



CNR: KAHC010632882024

NC: 2026:KHC:47603-DB
WA No. 1631 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT APPEAL NO.1631 OF 2024 (GM-RES)

BETWEEN:

SRI S. SIDDALINGA PRASAD
S/O. P. SIDDAPPA,
AGED ABOUT 54 YEARS,
R/O. WARD NO.9, VINOBBHANAGAR,
TUMAKURU - 572 101.

...APPELLANT

(BY SRI. RAMESH K.R., ADVOCATE)

AND:

1. THE REGIONAL TRANSPORT OFFICER,
TUMAKURU DISTRICT,
TUMAKURU - 572 101.
2. THE TAHSILDAR,
KORATAGERE TALUK,
KORATAGERE - 572 129.
3. THE DEPUTY COMMISSIONER,
TUMAKURU DISTRICT,
TUMAKURU - 572 101.
4. SRI. C.M. SIDDAPPA
S/O. LATE MALLAIAH,
AGED ABOUT 59 YEARS,

Digitally signed
by C K LATHA
Location: High
Court of
Karnataka



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5. SRI. C.M. SIDDAGANGAPPA
S/O. LATE MALLAIAH,
AGED ABOUT 73 YEARS,

RESPONDENT NOS.4 & 5 ARE
R/O. CHANNAWODEYARAHALLI,
HOLAVANAHALLI HOBLI,
KORATAGERE TALUK,
TUMAKURU DISTRICT - 572 129.

6. SMT. MUDDAMMA
W/O. P. SIDDAPPA,
AGED ABOUT 67 YEARS,
R/O. WARD NO.9, VINOBBHANAGAR,
TUMAKURU - 572 101.

7. SRI. C.M. SIDDALINGAIAH
S/O. MALLAIAH,
AGED ABOUT 74 YEARS,

8. SRI. SHIVARAJU
S/O. MALLAIAH,
AGED ABOUT 64 YEARS.

RESPONDENT NOS.7 & 8 ARE
R/AT CHANNAWODEYARAHALLI,
HOLAVANAHALI HOBLI,
KORATAGERE TALUK,
TUMAKURU DISTRICT - 572 129.

...RESPONDENTS

(BY SRI. K.S. HARISH, GOVERNMENT ADVOCATE FOR R-2 & R-3;
R-1 AND R-4 TO R-8 ARE SERVED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE
ORDER DATED 23.07.2024 PASSED BY THE LEARNED SINGLE
JUDGE OF THIS HON'BLE COURT IN W.P.NO.6100/2015.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING,
THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:



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CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE K.S. HEMALEKHA)

1. For the reasons stated in the affidavit accompanying the application I.A.1/2024, the application is allowed, and the delay of 55 days in filing the appeal is condoned.
2. The present intra-court appeal is directed against the order dated 23.07.2024 [**the impugned order**] passed by the learned Single Judge in Writ Petition No. 6100/2015 [GM-RES], whereby the order dated 12.12.2014 passed by the Deputy Commissioner (respondent No. 3) confirming the auction sale of the subject property in favour of the appellant has been set aside.
3. The brief facts leading to the present appeal are that proceedings were initiated for the recovery of arrears of motor vehicle tax due from the owner, one C. M. Siddalingaiah (respondent No. 6 in the writ petition), as arrears of land revenue. In the course of these recovery proceedings, land bearing Sy. No. 29/2, measuring 7 acres 18 guntas, situated at Channawodeyarahalli Village, Holavanahalli Hobli, Koratagere



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Taluk, Tumkur District, was brought to public auction on 29.06.2005. The appellant emerged as the highest bidder, having offered a sum of ₹ 1,14,000/-

4. The matter was thereafter raised before the Deputy Commissioner for confirmation of the auction sale. At that stage, objections were raised by a member of the family of the defaulter, *inter alia* contending that the subject property is the joint family property and that the entire property could not have been brought for sale for recovery of the personal liability of the defaulter (respondent No.6). The objector also pointed out that a civil suit for partition in respect of the subject property and other joint family properties was pending.

5. On 12.11.2007, the Deputy Commissioner dismissed the matter for non-prosecution. The auction purchaser (the appellant) challenged the said order before this Court in W.P. No. 26675/2010. This Court, by its order dated 04.10.2010 quashed the order dated 12.11.2007 passed by the Deputy Commissioner and remanded the matter for fresh consideration, directing the Deputy Commissioner to examine the objections and decide the proceedings on merits. W.P. No. 26675/2010 was disposed of in



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the aforesaid terms. Pursuant to the said remand, the Deputy Commissioner afforded an opportunity of hearing to the parties and considered the objections raised against the confirmation of sale.

6. On 12.12.2014, the Deputy Commissioner in Case No. MSC (RC-5)CR.02/1999-2000 held that the objections to the auction sale had been filed beyond the period prescribed under Section 176 of the Karnataka Land Revenue Act, 1964 [**KLR Act**] and that the statutory requirement regarding deposit of the arrears and other amounts had not been complied with. The Deputy Commissioner by the order dated 12.12.2014, confirmed the auction sale in favour of the appellant.

7. Impugning the said order, the objectors filed Writ Petition No. 6100/2015 (GM-RES) before this court. The learned Single Judge, by the impugned order in the present appeal, set aside the order of confirmation on the ground that the auction purchaser/appellant had not deposited the entire bid amount of ₹ 1,14,000 in accordance with the terms of the auction.

8. The learned counsel appearing for the appellant submits that the auction was conducted on 29.06.2005 in accordance with law, and that the appellant emerged as the highest bidder by offering a



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sum of ₹ 1,14,000. It is contended that, after the auction, the Regional Transport Officer informed the Tahsildar that a sum of ₹30,000/- had already been deposited by the defaulter towards the tax arrears, and that the outstanding liability was only ₹ 83,520. Acting upon that communication and the direction of the authorities, the appellant deposited ₹ 84,000. On that basis, the appellant contends that he cannot be faulted for not depositing the entire amount of ₹ 1,14,000.

9. It is submitted that there was no allegation or finding of any fraud, material irregularity or illegality in the conduct of the auction. The auction was publicly notified, and several bidders participated therein. The appellant, having emerged as the highest bidder and having deposited ₹ 84,000 pursuant to the direction of the authority, had a legitimate expectation that the sale should be confirmed.

Reasons and conclusions

10. The auction notice dated 14.06.2005 indicated that a sum of ₹ 1,13,520 was sought to be recovered as arrears of land revenue from respondent No.6. It is no doubt true that respondent No. 6 had, prior thereto, deposited a sum of ₹ 30,000 before the Karnataka Appellate Tribunal and consequently the actual



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outstanding liability was reduced to ₹ 83,520. However, in so far as the auction proceedings are concerned, the auction had been initiated for recovery of ₹ 1,13,520 and the appellant participated in the auction on that basis. The subsequent adjustment of the amount deposited by respondent No. 6 would not absolve the auction purchaser/appellant of the obligation to comply with the terms and conditions governing the auction. It is relevant to refer to the conditions of the auction notice, which are extracted below :

"01) Those who wish to bid in the auction must pay a deposit of Rs. 15,000-00 in advance.

02) If the auction is less than the fixed amount, a second auction will be held.

03) If the amount of the auction is less than the first auction amount, the amount lost will be recovered from the first auctioneer as arrears in the form of revenue.

04) If the profit is more than the first auction in the auction, the profit will not be paid to the first auctioneer.

05) Those who participated in the auction and made the highest bid must pay the full amount immediately after the auction ends.

06) The Tahsildar Koratagere has the right to accept or reject the auction."

(emphasis supplied)

11. Clause 5 of the conditions of the auction specifically stipulates that the successful bidder was required to deposit the



entire bid amount immediately. The auction conducted on 29.06.2005 culminated in the appellant being declared the highest bidder for a sum of ₹ 1,14,000. However, the appellant deposited only a sum of ₹ 84,000 on 21.07.2005. Thus, the appellant neither deposited the entire bid amount nor complied with the express stipulation contained in the terms and conditions of the auction.

12. It is also significant that despite the outstanding liability being stated to have been reduced to ₹ 83,520 on account of the deposit made by respondent No. 6, the same did not affect the obligation of the appellant. The auction was conducted indicating the recoverable arrears as ₹ 1,13,520. Be that as it may, once the appellant participated in the auction and offered a bid of ₹ 1,14,000, he was bound by the conditions of the auction and was required to deposit the entire bid amount in terms thereof. The appellant could not seek to substitute the amount payable under the bid with the amount subsequently on the ground that respondent No. 6 had partially discharged his liability and the amount recoverable was reduced.

13. In these circumstances, the appellant's failure to deposit the entire bid amount in accordance with the stipulated terms rendered



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the subsequent confirmation of the sale in his favour unsustainable. The learned Single Judge has therefore rightly set aside the order confirming the auction sale passed by the Deputy Commissioner. We do not find any error or infirmity in the order of the learned Single Judge, warranting interference in this appeal.

14. This appeal is, accordingly, dismissed.

15. In view of the dismissal of the appeal, pending interlocutory application also stands disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(K.S. HEMALEKHA)
JUDGE**

CKL
List No.: 1 SI No.: 12