



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO.28723 OF 2023 (KLR-RES)

BETWEEN:

1. COL. K M NANDA (RETD)
S/O LATE K M MUTHAPPA
AGED ABOUT 70 YEAS
NAPOKULU VILLAGE AND POST
KODAGU DISTRICT-571201.

...PETITIONER

(BY SRI. K.S. BHEEMAIAH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPTS BY ITS SECRETARY
REVENUE DEPARTEMNT
VIKASA SOUDHA
BENGALURU -560001.
2. THE REGIONAL DIRECTOR
REVENUE DEPARTMENT
MYSORE DIVISION
EYE VIEW VINOBA ROAD
MYSURU-570005.
3. THE DEPUTY COMMISSIONER
MADIKERI
KODAGU DISTRICT-571201.

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



4. THE ASSISTANT COMMISSIONER
MADIKERI TALUK
MADIKERI
KODAGU DISTRICT-570005.
5. THE TAHSILDAR
MADIKERI TALUK-570005
MADIKERI
KODAGU DISTRICT.
6. THE DEPUTY CONSERVATOR OF FOREST
MADIKERI DIVISION
MADIKERI
KODAGU DISTRICT-570005.

...RESPONDENTS

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

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENTS TO TAKE UP THE CASE OF THE PETITIONER AND RE-ENQUIRY INTO THE CASE OF THE PETITIONER AFRESH, AS THE LAND IN QUESTION WAS GRANTED AS PER THE RULE 122 OF THE THEN COORG LAND AND REVENUE REGULATION, 1899, BY THE DEPUTY COMMISSIONER OF COORG, MERCARA, THE THEN GOVERNMENT OF MYSORE, AND NOT AS PER THE KARNATAKA LAND GRANT RULES; AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



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

ORAL ORDER

1. Heard learned counsel appearing for the parties.
2. In this Writ Petition, petitioner has sought for a direction to the respondents to take up the case of the petitioner and re-enquire into the case of the petitioner afresh, as the land in question was granted as per the Rule 122 of the then Coorg Land and Revenue Regulation, 1899, by the Deputy Commissioner of Coorg, Mercara, by the then Government of Mysore, and not as per the karnataka Land Grant Rules.
3. It is argued by the learned counsel appearing for the petitioner by referring to Annexure-A, that the land in question has been granted in favour of father of the petitioner as per the Grant Order dated 22.06.1964 and thereafter the petitioner has paid the requisite amount to the Government, however, further action has not been taken as to the grant to be made in favour of the petitioner as per the Land Grant Rules.
4. Per contra, learned Additional Government Advocate submitted that the petitioner herein has not produced the order



of Grant and invited the attention of the Court to Annexure-A and submitted that there is no grant made in favour of the petitioner. Learned Additional Government Advocate submitted that though the petitioner has submitted the receipt for payment of Rs.21.69 paise (Annexure-C), however, petitioner has no legal right to claim writ of mandamus and accordingly, sought for dismissal of the Writ Petition.

5. Having heard the learned counsel appearing for the parties and on careful consideration of Annexure-A, I am of the view that, Annexure-A cannot be construed as the Grant Order made by the competent authority. Though learned counsel appearing for the petitioner referred to the payment made by the petitioner in terms of the communication dated 01.07.1964 (Annexure-B), I am of the view that, the petitioner has slept over the matter for more than sixty years and has woken up belatedly.

6. No acceptable explanation has been offered in the Writ Petition as to what action the petitioner has taken pursuant to Annexure-B and C, from 1964 onwards. In that view of the matter, following the declaration of law made by the Hon'ble



Supreme Court in the case of **Shivamma (Dead) by LRs Vs. Karnataka Housing Board and Others** reported in **2025 SCC OnLine SC 1969** and in **H. Guruswamy and Others Vs. A. Krishnaiah, since deceased by LRs**, reported in **2025 SCC OnLine SC 54**, as there is no sufficient cause shown by the petitioner as to not taking any action by the petitioner for a period of over sixty years and that apart, unless there a public duty cast on the respondents as on 01.07.1964, at this juncture no relief could be granted to the petitioner herein and therefore, the same cannot be interfered with.

7. Accordingly, the Writ Petition is dismissed.

8. I.A.1/2025 stands allowed.

SD/-
(E.S.INDIRESH)
JUDGE

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List No.: 1 Sl No.: 9