HC-KAR

NC: 2026:KHC:59538
WP No. 14160 of 2025

CNR: KAHC010234642025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 14160 OF 2025 (GM-RES)

BETWEEN:

1. SMT. SUSHMA. P. SUVARNA
W/O. PRABHAKARA SUVARNA,
AGED ABOUT 46 YEARS,
RESIDING AT MULIBAILU HOUSE,
BARIMARU VILLAGE, KAGEKANA POST,
BANTWAL TALUK,
D.K. DISTRICT PIN-574253

…PETITIONER

(BY SRI. RAVISHANKAR SHASTRY G.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
TO DEPARTMENT OF REVENUE
M.S. BUILDING, DR. B.R. AMBEDKAR ROAD,
BENGALURU PIN-560001

2. THASILDAR BANTWAL AND
TALUK EXECUTIVE MAGISTRATE
BANTWAL, TALUK OFFICE
B MUDA VILLAGE, JODUMARGA,
POSTAND B.C ROAD, BANTWAL TALUK
D.K. DISTRICT PIN-574219

3. REVENUE INSPECTOR
PANEMAGALORE HOBLI,

BANTWAL TALUK,
D.K. DISTRICT PIN-574219

4. MOHANDAS SUVARNA
S/O. JARAPPA BANGERA,
MAJOR R/AT MULIBAILU HOUSE,
BARIMARU VILLAGE, KAGEKANA
POST BANTWAL TALUK,
D.K. DISTRICT 574253

...RESPONDENTS

(BY SRI. RAHUL CARIAPPA K S, AGA FOR R1, R2 & R3
SRI. P KARUNAKAR, ADVOCATE FOR R4 V/O DTD 18.11.2025)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DTD 10.02.2025 IN NO. L.N.D.C.R.03/2020-21-E-472759 PASSED BY THE THASILDAR BANTWAL AND TALUK EXECUTIVE MAGISTRATE BANTWAL ORIGINAL COPY OF WHICH IS PRODUCED AT ANNX-A.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

The present writ petition is filed seeking for the following reliefs:

> *"(i) Writ of certiorari quashing the order dated 10-02-2025 in No. L.N.D. C. R: 03/2020-21-E-472759 passed by the Thasildar Bantwal and Taluk Executive Magistrate Bantwal original copy of which is produced at Annexure - A.*

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(ii) Any other writs or directions to meet the ends of justice."

2. The petitioner is aggrieved by the order dated 10.02.2025 (Annexure A to the writ petition) passed by the second respondent – Tahsildar, whereunder the Tahsildar has directed removal of the gate in the property in question on the ground that the property in question was a public road.

3. It is the case of the petitioner that the Tahsildar had passed an order dated 23.06.2020, which was assailed by the petitioner in an appeal (No. CDS/R.A.S.R:36/2020), which was filed under Section 49 of the Karnataka Land Revenue Act, 1964[1]. The Assistant Commissioner vide order dated 13.06.2024 (Annexure-D to the writ petition) directed that the order of the Tahsildar be treated as a show cause notice. Thereafter, the Tahsildar issued a notice dated 23.09.2024 (Annexure- B to the writ petition) and the petitioner filed objections/reply to the same on 14.10.2024 (Annexure-C to the writ petition). It is the case of the petitioner that consequent to filing of the reply, the impugned order dated 10.02.2025 is

[1] Hereinafter referred to as 'Land Revenue Act'

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passed without notifying the petitioner and without conducting any enquiry.

4. It is the vehement contention of the learned AGA that the Tahsildar has passed the impugned order since the road in question was a public road.

5. Learned counsel for the petitioner submits that the Tahsildar has initiated the proceedings at the instigation of the respondent No.4, who is a family member and that litigation between the parties is pending in OS No.30/2019 on the file of the Civil Judge (Senior Division) and JMFC, Buntwal.

6. Although, it is forthcoming from the impugned order dated 10.02.2025 that the Tahsildar has held that the road is being used by the public for the last 40 years, it is pertinent to note that in the event the concerned authorities were to record a finding that the road in question was a public road, appropriate enquiry has to be initiated under the provisions of the Land Revenue Act by giving adequate opportunity to the parties who claim interest in the property in question.

7. In the present case, it is clear that there are litigations pending between the petitioner and respondent No.4.

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Further, in the event, the second respondent - Tahsildar was to initiate an enquiry, the same has to be done in accordance with law. In this context, it is pertinent to note that under Section 67 of the Land Revenue Act, the concerned authorities are entitled to initiate action for securing any public road, streets, paths, etc. Sub-section (2) of Section 67 clearly stipulates that notice in that regard is to be issued by the Deputy Commissioner or Survey Officer not lower in rank than a Deputy Commissioner, after formal enquiry is conducted.

8. It is clear from a bare perusal of the impugned order dated 10.02.2025 that the same does not refer to any specific statutory stipulation, on the basis of which the second respondent – Tahsildar has initiated any proceedings or conducted any enquiry. The Tahsildar has merely recorded a finding that the provisions of the Indian Easements Act, 1882 have been violated. *Ex faice*, the said finding is erroneous and liable to be set aside.

9. Having regard to the aforementioned, the relief sought for in the present writ petition merits consideration.

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10. At this stage, the learned counsel for the petitioner submitted that consequent to the order dated 10.02.2025 the second respondent – Tahsildar on 20.02.2025 along with the other revenue officials and the henchmen of respondent No.4 has forcibly removed the gate that was situated in the property in question and there was also an altercation, by which the petitioner sustained injuries and was admitted in hospital.

11. The veracity or otherwise of the said allegations made by the petitioner are not required to be adjudicated in the present petition. Suffice to state that in the event, any action has been done pursuant to the impugned order dated 10.02.2025, the same would also not be sustainable in law.

12. Hence the following:

ORDER

i. The writ petition is partly allowed;

ii. The impugned order dated 10.02.2025 passed in case No.L.N.D.C.R:03/2021-21-E-472759 by respondent No.2 - Tahsildar (Annexure-A to the writ petition) is set aside;

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iii. It shall be open to respondent Nos.1 to 3 to pass appropriate orders in accordance with law after notifying the petitioner;

iv. All rights and contentions of the parties in regard are kept open.

13. Pending IAs., if any, stand disposed of.

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(C.M. POONACHA)
JUDGE

ND
List No.: 2 Sl No.: 16