



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO.25888 OF 2024 (LR)

BETWEEN:

1. SRI. GURUSIDDAPPA
S/O GUNDAPPA,
AGED ABOUT 68 YEARS,
R/AT M C HALLI,
TARIKERE TALUK,
CHIKKAMAGALURU DISTRICT-577228.
2. SRI G.S. RAJESH
S/O LATE G.S. SHANKARAPPA,
AGED ABOUT 54 YEARS,
R/AT NO.59, 2ND CROSS,
HOSAMANE EXTENSION,
HSAMANE, SHIVAMOGGA,
SHIVAMOGGA CITY-577201.
3. SMT. KUSUMA
S/O LATE G.S SURESH,
AGED ABOUT 61 YEARS,
R/AT NO.246,
ODDINAKOPPA VIDYANAGAR,
VIDYANAGAR,
SHIVAMOGGA-577203.
4. SMT. SAROJA
W/O LATE G.H. JANARDHANA,
AGED ABOUT 57 YEARS,
R/AT ODDINAKOPPA VIDYANAGAR,
VIDYANAGAR,
SHIVAMOGGA-577203.



5. SRI. G.H. THAMMAIAH
S/O LATE G S HONNAPPA,
AGED ABOUT 63 YEARS,
R/AT TIRUPALAI AH STREET,
GANDHI BAZAR,
SHIVAMOGGA-577201.
6. SMT. SUVARNAMMA
W/O LATE P K SATHYANARAYANAPPA,
AGED ABOUT 57 YEARS,
R/AT GANDHI BAZAR,
5TH CROSS,
SHIVAMOGGA-577201.

...PETITIONERS

(BY SRI. ASHOK HARANAHALLI, SENIOR ADVOCATE FOR
SRI. SOMASHEKARA K.M.,ADVOCATE)

AND:

1. THE UNDER SECRETARY TO GOVERNMENT
LAND SURVEY AND LAND RECORDS,
REVENUE DEPARTMENT,
5TH FLOOR, 2ND STAGE,
MULTISTORIED BUILDING,
BENGALURU-560001.
2. DEPUTY COMMISSIONER
SHIVAMOGGA DISTRICT,
SHIVAMOGGA-577201.
3. DEPUTY DIRECTOR OF LAND RECORDS
(DDL R), SHIVAMOGGA DIVISION,
SHIVAMOGGA-577201.
4. ASSISTANT COMMISSIONER
SHIVAMOGGA SUB DIVISION,
SHIVAMOGGA-577201.
5. TAHSILDAR
SHIVAMOGGA TALUK,



SHIVAMOGGA-577201.

6. ASSISTANT DIRECTOR OF LAND RECORDS
(ADLR) SHIVAMOGGA TALUK,
SHIVAMOGGA (UPOR) - 577201.

...RESPONDENTS

(BY SRI. B.J. ESWARAPPA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ENDORSEMENT DATED 16.03.2024 ISSUED BY THE RESPONDENT NO.5 TAHSILDAR VIDE NO. LRF CR 82/22-23 (E- 242635) VIDE ANNEXURE-M; 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

Heard Sri. Ashok Haranahalli, learned Senior Counsel appearing for Sri. Somashekara K.M., learned counsel for the petitioners, and Sri. B.J. Eswarappa, learned Additional Government Advocate appearing for the respondent-State.

2. In this writ petition, the petitioners have challenged the Endorsement dated 16.03.2024



(Annexure-M) issued by respondent No.5 inter-alia, sought a direction to respondent Nos.3 to 6 to complete the phodi and durasth proceedings in respect of the land belonging to the petitioners in terms of the order dated 01.07.2022 (Annexure-H).

3. The relevant facts necessary for adjudication of this writ petition are that the land bearing Sy. No.246 of Urgadoor Village, Shivamogga Taluk and District, is an Inam land which stood vested in the Government under the provisions of the Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954 (for short, "the Act"). The land bearing Sy. No.246 of Urgadoor Village, known as 'Voddinakoppa Tank', measures 81 acres and 1 gunta. It is stated that the then Inamdars had made an application to the Deputy Commissioner, Shivamogga, seeking permission to dispose of portions of the said land for



cultivation purposes. Accordingly, the Deputy Commissioner, Shivamogga, by order dated 22.01.1954, granted portions of the land in favour of various persons, including the ancestors of the petitioners.

4. It is further stated in the petition that respondent No.5, without considering the order of grant made in favour of the ancestors of the petitioners, arrived at a conclusion that the land bearing Sy. No.246 is Government land, consequently issued the impugned Endorsement dated 16.03.2024 (Annexure-M). Hence, the present writ petition is filed.

5. Sri. Ashok Haranahalli, learned Senior Counsel appearing for the petitioners, contended that there is no dispute regarding the order of granting occupancy rights in favour of the ancestors of the petitioners under Section 9 of the Act. Thereafter, the



competent authority had concluded that the land in question need not be restored as tank land and consequently grants were made in favour of several persons, including the petitioners' ancestors. It is the specific contention of the learned Senior Counsel that respondent Nos.5 and 6 have already carried out phodi and durast proceedings in respect of the very same Sy. No.246/P for other landowners whose occupancy rights were granted along with the petitioners' ancestors. However, respondent No.5 has issued the impugned Endorsement denying similar relief to the petitioners. Therefore, it is contended that the impugned action is discriminatory and requires interference by this Court.

6. The learned Senior Counsel further drew the attention of the Court to Annexures-N and P and submitted that new survey numbers have already



been assigned in favour of similarly situated grantees. Thus it is contended that unequal treatment has been meted out to the petitioners and sought appropriate relief in this writ petition.

7. Per contra, Sri. B.J. Eswarappa, learned Additional Government Advocate appearing for the respondent-State submitted that the land in question is a tank land and, therefore, sought to justify the impugned Endorsement at Annexure-M.

8. In the light of the submissions made by the learned counsel appearing for the parties, a perusal of the order granting occupancy rights dated 18.07.1964 (Annexure-A in A9.O.R. No.1 of 1958-59) makes it clear that although the land in question was originally a tank land, the competent authority had concluded that it was not desirable to restore the same as tank land and accordingly granted occupancy rights in



favour of several grantees, including the ancestors of the petitioners.

9. It is also evident from Annexures-N and P that phodi and durast proceedings have already been carried out in respect of portions of the very same Sy. No.246 and new survey numbers, namely Sy. Nos.361, 364 and 365, have been assigned to other grantees who are similarly situated to the petitioners.

10. In that view of the matter, I find considerable force in the submissions made by the learned Senior Counsel for the petitioners. Respondent No.5 has committed an error in discriminating against the petitioners despite their standing on the same footing as the other grantees. Consequently, the impugned Endorsement dated 16.03.2024 (Annexure-M) issued by respondent No.5 is liable to be set aside.



11. Accordingly, the writ petition is ***allowed***. The Endorsement dated 16.03.2024 (Annexure-M) issued by respondent No.5 is hereby quashed. Respondent Nos.5 and 6 are directed to complete the phodi and durast proceedings in respect of the land belonging to the petitioners, in the same manner as carried out in respect of the other grantees referred to above, and assign appropriate new survey numbers in accordance with law. The said exercise shall be completed within an outer limit of four months from the date of receipt of a certified copy of this order.

SD/-
(E.S.INDIRESH)
JUDGE

SB
List No.: 1 Sl No.: 19