



CNR: KAHC010605032026

NC: 2026:KHC:47062
WP No. 27147 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2026

BEFORE

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

WRIT PETITION NO.27147 OF 2026 (KLR-LG)

BETWEEN:

1. SHRI. MANOOURS
S/O LATE MALLARAJE URS
AGED ABOUT 70 YEARS
R/AT NO.921 KANATHARAJ URS ROAD
OCC: PRIVATE SERVICE
LAKSHMIPURAM MYSURU – 570004.
REPRESENTED BY GPA HOLDER
SRI. B.N. SATHISHA
S/O NARASIMHAIAH
AGED ABOUT 48 YEARS
R/AT NO.41/1 6A, 12TH CROSS
RAMANUJA ROAD,
KEELE MOHALLA
LAKSHMIPURAM,
MYSURU – 570 004.

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

...PETITIONER

(BY SRI. G. A. SRIKANTE GOWDA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY



CNR: KAHC010605032026

NC: 2026:KHC:47062
WP No. 27147 of 2026

DEPARTMENT OF REVENUE
VIKAS SOUDHA
BENGALURU – 560001.

2. THE 'A' KHARAB DETERMINING
COMMITTEE
REPRESENTED BY
OFFICE OF DEPUTY COMMISSIONER
MYSURU DISTRICT,
MYSURU – 570004.
3. THE JOINT DIRECTOR OF
LAND RECORDS
UPOR K R CIRCLE
BENGALURU – 560001.
4. THE ASSISTANT DIRECTOR OF
LAND RECORDS
UPOR NAZARABAD,
MYSURU – 570010.
5. THE CITY SURVEY (UPOR)
REPRESENTED BY CITY
SURVEY PROJECT OFFICE
NAZARABAD,
MYSURU - 570010.
6. DEPUTY COMMISSIONER
MYSURU

...RESPONDENTS

(BY SRI. SKANDA R.K. RAO, AGA)



CNR: KAHC010605032026

NC: 2026:KHC:47062
WP No. 27147 of 2026

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE ENDORSEMENT DATED 24.08.2026 ISSUED BY THE 2ND RESPONDENT DEPUTY COMMISSIONER (ANNEXURE-V4) BEARING NO. DDLRMY-TECHOAKHA139/2026E1340932; AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

The learned Additional Government Advocate accepts notice for the respondents.

2. In this writ petition, the petitioner is assailing the Endorsement dated 24.08.2026 (Annexure-V4) issued by respondent No.2, *inter-alia*, sought a direction to the respondents to sanction permission/declare that the petitioner is entitled to make use of the A-Kharab land classified in Sy. No. 24/1 measuring 38 guntas, Sy. No. 24/3 measuring 3



CNR: KAHC010605032026

NC: 2026:KHC:47062
WP No. 27147 of 2026

guntas and Sy. No.24/4 measuring 20 guntas of Hiduvali land, in favour of the petitioner.

2. Heard Sri G. A. Srikante Gowda, learned counsel appearing for the petitioner, and Sri Skanda R. K. Rao, learned Additional Government Advocate appearing for the respondent-State.

3. Sri G. A. Srikante Gowda, learned counsel appearing for the petitioner, invited the attention of this Court to the order dated 30.10.2019 passed in W.P. Nos. 1337 and 8647 of 2019 (Annexure-L), wherein this Court, at paragraph 4, made an observation with regard to the decision to be taken by the appropriate Committee and accordingly this Court issued a writ of mandamus directing the competent authority to consider the case of the petitioner within an outer limit of three months.



CNR: KAHC010605032026

NC: 2026:KHC:47062
WP No. 27147 of 2026

4. In this regard, learned counsel appearing for the petitioner referred to the order dated 11.06.2021 passed in W.P. No.8893 of 2021 (Annexure-Q), wherein this Court directed the Technical Assistant of the Office of the Deputy Commissioner and the Ex-Officio Deputy Director of Land Records to take a decision in the matter with regard to the claim made by the petitioner in respect of the A-Kharab land, within an outer limit of three months.

5. Pursuant to the said order, the concerned authority, by Memorandum dated 10.01.2022 (Annexure-R), took a decision to modify the extent of land classified as 'A' Kharab, as per the Akarband, and rectification was accordingly carried out. Consequently, an extent of 1.21 acres in Sy. No. 24 of Nachanahalli Village, Mysuru Taluk, was classified as Kharab 'A' land.



CNR: KAHC010605032026

NC: 2026:KHC:47062
WP No. 27147 of 2026

6. It is contended by the learned counsel for petitioner that, as the decision had already been taken by respondent No.4 in terms of Rule 21 of the Karnataka Land Revenue Rules, 1966, and as such the respondent No. 2 has committed an error in seeking clarification with regard to the extent of A-Kharab land in respect of the subject property. Accordingly, he sought interference of this Court.

7. Sri Skanda R. K. Rao, learned Additional Government Advocate appearing for the respondent-State sought to justify the impugned order passed by the respondent-authorities, and further contended that clarification with regard to the extent of A-Kharab land was required to be obtained from respondent No. 6 and accordingly sought for dismissal of the writ petition.



CNR: KAHC010605032026

NC: 2026:KHC:47062
WP No. 27147 of 2026

8. In the light of the arguments advanced by the learned counsel appearing for the parties, it is necessary to refer to paragraphs 3 and 4 of the order dated 30.10.2019 passed by this Court in W.P. Nos. 1337 and 8647 of 2019 (Annexure-L), which read as follows:

"3. In the year 1982, an extent of 2 acres 21 guntas land in Sy.No.24/A and 24/B came to be acquired under the provisions of City of Mysore Improvement Act, 1903, which was questioned in W.P.No.408834/2012. By order dated 11.06.2013 this Court had allowed the writ petition declaring acquisition proceedings having lapsed insofar as it pertains to 2 acres 2 guntas of land in Sy.No.24/A and 24/B of Nachanahalli Village, Kasaba Hobli, Mysore Taluk. Thereafter sub-division is said to have taken place as per Annexure-G whereunder the phut kharab land over which residential building belonging to petitioner is located was classified as 'B' kharab land. Hence, petitioner claiming that it is an error in the classification and showing areas consisting of building belonging to petitioner in the land in question as 'B' kharab, a representation dated 21.10.2017 came to be submitted vide Annexure-H to third respondent for deletion of said entry. Thereafter fourth respondent by communication dated 06.12.2017- Annexure-J requested third respondent for guidance for



CNR: KAHC010605032026

**NC: 2026:KHC:47062
WP No. 27147 of 2026**

modification of khatha in the revenue records insofar as it relates to subject land. Thereafter, fourth respondent on directions from third respondent communicated by letter dated 24.03.2018 that buildings which are classified as kharab are used by the land owner for residential purpose and for putting up cowsheds and godown for stocking manure, it cannot be held as said land being used for government purposes. As such further direction was sought as per communication dated 24.03.2018-Annexure-K. Third respondent by considering these aspects by communication dated 19.07.2018-Annexure-L opined that kharab land is in possession of the land owner is in possession of land owner. On account of there being no reply with regard to consideration of petitioners' prayer for deleting the entry classifying the land in question as 'B' kharab, a representation came to be submitted by petitioner to second respondent-Committee on 22.11.2018- Annexure-N. On account of said Committee having not taken any decision, petitioner is before this Court.

4. Having heard Sri.Srikante Gowda, learned counsel appearing for petitioners and Sri.Y.D.Harsha, learned AGA appearing for respondents, records/case papers would disclose that a Committee is constituted for the purposes of determination viz., as to whether land in question is to be classified as 'B' kharab or not and second respondent has to take a decision in this regard. As such question of granting prayer sought for by the petitioners at prayers (a) and (b) extracted herein above by this Court, would



CNR: KAHC010605032026

**NC: 2026:KHC:47062
WP No. 27147 of 2026**

not arise. However, alternate prayer which has been sought for deserves to be granted, since examination of records would involve adjudication of factual aspects by the Committee. It is now stated by learned AGA that said Committee is in existence and as such it would be apt and appropriate to direct the said Committee to consider the application/representation of petitioner in accordance with law."

9. Perusal of the aforementioned order would indicate that the respondent No. 2-Committee was directed to consider the claim made by the petitioner within an outer limit of three months and to ascertain as to whether the land in question was liable to be classified as B-Kharab or otherwise. In this regard, the respondent-authority had taken a decision by issuing the Endorsement dated 22.01.2021. The said decision was questioned before this Court in W.P. No.8893 of 2021, which was disposed of on 11.06.2021 (Annexure-Q), wherein this Court, at paragraph 8, held as follows:



CNR: KAHC010605032026

NC: 2026:KHC:47062
WP No. 27147 of 2026

8. *The dispute, as is obvious from the undisputed facts and circumstances and the rival submissions, is as to the nature of kharab in the lands in Survey No.24/1 and Survey No.24/3 of Nachanahalli village, Kasaba Hobli, Mysore Taluk. The petitioner contends that such kharab would be 'A' kharab while the authorities now state that they will examine the same in the light of the earlier records under Rule 36 of the Karnataka Revenue Rules, 1966. The petitioner and his predecessor-in-title have initiated multiple proceedings. Though the petitioner is backed by certain reports by the Office of the Joint Director of Land Records, the competent Authority - the Technical Assistant of the Office of the Deputy Commissioner and Ex-officio Deputy Director of Land Records - will have to undertake the necessary process for effective determination. Therefore, the writ petition is disposed of permitting the petitioner to file a detailed representation with the Technical Assistant of the Office of the Deputy Commissioner and Ex-officio Deputy Director of Land Records, Mysore enclosing the certified copy of this order as also the communication dated 05.06.2021. The petitioner may file such representation within four [4] weeks from the date of receipt of certified copy of this order. The Technical Assistant of the Office of Deputy Commissioner and Ex-Officio Deputy Director of Land Records shall within a period of three [3] months from the date of receipt of such representation, take appropriate decision strictly in accordance with law.*



CNR: KAHC010605032026

NC: 2026:KHC:47062
WP No. 27147 of 2026

10. A perusal of the aforementioned order would indicate that this Court directed the Technical Assistant of the Office of the Deputy Commissioner and the Ex-Officio DDLR to take a decision in the matter within an outer limit of three months with regard to the nature of Kharab land in Sy. Nos. 24/1 and 24/3 of Nachanahalli Village, Mysore Taluk.

11. It is the contention of the petitioner in the said writ petition that the land is A-Kharab land and that the respondent-authorities were required to examine the same in the light of the earlier records and the applicability of the provisions of the Karnataka Land Revenue Rules, 1966.

12. Pursuant to the said order, the Project Office of City Survey, Nazarabad, Mysuru, by Memorandum dated 10.01.2022 (Annexure-R), rectified the Akarband and recorded that an extent of 1.21 acres



CNR: KAHC010605032026

NC: 2026:KHC:47062
WP No. 27147 of 2026

out of the total extent of 4.07 acres in Sy. No. 24 of Nachanahalli Village be classified as 'A' Kharab land.

13. In view of the above, as a decision has already been taken by the respondent-authority pursuant to the orders passed by this Court referred to hereinabove, and in the light of Rule 21(2) of the Karnataka Land Revenue Rules, 1966, the reasons assigned by respondent No.6 in the impugned Endorsement dated 24.08.2026 (Annexure-V4), seeking further clarification with regard to the extent of A-Kharab land, cannot be sustained and reasons assigned is untenable. Accordingly, I find force in the submissions made by the learned counsel appearing for the petitioner.

14. For the foregoing reasons, the writ petition is **allowed**. The Endorsement dated 24.08.2026



CNR: KAHC010605032026

NC: 2026:KHC:47062
WP No. 27147 of 2026

(Annexure-V4) passed by respondent No. 6-Deputy Commissioner is hereby set aside.

15. A writ of mandamus is issued to respondent No. 6 to accord permission to the petitioner to make use of the A-Kharab land classified in Sy. No.24, in terms of the official Memorandum dated 10.01.2022 (Annexure-R), in accordance with law, within an outer limit of two months from the date of receipt of a certified copy of this order.

SD/-
(E.S.INDIRESH)
JUDGE

SB:
List No.: 1 Sl No.: 38