

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 2128 OF 2025 (KLR-LG)

BETWEEN:

1. STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE,
VIKASA SOUDHA, DR. AMBEDKAR VEEDHI,
BENGALURU -560 001.
2. THE SPECIAL DEPUTY
COMMISSIONER,
BENGALURU NORTH DISTRICT,
BEHIND KANDAYA BHAVAN, K.G. ROAD,
BENGALURU -560 009.
3. THE TAHSILDAR,
BENGALURU EAST TALUK,
K.R.PURAM, DOORAVANINAGAR,
BENGALURU-560 036.

...APPELLANTS

(BY SRI. B.RAVINDRANATH, AGA)

AND:

1. SRI.N VISHWANATH,
S/O NARAPPA,
AGED 54 YEARS,
RESIDING AT NO.256,
BAJANE MANDIRA ROAD,
RAMPURA VILLAGE,
BIDARAHALLI HOBLI,
BENGALURU EAST -560 049.

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by MALA K N
Location: HIGH
COURT OF
KARNATAKA

2. SRI. N.VENKATESH,
S/O NARAPPA,
AGED ABOUT 52 YEARS,
RESIDING AT NO.256, BAJANE MANDIRA ROAD,
RAMPURA VILLAGE, BIDARAHALLI HOBLI,
BENGALURU EAST -560 049.

...RESPONDENTS

(BY SRI.S.R.KAMALCHARAN, ADVOCATE FOR
SRI.PRADEEP S. SAWKAR, ADVOCATE FOR R1 & R2)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO A) SET ASIDE THE ORDER
DATED 11/06/2025 PASSED BY THE LEARNED SINGLE JUDGE
IN WP NO.19987/2023 AND B)CONSEQUENTLY DISMISS THE
WRIT PETITION NO.19987/2023 FILED BY THE RESPONDENT
AND C)GRANT SUCH OTHER RELIEFS.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR
ORDERS ON 25.08.2026 AND COMING ON FOR
PRONOUNCEMENT THIS DAY, **HON'BLE MR. JUSTICE
H.SHANTHI BHUSHAN** MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE D K SINGH
AND
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN)

This intra-court appeal has been filed impugning the
Order dated 11.06.2025 passed by the learned Single
Judge in W.P.No.19987/2023 (KLR-LG) whereby the
learned Single Judge quashed the order dated 12.01.2021
passed by respondent No.2 in RRT(2)(E)CR.24/2015-16.

2. For the sake of convenience, the parties are referred to as per their status before the learned Single Judge.

3. Facts in a nutshell for adjudication of this appeal are that the petitioners claim to be the owners and in possession of the subject land forming part of Sy.No.34 of Kada Agrahara Village, Bidarahalli Hobli, Hoskote Taluk. The land was originally granted in favour of Smt.Kamamma and Smt.Nanjamma under grant certificates dated 14.12.1961 and 11.06.1962 respectively. Thereafter, the original grantees alienated the said lands under registered sale deeds dated 19.02.1963 and 29.09.1965 and the petitioners' grandfather, Sri.Lakshmaiah, subsequently purchased the entire extent of 40 acres in Sy.No.34 under a registered sale deed dated 12.09.1967. After his death, the petitioners and other family members partitioned the property under a registered partition deed dated 31.03.2005, pursuant to which the revenue records were mutated in their names. Thereafter they continued in

possession of the property and paid property taxes. However, after several decades, the second respondent initiated proceedings in RRT(2)(E)CR.24/2015-16 and by order dated 12.01.2021, cancelled the original grants in favour of Nanjamma and Kamalamma and ordered resumption of the land by the Government. The petitioners contend that the impugned order was passed despite their long-standing possession and the registered documents under which their predecessor had acquired the property.

4. The principal grievance of the petitioners is that the impugned order is arbitrary, illegal and violative of the principles of natural justice. According to them, though petitioner No.1 appeared through counsel and filed objections, the matter was thereafter reserved for orders and without affording a proper and effective opportunity of hearing to the petitioners, the second respondent proceeded to pass the order dated 12.01.2021 in RRT(2)(E)CR.24/2015-16. It is further contended that the second respondent was not justified in cancelling a grant made nearly six decades earlier, particularly when the

petitioners and their predecessors had been in possession on the strength of registered documents and corresponding revenue entries. The petitioners also dispute the finding that the grant documents were bogus or fabricated. They contend that the alleged Official Memorandum dated 12.06.1962 could not have been held to be fabricated merely on the basis of the discrepancies noticed by the authority, especially when the petitioners had produced the original grant certificates, mutation records, RTC extracts and registered sale deeds. They, therefore, sought quashing of the order dated 12.01.2021 on the ground of non-application of mind, violation of principles of natural justice, lack of jurisdiction and the arbitrary exercise of power after an inordinate lapse of time.

5. The petitioners, accordingly, approached this Court by filing W.P.No.19987/2023 under Articles 226 and 227 of the Constitution of India, seeking quashing of the said order. The petitioners contended that the grant had been made in the years 1961-62, that the property had

thereafter been dealt with under registered sale deeds and had ultimately come to the petitioners' predecessor under a registered sale deed dated 12.09.1967, followed by a registered partition deed dated 31.03.2005. They further contended that the revenue records continued in their names and that the proceedings initiated by the second respondent after several decades were impermissible, apart from being in violation of the principles of natural justice.

6. The learned Single Judge, after considering the rival submissions and the records, allowed W.P.No.19987/2023 by order dated 11.06.2025. The learned Single Judge observed that the impugned proceedings had been initiated *suo motu* after an inordinate lapse of about five decades from the date of the original grant and held that the exercise of such revisional power after an unreasonable and unexplained delay could not be sustained. Relying upon the principles laid down in the decisions concerning exercise of quasi-judicial/revisional powers within a reasonable period, the

learned Single Judge held that delay and laches in initiating the proceedings vitiated the impugned order. Consequently, the writ petition was allowed and the order dated 12.01.2021 passed by the second respondent/Special Deputy Commissioner in RRT(2)(E)CR.24/2015-16 was quashed.

7. Aggrieved by the order passed by the learned Single Judge, the State has preferred the present intra-court appeal.

8. The respondents-State contend that the learned Single Judge erred in allowing W.P.No.19987/2023 by proceeding on the premise that the proceedings initiated by the second respondent were under Section 136(3) of the Karnataka Land Revenue Act, 1964 ('the Act'), whereas the proceedings were in fact initiated under Section 67(2) read with Section 136(3) of the Act.

8.1. It is further contended that the learned Single Judge ought to have appreciated that the dispute raised by the petitioners involves serious questions concerning to

the genuineness and validity of the grant certificates and the title claimed by them, which are matters requiring adjudication before the competent Civil Court. The respondents further contend that the petitioners relied upon the alleged grant certificates dated 14.12.1961 and 11.06.1962 in favour of Smt.Kamamma and Smt.Nanjamma respectively. It is the emphatic assertion of the State that they were forged and fabricated and that there were no corresponding entries relating to such grants in the revenue records.

8.2. It is further urged by the respondents that the learned Single Judge failed to appreciate the specific finding recorded by the second respondent regarding the absence of corresponding revenue entries and the circumstances indicating that the alleged grant certificates were subsequently created. The respondents would submit that fraud and fabrication vitiate all proceedings and that no right or title can be claimed on the basis of fraudulent or fabricated documents. The learned Single Judge, according to the respondents, ought not to have exercised

the writ jurisdiction to adjudicate disputed questions of fact relating to the validity of the grant and the title claimed by the petitioners. It is, therefore, contended that the impugned order dated 11.06.2025, whereby the order dated 12.01.2021 passed by the second respondent in RRT(2)(E)CR.24/2015-16 was quashed on the ground of delay and laches, is unsustainable in law and on facts, and is liable to be set aside.

9. We have heard the learned Additional Government Advocate for the State and Sri.S.R.Kamalcharan, learned counsel appearing for the petitioners and perused the material available on record.

10. Now the question that arises for our consideration is,

*"Whether the order of learned Single Judge warrants interference in this intra-court appeal?**

11. On a careful consideration of the material on record, we are unable to sustain the view taken by the learned Single Judge. The Special Deputy Commissioner,

while passing the order dated 12.01.2021 in RRT(2)(E)CR.24/2015-16, has noticed a material inconsistency between the **Official Memorandum dated 12.06.1962** and the alleged grant certificates relied upon by the petitioners. The grant certificates are stated to be dated **14.12.1961 and 11.06.1962**, whereas the Official Memorandum, which is stated to be the basis for the grant proceedings, was issued subsequently in point of time. This chronological inconsistency goes to the very root of the claim of grant.

12. The significance of the discrepancy cannot be brushed aside as a mere irregularity. If the Official Memorandum dated 12.06.1962 is the document pursuant to which the grant came to be made, there could not ordinarily have been a grant certificate evidencing such grant prior to the very memorandum on which the grant is said to be founded. In other words, a grant certificate dated 14.12.1961 cannot logically precede the Official Memorandum dated 12.06.1962, if the latter is the foundational document for the grant. This inherent

inconsistency casts a serious doubt on the genuineness and provenance of the grant certificates and lends support to the finding recorded by the Special Deputy Commissioner that the documents relied upon by the petitioners could not be accepted at their face value.

13. The subsequent sale deeds, mutation entries and other revenue records cannot, by themselves, cure a defect in the very source of title. The petitioners' claim traces back to the alleged original grants, and therefore, when the genuineness of those grants is itself seriously impeached by the documentary record, the subsequent transactions cannot confer a better title than what the original grantees possessed. The Special Deputy Commissioner has considered these aspects and recorded findings on the basis of the material available before him. We find no perversity or patent illegality in such findings warranting interference in writ jurisdiction.

14. The chronology of the documents assumes considerable significance. The alleged grant certificate in

favour of Kamalamma is dated 14.12.1961, whereas the Official Memorandum relied upon in support of the grant is dated 12.06.1962. If the latter document constitutes the sanction or foundational proceeding pursuant to which the grant was made, the existence of a grant certificate dated nearly six months prior thereto becomes inherently inconsistent with the very basis of the alleged grant. Such inconsistency cannot be brushed aside as a mere irregularity, particularly when the State has disputed the genuineness of the grant documents and the corresponding contemporaneous revenue records are absent. The Special Deputy Commissioner was, therefore, justified in examining the provenance of the documents and in concluding that the alleged grant could not be accepted merely on the strength of subsequent revenue entries and transactions.

15. At this juncture, it is relevant to refer to the following judgments relied upon by the learned counsel for the petitioners:

(i) *Joint Collector Ranga Reddy District and Another –vs- D.Narsing Rao and Others*¹;

(II) *Shyamo Devi and Others –vs- State of U.P. through Secretary and Others*².

16. The judgment relied on in ***D.Narasing Rao's case (supra)*** does not, in our considered view, assist the petitioners. The said judgment was rendered in the peculiar facts of that case, where the revenue entries had remained undisturbed for nearly five decades and the authorities, despite having knowledge and opportunity to examine the same, sought to exercise their suo motu revisional power after an inordinate delay. The Supreme Court, in that background, held that such belated exercise of power was not permissible.

17. The present case stands on a different footing. Here, the Special Deputy Commissioner has not sought to reopen the matter merely because of a change of opinion with regard to an old revenue entry. The very grant

¹ (2015) 3 SCC 695

² 2024 SCC OnLine SC 966

certificates relied upon by the petitioners are themselves under serious doubt. In particular, there is a material inconsistency between the alleged grant certificates and the Official Memorandum dated 12.06.1962, which is relied upon in support of the grant. If the Official Memorandum is the foundation for the grant, the existence of a grant certificate preceding the said memorandum raises a serious and unexplained doubt as to the genuineness and origin of the entire grant certificates. Such a circumstance was not before the Supreme Court in **D.Narsing Rao's** case (*supra*).

18. The Hon'ble Supreme Court in the case of ***Shyamo Devi (supra)*** has held that where a statute confers suo motu revisional power without prescribing any specific period of limitation, such power has to be exercised within a reasonable period, having regard to the facts and circumstances of each case.

19. In the present case, the proceedings cannot be viewed as a mere attempt to reopen a decades-old

revenue entry on account of a change of opinion. The very grant certificates relied upon by the petitioners are under serious doubt. There is a material and unexplained inconsistency between the alleged grant certificates and the **Official Memorandum dated 12.06.1962**, which is relied upon as the basis for the grant. In particular, the alleged grant certificate dated **14.12.1961** is anterior to the said Official Memorandum. If the Official Memorandum is the foundation for the grant, the existence of a grant certificate even prior thereto raises a serious question regarding the genuineness and provenance of the grant documents themselves. In such circumstances, the Special Deputy Commissioner was justified in examining the validity of the grant and in passing the order dated 12.01.2021.

20. The principle that fraud vitiates all solemn acts, as recognized by the Supreme Court in **A.V. Papayya Sastry v. Government of A.P.**³, assumes significance in

³ (2007) 4 SCC 221

such circumstances. The relevant portion is extracted hereinbelow:

"Now, it is well settled principle of law that if any judgment or order is obtained by fraud, it cannot be said to be a judgment or order in law. Before three centuries, Chief Justice Edward Coke proclaimed;

"Fraud avoids all judicial acts, ecclesiastical or temporal".

It is thus settled proposition of law that a judgment, decree or order obtained by playing fraud on the Court, Tribunal or Authority is a nullity and non est in the eye of law. Such a judgment, decree or order by the first Court or by the final Court has to be treated as nullity by every Court, superior or inferior. It can be challenged in any Court, at any time, in appeal, revision, writ or even in collateral proceedings. In the leading case of Lazarus Estates Ltd. v. Beasley, (1956) 1 All ER 341 : (1956) 1 QB 702 : (1956) 2 WLR 502, Lord Denning observed:

"No judgment of a court, no order of a Minister, can be allowed to stand, if it has been obtained by fraud."

21. This Court, speaking through one of us in a different combination, in **State of Karnataka -vs- Sri.L.N.Govindaswamy**⁴ and in **Sri.V.Sreenivasaiah -vs- State of Karnataka**⁵ has reiterated the settled principle that "*Fraud avoids all judicial acts, ecclesiastical or temporal*". In doing so, this Court has followed the law laid down by the Hon'ble Supreme Court in **A.V.Papayya Sastry (supra)** wherein it has been held that fraud practised upon the Court strikes at the very foundation of the judicial process and vitiates the proceedings. An order or decree obtained by playing fraud upon the Court, therefore, cannot be permitted to stand, for once fraud is established, the very foundation on which the order rests is destroyed and the resultant order loses its logical sanctity.

22. In the circumstances, the learned Single Judge was not justified in setting aside the order of the Special Deputy Commissioner merely by placing emphasis on the lapse of time.

⁴ W.A.No.1333/2025 (KLR-RES)

⁵ W.A.No.791/2025 (LA-RES)

The inconsistency between the Official Memorandum and the grant certificates is a substantive circumstance, which goes to the root of the alleged grant and the passage of time cannot legitimize a document whose very origin is doubtful. We are, therefore, of the considered view that the order dated 12.01.2021 passed by the Special Deputy Commissioner in RRT(2)(E)CR.24/2015-16 deserves to be upheld.

Consequently, the order dated 11.06.2025 passed by the learned Single Judge in W.P.No.19987/2023 is set aside and the writ petition stands dismissed.

Resultantly, the Writ Appeal is **allowed**.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**

KNM