HC-KAR

NC: 2026:KHC:55469
WP No. 9358 of 2023

CNR: KAHC010224942023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO. 9358 OF 2023 (LR)

BETWEEN:

1. SRI. CHOWDAIAH
   S/O MOYI NANJANA JAVARAIAH
   AGED ABOUT 73 YEARS
   DEVIPURA VILLAGE
   MALAVALLI TALUK
   MANDYA DISTRICT-571401.

   REPRESETNED BY GPA HOLDER
   SRI H A NARAYANASWAMY
   S/O AKKALAPPA
   AGED ABOUT 57 YEARS
   R/A HAROBANDE VILLAGE
   KASABA HOBLI
   CHIKKABALLAPURA TALUK
   CHIKKABALLAPURA-562102.

Digitally signed by CHAYA S A
Location: HIGH COURT OF KARNATAKA

...PETITIONER

(BY SRI. KALYAN R., ADVOCATE)

AND:

1. THE ASSISTANT COMMISSIONER
   CHIKKABALLAPURA SUB DIVISION
   CHIKKABALLAPURA-562102.

2. THE TAHASILDAR
   CHIKKABALLAPURA TALUK

CHIKKABALLAPURA-562102.

…RESPONDENTS

(BY SMT. SHARADA H.V., AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER AT ANNEXURE - M DATED 18.09.2018 IN LRF 79 A,B, CR NO.29/2011-12 PASSED BY THE RESPONDENT NO.1.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

Smt. Sharadha, learned Additional Government Advocate accepts notice for respondents.

2. Heard Sri. Kalyan R., learned counsel appearing for the petitioner and Smt. Sharadha, learned Additional Government Advocate appearing for the respondent-State.

3. In this petition, the petitioner is challenging the order dated 18th September, 2018 (Annexure-M)

passed by the respondent No.1-Assistant Commissioner in Case No.LRF: 79 AB: CR No.29 /2011-12.

4. It is noticed that, in an identical circumstances, the Co-ordinate Bench of this Court in the case of **M*/S. PAPAIN AND CHEMICALS (P) LTD. AND ANOTHER vs. THE STATE OF KARNATAKA AND OTHERS*** made in *Writ Petition No.20349 of 2023 d*ecided on *01st April, 2025,* allowed the writ petition. At paragraph 3 of the said order, it is held as under:

> *"3. In the normal course, the matter would have to be remanded to the Assistant Commissioner, since Sections 79A and 79B of the Act were omitted by virtue of an amendment to the Land Reforms Act, no useful purpose would be served by remanding the matter to the Assistant Commissioner and hence, the impugned proceedings initiated shall stand abated."*

5. Taking into account the fact that the petitioner herein is challenging the order of vesting passed by the Assistant Commissioner for contravention of Sections 79A and 79B of the Karnataka Land Reforms Act, 1961 and the said provisions were omitted by virtue of an amendment to the Land Reforms Act, I am of the view that the present petition deserves to be allowed, by following the order passed by the Co-ordinate Bench of this Court in Writ Petition No.20349 of 2023 decided on 01st April, 2025.

6. Accordingly, I pass the following:

O R D E R

(i) Writ Petition is ***allowed;***

(ii) Order dated 18th September, 2018 (Annexure-M) passed by the respondent No.1 -Assistant

Commissioner, Chikkballapura Sub-Division, Chikkballapura District in Case No. LRF: 79 AB: CR No.29 /2011-12 is hereby set-aside;

(iii) The respondent No.2-Tahsildar is directed restore the name of the petitioner in the revenue records in respect of the subject land forthwith.

SD/-
(E.S.INDIRESH)
JUDGE

SB
List No.: 1 Sl No.: 13