



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 38134 OF 2025 (KLR-RES)

BETWEEN:

SRI KUMAR H N
S/O NAGARAJAPPA
S/O LATE MARAPPA
AGED ABOUT 48 YEARS
R/O HOSAHALLI VILLAGE
JALA HOBLI, YALAHANKA TALUK
BANGALORE URBAN DISTRICT-561203.

...PETITIONER

(BY SRI. D P MAHESH., ADVOCATE)

AND:

Digitally signed by
JUANITA
THEJESWINI
Location: HIGH
COURT OF
KARNATAKA

1. THE STATE OF KARNATAKA
REP. BY CHIEF SECRETARY
DEPARTMENT OF REVENUE
M.S. BUILDING
BANGALORE-560001.
2. THE SPECIAL DEPUTY COMMISSIONER
BANGALORE URBAN DISTRICT
KANDAYA BHAVAN
BANGALORE-560009.
3. THE ASSISTANT COMMISSIONER
BANGALORE NORTH SUB-DIVISION



KANDAYA BHAVAN
BANGALORE -560009.

4. THE TAHASILDAR,
OFFICE OF THE TAHSILDAR,
YALAHANKA TALUK-560064
BANGALORE URBAN DISTRICT.

...RESPONDENTS

(BY SRI.SHAMANTH NAIK., HCGP)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE ORDER DATED 08.09.2025 PASSED R.R.T(DIS)132/2025 BY THE RESPONDENT NO.3 VIDE ANNEXURE-H, AS THE SAME IS CONTRARY TO THE ORDERS DATED 02.09.2024 PASSED IN R.A.(YLK) 462/2024 PASSED BY THE RESPONDENT NO.2 VIDE ANNEXURE-G AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE R DEVDAS

ORAL ORDER

Learned Counsel for the petitioner submits that earlier the Special Deputy Commissioner, Bengaluru Urban District initiated *suo motu* proceedings under Section 136(3) of the Karnataka Land Revenue Act, 1964, at the instance of the Tahsildar, against Sri M.Jayaramaiah and



Sri B.Srinivasaiah in proceedings bearing No.RRT (2) NA.CR.22/2006-07 dated 21.08.2010. The Special Deputy Commissioner, after verifying the original records and after finding an enquiry report of the Regional Commissioner, held that it is clear that by virtue of grant order dated 30.08.1984, in proceedings bearing No.B. Dis.LND (1) SR No.114/84-85 and LND.SR.196/84-85, five persons were granted various extents of land in Sy. No.21 of Hosahalli Village, Jala Hobli, Devanahalli Taluk. In the order of the Special Deputy Commissioner, the relevant portion of the enquiry report of the Regional Commissioner has been extracted. It is pointed out that Sri. M. Jayaramaiah was granted 2 acres 38 guntas, Sri M. Nagaraju was granted 4 acres, Sri Marappa was granted 38 guntas, Smt.Sampangamma was granted 2 acres and Sri A.Nanjappa was granted 2 acres. The property in question concerns Sri Marappa who was granted 38 guntas.



2. Learned counsel submits that the Special Deputy Commissioner dropped the proceedings initiated against the legal heirs of late Sri M. Jayaramaiah and Sri Srinivasaiah. The name of the other grantees and their legal heirs were continued in the computerized RTC. However, when the petitioner approached the Tahsildar seeking to continue his name in the computerized RTC, the Tahsildar declined to entertain the application. The petitioner therefore filed an appeal under Section 136(2) of the Act, before the Assistant Commissioner impleading the Tahsildar as the respondent. The Assistant Commissioner passed an order in proceedings bearing No.R.A.(YLK) No.462/2024 dated 02.09.2024 directing the Tahsildar, Yelahanka Taluk, to conduct a detailed enquiry by securing the relevant grant records to effect the mutation and register the katha in the name of the petitioner herein in respect of 38 guntas of land in Sy.No.21. However, the Special Tahsildar, Yelahanka Taluk, passed the impugned order at Annexure 'H',



declining to enter the name of the petitioner in the revenue records while directing the petitioner to approach the Special Deputy Commissioner. Learned counsel submits that when the names of the legal heirs of the other grantees have been entered and continued in the revenue records pursuant to the order passed by the Special Deputy Commissioner, it is clear that such an action on the part of the Tahsildar declining to enter the name of the petitioner in the revenue records would be a discriminatory action.

3. At this juncture, learned High Court Government Pleader submits on instructions that the order passed by the Special Deputy Commissioner which has been pointed out by the learned Counsel for the petitioner is one without authority of law. It is submitted that a Division Bench of this Court in W.P.No.10850/2021 dated 08.07.2021 has held that the Special Deputy Commissioners in the grades of KAS are not permitted to initiate *suo motu* proceedings under Section 136(3) of the



Act. The learned High Court Government Pleader would therefore submit that action is now sought to be taken against all the said persons in whose favour orders were passed by the Special Deputy Commissioner and the revenue entries made accordingly.

4. Having heard the learned counsel for petitioner, the learned High Court Government Pleader and on perusing the petition papers, this Court is of the considered opinion that the learned counsel for petitioner is right in submitting that discriminatory action cannot be permitted. When admittedly the names of the legal heirs of the other grantees have been entered in the revenue records, the Tahsildar could not have declined to enter the name of the petitioner or the legal heirs of late Sri Marappa in the revenue records. Merely because it is now stated that action will be taken against the other alleged grantees to remove their names from the revenue records, that by itself will not be a good reason to reject the application filed by the petitioner.



5. Moreover, this Court has held in the case of **Smt. Pyari ma and Others Vs. State of Karnataka and others** in W.P.No.22426/2021 dated 12.01.2022 that if action is sought to be initiated either *suo motu* or in exercise of power conferred under a statute, they shall be done within a reasonable time. Reliance was placed on two judgments of the Hon'ble Supreme Court in the case of **Mohamad Kavi Mohamad Amin Vs. Fatmabai Ibrahim, (1997) 6 SCC 71** and **Joint Collector Ranga Reddy District Vs. D. Narasing Rao and Others, (2015) 3 SCC 695**, where the Hon'ble Apex Court held as follows:

"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.”

Even in respect of the revisional jurisdiction, it was held that 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.”

6. Consequently, the writ petition is ***allowed***. The impugned order dated 08.09.2025 at Annexure 'H' passed by respondent No.4-Special Tahsildar, Yelahanka Taluk, Bengaluru Urban District, is hereby quashed and set aside. The Tahsildar shall call for information regarding the legal heirs of late Sri Marappa and proceed to enter their names in the revenue records as expeditiously as possible and at any rate within a period of two months from the date of receipt of a copy of this order.

Ordered accordingly.

Sd/-
(R DEVDAS)
JUDGE

JT/-
CT: JL