

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 21ST DAY OF SEPTEMBER, 2026**

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 1985 OF 2026 (KLR-RES)

BETWEEN:

1. THE STATE OF KARNATAKA
REVENUE DEPARTMENT,
5TH FLOOR, MULTI-STORIED BUILDING,
K.R. CIRCLE, DR.AMBEDKAR VEEDHI,
BENGALURU 560 001.
REP. BY ITS SECRETARY.
 2. THE DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT,
KANDAYA BHAVANA, K.G.ROAD,
BENGALURU - 560 001.
 3. THE ASSISTANT COMMISSIONER
BENGALURU SOUTH SUB-DIVISION,
KANDAYA BHAVANA, K.G. ROAD,
BENGALURU - 560 001.
 4. THE TAHSILDAR
BENGALURU SOUTH SUB-DIVISION,
KANDAYA BHAVANA, K.G. ROAD,
BENGALURU 560 001.
 5. THE DIRECTOR,
STATE INTELLIGENCE, BENGALURU
STATE INTELLIGENCE TRAINING ACADEMY,
OPP. TO MEENAKSHI TEMPLE,
BANNERUGHATTA MAIN ROAD,
HULIMAVU, BENGALURU - 560 076.
REP. BY ITS ASSISTANT DIRECTOR (ADMIN).
...APPELLANTS
- (BY SRI. N.SHASHIKIRAN SHETTY, ADVOCATE GENERAL
FOR SRI. M.N.SUDEV HEGDE, AGA)

Digitally signed
by MALA K N
Location: HIGH
COURT OF
KARNATAKA

AND:

1. SRI. B.N. KRISHNAIAH
S/O K. NARAYANAPPA,
AGED ABOUT 74 YEARS,
R/AT NO.9, 5TH CROSS, WEST WING,
H.A.L. OFFICE, OLD AIRPORT ROAD,
BENGALURU - 560 037.
2. SRI. MUNISHAMAPPA
S/O NEELIKRISHNAPPA,
AGED ABOUT 76 YEARS,
R/AT NO.482,
NEAR RAMALINGESHWARA TEMPLE,
HULIMAVU LAKE ROAD,
BENGALURU - 560 076.
3. SRI. THIMMARAYAPPA
S/O CHANNAPPA,
AGED ABOUT 82 YEARS,
R/AT PATEL STREET, WARD NO.10,
MALUR TOWN, KOLAR DISTRICT 563 130.

V.C.O DATED 31.08.2026,
R4 TO R18 ARE DELETED.

...RESPONDENTS

(BY SRI. K.N.PHANINDRA, SENIOR COUNSEL FOR
SRI. ABHINAY.S, ADVOCATE FOR
SRI. GURURAJ MAMDY, ADVOCATE AND
SRI. SRIRAKSHA KRISHNA DIXIT, ADVOCATE FOR
C/R1 & R2;
SRI. D.R.RAVISHANKAR, SENIOR ADVOCATE FOR
SRI. ABHINAY.S., ADVOCATE
SRI. GURURAJ MAMDY, ADVOCATE AND
SRI. SRIRAKSHA KRISHNA DIXIT, ADVOCATE FOR
C/R3;
V.C.O DATED 31.08.2026, R4 TO R18 ARE DELETED)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO a)CALL FOR THE RECORDS
AND b) ALLOW THE WRIT APPEAL AND SET ASIDE THE
IMPUGNED ORDER DATED 06/07/2026 PASSED BY THE
LEARNED SINGLE JUDGE OF THE HON'BLE HIGH COURT IN

WP NO.30814/2024 AND c)PASS SUCH OTHER ORDER OR ORDERS AND ETC.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 11.09.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, **HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN** MADE THE FOLLOWING:

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

CAV JUDGMENT

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

The State seeks to protect its State Intelligence Training Academy ('SITA'), while the alleged grantees of the land have opposed the State's claim. Thus, the State and the rival claimants seek adjudication of their respective claims over the subject land. However, we refrain from expressing any opinion on the merits of the rival claims. In the circumstances, we deem it appropriate to remand the matter to the Deputy Commissioner for fresh consideration, in accordance with law, after affording due opportunity to all concerned parties.

The present intra-court appeal has been filed by respondent nos. 1 to 4 and respondent no. 20, assailing the

orders dated 06.07.2026 and 20.07.2026 passed by the learned Single Judge in W.P. No. 30814/2024, whereby the learned Single Judge had set aside the order of the Deputy Commissioner dated 17.08.2024 passed in R.P. No. 331/2021, and had further set aside the order of grant dated 02.02.2022 made in favour of respondent no. 20, the official memorandum dated 09.02.2022 issued by the Deputy Commissioner, and the possession certificate dated 03.03.2022 issued by the Tahsildar, and had directed restoration of mutation and RTC entries in favour of the petitioners in respect of the land to the extent of 5 acres and 10 guntas in Sy. No. 63.

2. For the sake of convenience, the parties are referred to as per the ranks assigned to them before the learned Single Judge.

3. The issue in the present *lis* concerns the validity of the grant of 4 acres and 4 guntas in land bearing Sy. No. 63 and 15 guntas in land bearing Sy. No. 49 at Hulimavu Village, Beguru Hobli, Bengaluru South Taluk made in favour of respondent no. 20/State Intelligence Department on 02.02.2022; whereas, the petitioners nos. 1 to 3 claim that 5 acres and 10 guntas in the said land bearing Sy. No. 63

was granted in their favour as far back as on 29.11.1979. The land in Sy. No. 63, measuring to an extent of 5 acres and 10 guntas, around which this dispute revolves, shall hereinafter be referred to as the '**Subject Land**'.

4. Briefly stated, the case of the petitioners is that three portions of the Subject Land had been granted in favour of the three petitioners through three Saguvali Chits issued in their favour by the Tahsildar on 29.11.1979 in the following manner: (i) petitioner no. 1 was granted 2 acres of the Subject Land; (ii) petitioner no. 2 was granted 3 acres of the Subject Land; and, (iii) petitioner no. 3 was granted 10 guntas of the Subject Land, totally making up 5 acres and 10 guntas in Sy. No. 63.

5. The petitioners contend that pursuant to the grant of the Subject Land in their favour in the manner described hereinabove, the petitioners have become the absolute owners of their respective portions of the Subject Land. To buttress their stand, the petitioners have produced the Saguvali Chit Issue Register extract and the mutation records in MR No. 4/1989-90, wherein the name of the petitioners appear against their respective portions of the Subject Land. The petitioners also rely on the RTC extracts

for the years 1990-91 to 1992-93 and also for the year 2021-22 to show that the names of petitioners nos. 1 to 3 appear against their respective portions of the Subject Land.

6. It is contended that despite respondent no. 1/State Government being divested of the title to the Subject Land, respondent No. 1 had ordered for the Subject Land to be granted in favour of respondent No. 20 on 02.02.2022. Thereafter, official memorandum dated 09.02.2022 came to be issued by the Deputy Commissioner, followed by the issuance of the possession certificate dated 03.03.2022 by the Tahsildar in favour of respondent No. 20.

7. The case of the petitioners is that when there was a subsisting grant in their favour on the strength of the three Saguvali Chits dated 29.11.1979, without such a grant being cancelled, it was not open to respondent no. 1 to make another grant over the same Subject Land in favour of respondent No.20.

8. On the other hand, the case of the respondents is that on the date of the Subject Land being granted in

favour of respondent no. 20 (i.e., 02.02.2022), the Subject Land was a government land with respondent no. 1. To substantiate this stand, the respondents takes this Court through the history of another round of litigation concerning the Subject Land.

9. It is contended by the respondents that on 27.05.2009, the Tahsildar had found that a society by the name of Islamic Mission of India had started an engineering college in the name of Islamiah Institute of Technology (**'Society'**) by encroaching a part of the Subject Land to the extent of 5 acres. Therefore, the Tahsildar sends a notice to the Society to show documents whereby the Society had title to the extent of 5 acres in the Subject Land. However, as the Society failed to furnish its reply, the Tahsildar passed an order dated 25.07.2009, whereby the Society was directed to be evicted from 5 acres of the Subject Land, as the Society was in illegal encroachment of the same.

10. Thereafter, the Society challenged the Tahsildar's order dated 25.07.2009 before this Court in W.P. No. 26724/2009, wherein this Court, vide order dated 07.09.2009, directed the Society to exhaust their remedy

of appeal under the Karnataka Land Revenue Act, 1964 (**'KLR Act'**). The Society files a first appeal before Assistant Commissioner, which came to be dismissed vide order dated 19.01.2010, since the Society had chosen to not appear before Assistant Commissioner. The Society again challenges the order of the Assistant Commissioner dated 19.01.2010 before this Court in W.P. No. 29420/2009, wherein this Court, vide order dated 12.03.2010, directed the Society to exhaust their remedy of second appeal under the KLR Act. Even in the second appeal before the Deputy Commissioner, the Society had chosen not to appear; thus, the Deputy Commissioner, vide order dated 14.10.2010, dismissed the appeal and confirmed the order of the Tahsildar dated 25.07.2009.

11. This order of the Deputy Commissioner dated 14.10.2010 was unchallenged. Thereafter, the Tahsildar passes an order dated 14.09.2020, wherein the Society was directed to be evicted from extent of 5 acres over the Subject Land, upon which, the Society had illegally encroached. The Society challenged the Tahsildar's order dated 14.09.2020 before this Court in W.P. No. 10214/2020, wherein an interim order of stay was granted.

The State Government filed W.A. No. 578/2020, challenging that interim order of stay. A co-ordinate bench of this Court held that the order of the Tahsildar dated 14.09.2020 is only a consequential order to the earlier order of the Deputy Commissioner dated 14.10.2010, and as such, the order of stay was revoked. The Society approached the Hon'ble Supreme Court against the order of this Court dated 25.01.2021, passed in W.A. No. 578/2020, which was dismissed in S.L.P. No. 2645/2021.

12. To buttress their stand that the Subject Land was a government land, the respondents place reliance on the observations made by the Tahsildar, Assistant Commissioner and the Deputy Commissioner, in their orders referred to hereinabove, that the Subject Land was a government land. It is contended that once the Society was ordered to be evicted from the Subject Land on account of their illegal encroachment, it was the government who was the absolute owner of the Subject Land. As such, it is the stand of respondent no. 1 that as on the date of granting the Subject Land to respondent no. 20 on 02.02.2022, respondent no. 1 was the absolute owner of the Subject Land.

13. It is contended by the respondents that the Subject Land is a part of the larger portion of land in Sy. No. 63, which is a land of 12 acres. The land of 12 acres in Sy. No. 63 was ordered to be granted in the following manner: (i) 2 acres and 16 guntas granted in favour of one Shri. Mufat Kaval; (ii) 1 acre granted in favour of Billava Association; (iii) 1 acre and 20 guntas granted in favour of one Shri. ThotiYellappa; (iv) 3 acres and 13 guntas granted in favour of one Smt. Susheela Reddy; and (iv) balance of 4 acres and 4 guntas in Sy. No. 63 along with 15 guntas in Sy. No. 49 was granted in favour of respondent no. 20 for the purpose of establishing a State Intelligence Training Academy ('**SITA**'). Thereafter, Deputy Commissioner has issued an official memorandum dated 09.02.2022, followed by the Tahsildar issuing the possession certificate dated 03.03.2022, in favour of respondent No. 20.

14. It is also contended that the Subject Land was also the matter of litigation in R.A. No. 129/2021, wherein respondent no.3/Assistant Commissioner directed to change the name of grant in favour of Late Shri. Thoti Yellappa. Against this order of the Assistant Commissioner, certain public spirited persons filed a revision petition in

R.P. No. 331/2021, wherein respondent no.2/Deputy Commissioner rejected the application filed by the legal representatives of Late Shri. Thoti Yellappa and upheld the grant of the Subject Land in favour of respondent no. 20 on the ground that the documents relied upon by the applicants were fabricated. The applicants therein thereafter challenged the said order of the Deputy Commissioner before this Court in W.P.No. 22585/2021 and W.P.No. 8168/2022, wherein this Court had remanded the matter back to the Deputy Commissioner to reconsider the case by affording an opportunity of hearing to all necessary parties.

15. It is pointed out by the respondents that when the matter was remanded back to the Deputy Commissioner, petitioners nos. 1 to 3 had filed an application for impleading themselves. Before the Deputy Commissioner, the petitioners have also produced certain documents such as the Saguvali Chit, MR Entries and RTC's to contend that they were the absolute owners of the Subject Land, however, since the petitioners had only submitted photocopies and not original or certified copies of the same, the Deputy Commissioner had rightly dismissed the claim of the petitioners. Thus, the Deputy

Commissioner, vide order dated 17.08.2024, ordered for the Subject Land to be granted in favour of the respondent No.20.

16. Aggrieved by this order of the Deputy Commissioner dated 17.08.2024, passed in R.P. No. 331/2021, the petitioners approached the learned Single Judge by filing W.P. No. 30814/2024.

17. The learned Single Judge observed that by virtue of the three Saguvali Chits dated 29.11.1979, that had been allegedly granted by the then Tahsildar in favour of petitioners nos. 1 to 3, it was the petitioners who were the absolute owners of the Subject Land. The learned Single Judge had also relied upon the MR Entries and RTC's produced by the petitioners to state that the Subject Land was granted in favour of the petitioners as far back as in 29.11.1979.

18. The learned Single Judge also observed that when the Subject Land was granted to the petitioners in 29.11.1979, respondent no. 1 could not have granted the Subject Land in favour of respondent no. 20, without first cancelling the order of grant made in favour of petitioners.

It was further held that when no order of cancellation was made as against the petitioners from 1979 till date, the Deputy Commissioner did not have any authority to interfere with the order of grant made in favour of the petitioners after such a prolonged lapse of time.

19. Accordingly, the learned Single Judge, vide order dated 06.07.2026, set aside the order of the Deputy Commissioner dated 17.08.2024 in R.P. No. 331/2021 and also directed the Tahsildar to restore the mutation and RTC entries over the Subject Land in favour of the petitioners. Thereafter, the learned Single Judge passed another order on 20.07.2026, wherein it was observed that the order of respondent no. 1 dated 02.02.2022, the order of respondent no. 2/Deputy Commissioner dated 09.02.2022 and the order of respondent no. 4/Tahsildar dated 03.03.2022 was to be set-aside. It was further directed that the respondents are restrained from interfering with the Subject Land and that it was open for respondent no. 1 and 2 to grant a land to respondent no. 20, if found eligible, in accordance with law.

20. Being aggrieved by the order dated 06.07.2026 and 20.07.2026, passed by the learned Single Judge in W.P.

No. 30814/2024, the respondent nos. 1 to 4 and respondent no. 20 have approached the portals of this Court, in the instant intra-court appeal.

21. We have heard Shri. K. Shashi Kiran Shetty, the learned Advocate General for Shri M.N. Sudev Hegde, learned Additional Government Advocate, appearing for the respondents; Shri. K.N. Phanindra, learned Senior Counsel for Shri. Abhinay S, Shri. Gururaj Mamdy and Smt. Sriraksha Krishna Dixit, learned counsels appearing for petitioners Nos.1 to 2; and Shri. D.R. Ravishankar, learned Senior Counsel for Shri.Abhinay S., Shri. Gururaj Mamdy and Smt. Sriraksha Krishna Dixit, learned counsels appearing for petitioner No.3.

22. Shri. K. Shashi Kiran Shetty, the learned Advocate General appearing for the respondents submits that if it was indeed the petitioners case that they had title over the Subject Land, then throughout the entire time when the Society was in illegal encroachment of the Subject Land, the petitioners herein had chosen to remain quiet; and thus, an adverse inference can be drawn against this quietness of the petitioners. He further contends that the only time when the petitioners have concerned

themselves with the Subject Land is after the order dated 21.04.2022 passed by this Court in W.P.No. 22585/2021 and W.P.No. 8168/2022, wherein this Court had remanded the matter back to respondent no.2/Deputy Commissioner.

23. It is also submitted that before the Deputy Commissioner, the petitioners have not produced original or certified copies of the Saguvali Chits, MR Entries or the RTCs in order to establish their claim that it was indeed the petitioners who had title over the Subject Land. Reliance was also placed upon the observations of the Deputy Commissioner, wherein it was recorded that since the petitioners have only produced xerox copies of the said documents, it would cast a suspicion on the case set up by the petitioners.

24. It is the submission of the learned Advocate General that the Tahsildar is the custodian of the Record Room and all certified copies of all documents requested has to be attested by the Tahsildar. Further, that even if the Saguvali Chits and the Saguvali Chit Issue Register extract produced by the petitioners are to be considered, the said Saguvali Chit Issue Register extract is not in the same format as the one that is maintained by the office of the

Tahsildar. Additionally, that the original Saguvali Chit Issue Register maintained by the Tahsildar does not have an entry for the alleged issue of Saguvali Chits to the petitioners on 29.11.1979. These facts are relied upon to contend that the three Saguvali Chits dated 29.11.1979 and the Saguvali Chit Issue Register extract produced by the petitioners, are concocted documents.

25. It is also submitted by the learned Advocate General that the learned Single Judge has placed undue emphasis on the MR Entries and the RTC's to come to the incorrect conclusion that the petitioners had title over the Subject Land. The attention of this Court has been drawn to the judgments of the Supreme Court in the case of **Ajith Kaur v. Darshan Singh**¹ and the case of **Bhimbhai Mahadeo Khambekar v. Arthur Import and Export Company**,² wherein it has been held that mutation of a property in the revenue records are fiscal proceedings and neither does it create or extinguish title nor does it have any presumptive value on title. It only enables the person in whose favour mutation is recorded to pay the land revenue.

¹ (2019) 13 SCC 70.

² (2019) 3 SCC 191.

26. The learned Advocate General has also assailed the observations of the learned Single Judge that when there is fraud played at the behest the petitioners, the fraud vitiates and unravels everything, for which, there can be no limitation in the eyes of law. To buttress this argument, he places reliance upon a judgement rendered by a co-ordinate bench of this court in **V. Sreenivasiah v. State of Karnataka & Ors.**³

27. Per contra, Sri.K.N.Phaneendra and Sri.D.R.Ravishankar, learned Senior Counsels appearing on behalf the petitioners have vehemently opposed the instant intra-court appeal on all fours. It is their contention that the petitioners have been granted the Subject Land through the Saguvali Chits dated 29.11.1979. Pursuant to the said grant, the Subject Land was mutated in the revenue records in MR No. 4/1989-90. Reliance has also been placed on the RTCs for the years 1990-91 up to 1992-93 and again for the year 2021-22 to say that the petitioners have continuously and without interruption enjoyed the Subject Land for over three decades, until the

³ 2026 SCC OnLine Kar 7972.

very year immediately preceding the grant to respondent No. 20, on 02.02.2022.

28. It is the contention of the petitioners that when the petitioners were the grantees of the Subject Land, respondent no.1 illegally granted the Subject Land to respondent no. 20, without issuing any notice to the petitioners, and without considering the grant made in their favour on 29.11.1979.

29. The petitioners further contend that in light of the submissions of the respondent that respondent no. 20 was granted only 4 acres 4 guntas in Sy. No. 63 and 15 guntas in Sy. No. 49, the material question to be considered is whether the extent of land which has been granted to respondent no. 20, overlaps with the 5 acres and 10 guntas that has been earlier granted to the petitioners. Further, that until the authorities establishes the identity and boundaries of each parcel of land in Sy. No. 63 by a lawful survey, the grant made to respondent no. 20 cannot displace the petitioner's claim.

30. It is also contended by the petitioners that the mutation entries and the RTCs produced by them are

certified copies and that by virtue of section 133 of the KLR Act, a presumptive evidentiary value is conferred upon them which has not been rebutted by the respondents. It is further contended that the xerox copies of the Saguvali Chits dated 29.11.1979 are produced from the safe custody of the holder of the same and thus, no suspicion can be inferred on the genuineness of the said Saguvali Chits.

31. The petitioners further contend if it is indeed the respondents case that the documents produced by the petitioners are doubtful, then it is incumbent upon the respondents to verify the same with the original Grant Registers, Record-Room Copies, Saguvali Chits Issue Registers and connected revenue files, which are in the exclusive custody of the respondents. Further, that having failed to conduct search verification, it is not open to the respondents to draw an adverse inference against the petitioners on the ground that the petitioners had not produced originals or certified copies.

32. The petitioners also contend that the Deputy Commissioner, while exercising revisional jurisdiction, could not have converted the proceedings into a summary adjudication of title between the parties. That, as per

Section 136(2) and Section 136(3) of the KLR Act, the Deputy Commissioner cannot decide disputes involving title and possession and they are only authorised to decide entries based on the source of title. In this regard, the petitioners have placed reliance upon the judgments of this Court in ***K.R.Subramani v. State of Karnataka***⁴ and ***Smt.Jayamma v. State of Karnataka***.⁵ The petitioners rely upon these, among other, grounds to rigorously oppose the present intra-court appeal.

33. Having heard the learned Advocate General appearing for the respondents, learned Senior Counsels appearing for the petitioners, and having carefully perused the records of the case placed before us, the only point which requires our consideration is whether the respondents have made out a ground for us to interfere with the impugned order of the learned Single Judge.

34. The learned Advocate General, in support of the case of respondent no. 1, has placed heavy reliance upon the facts that the original Grant Register maintained by the Tahsildar does not disclose the names of petitioner nos. 1

⁴ W.A. No. 1063/2022.

⁵ 2020 SCC OnLine Kar 211.

to 3 as grantees of any portion of the Subject Land. It is on this basis that the learned Advocate General has strenuously contended that the three Saguvali Chits dated 29.11.1979, relied upon by the petitioners, are concocted and fabricated documents, inasmuch as no contemporaneous entry corresponding to the said grant exists in the original Grant Register.

35. On the other hand, the learned Senior Counsels appearing for the petitioners have drawn our attention to the three Saguvali Chits dated 29.11.1979, stated to have been issued in favour of petitioner nos. 1 to 3 by the then Tahsildar. It is contended that these documents, coupled with the subsequent mutation of the petitioners' names in the revenue records and the RTC extracts spanning several years, are sufficient to demonstrate that the grant was in fact made in favour of the petitioners.

36. On a perusal of the original Grant Register produced by the learned Advocate General, we find that there is no entry regarding the alleged grant made in favour of the petitioner Nos.1 to 3 in 29.11.1979. However, we find it very strange that the petitioners have produced three Saguvali Chits dated 29.11.1979 and extracts of the

Saguvali Chit Issue Register, which they claim to have been issued by the then Tahsildar.

37. At a prima facie level, the originals produced by the learned Advocate General cannot be reconciled with the copies provided by the petitioners. We find ourselves confronted, therefore, with two sets of documents pointing in opposite directions. In our view, this is a disputed question of fact that goes to the very root of the matter and it is an issue which cannot be resolved by this Court in the present appeal.

38. We may also note here that if it was indeed the case that the Subject Land was granted to the petitioners back on 29.11.1979, then nothing prevented the petitioners to safeguard their interest and secure the possession by impleading themselves in the proceedings when the Society was in illegal encroachment of the Subject Land.

39. We have also noted the contention that this Court, vide order dated 21.04.2022, passed in W.P. No. 22585/2021 and W.P. No. 8168/2022, had remanded the matter to the Deputy Commissioner in RP No. 331/2021.

The petitioners, who were silent all along, have only impleaded themselves in this proceeding of the Deputy Commissioner. The Deputy Commissioner had dismissed their claim, along with the claims of the original applicants, and upheld the grant of the Subject Land in favour of respondent No.20. **However, nothing prevented the petitioners to institute a fresh proceeding before the appropriate authorities to safeguard their interest, if any, instead of impleading themselves at a belated stage before the Deputy Commissioner.**

40. Considered in this light, the conduct of the petitioners would raise some questions as to the veracity of their claim over the Subject Land and this claim would require verification. As such, it would not be appropriate, at this stage, for us to render a finding either affirming the Saguvali Chit or the original Grant Register, without such verification being undertaken by the competent authorities.

41. Thus, the petitioner's claim over the Subject Land would require verification. As such, it would not be appropriate, at this stage, for us to render a finding either affirming the Saguvali Chit or the original Grant Register,

without such verification being undertaken by the competent authorities.

42. In these circumstances, we are of the view that the appropriate course is to remand the matter to the Deputy Commissioner for a fresh consideration. However, we clarify that we have not expressed any final opinion on the genuineness or otherwise of the official Grant Register or the Saguvali Chits and other documents produced by the petitioners.

43. We may note here that the learned Advocate General appearing for respondent nos. 1 to 4 and respondent No.20 and the learned Senior Counsels appearing for the petitioners have relied upon the judgements of this Court and of the Hon'ble Supreme Court. However, since we are not expressing any opinion on the merits of the matter, we do not wish to venture into an extensive analysis of the judgements.

44. The observations made by us hereinabove shall be borne in mind by the Deputy Commissioner, who shall conduct the fresh exercise in accordance with the following guidelines:

(i) While undertaking this exercise, the Deputy Commissioner shall issue notice to all the necessary parties, including the petitioners herein or their legal representatives, and ensure that they are provided opportunity to place any material to substantiate their stand;

(ii) The State shall also be permitted to place appropriate material on record to assist the Deputy Commissioner to arrive at a just conclusion of the present dispute;

(iii) The Deputy Commissioner shall also mandatorily obtain the assistance of the Deputy Director of Land Records & Survey Settlement ('**DDLRL**') to prepare a fresh sketch and survey of the Subject Land in order to precisely determine the metes and bounds of the land. The DDLR shall also prepare a superimposed sketch to determine if there is any overlap between the land of the petitioners and the land granted to respondent No. 20;

(iv) In the garb of surveying and demarcating the boundaries in compliance of this order, neither the Deputy Commissioner nor any other Revenue Authorities, shall interfere with the activities of respondent No. 20 and the possession of the SITA;

(v) The Deputy Commissioner shall also be at liberty to examine the original Grant Registers, Saguvali Chit Issue Registers, Record-Room copies, any other connected revenue records, in order to pass a reasoned order, in accordance with law and with due adherence to the principles of natural justice;

(vi) In light of the conflicting records being produced by the petitioners and the respondents, the Deputy Commissioner is also at liberty to send the documents for a forensic examination to a Central Government Forensic Laboratory in order to determine the genuineness of the documents produced by the petitioners;

(vii) In the event that the Deputy Commissioner comes to the conclusion that the

documents produced by the petitioners are forged and fabricated, then the Deputy Commissioner shall view the matter with utmost seriousness and the Deputy Commissioner shall not hesitate to launch appropriate criminal proceedings against the petitioners for fraud and forgery of official records;

(viii) In the interest of justice, we deem it appropriate to direct that the Deputy Commissioner shall complete the proceedings within six months from the date of receipt of a certified copy of this order, for which the parties herein shall extend their full co-operation without seeking undue adjournment. Deputy Commissioner will be at liberty to view any such adjournment with utmost seriousness and pass appropriate orders in their absence, without further notice;

(ix) The Deputy Commissioner and all revenue authorities are hereby strictly restrained from changing any entries in the revenue records until the conclusion of this exercise. Further, the revenue records shall also reflect the fact of the pending proceedings before the Deputy Commissioner.

43. As such, all contentions in this regard are kept open as we remand the matter for fresh consideration by the Deputy Commissioner.

Accordingly, the appeal stands disposed of, in the light of the observations made above.

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

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

KNM