



CNR: KAHC010753752025

NC: 2026:KHC:52284
WP No. 35041 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

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

WRIT PETITION NO. 35041 OF 2025 (KLR-RES)

BETWEEN:

1. SRI. S.A. MANJUNATH
S/O LAWTE ANNAYAPPA
AGED ABOUT 77 YEARS.
2. SRI. S.M. LOHITH
S/O SRI S A MANJUNATH
AGED ABOUT 38 YEARS

BOTH ARE R/AT NO.5/1,
KARNIKA ROAD,
SHANKAR ROAD,JALA HOBLI
BENGALURU NORTH TALUK-562 157.

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

...PETITIONERS

(BY SRI. SUNIL S. RAO, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
DEPT OF REVENUE
VIDHANA SOUDHA



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BENGALURU - 560 001
REP. BY ITS SECRETARY.

2. THE SPECIAL DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT
BENGALURU -560 001.
3. THE ASSISTANT COMMISSIONER
BENGALURU NORTH SUB DIVISON
BENGALURU-560 003.
4. THE THASILDAR
BENGALURU NORTH TALUK
BENGLAURU DISTRICT-560 009.

...RESPONDENTS

(BY SRI. PRATHIMA HONNAPURA, AAG A/W
SRI. ADITYA DIWAKARA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDERS DATED 06.08.2025 AND 13.08.2025 ONE PASSED BY THE RESPONDENT NO. 2 IN CASE NOS. RRT(2)(NA)CR/1029/2009-10, RRT(2)(NA)CR/1042/2009-10, RRT(2)(NA)CR/1044/2009-10, AND RRT(2)(NA)CR/1045/2009-10, AS IT CONCERNS THE PETITIONER NO.1 FOUND AT ANNEXURE-B TO E RESPECTIVELY AND ORDER DATED 06.08.2025 ONE PASSED BY THE RESPONDENT NO.2 IN CASE NO. RRT(2) (NA)CR/1021/2009-10, AS AGAINST THE PETITIONER NO. 2 FOUND AT ANNEXURE-A.



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THIS WRIT PETITION HAVING BEEN RESERVED FOR
ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY,
E.S. INDIRESH J., MADE THE FOLLOWING:

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

CAV ORDER

1. In this writ petition, petitioners are assailing the orders dated 06.08.2025, and 13.08.2025, in case Nos.RRT (2) (NA) CR /1029/2009-10; RRT (2) (NA) CR /1042/2009-10 ; RRT (2) (NA) CR /1044/2009-10 and RRT (2) (NA) CR/ 1045/2009-10, (Annexures-B to E in respect of petitioner No.1) and order dated 06.08.2025, in RRT (2) (NA) CR/ 1021/2009-10 (Annexure-A) in respect of the petitioner No.2, passed by respondent No.2-Spl. Deputy Commissioner.

2. Relevant facts are that, the petitioner No.1 claims to have purchased the land bearing Sy.No.80 Block No.9, measuring 02 acres, having khata No.158 at



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Shettigere Village, Jala Hobli, Bangalore North Taluk, as per the Sale Deed dated 25.01.1996 (Annexure-F). It is stated that the aforesaid land was granted in favour of Smt. Kaveri, D/o. Poovaiah, as per grant order dated 12.10.1979, passed by Tahsildar, Devanahalli, and thereafter the petitioner No.1 purchased the aforementioned land. The revenue records transferred into the name of the petitioner No.1. It is further submitted that, the petitioner No.1 had purchased an extent of 02 acres of land in Sy.No.80, Block No.14 of Shettigere Village, Bangalore North Taluk, as per registered Sale Deed dated 15.03.1996 (Annexure-H). The aforementioned land was originally granted to one Bramhadevaiah, by the Tahsildar, Devanahalli, on 12.10.1979, and the record of rights is produced at Annexure-H1 and H2. After purchasing the same, revenue records stands in the name of the petitioner No.1. It is further stated that,



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land bearing Sy.No.80, Block No. 8 was granted in favour of one Annayappa, S/o. Muniyappa, on 12.10.1979 and after the death of said Annayappa, name of the petitioner No.1 has been reflected in the revenue records. It is further stated that the land bearing Sy.No.80, Block No.3 was also granted in favour of petitioner No.1 on 12.10.1979 (Annexure-K) and thereafter, the mutation entry transferred into the name of the petitioner No.1. It is further stated that, land bearing Sy.No.80, Block No. 5 of Shettigere Village, Jala Hobli, Bangalore North, was granted in favour of mother of petitioner No.2- Smt. Lalithamma on 12.10.1979 (Annexure-L) and thereafter, the revenue records stands in the name of mother of petitioner No.2.

3. It is the case of the petitioners that, the respondent No.2 has initiated suo-moto proceedings



under Section 136(3) of the Karnataka Land Revenue Act, 1964 (for short, the 'Act, 1964'), in RRT (2) CR No.2A/2001-02 against, some of the purchasers of the land in question including the petitioner No.1, and notice was not served in the said proceedings to the petitioner No.1. The aforementioned proceedings was dropped by respondent No.2 as per order dated 23.02.2005 (Annexure-M). It is further stated that, as per the order dated 23.02.2005, the Spl. Deputy Commissioner, Bangalore, has not expressed any irregularity with respect to the grant made in favour of the petitioners, and in the said proceedings, the grant made in favour of the one S. Venkatesh, son of Subbaiah, who is the beneficiary under order dated 12.10.1979. It is the case of the petitioners that, the respondent Nos.3 and 4, have filed report, to the respondent No.2, to initiate suo-moto proceedings in respect of subject land, and as such, the respondent



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No.2 has initiated proceedings under Section 136(3) of the Act, 1964. Respondent No.2 has passed impugned order at Annexures-A to E canceling the mutation and consequential entries, which are in favour of the petitioners.

4. I have heard Sri. Sunil S. Rao, learned counsel appearing for the petitioners and Smt. Prathima Honnapura, learned Additional Advocate General along with Sri. Aditya Diwakar, learned Additional Government Advocate for the respondent-State.

5. Sri. Sunil S. Rao, learned counsel appearing for the petitioners, contended that, the impugned orders passed by respondent No.2, is contrary to the records, and the respondent No.2 has passed impugned orders without summoning the records from the lower



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authorities before passing the impugned orders and therefore, sought for interference of this court.

6. It is argued by the learned counsel appearing for the petitioners that, the respondent No.2 has no jurisdiction to test the validity and correctness of the grant and Section 136(3) of the Act, 1964 empowers the Spl. Deputy Commissioner to test the validity of the entries in the RTC Extracts, and therefore, sought for interference of this court. It is also argued by the learned counsel appearing for the petitioners that, the grant orders are passed during the year 1977-78 and therefore, same cannot be interfered with after inordinate lapse of time. It is further argued by the learned counsel appearing for the petitioners that, the respondent No.2, has passed the impugned orders without subjective satisfaction as to the material



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available on record and therefore, sought for setting aside the impugned orders.

7. It is further argued by the learned counsel appearing for the petitioners, that, the finding recorded by the respondent No.2, is based on the findings recorded by the erstwhile Spl. Deputy Commissioner vide order dated 04.01.2013, which came to be set aside by this court in W.P.No.10979-83 of 2013, and therefore, as the said order has become inconsequential, placing reliance on the same by the respondent No.2, after remand, is required to be interfered with in this writ petition. It is further argued by the learned counsel appearing for the petitioners that, the respondent No.2 has not considered the earlier orders passed by the revenue authorities and foundational subjective satisfaction is absent in the



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impugned orders and therefore, sought for setting aside the impugned orders.

8. Per contra, Smt. Prathima Honnapura, learned Additional Advocate General argued that, the grant made in favour of the original grantees by the Tahsildar is without jurisdiction as the same has not been approved by the Government as per Rule 7 of the Karnataka Land Grant Rules, 1969 (for short, the Rules, 1969). It is further argued by the learned Additional Advocate General that, the Spl. Deputy Commissioner is having jurisdiction to exercise suo-moto powers, to test the validity of the grant, and the said authority has rightly arrived at a conclusion, that there is no record of any grant made on 12.10.1979, in land bearing Sy.No.80 of Shettigere village, and no such records were ever, transacted between the officers of the Government, and as no Government



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authorisation has been made for such grants by the Tahsildar and the petitioners have produced only the typed / Xerox copy of the Saguvali chit and no original or certified copies are produced and therefore, submitted that the grant made in favour of the vendors of the petitioners as well as the petitioners are of fictitious in nature and therefore, sought for dismissal of the writ petition.

9. It is further argued by the learned Additional Advocate General that, the erstwhile land bearing Sy.No.80 of Shettigere village, consisting about 207 acres and about 194 acres of land, had already been disposed of by the Government through public auction, and saguvali chits to such, grantees have been made, between the year 1942 and 1951 and their names have been mutated in the revenue records and as such, the remaining extent of land is



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only 13 acres 17 guntas of Government land, available for grant during 1979 as per the order of Joint Director of Land Records on 13.07.1979.

10. It is further argued by the learned Additional Advocate General that, the Tahsildar could not have granted, an extent of 32 acres, barely three months after the order dated 13.09.1979, where the land available for disposal was only 13 acres, 07 guntas and therefore, contended that, the alleged grant is factious one and accordingly, sought for dismissal of the writ petition.

11. It is also submitted by the learned Additional Advocate General that, the grantees claiming right in respect of land in question from the Tahsildar, who has no jurisdiction under Rule 7 of the Rules, 1969 to grant land for agricultural purpose more than, 02 Hectares of the land, and any such grant made by the



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Tahsildar, is required to be approved by the Government, and as there is no such record available with the Government and therefore, learned Additional Advocate General sought for dismissal of the writ petition.

12. It is further argued by the learned Additional Advocate General that, the father of the petitioner No.1-Annayappa, holds 09 acres, 34 guntas of Hiduvali land at Sathanur village, Yalahanka Taluk. The petitioner No.1, is the son of Sri. Annayappa, and grand son of Smt. Narayanamma (mother of Annayappa), and Smt. Lalithamma, is the wife of petitioner No.1-S.A. Manjunatha, and all four being members of the same family, within the meaning of Rule 2(6) Rules, 1969. The petitioners holds, a total extent of 23 acres, 24 guntas of Hiduvali land, as well



as granted land put together and therefore, sought for dismissal of the writ petition.

13. Learned Additional Advocate General places reliance on the judgment of this court, in the case of ***W.S. Insulators, of India Ltd now called as W.S. Industries (India) Ltd., Bangalore and others vs. Chief Secretary, Government of Karnataka and others*** reported in ***2008 SCC OnLine Karnataka 566*** and submitted that the Deputy Commissioner, is having jurisdiction to invoke suo-moto proceedings in the event of any fake or illegal grant made in favour of such grantees and therefore, sought for dismissal of the writ petition.

14. In the light of the arguments advanced by the learned counsel appearing for the parties, I have carefully examined the finding recorded by the respondent No.2. Perusal of the records would indicate



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that the land bearing Sy.No. 80, of Shettigere Village, Jala Hobli, earlier in Devanahalli Taluk. The land bearing Sy.No. 80 is totally measuring, 207 acres, 07 guntas, and the land is a gomal land belonging to the Government. It is the case of the respondent-State that, no land has been granted to anyone muchless the petitioners or their vendors during 1971 in land bearing Sy.No.80. Perusal of the finding recorded by the respondent No.2, would indicate that, no original grant order or contemporary records were produced by the petitioners to substantiate their grant alleged to have been claimed by them. It is also to be noted that, the petitioners claim land as per the grant orders on 12.10.1979 (Annexure-J, K, and L) wherein no schedule has been mentioned in the grant orders pertaining to the two acres each of the land alleged to have claimed by the petitioners. It is also to be noted that, the respondent-State has initiated proceedings



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under Section 136(3) of the Act, 1964 in respect of the land bearing Sy.No.79 and 80 of Shettigere Village, as to the petitioners, and by order dated 23.02.2005 (Annexure-M) the said proceedings came to be dropped and thereafter, as a respondent-authorities found that, the alleged grant made by the then Tahsildar, Devanahalli Taluk and such other documents claimed by the petitioners is not found in their office, particularly, the original documents and as such, made a verification in other departments like ADLR, DDLR and Joint Director as to the phodi and survey of the land effected by them as to the alleged land claimed by the petitioners and thereafter, found that there are no records available in the other departments, of the Land Record pertaining to the land in question, as to the alleged grant made in favour of the petitioners. It is also to be noted that, the petitioner No.1 has acquired Block No. 9 of Survey



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No.80, as per registered Sale Deed dated 25.01.1996 (Annexure-F), from one Kaveri, D/o. Poovaiah. The said Kaveri, was claiming right over the land based on the grant certificate dated 12.10.1979 by the Tahsildar, Devanahalli. The petitioner No.1 had acquired, 02 acres of land in Block No.14 of Sy.No.80 as per the registered Sale Deed dated 15.03.1996 (Annexure-H) from the original grantee Bramhadevaiah. It is also to be noted that Block No.8 of Sy.No.80 was granted in favour of one Annayappa (father of the petitioner No.1) to an extent of 02 acres, as per grant order dated 12.10.1979 (Annexure-J). Land bearing Block No.3 of Sy.No.80, was granted in favour of petitioner No.1, as per grant order dated 12.10.1979 (Annexure-K). Land bearing Block No.5 of Sy.No.80 was granted in favour of mother of petitioner No.2-Laliathamma, who is the wife of petitioner No.1-S.A.Manjunatha, as per grant



order dated 12.10.1979 (Annexure-L). It is pertinent to mention here that, the aforementioned grants has been made on same day i.e. on 12.10.1979 i.e. the two acres each of the land was granted in favour of the petitioner No.1, his father (Annayappa), and his wife-Smt. Lalithamma (mother of petitioner No.2) and also petitioner No.2 also claims to be granted on the same day. It is also to be noted that, there are no records in the office of the Tahsildar as to grant of land to the petitioner No.1, his wife and his father, grand mother and son (petitioner No.2). It is also pertinent to mention here that, the power of revenue officers to grant lands comes within the purview of Rule 7 of the Rules, 1969. Rule 7 was amended, on 23.04.2005, empowering the Deputy Commissioner to grant the land for agricultural purpose. As the petitioners are claiming that, land has been granted on 12.10.1979 and as such, the Tahsildar, Incharge of



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the Taluk, was empowered to grant two hectors of dry land or one hector of wet land or garden land. It is the case of the petitioners that, the respondent-Tahsildar has granted more than 13 acres of the land to the grantees. Rule 6 of the Rules, 1969, provides for priority in disposing of the land to the landless persons, or insufficient holders. It is also to be noted that, Rule 7(3)(iii) of the Rules, 1969 provides that the Tahsildar or any other authorities empowered to grant, required to grant in excess of land and then such authorities is required to send a proposal to the Government for sanction. Perusal of Annexure- R1, dated 13.07.1979 issued by the Joint Director of Land Records would indicate that the land available for disposal is only 13 acres, 07 guntas out of total extent of 207 acres, 07 guntas of land and therefore, the Tahsildar could not have granted 32 acres in favour of various grantees, particularly, three persons



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of the same family, who are the petitioners herein on the same day i.e.. 12.10.1979. This Court in the case of ***M. Manjegowda, vs. State of Karnataka*** reported in ***1978 SCC Online KAR 137*** at paragraph 6 held as follows:

"6. In Rule 7 of the 1969 Rules, the power of various Revenue Officers to grant lands for agricultural purposes or for plantation purposes with reference to the area indicated against each Revenue Officer has been conferred on the various Revenue Officers. Admittedly, the petitioner and respondent No. 4 had sought for the grant of S. No. 96, the area of which is 52.12 acres. In that view it has to be held that neither the Deputy Commissioner nor the Divisional Commissioner were competent to grant or reject the applications made by the petitioner, respondent No. 4 and others in S. No. 96 measuring an extent of 52.12 acres and that the one and the only authority that is competent to dispose of the applications for grant was the Government and not any other subordinate Revenue Officer. In the circumstances, the one and the only course that was open to the Deputy Commissioner was to consider the applications of the petitioner, respondent No. 4 and



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others if any and submit his recommendations to the Government for its consideration and orders under Rule 7(v) of the 1969 Rules. In my view, the Deputy Commissioner committed a manifest error of jurisdiction and illegality apparent on the face of the record in rejecting the application of the petitioner."

15. Applying the aforementioned principle to the case on hand, as the Tahsildar has no power to grant the land excess of the Rules made therein, to the extent sought for by the grantees in excess of two hectares and therefore, the contention raised by the learned Additional Advocate General is to be accepted.

16. It is also to be noted that, when the land which available for disposal is only 13 acres, 07 guntas, in Sy.No.80 of the Shettigere village, it is not forthcoming from the documents produced by the petitioners as to how the Tahsildar has granted 32 acres, in Sy.No.80 of the Shettigere Village, and this aspect has been considered by the respondent No.2,



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in detail while passing impugned orders and therefore, I do not find any merit in the writ petition.

17. Though the learned counsel appearing for the petitioners submitted that, the Spl. Deputy Commissioner has no jurisdiction to initiate suo moto proceedings under Section 136(2) of the Act, 1964, however, in view of the language employed under Section 136(3) of the Act, 1964, the Deputy Commissioner is empowered to call for and examined records pertaining to the records of rights of the disputed land and take decision in the matter in accordance with law. The said aspect of the matter was considered by the Division Bench of this Court in ***W.S. insulators of India Ltd.***, (supra) and therefore, the contentions raised by the learned counsel appearing for the petitioners cannot be accepted.



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18. It is well established principles in law, as laid down by the Hon'ble Supreme Court in the case of ***Mackinnon Mackenzie and Company Ltd., vs. Mackinnon Employees Union*** reported in **(2015) 4 SCC 544** that if a statutory provision prescribes a particular procedure to be followed by the respondent-authorities to do an act, under such circumstances, such authorities are required to follow in that particularly manner of fashion only and therefore, as the alleged grant of land by the then Tahsildar, Devanahalli Taluk, has not been approved or sanctioned by the respondent-State and therefore, I am of the opinion that, the contentions raised by the petitioners cannot be accepted.

19. Nextly, it is the argument advanced by the learned counsel for the petitioners that the satisfaction of the respondent-authorities is missing and absent in



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the impugned orders. In this regard on careful consideration of the impugned orders would indicate that respondent No.2 has summoned the original records from the Tahasildar, Devanahalli, Asst. Commissioner Bangalore North Sub-division, and orders of the Joint Director of Land Record, dated 13.07.1979 and as such, arrived at a conclusion after verifying the original records, that, the then Tahasildar has passed the orders of grant in favour of 16 persons under a single reference No. LND/SR/124/77-78 dated 12.10.1979, which is fictitious in nature. The perusal of the aforementioned orders of grant has been noticed by the respondent No.2, is with reference to land bearing Sy.No.90 of the Tarahunase village and is not in respect of land bearing Sy.No.80 of Shettigere village and said aspect has not been countered by the petitioners before the respondent No.2 and therefore, the argument advanced by learned Additional



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Advocate General that the claim made by the petitioners is based on concocted and fictitious documents is to be accepted. Taking into consideration the factual aspects on records, I am of the opinion that, as there is no original documents in the office of the Tahsildar, Devanahlali pertaining to the land claimed by the petitioners herein (grantees) nor contemporary documents in the office of the as Assistant Commissioner or the Deputy Commissioner and therefore, the entire case put forth by the petitioners is based on the Xerox copies of the alleged grant. In the absence of original documents, I am of the opinion that, the contention raised by the learned counsel appearing for the petitioners cannot be accepted for the reasons stated above. As the conclusion reached out by the respondent No.2, is supported by the documents on record and therefore, in view of the following the declaration of law made by



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the Hon'ble Supreme Court in the case of ***Maharashtra State Board of Secretary and Higher Secondary Education vs. K. S. Gandhi and others*** reported in ***(1991) 2 SCC 716***, I am of the opinion that, there is no perversity in the impugned orders and the respondent No.2 has verified the entire records in the right perspective and no contrary view has to be taken in this writ petition and as such, no interference is called for in this writ petition.

20. In the result, the writ petition stands ***dismissed*** as devoid of merits.

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

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