



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 1474 OF 2025 (KLR-RES)

BETWEEN:

MR. JAISON P.C.,
S/O P.J. CHANDY,
AGED ABOUT 49 YEARS,
HANKARAMAJALU BAILU HOUSE,
KALANJA VILLAGE,
BELTHANGADY TALUK,
DAKSHINA KANNADA DISTRICT
KARNATAKA - 574 212.
REP BY HIS G.P.A HOLDER
MR. P.J. CHANDY,

...APPELLANT

(BY SRI. SACHIN B S., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
DAKSHINA KANNADA DISTRICT
MANGALURU,
DAKSHINA KANNADA - 575 003.
2. THE ASSISTANT COMMISSIONER
PUTTUR,
DAKSHINA KANNADA - 574 201.
3. THE TAHSILDAR,
BELTHANGADY TALUK,
DAKSHINA KANNADA - 574 214.



4. MR. MURUGAN
S/O THANGAYYA,
AGED ABOUT 44 YEARS,
HANKARAMAJALU BAILU HOUSE,
KALANGA VILLAGE,
BELTHANGADY TALUK,
DAKSHINA KANNADA - 574 212.

...RESPONDENTS

(BY SRI.RAVINDRANATH, AGA FOR R1 TO R3,
SRI. N. JAGADISH BALIGA, ADVOCATE FOR R4)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED:17.07.2025 IN WP No. 18737 OF 2025 PASSED BY THE LEARNED SINGLE JUDGE AND CONSEQUENTLY ALLOW THE WRIT PETITION IN WP No. 18737 OF 2025 AS PRAYED FOR AND PASS ANY ORDER OF CONSEQUENTIAL RELIEF OR ANY OTHER APPROPRIATE ORDER OR DIRECTION AS THIS HONBLE COURT DEEMS FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE IN THE INTEREST OF JUSTICE AND EQUITY.

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 T.M.NADAF



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

The unsuccessful petitioner is before us in this intra-Court appeal, calling in question the order dated 17.07.2025 passed by the Writ Court in W.P.No.18737/2025.

2. The Writ Court by means of the impugned order, dismissed the Writ Petition, declining to interfere with the orders passed by the State Authorities impugned in the said petition.

3. The parties are referred to as per their ranking before the Writ Court.

4. Facts in brief leading to file the present appeal are as under:

The petitioner was before the Writ Court for the following reliefs:

- a) *To issue a writ, order, or direction, more particularly in the nature of a writ of Certiorari, quashing the impugned order dated*



*11-03-2025 passed by Respondent No. 01, produced at **ANNEXURE-A**, whereby the appeal filed by Respondent No. 04 was allowed and the land bearing Survey No.146/P2, situated at Kalanja Village of Belthangady Taluk, was directed to be vested in the State Government; and consequently, to uphold the grant order passed by Respondent No. 03, produced at ANNEXURE-B.*

- b) Grant any other writ, order or direction as this Hon'ble Court deems fit and proper reliefs as this Hon'ble Court deems fit and proper under the circumstances of this case.*

It was the case of the petitioner before the Writ Court that land bearing Sy.No.146/P2 measuring 3.40 Acres situated at Kalanja Village, Belthangady Taluk was under his unauthorized occupatioin since 1985. On his application bearing No.NCR CR 240/98-99, the third respondent issued Occupancy Certificate dated 06.05.2002. It was his further case that, respondent No.3 after holding inspection of the spot, prepared sketch and mahazar and filed detailed



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report regarding unauthorized occupation and cultivation of the petitioner on the land which has resulted in granting of occupancy rights/regularization by means of Certificate dated 06.05.2022.

It was his case that, when the matter stood thus, the fourth respondent who was having evil eye on his land, was hell bent on taking possession of said land through all sorts of malicious means, filed an appeal before the second respondent, questioning the order of Grant after considerable delay of 20 years by means of appeal bearing REV.SR/62/2021-22. The second respondent having considering the entire materials placed on record, held that the petitioner is in possession of land and cultivating the same since 1985 and has fenced the land 30 years back, which was found in the inspection report and he has planted several rubber trees in the year 2000 and continuing planting the trees. Further, having found



that the third respondent conducted a spot inspection, drawn sketch and mahazar stating that the petitioner is in unauthorized occupation of the land and cultivating the same and on the basis of the said report, the land was regularized and Occupancy Certificate was issued. The second respondent after considering these aspects of the matter, found that the ground that the fourth respondent had claimed that he was in possession of part of the land granted in favor of the petitioner, however no application in that regard being submitted by him, rejected his contention and accordingly, dismissed the appeal both on the grounds of delay as well as on merits. This order was the subject matter before the Deputy Commissioner.

Before the Deputy Commissioner, altogether a different ground was raised by the fourth respondent stating that, as on 1987, the petitioner was 11 years and in



terms of the Karnataka Land Revenue Rules 1966¹, a minor cannot maintain an application seeking regularization of unauthorized occupation, as such, the order passed is non-est and required to be dismissed. It was the further contention of the petitioner that, the Deputy Commissioner in the absence of any record to that effect, allowed the appeal and set-aside the order passed by the Assistant Commissioner and cancelled the Certificate dated 06.05.2002 and further ordered that the land stands vested in the State Government free from all encumbrances in view of Rule 108-K of the Rules of 1966. The order passed by the Deputy Commissioner was the subject matter in the Writ Petition.

The Writ Court on the point that the petitioner was born on 22, March 1976, was ineligible to seek for regularization as he was just 11 years as on the date of making application and following the Judgment of

¹ Rules of 1966, for short



this Court in ***M.B.JAYAPRAKASH VS. DEPUTY COMMISSIONER, D.K. DISTRICT AND OTHERS²***, dismissed the Writ Petition. It is this order passed by the Writ Court, is called in question in this Writ Appeal.

5. Heard, Sri.Sachin.B.S, learned counsel appearing for the petitioner, Sri.B.Ravindranath, learned Additional Government Advocate appearing for respondents 1 to 3 and Sri.N.Jagadish Baliga, learned counsel appearing for the contesting respondent No.4.

6. Learned counsel Sri.Sachin.B.S, invites our attention to Page No.47 of the Writ Appeal which is the Report of the Tahsildar in NCR CR No.240/1998-99, submits that the application was filed in the year 1998-99. In that view of the matter, the order of the Writ Court at Paragraph No.6 that the petitioner was minor as on the date of making application is erroneous, the age was shown as 28 years in the said report. Further, he submits

² W.P.No.23171/2014, disposed of on 09.01.2023



that there was no pleading in the appeal filed before the Assistant Commissioner, regarding date of birth, which was taken before the Deputy Commissioner. What was pleaded before Assistant Commissioner was he is in possession of part of the land granted in favor of the petitioner that too belatedly by 20 years. The appeal was rejected on both the grounds of delay and stating that there is no application found in the records by respondent No.4 seeking for grant of land. In these circumstances, learned counsel submits that the order passed by the Assistant Commissioner is well considered and well reasoned, both on merits as well as on delay. There was no answer by the Deputy Commissioner on the point of delay. The Deputy Commissioner has failed to consider the new ground which was taken in the second appeal before him, without having any legs in the first appeal as the same was not taken before the Assistant Commissioner. With this, he sought interference of this Court with the



order passed by the Writ Court as well as the order passed by the Deputy Commissioner.

7. Per contra, Sri.Jagadish Baliga, learned counsel appearing for the contesting respondent No.4, submits that the Deputy Commissioner and the Writ Court have properly considered the case and passed the appropriate order and the same does not require interference at the hands of this Court.

8. Learned AGA supported the order passed by the Writ Court.

9. Having considered the rival submissions, we have perused the entire records placed before us. As rightly contended by Sri.Sachin.B.S, there is no ground forthcoming in the appeal filed before the Assistant Commissioner regarding date of birth, as was alleged before the Deputy Commissioner for the first time in the second appeal. What was contended before the Assistant Commissioner in the first appeal was that the fourth



respondent is in possession of part of the land granted in favor of the petitioner.

10. Admittedly, the appeal was filed after delay of 20 years. No plausible explanation is forthcoming for the delay. The Assistant Commissioner after perusal of the records, held that there was no application found in the records by the fourth respondent seeking grant of land, to consider his allegation that he is in possession of the part of the land granted in favor of the petitioner and dismissed the appeal, on merits and delay. A new ground was raised for the first time before the Deputy Commissioner that too in the second appeal on the eligibility of the petitioner to seek for regularization of land i.e., he was 11 years as on the date of filing of application or claim. The Deputy Commissioner without considering the materials, i.e., report, wherein the age of the petitioner was clearly indicated as 28 years, and by misreading the documents and the law, passed the order canceling the land, further



stating that the land stands vested in the Government free from all encumbrances.

11. Besides the aforesaid flaws, the conduct of the fourth respondent assumes much importance. He has laid the claim before the Assistant Commissioner that he was in possession of part of the land granted in favor of the petitioner. Though he was unsuccessful before the Assistant Commissioner, but by raising altogether a different ground for the first time in the second appeal, succeeded to the extent canceling the grant made in favor of the petitioner, but has failed in his claim regarding his alleged possession in some part of the land. The Deputy Commissioner passed the order stating that the land stands vested with the Government free from all encumbrances. The fourth respondent has not challenged this order, if really he is in possession of part of the land granted in favor of the petitioner, as contended by him before the Assistant Commissioner in first appeal, this clearly shows that his attempt is only to cause harassment



to the petitioner by making false pleas before the Authorities, which is rightly been answered by the Assistant Commissioner in dismissing the appeal. However, the Deputy Commissioner failed to consider the records placed before him while passing the order.

This conduct of the fourth respondent remained us classic observation of Arthur Conan Doyle in the '*The Boscombe Valley Mystery*' in The Adventures of Sherlock Homes (1892):-

"There is nothing more deceptive than an obvious fact."

12. In that view of the matter, we find force in the argument of learned counsel Sri.Sachin.B.S, that the appeal filed by the fourth respondent after inordinate delay of 20 years without there being any plausible explanation as well as raising the ground for the first time in the second appeal, are not sustainable in law. The Writ Court fell in error in not considering this aspect of the



matter, while passing the order impugned. In that view of the matter, we **allow** the Writ Appeal and set-aside the order passed by the Writ Court, quashing the order passed by the Deputy Commissioner, while confirming the order passed by the Assistant Commissioner, however, no order as to costs.

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

**Sd/-
(T.M.NADAF)
JUDGE**

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