



CNR: KAHC010596012023

NC: 2026:KHC:49040
WP No. 25690 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

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

WRIT PETITION NO. 25690 OF 2023 (KLR-RES)

BETWEEN:

1. SRI. P. NAGARAJ
S/O LATE PAPAIAH
AGED ABOUT 68 YEARS
R/A GUNDUR VILLAGE
BIDRAHALLI HOBLI
BENGALURU EAST TLAUK
PIN- 560049

REPRESENTED BY GPA HOLDER
SRI NARAYANA SWAMY
S/O MUNISWAMY GOWDA
AGED ABOUT 64 YEARS
SHIMSANDRA VILLAGE
SULIBELE HOBLI
HOSKOTE TALUK
BENGALURU RURAL DISTRICT
PIN - 562129.

2. SRI NAGARAJAPPA
S/O LATE PAPAIAH
AGED ABOUT 50 YEARS
R/AT GUNDUR VILLAGE
BIDRAHALLI HOBLI
BENGALURU EAST TALUK
PIN - 560049.

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



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3. SMT LAKSHMAMMA
W/O MUNIVENKATAPPA
AGED ABOUT 73 YEARS
R/AT GUNDUR VILLAGE
BIDRAHALLI HOBLI
BENGALURU EAST TALUK
PIN - 560049.
4. SMT LAKSHMAMMA
W/O SRINIVASA
AGED ABOUT 67 YEARS
R/AT GUNDUR VILLAGE
BIDRAHALLI HOBLI
BENGALURU EAST TALUK
PIN - 560049.
5. SMT GOWRAMMA
W/O KRISHNAPPA
AGED ABOUT 63 YEARS
R/AT GUNDUR VILLAGE
BIDRAHALLI HOBLI
BENGALURU EAST TALUK
PIN - 560049.
6. SRI MUNIVENKATAPPA
S/O PAPAIAH
AGED ABOUT 83 YEARS
R/AT GUNDUR VILLAGE
BIDRAHALLI HOBLI
BENGALURU EAST TALUK
PIN - 560049
7. SMT SAROJAMMA
W/O MUNE GOWDA
AGED ABOUT 63 YEARS
R/AT GUNDUR VILLAGE
BIDRAHALLI HOBLI
BENGALURU EAST TALUK
PIN - 560049



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PETITIONER NO.5 TO 7 ARE
REPRESENTED BY THEIR GPA HOLDER
SRI K NARAYANA SWAMY
S/O APPAJAPPA
AGED ABOUT 58 YEARS
R/A KUMBALAHALLI VILLAGE
KASABA HOBLI
HOSKOTE TALUK
BENGALURU RURAL DISTRICT
PIN- 562114.

...PETITIONERS

(BY SRI. VIJAYA KUMAR K.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY
REVENUE DEPARTMENT
M S BUILDING
BENGALURU - 560001.
2. THE TAHSILDAR
HOSKOTE TALUK
BENGALURU RURAL DISTRICT
HOSKOTE - 562129.
3. RANGE FOREST OFFICER
DEPARTMENT OF FOREST
HOSKOTE TALUK
HOSKOTE - 562129.

...RESPONDENTS

(BY SRI SHAMANTH NAIK, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF PRAYING TO CALL FOR
THE ORIGINAL RECORDS FROM THE R2 IN OM.LNDSR.130/77-
78 DTD 05.06.1978 IN RESPECT OF THE LAND IN SY.NO.77 OF



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CHOKKASANDRA VILLAGE, NANDAGUDI HOBLI, HOSKOTE TALUK AND SET ASIDE THE ORDER DTD 14.03.2023 PASSED BY THE R2 IN L.N.D.CR.78/2022-23, PRODUCED AT ANNEXURE-A AND CONSEQUENTLY DIRECT THE R2 TO RESTORE THE REVENUE RECORDS IN RESPECT OF THE LAND OF EACH PETITIONER MEASURING 3 ACRES IN SY.NO.77 OF CHOKKASANDRA VILLAGE, NANDAGUDI HOBLI, HOSKOTE TALUK, BY ALLOWING WRIT PETITION.

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, petitioners are assailing the order dated 14.03.2023 (Annexure - A) passed by the respondent No.2, inter-alia sought for direction to respondent No.2 to restore the revenue records in respect of the land in question.

2. The relevant facts for adjudication of this writ petition are that, the petitioners claim to be the original grantees of the portion of the land bearing Sy. Nos.77 and 78 of Chokkasandra Village, Nandagudi Hobli, Hosakote Taluk, Bangalore Rural District, totally measuring 193 acres and 23 guntas including 4 acres 10 guntas of kharab



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land belong to the petitioners. The petitioners have also stated that, the land in question has been granted in favour of petitioners No.1, 3 to 7 and father of petitioner No.2 on 05.06.1978 as per the saguvali chit produced at Annexures - B1 to B8. It is also stated that, the revenue records have been mutated in favour of the petitioners as per Annexure - C series. In order to evidence the grant made in favour of the petitioners, the petitioners have produced OM dated 05.06.1978 (Annexure - D), and the kimath has been paid by the petitioners as per Annexure-E series. The petitioners have also produced saguvali chit register extract at Annexure - F to the writ petition.

3. It is the case of the petitioners that, respondent No.2 has cancelled the saguvali chit made in favour of the petitioners. The petitioners have produced the copy of the order dated 29.10.1997 (Annexure - J) wherein one of the grantee has challenged the cancellation of grant made thereunder, and this Court vide order dated 29.10.1997



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(Annexure - J) allowed WP No.29284/1997, and as such, the matter was remanded to the Tahsildar for fresh consideration in the light of the observations made in the writ petition. Thereafter, the name of the said petitioner was restored in the revenue records.

4. It is also stated by the petitioners that, the Forest Department Corporation Ltd. has filed a suit in OS No.384/1995 before the Civil Judge (Jr. Dn.) and JMFC, Hoskote, and the Trial Court by judgment and decree dated 19.12.2002 (Annexure-K) dismissed the suit and the same has reached finality. Thereafter, the respondent - Authorities have passed an order dated 15.09.1989 (Annexure-M), and same was questioned before this Court in WP Nos.872-878/2017 and this Court vide order dated 28.02.2020 (Annexure-L), allowed the writ petition, and as such, remitted the matter to the Tahsildar to reconsider the issue afresh after affording an opportunity of hearing to all the parties concerned in the light of the provisions



contained under the Karnataka Land Grants Rules, 1969. Pursuant to the same, the respondent No.2 has passed an order dated 14.03.2023 (Annexure-A) which is impugned in this writ petition.

5. Heard Sri Vijaya Kumar K, learned counsel appearing for the petitioners and learned Additional Government Advocate for the respondents.

6. It is contended by Sri Vijaya Kumar K, learned counsel appearing for the petitioners by referring to the finding recorded by the respondent No.2 in the impugned order that the respondent No.2 has arrived at the conclusion that there is no grant records including the saguvali register, sketch and the mutation in the records. However, the petitioners have made an application through RTI, and the very same respondent No.2 has furnished the aforementioned documents, and therefore, it is contended by the learned counsel appearing for the petitioners that, the impugned order suffers from infirmity.



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It is also contended by the learned counsel appearing for the petitioners by referring to the Annexure - B series, wherein the respondent - Authorities have issued the Form No.2 based on the grant order, that the finding recorded by the respondent No.2 in the impugned order at Annexure-A requires to be set aside. Petitioners have also produced the sketch as per Annexure-H, wherein after the grant made in favour of the petitioners, the sketch has been prepared by the competent Authority, and therefore, it is contended by the learned counsel for the petitioners that, the finding recorded by the respondent No.2 requires to be set aside.

7. Sri Vijaya Kumar, learned counsel appearing for the petitioners by referring to the judgment and decree passed in OS No.384/1995 at Annexure-K submitted that, the respondent No.3 has filed a suit seeking relief of permanent injunction against the petitioners herein, and the said suit came to be dismissed and reached finality,



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and therefore contended that, there is no impediment as to the possession of the land in question, with the petitioners and insofar as the grantees similarly placed grantees are concerned.

8. It is also contended by the learned counsel appearing for the petitioners by referring to the order dated 28.02.2020 passed in WP Nos.872-878/2017 (Annexure-L) at paragraphs No.10 and 11 that, the respondent No.2 has not considered the observations made by this Court as to the genuineness of the grant made in favour of the petitioners, and therefore, sought for interference of this Court.

9. *Per contra*, Sri Shamanth Naik, learned Additional Government Advocate appearing for the respondents submitted that, the land in question belongs to the Forest Department, and therefore, submitted that, the impugned order passed by the respondent No.2 is just and proper, and it does not call for interference of this



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Court. It is also submitted by the learned Additional Government Advocate that, the claim made by the petitioners based on the grant records are fake in nature, and therefore, the petitioners are not entitled for relief in this writ petition.

10. In the light of the submissions made by the learned counsel appearing for the parties, on careful consideration of Annexure - B series would indicate that, the respondent - Authorities have issued the grant certificate in Form No.2 in respect of the land in question in favour of the petitioners. It is also forthcoming from Annexures - C series wherein the mutation has been made in favour of the petitioners based on the order of grant made in favour of the petitioners. The perusal of Annexure - H would indicate that, the sketch has been prepared by the respondent No. 2, specifying the grant made in favour of the petitioners herein which is bits in nature out of the



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total extent of the land out of vast extent of the land in question i.e. the land bearing Sy. No.77.

11. It is also forthcoming from the writ petition that, the Forest Department Corporation Ltd. has filed OS No.384/1995 in respect of the similarly placed grantees and the said suit came to be dismissed on 19.12.2002 (Annexure-K), wherein the finding has been recorded by the Civil Court that, the defendants therein are in possession of the land in question. It is also to be noted that, the respondent - Authorities have passed an order dated 15.09.1989 against the petitioners herein, and the same was questioned in WP Nos.872-878/2017 and this Court vide order dated 28.02.2020 (Annexure-L) allowed the writ petition and remitted the matter to respondent No.2 for fresh consideration. It is relevant to extract the observation made by this Court at paragraphs No.10 and 11 which reads as under:



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"10. Admittedly, the impugned order passed by the Tahsildar dated 15.09.1989 is already quashed by this Court in several writ petitions stated supra (Annexures – E, F, G and H) filed by the some of the grantees in respect of same Survey No.77 and the said orders have reached finality. However, after remand to the Tahsildar, what happened; whether enquiry is made or whether any orders were passed is not forthcoming in the statement of objections. Though the learned AGA submits that the Forest Department as long back as in the year 1935 has issued notification in respect of Survey No.77 measuring 44 acres 3 guntas and 54 acres 4 guntas, assuming for the sake of arguments, it comes only to an extent of 97 acres. Admittedly, according to their own statement, Survey No.77 measures to an extent of 193 acres 23 guntas and some of the grantees are in possession of their respective lands. Therefore, whether lands granted to the petitioners herein are genuine or bogus have to be reconsidered afresh by the jurisdictional Tahsildar.



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11. It is also not in dispute that the suit filed by the Forest Department seeking for injunction came to be dismissed by the Civil Judge (Jr.Dn.) & JMFC, Hoskote on 19.12.2002 and it has also reached finality. It is not the case of the State that they have enquired into the matter after remand and came to the conclusion that there are bogus grants. In absence of any material produced before this Court and in order to maintain parity among the grantees and also taking into consideration the several orders passed by this Court stated supra, the present writ petitions are also liable to be allowed by quashing the impugned order."

12. Perusal of the aforementioned observations would makes it clear that, the land bearing Sy. No.77, is vast land, wherein the portion of the land has been given to the Forest Department in the year 1935 as per the notification produced thereunder. In the land to an extent of 193 acres 23 guntas portion has been granted to the various grantees, and the same is forthcoming from the observations made by this Court at paragraph No.10. In



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the light of the observations made by this Court in the
aforementioned aspect, I have carefully considered the
finding recorded by the respondent No.2 in the impugned
order at Annexure-A.

13. The respondent No.2 having taken note of the
various documents referred to in the impugned order,
however, has arrived at a conclusion that, the documents
produced by the petitioners herein/respondents therein, is
not found in their office as to the grant orders, saguvali
chit, saguvali register, sketch and mutation. However, the
petitioners herein have produced the certified copies of the
aforementioned documents which were given to the
petitioners under the RTI application.

14. In that view of the matter, I am of the view
that, the finding recorded by the respondent No.2 is
without application of mind and not considering the
observations made by this Court as per the order dated
28.02.2020 in WP Nos.872-878/2017 (Annexure-L) and



the order dated 29.10.1997 in WP No.29284/1997 (Annexure-J), wherein the similarly placed grantee has filed the writ petition before this Court. In that view of the matter, the finding recorded by respondent No.2 requires to be set aside.

15. The second aspect of the matter is that, the petitioners have produced the certified copies of the Saguvali Chit, Saguvali Register and Mutation Register furnished by respondent No.2, which disclose the grant claimed by the petitioners to an extent of 21 acres in Sy. No.77 of Chokkasandra Village, Nandagudi Hobli, Hosakote Taluk, Bengaluru Rural District. A perusal of the sketch produced at Annexure-H would further indicate that Sy. No.77 comprises a vast extent of 193 acres. Further, the finding recorded by respondent No.2 in Annexure-A indicates that an extent of 154 acres in the said survey number has been granted in favour of the Forest Department.



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16. In that view of the matter, I am of the view that, the petitioners have made out a case for interference in this petition.

Accordingly, I pass the following:

ORDER

- i) The writ petition is allowed.
- ii) The order dated 14.03.2023 (Annexure-A) passed by respondent No.2 is accordingly set aside.
- iii) The respondent No.2 is directed to restore the revenue records in respect of the land of each of the petitioners to an extent of 3 acres in Sy.No.77 in terms of OM dated 05.06.1978 (Annexure-D) and the grant orders made in favour of the petitioners as per Annexure - B series within a period of three months from the date of receipt of certified copy of this order.

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

BKM
List No.: 1 Sl No.: 54