



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO. 27316 OF 2025 (KLR-RES)

BETWEEN:

1. SMT. KALLAMMA
W/O SRI. THIMMARAYAPPA,
AGED ABOUT 65 YEARS.
2. SMT.MUNIVENKATAMMA
D/O SRI.CHIKKABADRANNA,
AGED ABOUT 55 YEARS.

BOTH ARE RESIDING AT
KENCHAPURA VILLAGE,
HUTHUR HOBLI, KOLAR TALUK-563 103

...PETITIONERS

(BY SRI.LOKESH L N, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
KOLAR DISTRICT, KOLAR-563 101.
2. THE ASSISTANT COMMISSIONER
KOLAR SUB-DIVISION,
RAMANAGARA - 563 101.
3. THE TAHASILDHAR
KOLAR TALUK, KOLAR-563101.
4. THE REVENUE INSPECTOR
HUTHUR HOBLI,
KOLAR TALUK-563101.



5. THE VILLAGE ACCOUNTANT
KENCHAPURA CIRCLE, HUTHUR HOBLI,
KOLAR TALUK-563101.
6. SMT.RATHNAMMA
W/O LATE SRIRAMAPPA
AGED MAJOR,
RESIDING AT KENCHAPURA VILLAGE,
HUTHUR HOBLI, KOLAR TALUK-563 103.

...RESPONDENTS

(BY SRI.SPOORTHY HEGDE N, HCGP FOR R1 TO R5,
SRI M S BADARI NARAYANA, ADVOCATE FOR R6)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 14/07/2025 PASSED IN LND/156/2025 BY THE RESPONDENT NO.1 (ANNEXURE-L) IN RESPECT OF THE LAND MEASURING 2 ACRES 35 GUNTAS AND 1 ACRE 15 GUNTAS IN SY.NO.33 OF KENCHAPURA VILLAGE, HUTHUR HOBLI, KOLAR TALUK AS ILLEGAL 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 petitioners are assailing the order dated 14.07.2025 (Annexure-L) passed by the respondent No.1 and the order dated 06.03.2025



(Annexure-H) passed by the respondent No.2 in respect of the land in question.

2. The relevant facts for adjudication of this writ petition are that the land bearing Sy. No.33 of Kenchapura Village, Kolar Taluk, is gomal land, totally measuring 64.02 acres and the petitioner No. 1 was in unauthorised occupation of the land to an extent of 2 acres 35 guntas and the petitioner No.2 was unauthorised occupant in the land to an extent of 1 acre 15 guntas.

3. The competent Authority, after considering the applications made by the petitioners herein, by grant order dated 03.06.2004 (Annexures-B and B1), granted land in favour of the petitioners. Thereafter the mutation was changed in the name of the petitioners. It is also stated that, the respondent No.6 herein has filed an appeal before the respondents-Authorities challenging the grant made in favour of the petitioners, alleging that the petitioners have possessed excess of land in contravention of Proviso to Section 94-A of the Karnataka Land Revenue



Act, 1964 and accordingly, the impugned orders have been passed by the respondents - Authorities (Annexures-H and L). Being aggrieved by the same, the petitioners have presented this writ petition.

4. Learned counsel appearing for the petitioners invited the attention of the Court to the grant orders produced at Annexures-B and B1 and submitted that, land to an extent of 2 acres 35 guntas and 10 guntas of karab land were granted in favour of petitioner No.1 and land to an extent of 1 acre 15 guntas in Sy. No.33 was granted in favour of the petitioner No.2. It is argued by the learned counsel that, after the revenue records stands in the name of the petitioners, the respondents-Authorities, after lapse of seventeen years at the instance of the application made by the respondent No.6, had interfered with the grant order made in favour of the petitioners and accordingly sought for interference.

5. It is also submitted by the learned counsel for the petitioners by referring to the order dated 02.04.2013



in WP No.32537-540/2011 and connected writ petition, order dated 21.01.2022 in WP No.9488/2014 and the order dated 20.03.2007 in WP No.21093/2005 contended that, the grant was made in favour of petitioners. The petitioners herein are the wives of Thimmarayappa and therefore sought for interference of this Court.

6. Per contra, Sri M S Badari Narayana, learned counsel appearing for respondent No.6 submitted that the respondent No.6 is in possession of the land in question and she has filed a suit in OS No.14/2022 seeking relief of declaration on the basis of adverse possession and further learned counsel contended that the respondent No.6 has also made an application seeking grant of land in question and accordingly sought for dismissal of the petition.

7. The learned High Court Government Pleader appearing for the respondents No.1 to 5 also sought to justify the impugned orders at Annexures-H and L and submitted that, the family had excess of land in contravention of the above provision contained under



Section 94-A of the Act, 1964 and therefore sought for interference of this Court.

8. In light of the submissions made by the learned counsel appearing for the parties, on careful consideration of Annexures-A to C1 would indicate that land to an extent of 2 acres 35 guntas and 10 guntas of karab land at Kenchapura Village of Kolar Taluk were granted in favour of petitioner No.1 and an extent of 1 acre 15 guntas in the very same survey number was granted in favour of the petitioner No.2.

9. The grievance of the respondent No.6 is that the petitioners are belonged to the same family and had excess of land in contravention of the Act and accordingly sought for interference of this Court. However, the perusal of the grant made in favour of the petitioners herein and the declaration of law made by this Court in the case of **Sri Chandrahasa Rai and others vs The Assistant Commissioner and another** (supra), wherein paragraph-9 reads as under:



"9. The proviso to Section 94-A(4) to the said Act states that the land granted together with the land already held by such person shall not exceed two hectares of 'D' Class land. The word 'person' is not defined in the said Act. Rule 108F of the said Rules, which deals with the eligibility for the land-grant, states, inter alia, that no person shall be eligible for the grant of the land unless he is not prohibited from holding or acquiring the land under the provisions of the Karnataka Land Reforms Act, 1961. The word 'person' is not defined in the said Rules. It is also interesting to notice that the word 'person' was defined by Section 2A (24) of the Karnataka Land Reforms Act, 1961. However, it was omitted from the Karnataka Land Reforms Act by Act No.1/1974 with effect from 1.3.1974. What emerges from this position is that the lands held by the other members of his family cannot be taken into account for the purpose of computing the two hectares of the 'D' class land while granting the land."

10. By looking into the proviso to Section 94-A of the Act, 1964 and the declaration of law made by this Court in the above case, wherein the land in question has been granted in favour of petitioners as narrated above is within the circumference of Section 94-A of the Act, 1964. It is to be noted that, even if the land is vested with the other family members and same cannot be considered for the purpose of computing the two hectares of the 'D' class land which require to be granted in favour of the respective grantees under the provisions of the Act, 1964.



11. In that view of the matter, I find force in the submissions made by the learned counsel of the petitioners. It is also yet another ground for setting aside the impugned orders passed by respondents-Authorities that the respondents-Authorities have interfered with the grant order made in favour of the petitioners after an inordinate delay of seventeen years of the grant made in favour of the petitioners.

12. In that view of the matter, following the declaration of law made by the Hon'ble Supreme Court in the case of **Joint Collector Ranga Reddy District and another vs D Narsing Rao and others** reported in **(2015) 3 SCC 695**, it is the duty of the respondents-Authorities to take decision in the matter within a reasonable period, and therefore as the petitioners were granted land in question during 2004 and after lapse of seventeen years, the respondent-Authorities are interfering with the same, and therefore taking into consideration the declaration of law made by the Hon'ble



Supreme Court, and this Court in the aforementioned decisions, I pass the following

ORDER

- i) Writ petition is allowed.
- ii) The order dated 14.07.2025 (Annexure-L) passed by the respondent No.1 and order dated 06.03.2025 (Annexure-H) passed by the respondent No.2 are hereby set aside.
- iii) The respondents-Authorities are directed to enter the name of the petitioners in the revenue records within a period of two months from the date of receipt of certified copy of this order.

**SD/-
(E.S.INDIRESH)
JUDGE**

BKM
List No.: 1 Sl No.: 50