HC-KAR

NC: 2026:KHC:20658
WP No. 2161 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT PETITION NO.2161 OF 2026 (KVOA)

BETWEEN:

SRI M.P. JAISHANKAR
AGED 63 YEARS,
S/O LATE PUJE MAYGAYYA,
R/AT H. MALLIGERE VILLAGE & POST,
DUDDA HOBLI,
MANDYA TALUK & DISTRICT – 571 402.

…PETITIONER

(BY SRI PUNDIKAI ISHWARA BHAT, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
   DEPARTMENT OF REVENUE,
   M. S. BUILDING,
   BANGALORE – 560 001
   REP. BY ITS SECRETARY.

2. THE DEPUTY COMMISSIONER,
   MANDYA DISTRICT,
   MANDYA – 571 401.

3. THE TAHSILDAR,
   MANDYA TALUK,
   MANDYA – 571 401.

…RESPONDENTS

(BY SRI B.T. KOLLER, AGA)

Digitally signed by MAHALAKSHMI B M
Location: HIGH COURT OF KARNATAKA

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE 2ND RESPONDENT TO HOLD ENQUIRY REGARDING THE CLAIM NO.HOA 52/79-80 MADE BY THE PETITIONER'S FATHER PUJE MAYIGAIAH

FILED UNDER KARNATAKA VILLAGE OFFICES ABOLITION ACT, 1961 PERTAINING TO LAND BEARING SY.NO.76 MEASURING 2 ACRES 36 GUNTAS SITUATED IN H MALLIGERE VILLAGE, DUDDA HOBLI, MANDYA TALUK AND DISTRICT BY CONSIDERING THE REPRESENTATION DATED 20.12.2025 (ANNEXURE-F) AND GRANT THE LAND IN FAVOUR OF THE PETITIONER, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

The petitioner has approached this Court seeking a writ of mandamus against the inaction of the Tahsildar, Mandya, in not conducting an enquiry as directed by the District Judge in MA (VOA) 48/1980 vide the order dated 12.08.1981, confirmed by this Court in CRP No.440/1985.

BRIEF FACTS

2. The petitioner's father-Puje Mayigaiah, was holding 2 acres 36 guntas of inam land in Sy. No. 76 of H. Malligere Village, Mandya Taluk and after the coming into force of the Karnataka Village Offices Abolition Act, 1961 (for short 'the Act'), Puje Mayigaiah filed an application for re-grant. During the pendency, the petitioner's father

passed away and the petitioner prosecuted the claim. The Tahsildar, Mandya, held enquiry in respect of all the claims of inam lands, including the claim of the petitioner. The Tahsildar by order dated 28.03.1980, erroneously granted a substantial portion of land to a third party and a small portion to the petitioner.

3. Aggrieved, the petitioner and others preferred an appeal before the District Judge, Mandya, under Section 3 (2) of the Act in MA (VOA) No. 48/1980, who by order dated 12.08.1981 set aside the Tahsildar's order and remanded the matter for fresh enquiry. The said order was affirmed by this Court in CRP No. 440/1985 on 17.01.1985. The grievance of the petitioner is that despite such remand, no enquiry has been conducted till date.

4. The learned counsel appearing for the petitioner submits that despite the order of remand for over three decades, the Tahsildar has failed to comply. Repeated representations, including one dated 20.12.2025, have not

been considered and such inaction is arbitrary, illegal and violative of statutory duty.

5. Learned AGA appearing for the respondents submits that the delay is attributable to procedural difficulties, such as non-service of notice on the parties. It is submitted that the enquiry would be conducted within reasonable time.

6. It is not in dispute that the order of remand by the District Judge in the year 1981, confirmed by this Court in 1985 has attained finality. The Tahsildar was under the statutory and judicial obligation to conduct enquiry in terms of the said directions.

7. The explanation offered by the State that enquiry could not be conducted due to procedural issues is wholly untenable. The lapse of more than 44 years clearly demonstrates gross negligence and inaction on part of the authorities. Such conduct defeats the very purpose of the Act and causes great prejudice to the petitioner. The authority has literally slept over the matter. This Court is

of the considered view that the continued inaction is arbitrary and cannot be sustained. Hence, a direction is required to be issued to ensure compliance within the time bound frame work, further the conduct of the authorities warrants imposition of cost. Accordingly, this Court pass the following :

ORDER

(i) The Writ Petition is ***allowed.***

(ii)Mandamus is issued, directing the Tahsildar-respondent No.3 to conduct enquiry in terms of the order passed in MA (VOA) 48/1980 and pass appropriate orders within a period of three (3) months from the date of receipt of the copy of this order.

(iii) The State shall pay the cost of ₹. 50,000/- to the petitioner within a period of four (4) weeks, and file an acknowledgment before this Court.

The Deputy Commissioner shall hold enquiry to recover the cost from the concerned Tahsildars who were in service from the year 1985 till date in proportionate as a land revenue.

Sd/-

JUSTICE K.S. HEMALEKHA

CKL
List No.: 1 Sl No.: 21