



CNR: KAHC010490372026

NC: 2026:KHC:49401
WP No. 22301 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF SEPTEMBER, 2026

BEFORE

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

WRIT PETITION NO.22301 OF 2026 (KLR-RES)

BETWEEN:

1. M.N. RAMESH
S/O LATE NARAYANAPPA,
AGED ABOUT 52 YEARS.
2. M.N. VISWANATH
S/O LATE NARAYANAPPA,
AGED ABOUT 56 YEARS.

BOTH ARE RESIDING AT:
MANJULANAGARA VILLAGE,
LAKSHMISAGAR GRAMPANCHAYATHI,
YELDUR POST,
SRINIVASPURA TALUK,
KOLAR DISTRICT- 563 135.

...PETITIONERS

(BY SRI. Y.R. SADASIVA REDDY, SENIOR COUNSEL FOR
SRI. RAHUL S. REDDY, ADVOCATE)

AND:

1. THE GOVERNMENT OF KARNATAKA
REP. BY ITS SECRETARY,
DEPARTMENT OF REVENUE,
VIDHANA SOUDHA,
BENGALURU – 560 001.
2. THE DEPUTY COMMISSIONER
KOLAR DISTRICT,
KOLAR - 563 101.



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3. MR. HIRANYA GOWDA
S/O. M.R. KRISHNE GOWDA,
AGED ABOUT 31 YEARS,
R/A MANJULANAGARA VILLAGE,
LAKSHMISAGAR GRAMPANCHAYATHI,
YELDUR POST,
SRINIVASPURA TALUK,
KOLAR DISTRICT- 563135.

...RESPONDENTS

(BY SRI. ADITYA DIWAKAR, AGA FOR R1 AND R2;
SRI. R. SRINIVASA GOWDA, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 03/06/2026 PASSED BY THE RESPONDENT NO.2 IN LND/CR/2012/2026-27 VIDE ANNEXURE-M.

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

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

ORAL ORDER

1. In this writ petition, petitioners are challenging the Official Memorandum dated 03.06.2026 (Annexure-M) issued by respondent No.2-Deputy Commissioner in LND/CR/2012/2026-27.

2. Heard Sri Y.R. Sadashiva Reddy, learned Senior Counsel appearing on behalf of Sri Rahul S. Reddy, learned counsel for the petitioners; Sri Aditya Diwakara,



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learned Additional Government Advocate appearing for the respondents 1 and 2; and Sri P. Srinivasa Gowda, learned counsel appearing for the respondent No.3.

3. Sri Y.R. Sadasiva Reddy, learned Senior Counsel appearing for the petitioners contended that, at the instance of the complaint lodged by respondent No.3 alleging encroachment upon a public road, respondent No.2 has issued the Official Memorandum without conducting a spot inspection or issuing prior notice to the petitioners. It is further contended that the petitioners have instituted suits in O.S. No.242/2020 and O.S. No.250/2020 before the Principal Civil Judge, Srinivasapura (Annexures-K and K1), on the file of the Prl. Civil Judge and JMFC, Srinivasapura, against Parvathamma and others, seeking injunctive relief against the defendants therein, wherein respondent No.3 herein has also been arrayed as a party therein. The competent Civil Court has granted an interim order of injunction, which, according to the learned Senior Counsel, was challenged in various miscellaneous



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appeals and the said appeals came to be dismissed. Referring to the photographs produced at Annexures-L, J and J1, learned Senior Counsel sought for interference of this Court with the impugned Official Memorandum.

4. Per contra, Sri. Srinivasa Gowda, learned counsel appearing for respondent No.3 submitted that the land in question is revenue land and has not been transferred or vested by the Government to the Lakshimisagara Gram Panchayat in terms of Section 210 of the Karnataka Gram Swaraj and Panchayat Raj Act, 1993 (for short, 'the Act, 1993'). Therefore, the petitioners have no *locus standi* to challenge the impugned Official Memorandum issued by the respondent No.2-Deputy Commissioner. It is submitted that the impugned Memorandum has been issued in the interest of the general public for providing access by way of a public road.

5. Learned counsel for the respondent No.3 further submitted that respondent No.3 had challenged the illegal entries effected by the Grama Panchayat, Lakshmisagara,



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in the name of the petitioners in Appeal No.1/2022-23 before the Executive Officer, Taluk Panchayat, Srinivasapura, and that the competent authority, in exercise of the power under Section 269 of the Act, 1993 has rejected the khata standing in the name of the petitioners. Therefore, it is contended that the petitioners have no subsisting right over the subject land.

6. In reply, learned Senior Counsel appearing for the petitioners submitted that the order passed by the Executive Officer, Taluk Panchayat, produced at Annexure-R1 (*in statement of objections filed by learned counsel for the respondent No.3*), has been challenged before this Court in W.P. No.18274/2022, which is pending consideration. It is further submitted that this Court has directed the parties to maintain *status quo* with regard to the khata of the subject land in the said writ petition.

7. Sri. Aditya Diwakar, learned Additional Government Advocate appearing for the respondent-State submitted that the impugned Memorandum has been issued by



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respondent No.2-Deputy Commissioner for the purpose of providing a road for the use of the general public and, therefore, the same does not call for interference of this Court.

8. Having considered the rival submissions and perusal of the material on record, it is forthcoming that the petitioners claim right over the subject property on the basis of the RTC extracts produced at Annexure-A, wherein the land is shown as 'Sarakari Banjaru'. It is also forthcoming that the petitioners have obtained a licence and have constructed a houses in a portion of the property measuring 38 x 34 feet and in the remaining portion to an extent of 20 x 30 feet, the petitioners have constructed cattle shed as reflected in the photographs produced at Annexures-H, H1 and H2.

9. It is not in dispute that the petitioners have instituted suits in O.S. No.242/2020 and O.S. No.250/2020 before the competent Civil Court at Srinivaspura against Paravathamma and others, including



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respondent No.3, and the said proceedings are pending consideration.

10. The principal controversy arising for consideration in the present writ petition is as to whether the subject land is revenue land or whether the same has vested in or forms part of the jurisdiction of the Lakshmisagar Gram Panchayat. In this regard, a perusal of Sections 210 and 211 of the Act, 1993 would indicate that, where any land is vested in a Gram Panchayat, either conditionally or otherwise, the same must be supported by an appropriate order of the competent authority.

11. In the present case, the petitioners have not placed before this Court any such order passed by the competent authority demonstrating that the subject land has been vested in or transferred to the Gram Panchayat. On the other hand, the RTC extracts produced at Annexure-A *prima facie* indicate that the land is recorded as 'Government Banjaru land'.



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12. In that view of the matter, and having regard to the nature and purpose of the impugned Memorandum, namely, providing access by way of a public road, I am of the opinion that no ground is made out to interfere with the impugned Official Memorandum dated 03.06.2026 issued by respondent No.2-Deputy Commissioner, produced as Annexure-M. Therefore, the writ petition is liable to be dismissed.

13. However, insofar as the rival rights and title of the parties over the subject property are concerned, the petitioners have already approached the competent Civil Court by instituting the aforesaid suits, which are pending consideration. This Court, in exercise of its writ jurisdiction, would not adjudicate upon the disputed questions of title or possession when the same are already pending before the competent Civil Court.

14. Subject to the above observations, the writ petition stands ***dismissed***.



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15. However, it is open for the parties to establish their rights in the pending suits in respect of the subject land. In view of the dismissal of the writ petition the respondent No. 2 is directed to take decision in accordance with law.

16. All pending interlocutory applications, if any, stand *disposed of*.

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

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List No.: 1 Sl No.: 7