haranahalli, learned Senior Counsel appearing for petitioners invited the attention of the Court to the impugned order dated 07th October, 2021 (Annexure-J) passed by the respondent No.1 and submitted that the petition was registered under Sections 136(3) and 67(2) as well as



under Section 39 of the Karnataka Land Revenue Act (for short, hereinafter referred to as 'KLR Act'). By referring to page No.7 of the impugned order dated 07th October, 2021 (Annexure-J), learned Senior Counsel appearing for petitioners contended that, the respondent No.1 himself has stated that, this authority has erroneously invoked the provision of Section 67 of the KLR Act and that apart, at operative portion of the order, it is stated that, by invoking provisions of Section 136(3) and Section 67(3) of the KLR Act, the order of Land Tribunal is declared as not genuine one. Accordingly, learned Senior Counsel submits that there is a discrepancy in respect of the proceedings before the respondent No.1.

4. Learned Senior Counsel appearing for petitioners, by referring to Section 67(2) and Section 33 of the KLR Act, argued that the above said provisions provide for conducting formal enquiry by the Deputy Commissioner and the procedure contemplated under the KLR Act is to be followed by the respondent No.1. Accordingly, learned Senior Counsel sought for interference of this Court.



5. Per contra, Sri. Kiran V. Ron, learned Additional Advocate General appearing for respondents 1 to 3, by referring to mutation in M.R. No.6/2001-02 (Annexure-E) as well as the averments made at Paragraph 7 of the writ petition submits that,petitioners themselves have consented for grant made in favour of A. Narayanappa.

6. It is also submitted by learned Additional Advocate General that the averments made at page No.7 of the impugned order dated 07th October, 2021 (Annexure-J) is only a contention urged therein and therefore, the respondent No.1 has rightly invoked provision under Section 67(3) of the KLR Act as mentioned in the operative portion. Accordingly, learned Additional Advocate General sought for dismissal of the petition.

7. In the light of submission made by learned counsel appearing for the parties, on careful examination of the impugned order dated 07th October, 2021 (Annexure-J) passed by the respondent No.1, it is not in dispute that the case has been registered under Sections 136(3), 67(2) and 39 of the KLR Act. On perusal of the operative portion of the order dated



07th October, 2021 (Annexure-J), wherein, it forthcoming that the impugned order has been passed by the respondent No.1 under Section 136(3) and 67(3) of the KLR Act. By looking into the language employed under Section 136(3) of the KLR Act, it is forthcoming that the revisional power of the Deputy Commissioner is against the order under Section 136(2) of the KLR Act. The power of the Deputy Commissioner under Section 67(2) would makes it clear that, a formal enquiry has to be conducted as required under Section 33 of the KLR Act. In that view of the matter, in the absence of the formal enquiry to be conducted by the respondent No.1 in the impugned order dated 07th October, 2021 (Annexure-J), I find force in the submission made by learned Senior Counsel appearing for petitioners. Accordingly, I pass the following:

ORDER

- (i) Writ Petition ***allowed;***
- (ii) Order dated 07th October, 2021 (Annexure-J) passed by the respondent No.1 is hereby set-aside and matter is remitted back to the respondent No.1 to conduct an enquiry and to take decision in the matter in accordance with



law, after affording an opportunity of hearing to the parties concerned;

- (iii) It is made clear that the order dated 06th May, 2016 (Annexure-H) passed by the respondent No.2 in R.A.(S)No.328/2015-16 is being challenged by the respondents 2 and 3 in Case No.RRT(V-2)(S) CR-03/2018-19 before the respondent No.1, till the conclusion of the proceedings before the respondent No.1, no precipitative action be taken against the petitioners.
- (iv) Since the parties are represented through their learned counsels, in order to avoid further delay in the matter, parties are directed to appear before the respondent No.1 on 27th July, 2026 at 11.00 am;
- (v) The respondent No.1 shall conclude the proceedings in accordance with law in the light of observation made above.

**SD/-
(E.S.INDIRESH)
JUDGE**