HC-KAR

NC: 2026:KHC:64128-DB
WP No. 9011 of 2021

CNR: KAHC010191962021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

WRIT PETITION NO. 9011 OF 2021 (LB-RES-PIL)

BETWEEN:

SADANANDA SHETTY
S/O KARIYANNA SHETTY,
AGED ABOUT 50 YEARS,
R/AT MUDRADIBEEDU HOUSE,
RAYI POST AND VILLAGE,
BANTWAL TALUK, D.K. - 574211.

...PETITIONER

(BY SRI. DHANANJAY KUMAR, ADVOCATE)

Digitally signed by RAKSHA
Location: high court of karnataka

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF REVENUE,
M.S. BUILDING, DR. AMBEDKAR VEEDHI,
BANGALORE - 560 001.
REP. BY ITS SECRETARY.

2. THE DEPUTY COMMISSIONER
DAKSHINA KANNADA DISTRICT,
MANGALORE - 575001.

3. THE TAHASILDAR
BANTWAL TALUK,
D.K. DISTRICT - 574211.

4. THE ASSISTANT COMMISSIONER
MANGALORE TLAUK,
D.K.DISTRICT - 574144.

5. EXECUTIVE OFFICER
MANGALORE TALUK PANCHAYATH,
BANTWAL - 574144.

6. THE REVENUE INSPECTOR
BANTWAL TALUK,
D.K.DISTRICT - 574211.

7. VILLAGE ACCOUNTANT
RAYI VILLAGE,
BANTWAL TALUK,
D.K.DISTRICT - 574211.

8. THE PANCHAYATH DEVELOPMENT OFFICER,
RAYI VILLAGE PANCHAYATH
RAYI POST AND VILLAGE,
BANTWAL TALUK, D.K. - 574211.

9. SIDDAKATTE VYAVASAYA SEVA
SAHAKAARI SANGHA NIYAMITHA,
SIDDAKATTE, NO.F.F.124,
BANTWAL TALUK,
D.K.DISTRICT - 5742221.

…RESPONDENTS

(BY SMT. PRAMODHINI KISHAN, AGA FOR R1 TO R4 & R6,
SRI. UMESHA A., ADVOCATE FOR
SRI. A.K. VASANTH, ADVOCATE FOR R5 & R8,
SRI. SUSHAL TIWARI N., ADVOCATE FOR R9 [ABSENT],
R7 - SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO 1) ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENT NO.2 TO 8 TO TAKE APPROPRIATE ACTION AGAINST RESPONDENT NO.9 WITH REGARD TO THE ILLEGAL CONSTRUCTION IN SURVEY NO.86/1P1 MEASURING 3 ACRE 64 CENTS, SITUATED AT RAYI VILLAGE, BANTWAL TALUK, D.K. DISTRICT, IN THE INTEREST OF JUSTICE AND EQUITY; 2) ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENT NO.2 TO 8 TO CONSIDER THE REPRESENTATIONS MADE BY THE PETITIONER DATED 29.04.2021 VIDE ANNEXURE A AND A-1; AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

This writ petition is filed seeking for the following reliefs :

> "*i) Issue a writ of mandamus directing the respondent No.2 to 8 to take appropriate action against respondent No.9 with regard to the illegal construction in Survey No.86/1P1 measuring 3 acre 64 cents, situated at Rayi Village, Bantwal Taluk, D.K. District, in the interest of justice and equity.*
>
> *ii) Issue a writ of mandamus directing the respondent No.2 to 8 to consider the representations made by the petitioner dated 29.04.2021 vide Annexure-A and A-1.*
>
> *iii) Issue any other writ, order or direction as this Hon'ble Court deems fit and proper relief's as this Hon'ble court deems fit and proper under the circumstances of this case."*

2. We have heard the learned counsel appearing for the petitioner, the learned Government Advocate for

respondents No.1 to 4 and 6, and the learned counsel appearing for the respondents No.5 and 8. Though notice has been served on respondent No.7 and learned counsel has entered appearance for respondent No.9, there is no appearance when the matter is taken up.

3. The learned counsel for the petitioner submits that respondent No.9 is in illegal possession and enjoyment of government land measuring 3 cents in Survey No.86/1P1 of Rayi Village, Bantwal Taluk, Dakshina Kannada District. It is submitted that the property in question was a government land and alleging the existence of grant in favour of the society, the respondent No.9 approached the Assistant Commissioner and obtained order at Annexure-D and the order dated 22.01.2021 at Annexure-C . The RTC in respect of 3 cents was mutated in the name of respondent No.9. It is submitted that, it was without producing any order of grant, but, only by referring to a

number as LND (1) PDR 52/95-96, dated 25.08.1995, that the change in the RTC entries had been effected.

4. The learned counsel for the petitioner submits that LND (1) PDR 52/95-96 is not in respect of 3 cents of land in Survey No.86/1P1 of Rayi Village and that, it is in respect of 5 cents of land in Survey No.108/8 of Konaje Village of Mangaluru Taluk. It is therefore contended that the entire exercise carried out by respondent No.9 was fraudulent. On these grounds, the petitioner had approached the Deputy Commissioner and seeks a consideration of the appeal as against the order passed by the Assistant Commissioner and appropriate action in accordance with law as against respondent No.9.

5. The learned Additional Government Advocate submits that the Deputy Commissioner has considered the appeal preferred by the petitioner and has passed an order dated 25.06.2024. It is submitted that after considering the contentions, it was found that the order of grant dated

29.07.1995 was never produced before the Assistant Commissioner and that the said order is not in respect of the grant as claimed by respondent No.9.

6. In the circumstances, the Deputy Commissioner has passed orders, setting aside the order of the Assistant Commissioner and directing restoration of the pahanis in the name of the Government and has remanded the matter to the Assistant Commissioner to fix the responsibility with regard to the fraudulent acts. It is also submitted that the matter is pending before the Assistant Commissioner as LND PDR 37/2025.

7. It is therefore contended by the learned counsel for the petitioner that, it is for the respondents to take appropriate follow-up action in accordance with law and to complete the proceedings and take steps for recovery of possession of the property from respondent No.9.

8. Having considered the contentions advanced and in view of the order of the Deputy Commissioner dated 25.06.2024, we are of the opinion that further steps in this regard have to be taken by the Assistant Commissioner as directed by the Deputy Commissioner. In view of the clear directions issued by the Deputy Commissioner, the Assistant Commissioner is directed to pass further orders in LND PDR 37/2025 in accordance with law after hearing the parties as well, within a period of three months from the date of receipt of copy of this order.

Accordingly, the writ petition stands ***disposed of.***

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(K.S.BHARATH KUMAR)
JUDGE

BK : List No.: 1 Sl No.: 2