



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO.24948 OF 2024 (KLR-RR/SUR)

BETWEEN:

1. SMT. S. SUDHA
W/O K. PRAKASH,
AGED ABOUT 59 YEARS,
RESIDING AT NO.17,
BLOCK NO.25, J.S.S. LAYOUT,
MYSURU - 570 011.

...PETITIONER

(BY SRI. VIJAYA KUMAR K., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
MYSURU DISTRICT,
MYSURU AND CHAIRMAN OF
LAND GRANT MISSING RECORDS
COMMITTEE,
MYSURU-570011.
2. THE ASSISTANT COMMISSIONER,
MYSURU SUB-DIVISION,
MYSURU-570011.
3. THE TAHSILDAR,
MYSURU TALUK,
MYSURU-570011.
4. DEPUTY DIRECTOR OF LAND RECORDS,
AND TECHNICAL ASSISTANT TO
THE DEPUTY COMMISSIONER,
MYSURU-570011.

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



...RESPONDENTS

(BY SRI. VIJAYAKUMAR K., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH / SET ASIDE THE ORDER DATED 17.08.2024 PASSED BY THE RESPONDENT NO. 1 IN ಸಂಖ್ಯೆ. ತಾಂ.ಗೈರುವಿಲೇ.16/23-24 (ANNEXURE-A); AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

In this writ petition, the petitioner has assailed the order dated 17.08.2024 (Annexure-A) passed by Respondent No.1. The petitioner has also sought a direction to Respondent No.3 to conduct phodi and durast in respect of the land bearing Sy. No.25, measuring 3 acres 25 guntas, situated at Varuna Village, Varuna Hobli, Mysuru Taluk.



2. The relevant facts necessary for adjudication of this writ petition are that the petitioner is the owner and is in possession of the land bearing Sy. No.25, measuring 3 acres 25 guntas, situated at Varuna Village, having acquired the same under a registered Sale Deed dated 17.10.2007 (Annexure-B). It is further contended that, pursuant to the registration of the Sale Deed, the land in question was mutated in the name of the petitioner vide MR No.37/2007-08 and the necessary sketch was prepared. Since then, the revenue records have continuously stood in the name of the petitioner.

3. However, the respondent-authorities initiated suo motu proceedings in respect of the subject land and passed the impugned order at Annexure-A holding that the grant made in favour of the original grantee on 07.02.1963 at Annexure-D



(the vendor of the petitioner) was incorrect and consequently, set aside the said grant. Aggrieved by the same, the petitioner has approached this Court.

4. Sri Vijay, learned counsel appearing for the petitioner, contended that the land in question was granted in favour of the petitioner's vendor on 07.02.1963 and that Respondent No.1 initiated suo motu proceedings after a lapse of nearly 62 years, which is wholly impermissible in law. In support of his contention, he relied upon the judgment of the Hon'ble Supreme Court in the case of ***Joint Collector Ranga Reddy District and Anr v. D. Narsing Rao and Ors*** reported in **(2015) 3 SCC 695** and submitted that the impugned order at Annexure-A is liable to be set aside.

5. Per contra, Sri. Spoorthy Hegde N., learned Additional Government Advocate appearing for the



respondent-State sought to justify the impugned order and contended that the grant made in favour of the petitioner's vendor was contrary to law and therefore, the authorities were justified in passing the impugned order.

6. Having heard the learned counsel appearing for the parties and upon perusal of the material on record, it is not in dispute that the land in question was granted in favour of the petitioner's vendor on 07.02.1963 and a Saguvali Chit was issued in his favour. Thereafter, the revenue records stood in the name of the original grantee. The grant certificate has been produced at Annexure-D.

7. The petitioner subsequently purchased the schedule property under the registered Sale Deed dated 17.10.2007 (Annexure-B). Consequent thereto, mutation was effected in favour of the petitioner as



evidenced by Annexure-C. Since then, the revenue records have stood in the name of the petitioner.

8. It is pertinent to note that while initiating the suo motu proceedings, the respondent-authorities have not referred to any specific provision of the Karnataka Land Revenue Act, 1964, empowering them to initiate such proceedings against the petitioner. Nevertheless, they proceeded to pass the impugned order holding that the grant made in favour of the petitioner's vendor on 07.02.1963 was invalid.

9. In this regard, it is relevant to refer to the declaration of law made by the Hon'ble Supreme Court in ***D. Narsing Rao*** (Supra), wherein it has been held that even where no period of limitation is prescribed under the statute, the power must be exercised within a reasonable period.



10. Further, this Court in the case of ***M Ramakrishnappa v. The Deputy Director of Land Records and Anr*** reported in **ILR 2007 KAR 769** has held that suo motu proceedings cannot be initiated after an inordinate and unexplained delay. In the present case, the authorities have sought to reopen a grant made more than six decades earlier. Such exercise of power cannot be regarded as having been undertaken within a reasonable period.

11. Therefore, I find considerable force in the submissions made by the learned counsel for the petitioner. The initiation of suo motu proceedings after more than sixty years suffers from gross delay and is unsustainable in law. Consequently, the impugned order cannot be sustained. Accordingly, the following:

ORDER

(i) The writ petition is ***allowed***.



(ii) The order dated 17.08.2024 passed by Respondent No.1 at Annexure-A is hereby set aside.

(iii) The respondents are directed to conduct phodi and durast in respect of the subject land and complete the said exercise as expeditiously as possible, and in any event within an outer limit of six months from the date of receipt of a certified copy of this order.

SD/-
(E.S.INDIRESH)
JUDGE