



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 39002 OF 2025 (KLR-RES)

BETWEEN:

SRI.C.N.SOMESHEKARA
S/O LATE CHIKKA NARAYANAPPA
AGED ABOUT 49 YEARS
R/A NAGANAYAKANAHALLI VILLAGE,
SOMANHALLI POST, UTTARAHALLI HOBLI,
BENGALURU SOUTH TALUK,
KARNATAKA-560062.

...PETITIONER

(BY SRI. JAYARAJA A.T., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY THE PRINCIPAL SECRETARY,
URBAN DEVELOPMENT DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU - 560001.
2. THE DEPUTY COMMISSIONER,
RAMANAGARA
BENGALURU SOUTH DISTRICT
KARNATAKA -571231.

...RESPONDENTS

(BY SRI.SHAMANTH NAIK., HCGP)

Digitally signed
by JUANITA
THEJESWINI
Location: HIGH
COURT OF
KARNATAKA



THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTICE BEARING NO. E-717323/2025 DTD. 09.07.2025 ISSUED BY THE DEPUTY COMMISSIONER, RAMANAGARA DISTRICT i.e. ANNEX-A AND DIRECT THE RESPONDENTS TO NOT TO TAKE COERCIVE ACTION AGAINST THE PETITIONER WITH RESPECT TO SY.NO. 354, MEASURING 1 ACRE 15 GUNTAS 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 High Court Government Pleader takes notice for both the respondents.

2. In this writ petition, the petitioner is aggrieved of the impugned notice dated 09.07.2025 at Annexure 'A' issued by the respondent-Deputy Commissioner, Ramanagara, Bengaluru South District, exercising his powers under Section 38A of the Karnataka Land Reforms Act, 1961, declaring certain areas as 'unrecorded



habitation', which also includes the land belonging to the petitioner's father.

3. Learned counsel for the petitioner submits that there are several judgments of this Court including a batch of writ petitions in W.P.No.101121/2022 and connected matters, which were disposed of on 23.01.2024, followed by orders passed in W.P.No.9321/2024 dated 22.01.2025 and W.P.No.103974/2022 dated 28.02.2025, where this Court has clearly held that the Court has come across several matters where notifications under Section 38A of the Act, 1961, have been issued by Deputy Commissioners without issuing any public notice and/or even verifying the revenue records. The Deputy Commissioners were advised that in future they shall firstly look into the revenue records, obtain the details as regards the lands which are proposed to be notified under Section 38A of the Act, before issuing any notification. It was directed that if entries are found in the revenue records showing an individual as the khathedar, then notices will have to be



issued to such persons who are the recorded kathedars. It was directed that if no entries are found, then the Deputy Commissioner will have to record such a statement that no entries are found in the revenue records, so that in the event of any challenge being raised, the Deputy Commissioner can fall back on the said information.

4. This Court has also considered the powers of the Deputy Commissioner as contained in Section 38A (1) of the Act, 1961. The provision reads as follows;

"(1) Notwithstanding anything contained in this Act or any other law for the time being in force, where in any village, agricultural labourer is ordinarily residing on dwelling house on a land not belonging to him in an unrecorded habitations like Lambani Tanda, Gollarahatti, Vaddarahatti, Kurubarhatti, Nayakarahatti, Majare Grama, Haadi, Doddi, Palya, Camp, Colony or any other such unrecorded habitations falling within the jurisdiction of that village, on the date of commencement of the Karnataka Land Reforms (Amendment) Act, 2016, which is notified as such by the Deputy Commissioner, specifying the survey numbers and boundaries in the pre scribed manner, such dwelling house or houses along with the site thereof and land immediately appurtenant thereto and necessary for its enjoyment shall, on the date of such notification by the Deputy



Commissioner, vest absolutely in the State Government, free from all encumbrances and the agricultural labourer shall be entitled to be registered as owner thereof."

5. It is therefore clear that if the revenue records disclose the fact that the lands are standing in the name of a private individual, then it will not permit the Deputy Commissioner to record the same as 'unrecorded habitations'. In that view of the matter, it is clear that in all cases where the revenue records would reveal or disclose the name of a private individual as the khathedar, then it would divest the Deputy Commissioner from power to proceed as 'unrecorded habitation'. From a perusal of the RTC at Annexure 'B', it is evident that the name of the petitioner's father was entered in the said document as khathedar of the said land.

6. In that view of the matter, the writ petition is **allowed**. The impugned notice at Annexure-A dated 09.07.2025 bearing No.E-717323, is hereby quashed and set aside. Consequently, it is hereby directed that



Tahsildar, Ramanagara Taluk, and the respondent-Deputy Commissioner, Bengaluru South District, shall immediately restore the name of the petitioner's father Sri Chikka Narayanappa in the revenue records.

7. Learned High Court Government Pleader is permitted to file memo of appearance within a period of four weeks from today.

Sd/-
(R DEVDAS)
JUDGE

JT/-
CT: JL