



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO.302 OF 2024 (KLR-RES)

C/W

WRIT PETITION NO.29359 OF 2023 (KLR-RES)

WRIT PETITION NO.29432 OF 2023 (KLR-RES)

WRIT PETITION NO.29464 OF 2023 (KLR-RES)

WRIT PETITION NO.16 OF 2024 (KLR-RES)

WRIT PETITION NO.25 OF 2024 (KLR-RES)

WRIT PETITION NO.43 OF 2024 (KLR-RES)

WRIT PETITION NO.113 OF 2024 (KLR-RES)

WRIT PETITION NO.161 OF 2024 (KLR-RES)

WRIT PETITION NO.214 OF 2024 (KLR-RES)

WRIT PETITION NO.263 OF 2024 (KLR-RES)

IN WP NO.302/2024

BETWEEN:

STATE OF KARNATAKA
REPRESENTED BY ITS
THE TAHASILDAR
ANEKAL TALUK
BENGALURU-562 106

...PETITIONER

(BY SMT.B.P.RADHA, AGA)

AND:

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



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

1. SRI.A.RAMALAKSHMI
D/O M.V.S.N MURTHI
2. SRI.M.SRIRAM MURTHI
S/O M.V.S.N MURTHI

BOTH ARE RESIDING AT
BILVARADAHALLI VILLAGE
JIGANI HOBLI
ANEKAL TALUK
BENGALURU - 560 083

3. THE SPECIAL DEPUTY COMMISSIONER - 2
BENGALURU SOUTH SUB-DIVISION
BENGALURU DISTRICT
BENGALURU - 560 009

...RESPONDENTS

(BY SRI.SPOORTHY HEGDE N, HCGP FOR R.3;
SRI.C.R.GOPALASWAY, SENIOR ADVOCATE FOR
SRI.BHARGAV G AND SMT.DEEPA, ADVOCATES
FOR C/R.1 AND R.2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
ORDER PASSED BY R2 DATED 20/08/2018 IN CASE NO.RRT(2)(A)
CR.278/2011-12, PRODUCED AT ANNEXURE-A AND ETC.

IN WP NO. 29359/2023

BETWEEN:

STATE OF KARNATAKA
REPRESENTED BY ITS
THE TAHASILDAR



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

ANEKAL TALUK
BENGALURU - 562106

...PETITIONER

(BY SMT.B.P.RADHA, AGA)

AND:

1. SRI SRIRAMAMURTHY
S/O MUTHYALA VENKATESH SATYA
NARAYANA MURTHY
RESIDING AT
BILVARAHALLI VILLAGE
JIGANI HOBLI
ANEKAL TALUK - 560099
2. THE SPECIAL DEPUTY COMMISSIONER-2
BENGALURU SOUTH SUB DIVISION
BENGALURU DISTRICT
BENGALURU - 560009

...RESPONDENTS

(BY SRI.SPOORTHY HEGDE N, HCGP FOR R.2;
SRI.C.R.GOPALASWAMY, SENIOR ADVOCATE FOR
SRI.BHARGAV G AND DEEPA, ADVOCATES FOR C/R.1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH
THE ORDER PASSED BY R2, DTD 16.08.2018, IN CASE
NO.RRT(2)(A)CR.295/2011-12, PRODUCED AT ANNEXURE-A
AND ETC.

IN WP NO.29432/2023

BETWEEN:

STATE OF KARNATAKA
REPRESENTED BY ITS



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

THE TAHASILDAR
ANEKAL TALUK
BENGALURU - 562 106

...PETITIONER

(BY SMT.B.P.RADHA, AGA)

AND:

1. SRI G.SUSHEELAKUMAR
S/O GNANACHAND
BILVAARADAHALLI VILLAGE
JIGANI HOBLI
ANEKAL TALUK - 562 106
2. THE SPECIAL DEPUTY COMMISSIONER-2
BENGALURU SOUTH SUB DIVISION
BENALURU DISTRICT
BENGALURU - 562 106

...RESPONDENTS

(BY SRI.SPOORTHY HEGDE, HCGP FOR R.2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE ORDER PASSED BY R2, DTD 05.03.18, IN CASE NO.RRT(2)(A)CR.268/2011-12, PRODUCED AT ANNEURE-A AND ETC.

IN WP NO.29464/2023

BETWEEN:

STATE OF KARNATAKA
REPRESENTED BY THE TAHSILDAR



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

ANEKAL TALUK
ANEKAL-562106

...PETITIONER

(BY SMT.B.P.RADHA, AGA)

AND:

1. THE SPECIAL DEPUTY COMMISSIONER -2
BENGALURU SOUTH SUB DIVISION
BENGALURU-560 001
2. SRI.SHRINIVASALU
S/O K.VENKATAIAH
AGE: MAJOR
RESIDING AT
MAHANTHALINGAPURA VILLAGE
JIGANI HOBLI
ANEKAL TALUK
BENGALURU URBAN DISTRICT - 560 105

...RESPONDENTS

(BY SRI.SPOORTHY HEGDE, HCGP FOR R.2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE ORDER PASSED BY THE SPECIAL DEPUTY COMMISSIONER-2, BENGALURU SOUTH SUB-DIVISION, BENGALURU VIDE ANNEXURE-A IN BEARING NO.RRT(2)CR.348/10-11 DTD 27.11.2017, VIDE ANNEXURE-A AND ETC.

IN WP NO.16/2024

BETWEEN:

STATE OF KARNATAKA
REPRESENTED BY ITS
THE TAHASILDAR
ANEKAL TALUK



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

BENGALURU-562106

...PETITIONER

(BY SMT.B.P.RADHA, AGA)

AND:

1. SRI.FARZAN
S/O SALAR MASOOD
RESIDING AT
BILVARAHALLI VILLAGE
JIGANI HOBLI
ANEKAL TALUK-562 106
2. THE SPECIAL DEPUTY COMMISSIONER-2
BENGALURU SOUTH SUB DIVISION
BENGALURU DISTRICT
BENGALURU - 560 009

...RESPONDENTS

(BY SRI.SPOORTHY HEGDE, HCGP FOR R.2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE ORDER PASSED BY R2, DTD 20.08.18, IN CASE NO.RRT(2)(A)CR.298/2011-12, PRODUCED AT ANNEXURE-A AND ETC.

IN WP NO.25/2024

BETWEEN:

STATE OF KARNATAKA
REPRESENTED BY ITS
THE TAHASILDAR
ANEKAL TALUK - 562106



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

BENGALURU

...PETITIONER

(BY SMT.B.P.RADHA, AGA)

AND:

1. SRI.K.AJMAL UDDIN SHERIFF
S/O K.K.SHARIFF
RESIDING AT
BILVARAHALLI VILLAGE
JIGANI HOBLI
ANEKAL TALUK - 560 099
2. THE SPECIAL DEPUTY COMMISSIONER - 2
BENGALURU SOUTH SUB-DIVISION
BENGALURU DISTRICT
BENGALURU - 560 009

...RESPONDENTS

(BY SRI.SPOORTHY HEGDE, HCGP FOR R.2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE ORDER PASSED BY R-2 DTD 16.08.2018 IN CASE NO.RRT(2)(A) CR 419/2011-12 PRODUCED AT ANNEX-A AND ETC.

IN WP NO.43/2024

BETWEEN:

STATE OF KARNATAKA
REPRESENTED BY ITS
THE TAHASILDAR



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

ANEKAL TALUK - 562106
BENGALURU

...PETITIONER

(BY SMT.B.P.RADHA, AGA)

AND:

1. SRI.K.AJMAL UDDIN SHERIFF
S/O K.K.SHARIFF
RESIDING AT
BILVARAHALLI VILLAGE
JIGANI HOBLI
ANEKAL TALUK - 560099
2. THE SPECIAL DEPUTY COMMISSIONER 2
BENGALURU SOUTH SUB DIVISION
BENGALURU DISTRICT
BENGALURU - 560 009

...RESPONDENTS

(BY SRI.SPOORTHY HEGDE, HCGP FOR R.2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER PASSED BY R2, DTD 20.08.18, IN CASE NO.RRT(2)(A) CR.418/2011-12, PRODUCED AT ANNEXURE-A AND ETC.

IN WP NO.113/2024

BETWEEN:

1. THE STATE OF KARNATAKA
DEPARTMENT OF REVENUE
M.S.BUILDING
BENGALURU - 560 001
REPRESENTED BY ITS PRINCIPAL SECRETARY



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

2. THE TAHSILDAR
ANEKAL TALUK
ANEKAL - 562 106

...PETITIONERS

(BY SMT.B.P.RADHA, AGA)

AND:

1. THE SPECIAL DEPUTY COMMISSIONER-2
BENGALURU SOUTH DIVISION
BENGALURU - 560 009
2. SRI.HANUMANTHAPPA BOYI
S/O CHOWDANA BOYI
AGE MAJOR
3. SMT.PARVATHAMMA
W/O SANJEEVANA BOVI
AGE MAJOR
4. SRI.CHANDRAMURTHY
MOHAN BABU
PRASHANTH KUMAR
REPRESENTED BY NATURAL
GUARDIAN (FATHER) MUNI REDDY
5. SRI.MUNI REDDY
S/O MUNISHAMAPPA

RESPONDENT NOS.1 TO 5
ARE RESIDING AT
TAMMANAYAKANAHALLI
KASABA HOBLI
ANEKAL TALUK - 562106



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

6. YASHODA
W/O VIJAY
JAMBUSAVARI DINNE
S.O.S. POST
J.P.NAGAR
8TH STAGE
BANNERUGHATTA ROAD
BENGALURU - 76

...RESPONDENTS

(BY SRI.SPOORTHY HEGDE, HCGP FOR R.1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS QUASHING THE ORDER PASSED BY THE SPECIAL DEPUTY COMMISSIONER-2, BENGALURU SOUTH SUB-DIVISION, BENGALURU IN BEARING NO.RRT(2)(A)CR.194/10-11 DTD 30.08.2018, PRODUCED AT ANNEURE-A AND ETC.

IN WP NO.161/2024

BETWEEN:

STATE OF KARNATKAKA
REPRESENTED BY ITS
THE TAHASILDAR
ANEKAL TALUK-562 106
BENGALURU

...PETITIONER

(BY SMT.B.P.RADHA, AGA)

AND:

NEHALUDDIN SHARIFF
SINCE DEAD BY HIS LRS

1. SMT. RABIYA SHARIFF
W/O NEHALUDDIN SHARIFF



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

2. KHAJA FARJANUDDIN SHARIFF
S/O NEHALUDDIN SHARIFF
3. KHAJA FARAJUDDIN SHARIFF
S/O NEHALUDDIN SHARIFF

ALL ARE RESIDING AT
NO.53, 4TH CROSS ROAD
LALBAGH ROAD
SHARIF GARDEN
BENGALURU-560 021

4. THE SPECIAL DEPUTY COMMISSIONER-2
BENGALURU SOUTH SUB DIVISION
BENGALURU DISTRICT
BENGALURU - 560 009

...RESPONDENTS

(BY SRI.SPOORTHY HEGDE N, HCGP FOR R.4;
SRI.C.R.GOPALASWAMY, SENIOR ADVOCATE FOR
SRI.BHARGAV G AND DEEPA, ADVOCATES FOR C/R.1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH
THE ORDER PASSED BY R2 DATED 30/08/2018 IN CASE
NO.RRT(2)(A)CR.395/2011-12, PRODUCED AT ANNEXURE-A
AND ETC.

IN WP NO.214/2024

BETWEEN:

STATE OF KARNATAKA
REPRESENTED BY ITS
THE TAHASILDAR



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

ANEKAL TALUK - 562106
BENGALURU

...PETITIONER

(BY SMT.B.P.RADHA, AGA)

AND:

1. SRI.SUNDARAM SHETTY
S/O K.MANJIAH SHETTY
MAJOR
RESIDING AT
BILVARADAHALLI VILLAGE
JIGANI HOBLI
ANEKAL TALUK
2. THE SPECIAL DEPUTY COMMISSIONER - 2
BENGALURU SOUTH SUB DIVISION
BENGALURU DISTRICT
BENGALURU

...RESPONDENTS

(BY SRI.SPOORTHY HEGDE N, HCGP FOR R.1;
SRI.C.R.GOPALASWAMY, SENIOR ADVOCATE FOR
SRI.BHARGAV S AND DEPPA, ADVOCATES)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE ORDER PASSED BY R2 DATED 16/08/2018 IN
CASE NO.RRT(2)(A) CR.09/2011-12, PRODUCED AT
ANNEXURE-A AND ETC.



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

IN WP NO.263/2024

BETWEEN:

STATE OF KARNATAKA
REPRESENTED BY ITS
THE TAHASILDAR
ANEKAL TALUK
BENGALURU - 562106

...PETITIONER

(BY SMT.B.P.RADHA, AGA)

AND:

1. K.K.SHERIFF
S/O LATE KHAJA MOHAMMAD KHADER SHERIFF
RESIDING AT
BILLAVARADAHALLI
JIGANI HOOBLI
ANEKAL TALUK
BENGALURU URBAN DISTRICT - 560083
2. GULAM RABANI
S/O RAFIK ULA HAK KHAN
3. MOHAMMED ABDUL KALAM
S/O GAGE MOHAMMED ABDUL NOOR
RESIDING AT NO H-42

BOTH ARE RESIDING AT
NO.H-42, DIAMOND DISTRICT APARTMENT
KODIHALLI AIRPORT ROAD
BENGALURU- 560008

4. THE SPECIAL DEPUTY COMMISSIONER - 2
BENGALURU SOUTH SUB DIVISION



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

BENGALURU DISTRICT
BENGALURU - 560002

...RESPONDENTS

(BY SRI.SPOORTHY HEGDE N, HCGP FOR R.4;
SRI.C.R.GOPALASWAMY, SENIOR ADVOCATE FOR
SRI.BHARGAV G AND DEEPA, ADVOCATES FOR
C/R.2 AND R.3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE ORDER PASSED BY R2 DATED 16/08/2018 IN
CASE NO.RRT(2)(A) CR.393/2011-12, PRODUCED AT
ANNEXURE-A AND ETC.

THESE PETITIONS, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

In this batch of petitions, the petitioner - State is
assailing the orders (Annexure-A) passed by the Special
Deputy Commissioner-2, Bengaluru South Sub-Division,
Bengaluru.

2. It is contended by Smt.B.P.Radha, learned AGA
appearing for the petitioner - State that the Presiding
Officer, who has passed the order at Annexure-A, has no
jurisdiction to pass the order under Section 136(3) of the



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

Karnataka Land Revenue Act, 1964 (for short 'Act, 1964') as the Presiding Officer belonged to the Karnataka Administrative Service (KAS) cadre. It is the Competent Authority to invoke the jurisdiction under Section 136(3) of the Act, 1964 is an officer of the Indian Administrative Service (IAS) cadre and therefore, sought for interference of this Court.

3. It is also argued by the learned AGA that the grants in favour of the private respondents in this batch of petitions have been made without considering the material available on record. It is further submitted that, in some of the cases, fraud has been alleged against the grantees and therefore, sought for interference of this Court and further submitted that the Special Deputy Commissioner-2 has no jurisdiction to entertain the revision under the provisions of the Act, 1964.

4. *Per contra*, Sri.C.R.Gopalaswamy, learned Senior Counsel appearing for Sri.Bhargav G and



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

Smt.Deepa, learned counsels appearing the caveator - respondent in some of the cases contended that the impugned order passed by the Authority has attained finality in view of the order dated 24.07.2026 passed by this Court in W.P.No.29003/2019 and further contended that the original Authority/Tahasildar himself, had filed the revision petition under Section 136(3) of the Act and therefore, contended that, the contention raised by the learned AGA cannot be accepted.

5. In the light of the submissions made by the learned counsel appearing for the parties and on careful consideration of the same, it would indicate that the respondent - the Special Deputy Commissioner-2, Bengaluru South Sub-Division, Bengaluru District, has exercised *suo motu* jurisdiction under Section 136(3) of the Act and on consideration of the material on record, had arrived at the conclusion by dropping the proceedings against the grantees/private respondents herein. In that



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

view of the matter, taking into consideration the findings recorded by respondent No.2, I am of the view that the arguments advanced by the learned AGA appearing for the petitioner - State cannot be accepted.

6. It is also forthcoming from the arguments advanced by the learned AGA that the impugned proceedings have been initiated by the Tahasildar based on the Government Order dated 10.10.2014 (Annexure-B in W.P.No.302/2024). However, looking into the well settled principle in law that as the original Authority itself had granted the lands in favour of the respondents herein based on the documents produced by them, the same cannot be considered as illegal. It is not in dispute that the lands in question are patta lands and that the grants have been made during 1970s and 1980s pursuant to the public auction conducted during the said period, which is more than four decades ago and in that view of the matter, I am of the view that no interference is called for



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

in these petitions. It is also to be noted that, in an identical matter in W.P.No.29003/2019, this Court has considered the very same issue. Paragraph Nos.8 to 10 of the said order are relevant and the same extracted, which reads as under;

"8. This Court in identical circumstances in W.P.No.29052/2019 c/w W.P.No.29051/2019 disposed of on 31.10.2023 and W.P.No.46616/2017 disposed of on 09.10.2023 at paragraph Nos.13 to 16 has held as follows;

"13. It is settled position of law that where no time is prescribed for exercise of suo motu revisionary powers, the same must be exercised within a reasonable period of time and is impermissible otherwise.

14. Even where fraud is alleged, delay would defeat the action of State to unsettle entries in long continuance especially where rights of third parties are created in the intervening period of inaction by the State.

*15. The observations of the Apex Court as regards the above aspects may be kept in mind before examining the legal position in light of the present facts. The leading judgment is that of the Apex Court in **Joint Collector Ranga Reddy District and Another v. D. Narsing Rao and Others**¹ [**Joint Collector Ranga Reddy District**]. The Apex Court has held that it is*



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

impermissible for the exercise of revisional powers under Section 166-B of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 F as regards alleged fraudulent entries when such power was sought to be exercised after 50 years.

"25. The legal position is fairly well settled by a long line of decisions of this Court which have laid down that even when there is no period of limitation prescribed for the exercise of any power, revisional or otherwise, such power must be exercised within a reasonable period. This is so even in cases where allegations of fraud have necessitated the exercise of any corrective power. We may briefly refer to some of the decisions only to bring home the point that the absence of a stipulated period of limitation makes little or no difference insofar as the exercise of the power is concerned which ought to be permissible only when the power is invoked within a reasonable period.

27. To the same effect is the decision of this Court in Ibrahimpatnam Taluk Vyavasaya Coolie Sangham v. K. Suresh Reddy [(2003) 7 SCC 667] wherein this Court held that even in cases of fraud the revisional power must be exercised within a reasonable period and that several factors need to be kept in mind while deciding whether relief



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

should be denied only on the ground of delay.

The Court said: (SCC p. 677, para 9)

"9. ... In cases of fraud, this power could be exercised within a reasonable time from the date of detection or discovery of fraud. While exercising such power, several factors need to be kept in mind such as effect on the rights of the third parties over the immovable property due to passage of considerable time, change of hands by subsequent bona fide transfers, the orders attaining finality under the provisions of other Acts (such as the Land Ceiling Act)."

28. To the same effect is the view taken by this Court in Sulochana Chandrakant Galande v. Pune Municipal Transport [(2010) 8 SCC 467 : (2010) 3 SCC (Civ) 415] wherein this Court reiterated the legal position and held that the power to revise orders and proceedings cannot be exercised arbitrarily and interminably. This Court observed: (SCC p. 476, para 28)

"28. The legislature in its wisdom did not fix a time-limit for exercising the revisional power nor inserted the words at any time' in Section 34 of the 1976 Act. It does not mean that the legislature intended to leave the orders passed under the Act open to



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

variation for an indefinite period inasmuch as it would have the effect of rendering title of the holders/allottee(s) permanently precarious and in a state of perpetual uncertainty. In case it is assumed that the legislature has conferred an everlasting and interminable power in point of time, the title over the declared surplus land, in the hands of the State/allottee, would forever remain virtually insecure. The Court has to construe the statutory provision in a way which makes the provisions workable, advancing the purpose and object of enactment of the statute."

29. In State of H.P. v. Rajkumar Brijender Singh [(2004) 10 SCC 585] this Court held that in the absence of any special circumstances a delay of 15 years in suo motu exercise of revisional power was impermissible as the delay was unduly long and unexplained. This Court observed: (SCC pp. 588-89, para 6)

"6. We are now left with the second question which was raised by the respondents before the High Court, namely, the delayed exercise of the power under sub-section (3) of Section 20. As indicated above, the Financial Commissioner exercised the power after 15 years of the order of the Collector. It is true that sub-section (3) provides that such a



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

power may be exercised at any time but this expression does not mean there would be no time-limit or it is in infinity. All that is meant is that such powers should be exercised within a reasonable time. No fixed period of limitation may be laid but unreasonable delay in exercise of the power would tend to undo the things which have attained finality. It depends on the facts and circumstances of each case as to what is the reasonable time within which the power of suo motu action could be exercised. For example, in this case, as the appeal had been withdrawn but the Financial Commissioner had taken up the matter in exercise of his suo motu power, it could well be open for the State to submit that the facts and circumstances were such that it would be within reasonable time but as we have already noted that the order of the Collector which has been interfered with was passed in January 1976 and the appeal preferred by the State was also withdrawn sometime in March 1976. The learned counsel for the appellant was not able to point out such other special facts and circumstances by reason of which it could be said that exercise of suo motu power after 15 years of the order interfered with was within a reasonable time. That being the position in our view, the order of the Financial Commissioner stands vitiated having been



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

passed after a long lapse of 15 years of the order which has been interfered with. Therefore, while holding that the Financial Commissioner would have power to proceed suo motu in a suitable case even though an appeal preferred before the lower appellate authority is withdrawn, may be, by the State. Thus, the view taken by the High Court is not sustainable. But the order of the Financial Commissioner suffers from the vice of the exercise of the power after unreasonable lapse of time and such delayed action on his part nullifies the order passed by him in exercise of power under sub-section (3) of Section 20."

30. We may also refer to the decision of this Court in Dehri Rohtas Light Railway Co. Ltd. v. District Board, Bhojpur [(1992) 2 SCC 598 : AIR 1993 SC 802] wherein the Court explained the legal position as under: (SCC pp. 602-03, para 13)

"13. The rule which says that the Court may not enquire into belated and stale claim is not a rule of law but a rule of practice based on sound and proper exercise of discretion. Each case must depend upon its own facts. It will all depend on what the breach of the fundamental right and the remedy claimed are and how delay arose. The principle on which the relief to the party on the grounds of laches



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

or delay is denied is that the rights which have accrued to others by reason of the delay in filing the petition should not be allowed to be disturbed unless there is a reasonable explanation for the delay. The real test to determine delay in such cases is that the petitioner should come to the writ court before a parallel right is created and that the lapse of time is not attributable to any laches or negligence. The test is not as to physical running of time. Where the circumstances justifying the conduct exist, the illegality which is manifest cannot be sustained on the sole ground of laches. The decision in Tilokchand case [Tilokchand Motichand v. H.B. Munshi, (1969) 1 SCC 110] relied on is distinguishable on the facts of the present case. The levy if based on the net profits of the railway undertaking was beyond the authority and the illegal nature of the same has been questioned though belatedly in the pending proceedings after the pronouncement of the High Court in the matter relating to the subsequent years. That being the case, the claim of the appellant cannot be turned down on the sole ground of delay. We are of the opinion that the High Court was wrong in dismissing the writ petition in limine and refusing to grant the relief sought for. We



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

however agree that the suit has been rightly dismissed."

31. To sum up, delayed exercise of revisional jurisdiction is frowned upon because if actions or transactions were to remain forever open to challenge, it will mean avoidable and endless uncertainty in human affairs, which is not the policy of law. Because, even when there is no period of limitation prescribed for exercise of such powers, the intervening delay, may have led to creation of third-party rights, that cannot be trampled by a belated exercise of a discretionary power especially when no cogent explanation for the delay is in sight. Rule of law it is said must run closely with the rule of life. Even in cases where the orders sought to be revised are fraudulent, the exercise of power must be within a reasonable period of the discovery of fraud. Simply describing an act or transaction to be fraudulent will not extend the time for its correction to infinity; for otherwise the exercise of revisional power would itself be tantamount to a fraud upon the statute that vests such power in an authority.

32. In the case at hand, while the entry sought to be corrected is described as fraudulent, there is nothing in the notice impugned before the High Court as to when



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

was the alleged fraud discovered by the State. A specific statement in that regard was essential for it was a jurisdictional fact, which ought to be clearly asserted in the notice issued to the respondents. The attempt of the appellant State to demonstrate that the notice was issued within a reasonable period of the discovery of the alleged fraud is, therefore, futile. At any rate, when the Government allowed the land in question for housing sites to be given to government employees in the year 1991, it must be presumed to have known about the record and the revenue entries concerning the parcel of land made in the ordinary course of official business. Inasmuch as, the notice was issued as late as on 31-12-2004, it was delayed by nearly 13 years. No explanation has been offered even for this delay assuming that the same ought to be counted only from the year 1991. Judged from any angle the notice seeking to reverse the entries made half a century ago, was clearly beyond reasonable time and was rightly quashed."

16. In the present petition, the petitioner has assailed the order of the Deputy Commissioner passed under Section 136(3) of the Act. In the said impugned order, the Deputy Commissioner had framed the following issue for consideration:-



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

"(ii) Whether the entries reflected in the name of alleged original grantee Shri Channakeshavaiah and subsequently in the names of the purchaser of the land Smt.Swaramayee, mother of the Respondent and later in the name of the Respondent in the revenue records stand to reason?"

10. Following the judgment passed by this Court in the aforementioned writ petitions, it is also forthcoming from the arguments advanced by the learned counsel appearing for the private respondents that, in W.P.No.29052/2019 c/w W.P.No.29051/2019 disposed of on 31.10.2023 in respect of the very same survey number, wherein this Court had an occasion to consider the validity of the suo motu proceedings initiated by the Authorities. Needless to state that, the Hon'ble Supreme Court in the case of **SHYAMO DEVI AND OTHERS Vs. STATE OF U.P THROUGH SECRETARY AND OTHERS** reported in **AIR 2024 SC 2862**, at paragraph Nos.11 to 15 reads as under;

11. Thus, it emerges from the afore-stated facts that the authorities initiated the proceedings for cancellation of the allotment initially based on the report dated 13.06.2007 of the Lekhpal which was undisputedly after 13 years from the date of allotment. It is no doubt true that there is no limitation fixed for initiation of the proceedings under the UPZALR Act as contended by the learned Counsel for the Respondents. This Court in *Additional Commssioner, Revenue and thers v. Akhalaq*



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

Hussain and Another, (2020) 4 SCC 507 vide paragraph 28 has held that sub-section (6) of Section 122C empowers the collector to enquire with regard to the manner of allotment being irregular and may proceed to cancel the allotment if he satisfies that such allotment is irregular. Section 122C (6) reads as under:

"122C (6) The Collector may of his own motion and shall on the application of any person aggrieved by an allotment of land under this section inquire in the manner prescribed into such allotment, and if he is satisfied that the allotment is irregular, he may cancel the allotment, and thereupon the right, title and interest of the allottee and of every other person claiming through him in the land allotted shall cease."

12. However, the question which requires to be addressed is whether such initiation of the proceedings can be at any length of time or at any point of time where no limitation is prescribed. This Court in State of Punjab Vs. Bhatinda Milk Producer Union Limited reported in (2007) 11 SCC 363 has held:

"18. It is trite that if no period of limitation has been prescribed, statutory authority must exercise its jurisdiction within a reasonable period. What, however, shall be the reasonable period would depend upon the nature of the statute, rights and liabilities thereunder and other relevant factors."



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

13. This Court had an occasion to consider similar issue in the matter of Ibrahimpatnam Taluk Vyavasaya Coolie Sangham v. K. Suresh Reddy, (2003) 7 SCC 667 namely the exercise of suo moto power under sub-section (4) of Section 50-B of Andhra Pradesh (Telangana Area) Tenancy and Agriculture Lands Act, 1950 (for short 'AP Act') i.e., can it be at any time or such power is to be exercised within a reasonable time and if so, within what time? The facts obtained in the said case was that the owners of the subtle land executed various sale deeds in favour of different persons on plain paper and possession of the lands was also delivered to the purchasers. The vendees applied under Section 50-B of the AP Act for validation of sales and the concerned Tehsildar issued validation certificates on various dates. The said orders of the Tehsildar came to be challenged before the Joint Collector of the District by the Special Tehsildar and authorised officer (land reforms) which appeals came to be dismissed in 1988. It is thereafter the Joint Collector issued show cause notices purporting to exercise the suo moto power under sub-section (4) of Section 50-B of the Act to both the vendors and the vendees as to why the validation certificates issued in the year 1974 or earlier should not be cancelled after considering the objections filed in response to the show cause notices, the Joint Collector set aside the validation certificates in 1989. The learned Single Judge before whom challenge was laid accepted the plea of the writ petitioners by arriving at a conclusion that suo moto power of revision ought to have been



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

exercised within a reasonable period, though Section 50-B (4) of the Act empowers the authority to exercise such suo moto power at any time. The impleading applicants who had filed the complaint, assailed the order of learned Single Judge before the Division Bench without success. In so far as the validation certificates which were found to be fraught with fraud came to be set aside by the Division Bench and also taking into account that the parties did not produce the documents.

14. Sub-section (4) of Section 50-B of the AP Act can be juxtaposition with sub-section (6) of Section 122-C of the UPZALR Act for immediate reference and it reads:

<i>Section 122-C(6) of UPZALR Act</i>	<i>Section 50-B (4) of AP Act</i>
<i>122-C (6) The Collector may of his own motion and shall on the application of any person aggrieved by an allotment of land under this section inquire in the manner prescribed into such allotment, and if he is satisfied that the allotment is irregular, he may cancel the allotment, and thereupon the right, title and interest of the allottee and of every other person claiming through him in the land allotted shall cease.</i>	<i>50-B (4) The Collector may, suo-motu at any time, call for and examine the record relating to any certificate issued or proceedings taken by the Tahsildar under this section for the purpose of satisfying himself as to the legality or propriety of such certificate or as to the regularity of such proceedings and pass such order in relation thereto as he may think fit: Provided that no order adversely affecting any person shall be passed under this sub-section unless such person has had an opportunity of</i>



CNR: KAHC010675322023

NC: 2026:KHC:40026
WP No. 302 of 2024
C/W WP No. 29359 of 2023
WP No. 29432 of 2023
AND 8 OTHERS

	<i>making his representation thereto.</i>
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10. *Following the declaration of law made by the Hon'ble Supreme Court in the aforementioned judgments, as the respondent No.14 - Authority has initiated suo motu proceedings under Section 136(3) of the Karnataka Land Revenue Act, 1964 after lapse of 5 decades without there being any acceptable reasons, I am of the view that no interference is called for in this case."*

Accordingly, the writ petitions are ***dismissed***.

In view of dismissal of these writ petitions filed by the petitioner - State, the concerned Tahasildar is hereby directed to restore and enter the names of owners of the land in question in the revenue records, if the entries have been altered during the pendency of these writ petitions, within a period of two months from the date of receipt of this order copy.

Sd/-
(E.S.INDIRESH)
JUDGE