



CNR: KAHC010575652025

NC: 2026:KHC:44897-DB
WA No. 1489 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 1489 OF 2025 (KLR-RES)

BETWEEN:

1. THE DEPUTY COMMISSIONER,
MYSORE DISTRICT,
MYSURU 570 001.
2. THE ASSISTANT COMMISSIONER,
MYSORE SUB-DIVISION,
MYSORE DISTRICT,
MYSURU 570 001.
3. THE TAHSILDAR,
MYSORE TALUK,
MYSORE DISTRICT,
MYSURU 570 001.
4. THE REVENUE INSPECTOR,
KASABA HOBLI, MYSORE TALUK,
MYSORE DISTRICT,
MYSURU 570 001.
5. THE VILLAGE ACCOUNTANT
SRIRAMPURA CIRCLE, KASABA HOBLI,
MYSORE TALUK, MYSORE DISTRICT,
MYSURU 570 001.
6. THE DEPUTY CONSERVATOR
OF FORESTS, MYSURU DIVISION,
MYSURU 570 008.

Digitally
signed by
MALA K N

Location:
High Court
of Karnataka



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7. THE ZONAL FOREST OFFICER,
URBAN GREENING ZONE,
MYSURU 570 014.

...APPELLANTS

(BY SRI. SUDEV HEGDE, ADVOCATE)

AND:

B RAMACHANDRA
W/O LATE BORAI AH
AGED ABOUT 55 YEARS,
RESIDING AT HOUSE NO. 2727/A,
2ND CROSS, KG KOPPALU,
MYSURU – 570 009.

...RESPONDENT

(BY SRI.P.S.RAJGOPAL, SENIOR ADVOCATE FOR
SMT.SINCHANA M.R., ADVOCATE)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO A) CALL FOR THE RECORDS IN
WP NO.18476/2022 DATED 23/09/2022 AND B) SET ASIDE
THE ORDER DATED 23/09/2022 PASSED BY THE LEARNED
SINGLE JUDGE OF THIS HON'BLE COURT ON 23/09/2022 IN
WP NO.18476/2022 AND C) GRANT ANY SUCH OTHER RELIEF,
PENDING DISPOSAL.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING,
THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
AND
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN



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ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN)

The present appeal has been filed by the State impugning the judgment and order dated 23.09.2022 passed by the learned Single Judge in W.P.No.18476/2022 (KLR-RES).

2. Parties shall be referred to as per their ranking before the learned Single Judge.

3. Briefly stated the facts are, the petitioner claims to have acquired ownership over 2 acres and 1 gunta of land in Sy.No.31/2 of Malalavadi Village, Kasaba Hobli, Mysore Taluk, in the year 1989. The land was originally granted in favour of the petitioner's grandfather, Sri Karigowda, in whose favour a saguvali chit was stated to have been issued and whose name was entered in the revenue records. After his demise, a family partition took place in the year 1961, under which the land in question fell to the share of Sri Siddaiah, son of Karigowda.



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Thereafter, Sri Siddaiah executed an unregistered Release Deed dated 17.04.1989 in favour of the petitioner and consented to the transfer of the khata in the petitioner's name. Pursuant thereto, the petitioner's name came to be entered in the revenue records under M.R.No.2/1990-91.

4. While the petitioner was in possession of the land and his name continued in the revenue records, the Revenue Inspector conducted a mahazar and recommended to the Tahsildar that the land formed part of a tank bed. It was stated that the entire Sy.No.31 measured about 44 acres and 38 guntas and that there were no records to explain the original entry of the name of Sri Karigowda in the revenue records. Acting upon the said recommendation, the Tahsildar passed an order dated 25.07.2001 in RRC(K)86/2001-02 directing deletion of the name of Sri Karigowda from the revenue records, which resulted in mutation entry M.R.No.1/2001-02.



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5. The petitioner contended that the said order was passed without notice to him, despite his name having already been entered in the revenue records pursuant to M.R.No.2/1990-91. According to the petitioner, he had no knowledge of the order dated 25.07.2001 and came to know of it only in the year 2013. He thereafter preferred an appeal under Section 136(2) of the Karnataka Land Revenue Act, 1964, before the Assistant Commissioner. The appeal came to be rejected, and the revision petition preferred before the Deputy Commissioner was also dismissed by order dated 02.02.2022.

6. The principal contention of the petitioner was that the Tahsildar had no authority in law to unilaterally cancel the existing mutation entry. It was submitted that, if the authorities were of the opinion that the land was Government land or formed part of a tank bed and that the original grant in favour of the petitioner's grandfather was not genuine, the proper course was to challenge the



mutation before the competent authority or to seek initiation of *suo motu* proceedings under Section 136(3) of the Karnataka Land Revenue Act. The petitioner therefore contended that, in the absence of such proceedings and in the absence of notice to her, the order of the Tahsildar and the consequential orders passed by the higher revenue authorities were without jurisdiction and unsustainable in law.

7. Per contra, it is the case of the respondent/authorities that the Deputy Commissioner was empowered under Section 136(3) of the Karnataka Land Revenue Act, 1964 ('the Act' for short), to initiate *suo motu* proceedings, either on his own motion or on the application of a party, and to examine the records relating to entries made under Sections 127 and 129 of the Act. It was further contended that, if the land in question formed part of a tank bed, it was the duty of the revenue authorities to protect such land from encroachment.



8. Upon consideration of the rival contentions and the material on record, the learned Single Judge of this Court found that the stand of the revenue authorities itself was inconsistent. Though the authorities claimed that the land in question formed part of a tank bed and therefore could not have been granted to any individual, their own orders disclosed that, out of the larger extent in Sy.No.31, a substantial extent had been granted to ISKCON and another portion had been reserved for a burial ground. The learned Single Judge, therefore, found that the assertion that the entire land in question was tank bed land and could not have been granted was not consistent with the admitted position emerging from the records.

9. The learned Single Judge further found that the original order of the Tahsildar dated 25.07.2001 was without authority of law. The mutation entry standing in the petitioner's name under M.R.No.2/1990-91 could not have been cancelled without issuing notice to the



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petitioner. Significantly, it was not the case of the respondent/authorities that the grant made in favour of Karigowda had ever been cancelled by the competent authority. The mere assertion that records evidencing the grant were not available could not, by itself, justify an adverse finding against the petitioner without notice and without identifying the statutory provision under which such action was being taken.

10. The Court, however, observed that the Deputy Commissioner could exercise the revisional jurisdiction under Section 136(3) of the Act. At the same time, such *suo motu* power was required to be exercised within a reasonable period. Following the principles enunciated in W.P.No.4661/2022, decided on 07.09.2022, the Court held that the power under Section 136(3) of the Act could not be invoked after an unreasonable delay.

11. In that view of the matter, the learned Single Judge held that the orders passed by the Tahsildar,



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Assistant Commissioner and Deputy Commissioner could not be sustained. The writ petition was accordingly allowed. The order dated 08.07.2020 passed by the Assistant Commissioner in R.A.No.49/2013 and the revisional order dated 02.02.2022 passed by the Deputy Commissioner in R.P.No.96/2021 were quashed and set aside. The original order dated 25.07.2001 passed by the Tahsildar was also held to be without authority of law and was consequently quashed. The Court, however, clarified that if the State was of the opinion that the land formed part of a tank bed, it was open to the State to take appropriate action in accordance with law for removal of encroachments, subject to considering the fact that land in the same survey number had been granted to ISKCON and a portion had also been reserved for a burial ground.

12. Aggrieved by the order dated 23.09.2022 passed by the learned Single Judge, the State, being of the view that the land in question was required to be



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secured in favour of the State, preferred the present intra-court appeal seeking to set aside the order passed by the learned Single Judge.

13. When the matter came up before this Court, by order dated 23.06.2026, this Court directed the State to obtain a report from the Forensic Science Laboratory with regard to the original records relating to the case. Pursuant thereto, the learned Additional Government Advocate produced the forensic report before this Court. The said report confirms that the documents on the basis of which the respondent is claiming right over the property are genuine and have not been fabricated. The said submission, along with the forensic report, is taken on record. In view of the confirmation by the Forensic Science Laboratory that the documents relied upon by the respondent are genuine and not fabricated, we find no reason to interfere with the order passed by the learned



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Single Judge. Therefore, the present appeal preferred by the State is liable to be dismissed.

Accordingly, the appeal stands dismissed.

Insofar as I.A.No.1/2025 seeking condonation of delay of 1040 days in filing the appeal is concerned, the said application is allowed and the delay of 1040 days is condoned.

All pending applications, if any, stand disposed of accordingly.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**

KNM
List No.: 1 Sl No.: 21