



CNR: KAHC010434472024

NC: 2026:KHC:49183
WP No. 21398 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

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

WRIT PETITION NO.21398 OF 2024 (KLR-RES)

BETWEEN:

1. MR. RAJASHEKAR N.
S/O LATE M.V. NARAYANASWAMY
AGED ABOUT 72 YEARS
R/AT NO. 257,
5TH MAIN VYALIKAVAL
BENGALURU – 560 003.
2. MR. N. MUNEGOWDA
S/O LATE M.V. NARAYANSWAMY
AGED ABOUT 65 YEARS
R/AT NO. 782, 12TH CROSS
MUTHYALNAGAR
BENGALURU – 560 054.
3. MR. N. CHANDRASHEKAR AGOWDA
S/O LATE M.V. NARAYANASWAMY
AGED ABOUT 68 YEARS
R/AT MANDUR VILLAGE
BIDRAHALLI HOBLI,
BENGALURU EAST TALUK,
BENGALURU - 560 049.

Digitally signed by
CHANDRA S A
Location: HIGH
COURT OF
KARNATAKA



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4. MR. MARATHI S. @ MARUTHI S.
S/O SOMASHEKAR GOWDA
AGED ABOUT 47 YEARS.
5. MRS. SUDAMANI
D/O LATE MUNIYAPPA
WO K. KRISHNAPPA
AGED ABOUT 57 YEARS
NO. 331, I CROSS
GOVT. COLLEGE ROAD
OLD EXTENSION
K R PURAM
BENGALURU - 560 036.
6. MRS. M. SUMA
D/O LATE MUNIYAPPA
W./O A. RAMESH KUMAR
AGED ABOUT 53 YEARS
NO.15, 4TH CROSS
R/AT B. NAGASANDRA,
BENGALURU – 560 037.
7. MR. P. SOMASHEKAR GOWDA
S/O LATE PILLAMUNISHAMAPPA
AGED ABOUT 78 YEARS
R/AT MANDURU VILLAGE AND POST
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK,
BENGALURU - 560 049.
8. MR. ANIL KUMAR M.S.
S/O LATE SONNAPPA
AGED ABOUT 54 YEARS
R/AT MANDURU VILLAGE AND POST
BIDARAHALLI HOBLI,



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BENGALURU EAST TALUK,
BENGALURU - 560 049.

9. MR. APRATHIMA M.S.
S/O LATE SONNAPPA
AGED ABOUT 48 YEARS
R/AT MANDURU VILLAGE AND POST
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK,
BENGALURU - 560 049.
10. MR. ARAVIND M.S.
S/O LATE SONNAPPA
AGED ABOUT 46 YEARS
R/AT MANDURU VILLAGE AND POST
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK,
BENGALURU - 560 049.
11. MR. M.V. JAYAPRAKASH
S/O LATE CHIKKAVEERANNA
AGED ABOUT 83 YEARS
R/AT MANDURU VILLAGE AND POST
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK,
BENGALURU - 560 049.

...PETITIONERS

(BY SRI. VIGNESHWAR S. SHASTRY, SENIOR COUNSEL FOR
SRI. MAHENDRA GOWDA C.R., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
BANGALORE URBAN
BANGALORE



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K G ROAD
BENGALURU – 560 009.

2. THE ASSISTANT COMMISSIONER
BAGNALORE NORHT SUB DIVISION
OFFICE OF ASSISTANT COMMISSIONER
BANGALORE NORTH SUB DIVISIION
K G ROAD
BENGALURU – 560 009.
3. TEH THASILDHAR
THE BANGALORE EAST TALUK
K R PURAM, BENGALURU - 560066.
4. THE REVENUE INSPECTOR
MANDUR VILLAGE
THE BANGALORE EAST TALUK
BENGALURU-560 049.
5. THE VILLAGE ACCOUNTANT
MANDUR VILLAGE
THE BANGALORE EAST TALUK
BENGALURU -560 049.
6. K H CHANDRASHEKAR
S/O LATE HANUMANTHARAYAPPA
AGED ABOUT 56 YEARS
PRESIDENT SHREE AKKAYAMMA AND SHREE
MUNESHWARA SEVA ABHIVRUDDI TRUST (R)
BYATARAYANAPURA
R/AT NO 100, 3RD CROSS,
1ST MAIN CHAMUNDESHWARI LAYOUT
DODDABOMMASANDRA WARD NO.10
BENGALURU - 560097.



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7. SRI SRINIVAS D.
S/O DODDABACHAPPA
AGED ABOUT 48 YEARS
R/ATKODIGEHALI,
SAHAKARANAGAR POST
BENGALURU - 560092.
8. SRI. RAMANJINI
S/O LATE MUNIYAPPA
AGED ABOUT 52 YEARS
R/AT NO.302
MARUTHI LAYOUT,
M V EXTENSION, HOSAKOTE,
BENGALURU - 562114.
9. SRI. MOHAN H.K.
LATE H J KRISHNAPPA
AGED ABOUT 75 YEARS
R/AT K R EXTENSION
PAILWAN DODAJUNJAPPA ROAD
HOSAKOTE - 562114.
10. SRI. H.S. VENAKTARAMANA CHAR
S/O H SUBBARAYA CHAR,
AGED ABOUT 56 YEARS
R/AT NO. 79-1 BASAVESHWARA DEVALAYADA
ARDHA BAGHA
HOSAKOTE - 562114.
11. SRI. RAVINDRA H.G.
S/O LATE GOPAL
AGED ABOUT 57 YEARS
R/AT K R EXTENSION
HOSAKOTE - 562114.



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12. SRI. H.S. REDDYVIKHANASACHRYA
S/O H. SRINIVASACHAR
AGED ABOUT 38 YEARS
R/AT MARKET ROAD,
NEAR VENKATARAMANASWAMY TEMPLE
HOSAKOTE - 562114.

LATE MRS LAKSHMAMMA
W/O ASHWATHAPPA
REP BY HER LEGAL HEIRS

13. MRS. MADHU MALINI
W/O CHANDRA GOWDA
AGED ABOUT 48 YEARS
VR PEARL APARTMENT,
NISARGA LAYOUT, HOSAKOTE - 562114.

14. MR. MANOHAR GOWDA M.A.
S/O LATE ASHWATHAPPA
AGED ABOUT 46 YEARS
NO.228, MANDUR VILLAGE
BIDARAHALLI HOBLI,
BANGALORE EAST TALUK
BENGALURU - 560 049.

15. MRS MAMATHA
W/O PRABHAKAR R.
AGED ABOUT 44 YEARS
SRI CHOWDESHWARI NILAYA
OLD SBM ROAD,
NEHRU EXTENSION
MALUR, KOLAR DISTRICT - 563130.



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16. MR. MANJUNATH GOWDA
S/O ASHWATHAPA
AGED ABOUT 63 YEARS
R/AT MANDURU VILLAGE AND POST
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK
BENGALURU - 560049

...RESPONDENTS

(BY SRI. SHAMANTH NAIK, AGA FOR R1 TO R5;
SRI. B.C. SRIRAM REDDY, ADVOCATE FOR R6 TO R12;
SRI. G.B. SHARATH GOWDA, ADVOCATE FOR R13 & 15;
SRI. THAMMAIAH H.N., ADVOCATE FOR R14 & R16;
V/O DATED 09.09.2026 NOTICE TO R7 & R10
DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET
ASIDE THE IMPUGNED ORDER DATED 16.07.2024 PASSED BY
THE RESPONDENT NO.1 IN R.P.NO.53/2023 PRODUCED AT
ANNEXURE-A; AND ETC.

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



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

ORAL ORDER

1. In this Writ Petition, petitioners are assailing the order dated 06.01.2023((Annexure-M) in case No.R.A.(B.E)83/2019 passed by respondent No.2 and the order dated 16.07.2024 ((Annexure-A) in R.P.No.53/2023 passed by respondent No.1, inter alia, sought for a direction to respondent No.3 to reinstate revenue entries in the name of the petitioner in respect of the subject land.

2. Sri. Vigneshwar S. Shastry, learned Senior Counsel appearing for the petitioners referred to the order dated 25.10.1976 ((Annexure-C) wherein the proceedings have been conducted and submitted that the land in question was granted by the respondent-authorities to the father of the petitioner Nos.1, 2 and 3 and thereafter, order of grant was issued as per Annexure-D pursuant to the order dated 25.10.1976 and thereby the RTC extracts stand in the name of the original grantee – late M.V. Narayanaswamy. However, after 34 years, the respondent-authorities have interfered with the schedule



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property by setting aside mutation and that apart, it is contended by the learned Senior Counsel by referring to the order of conversion passed by the competent authority as per Annexures-K & L and submitted that the respondent-authorities have committed an error in interfering with the schedule property and therefore, sought for interference of this Court.

3. Per contra, Sri. Shamanth Naik, learned Additional Government Advocate appearing for respondent Nos.1 to 5, sought to justify the impugned orders and submitted that mutation has been entered based on the documents which are fake, and therefore, sought for dismissal of the Writ Petition.

4. In the light of the submissions made by the learned counsel appearing for the parties and on careful consideration of the order dated 25.10.1976 (Annexure-C), wherein, land bearing Survey No.87 to an extent of 1.32 acres, land bearing Survey No.95 to an extent of 19.19 acres and land bearing Survey No.118 to an extent of 9 guntas of Mandur Village, Hoskote Taluk, was granted in favour of late M.V. Narayanaswamy(father of petitioner Nos.1, 2 and 3).



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Thereafter, the respondent-authorities have issued an endorsement as per Annexure-D to late M.V. Narayanaswamy in so far as the land in question is concerned. The name of M.V. Narayanaswamy is also forthcoming in the Index of Lands produced at Annexure-G and RTC extracts produced by the petitioners at Annexure-H Series would indicate that the land has been granted to late M.V. Narayanaswamy and after his demise, the revenue entries have been continued in the name of his children. It is also forthcoming from annexures-K and L that the competent authority has passed an order sanctioning the conversion in respect of portion of the land. However, at the behest of filing of appeal by respondent Nos.6 and 7 herein in case No. R.A.(B.E)83/2019 (Annexure-M), the respondent-authorities have interfered with the MR No.03/1975-76 and such other M.R. Nos. which was made in favour of late M.V. Narayanaswamy.

5. It is also to be noted that the proceedings have been conducted by the Karnataka Land Grabbing Prohibition Special Court, Bengaluru and the said Court has passed the order dated 11.04.2022 in case L.G.C.(P) No.235/2019 (Annexure-P),



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holding that there is no such land grabbing by the father of petitioner Nos.1 to 3 - late M.V. Narayanaswamy. In this connection, it is well settled principle in law that any challenge to mutation has to be done within a reasonable period. In identical circumstances, this Court in the case of *SMT. SUNDRABAI AND OTHERS V. THE DEPUTY COMMISSIONER AND OTHERS*, reported in ILR 2012 KAR 2358, has held that delay of 35 years in filing the appeal under Section 136(2) of the Karnataka Land Revenue Act, 1964 by the appellants cannot be accepted and accordingly set aside the appeal. At this juncture, it is relevant to extract paragraph Nos.5 to 15 which is as under:

" 5. Perused the writ petition record and considered the rival contentions. The point for consideration is, whether the impugned orders are arbitrary or illegal?

6. 3rd respondent questioned the certification of M.E. No. 7787 dated 15.5.1971 of Ranebennur Village, by filing an appeal before the 2nd respondent, in June 2007. A separate application seeking condonation of delay was filed, to which, the petitioners herein, who were the respondents in the said appeal, filed statement of objections and contended that, no sufficient cause has



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been shown for filing of the appeal after about 36 years and sought dismissal of the appeal.

7. The 2nd respondent having taken note of the rival contentions, without recording any finding on the question of delay, finding merit in the appeal, without assigning any reason, condoned the delay and allowed the appeal on 18.5.2009 (Annexure-F).

8. Aggrieved, the petitioners filed a revision petition, u/s 136(3) of the Act, before the 1st respondent. A specific ground was raised with regard to the flaw in the order passed by the Appellate Authority, on the question of delay. 1st respondent, after noticing the rival contentions, held that, since the Appellate Authority has condoned the delay, the impugned order can be upheld on technical ground and consequently, passed the Order dated 11.11.2010, as at Annexure-C, dismissing the revision petition.

9. An appeal to the prescribed Authority u/s 136(2) of the Act can be filed within a period of 60 days from the date of communication of the order or the knowledge of the entry certified. Rule 15 of the Rules is with regard to the manner of presentation of appeals, etc. Rule 16 is with regard to the contents of the appeal, etc. It is clear from the proviso under Rule 16, that in case of delay in filing the appeal, the applicant has to file a separate application along with an affidavit explaining the



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circumstances relied upon, failing which, the appeal or application shall be dismissed in limine.

10. In [D. Gopinathan Pillai Vs. State of Kerala and Another,](#) an award was questioned after 3320 days. No explanation was given for the inordinate delay. The Court, without assigning any acceptable reason, condoned the delay. When questioned, the revision Court did not go into the merit of the delay question and dismissed the petition. The said orders were challenged before the Apex Court. While allowing the appeal, it has been held as follows:

5. We are unable to countenance the finding rendered by the Sub-Judge and also the view taken by the High Court. There is no dispute in regard to the delay of 3320 days in filing the petition for setting aside the award. When a mandatory provision is not complied with and when the delay is not properly, satisfactorily and convincingly explained, the Court cannot condone the delay, only on the sympathetic ground. The orders passed by the Learned Sub-Judge and also by the High Court are far from satisfactory. No reason whatsoever has been given to condone the inordinate delay of 3320 days. It is well-considered principle of law that the delay cannot be condoned without assigning any reasonable, satisfactory, sufficient and proper reason. Both the Courts have miserably



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failed to comply and follow the principle laid down by this Court in a catena of cases. We, therefore, have no other option except to set-aside the order passed by the Sub-Judge and as affirmed by the High Court.

(Italicised by me for emphasis)

11. Perusal of the impugned orders, as at Annexures-C and F, would make it clear, that the objection raised by the petitioners with regard to the inordinate delay in filing of the appeal has not received the lawful consideration of the respondents 1 and 2. Mutation Entry dated 15.5.1971 was challenged by filing an appeal, in June 2007. The appeal filed being not within the period prescribed u/s 136(2) of the Act and an application having been filed seeking condonation of delay, whether, there was "sufficient cause" shown for condonation of delay or not, ought to have been examined, since statement of objections was filed to the application seeking condonation of delay and a reasoned decision ought to have been taken by the Appellate Authority.

12. Section 3 of the Limitation Act mandates that the suits or proceedings instituted after the prescribed period of limitation shall be dismissed. However, Section 5 vests the Court or the Authority, with power to admit an appeal or application filed, after expiry of the prescribed period of limitation, if the appellant shows sufficient cause for not preferring the appeal or application within the prescribed period. The cause shown should be



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understood and applied in a reasonable manner, depending upon the facts and circumstances of the case. The words, "sufficient cause", appearing in Section 5 of the Limitation Act should receive liberal construction, so as to advance substantial justice, when the delay is not on account of want of bona fides on the part of the applicant.

13. When the affidavit filed in support of the delay condonation petition is contested by filing statement of objections, there is a need for the Court/Authority, to consider the matter and pass a reasoned order, since once a valuable right accrues in favour of one party, as a result of failure of other party to explain the delay by showing sufficient cause, it will be unreasonable to take away that right, on the mere asking of the applicant, if the delay is as a result of inaction or want of bona fides or negligence etc., on the part of the applicant.

14. Keeping the said factors in view, the 2nd respondent ought to have examined the case, to find out, whether sufficient cause has been shown for condonation of delay. The 1st respondent, when approached with the grievance that, the 2nd respondent has not examined the case and decided the matter in accordance with law, ought to have examined the grievance in accordance with law and pass a reasoned order. The order passed by the 1st respondent, as at Annexure-C, is cryptic and exhibits total non-application of mind. Except recording in brief the case of both



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parties, 1st respondent has passed the order dismissing the revision petition, without assigning any reason. The 2nd respondent having not considered the issue relating to limitation, since there was long time gap between the date the impugned Mutation was certified and the appeal was filed, it cannot be said that, the order as to Annexure-F, is a considered order. Inordinate delay has been condoned by the 2nd respondent, for mere asking, without assigning proper reasons.

15. Mere giving an opportunity of hearing and recording in brief the case of the parties is not enough. The order passed should indicate reasons in support of the decision on disputed aspects of the case. The 1st and 2nd respondents, with regard to the impugned matter, perform quasi judicial function and hence, they are obligated in law, to record reasons in support of the order/s passed, which is not the case herein. Reasons have virtually become an indispensable component of decision making process. Thus, there is flaw in the decision making process and the impugned orders are vitiated."

6. It is to be noted that, the respondent-authorities have to act within a reasonable period, while arriving at a conclusion that, the grant is bad. In the present case, the respondent-authorities doubted the grant made in favour of late M.V. Narayanaswamy, after a period of 34 years and there is no



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explanation as to delay. The act of respondent-authorities is arbitrary and contrary to the Judgment of the Hon'ble Supreme Court in the case of MOHAMAD KAVI MOHAMAD AMIN Vs. FATMABAI IBRAHIM reported in (1997) 6 SCC 71 and in the case of JT. COLLECTOR, RANGA REDDY DISTRICT AND ANOTHER Vs. D. NARSING RAO AND OTHERS reported in (2015) 3 SCC 695.

7. Following the declaration of law made by this Court in the aforementioned order, I am of the view that both the respondent-authorities have interfered with the mutation entries made in favour of late M.V. Narayanaswamy, after 34 years and that apart, the petitioners herein have produced the order of grant and the endorsement as per Annexures – C and D which would establish the fact that the land in question was granted in favour of late M.V. Narayanaswamy. In that view of the matter, I find force in the submission made by the learned Senior Counsel appearing for the petitioners.

8. Accordingly, I pass the following:

ORDER

(i) The Writ Petition is allowed.



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(ii) The order dated 06.01.2023((Annexure-M) in case No.R.A.(B.E)83/2019 passed by respondent No.2, and the order dated 16.07.2024(Annexure-A) in R.P.No.53/2023 passed by respondent No.1 are hereby set aside.

(iii) Respondent No.3 is directed to enter the name of the petitioners in the revenue records pertaining to the land in question, in the event of any modification has been made pursuant to the issuance of impugned orders, within a period of two months from the date of receipt of certified copy of this order.

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

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List No.: 1 Sl No.: 10