HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 1125 OF 2026 (KLR-RES)

BETWEEN:

1. STATE OF KARNATAKA,
   REPRESENTED BY ITS SECRETARY,
   DEPARTMENT OF REVENUE,
   M.S. BUILDING,
   BENGALURU - 560 001.

2. THE DEPUTY COMMISSIONER,
   HASSAN DISTRICT,
   HASSAN - 573 201.

3. THE ASSISTANT COMMISSIONER,
   SAKLESHPURA SUB-DIVISION,
   HASSAN - 573 134.

4. THE TAHSILDAR,
   SAKLESHPURA TALUK,
   HASSAN DISTRICT,
   HASSAN - 573 134.

...APPELLANTS

(BY SRI. M.N. SUDEV HEGDE, AGA)

Digitally signed by REKHA R
Location: High Court of Karnataka

AND:

PATEL SHANTHE GOWDA,
S/O LATE NANJEGOWDA,
AGED ABOUT 75 YEARS,
RESIDING AT HENNALI VILLAGE,
YESALURU HOBLI, NIDIGERE POST,
SAKLESHPURA TALUK,
HASSAN DISTRICT - 573 134.

…RESPONDENT

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER DATED:09.04.2025 PASSED BY THE LEARNED SINGLE JUDGE IN WP NO.34055/2024 AND CONSEQUENTLY, DISMISS THE WRIT PETITION NO.34055/2024 FILED BY THE RESPONDENT AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

This intra Court appeal has been filed by the State along with instrumentalities under Section 4 of the Karnataka High Court Act, 1961, challenging the order

dated 09.04.2025 passed by the writ Court in W.P.No.34055/2024. Under the impugned order, the writ Court allowed the writ petition directing respondent to pass a formal order of cancellation and remove the entry of "Sarkari Beellu" in the RTC by collecting the arrears of land revenue.

2. The parties are referred to as per their rankings before the writ Court.

3. Brief factual matrix leading to filing of this writ appeal are as under:

4. The petitioner was before the writ Court for the following reliefs:

> *"(i) Issue a writ of mandamus directing the 4th respondent to register the Katha of the Sy.No.36 measuring 6 acres 12 guntas Sy.No.178 measuring 06 guntas situated at Hennali Village, Nidegere Post, Yesaluru Hobli, Sakleshpura Taluk, Hassan District.*
>
> *(ii) Grant any other writ order or directions as this Hon'ble Court deems fit to grant to the Petitioners in the circumstances of the case."*

5. The petitioner claims that his father was owning agricultural lands measuring 36 guntas in Survey No.2; 12 guntas in Survey No.9, 23 guntas in Survey No.17; 1 acre 28 guntas in Survey No.41; 1 acre 30 guntas in Survey No.42; 2 guntas in Survey No.43/1; 35 guntas in Survey No.43/2, 11 guntas each in Survey Nos.54/1, and 55/2; 6 guntas in Survey No.56/1; 9 guntas in Survey No.64/2, 8 guntas in Survey No.171/2; 1 gunta in Survey No.174/2, 19 guntas in Survey No.66, 1 acre 13 guntas in Survey No.32; 12 acres 17 guntas in Survey No.150/2, 13 guntas in Survey No.168; 16 guntas in Survey No.167/2, 8 guntas in Survey No.174/1, 6 guntas in Survey No.173, 13 guntas in Survey No.181, 5 guntas in Sy.No.182/2; 3 guntas in S.No.183/2; 9 guntas in Survey No.184 and similarly in Sy.No.17 measuring 23 guntas and 1 acre 13 guntas in Sy.No.82, and also in respect land bearing Sy.No.36 measuring 6 acres 12 guntas, Sy.No.178 measuring 6 guntas and Sy.No.16 measuring 2 acres and

2 guntas all situated at Hennalli Village, Yasalur Hobli, Sakaleshpur Taluk, Hassan District.

6. It is further claim of the petitioner that similarly, his grandfather by name Urigowda purchased Sy.No.178 measuring 6 guntas in the year 1928-29 and accordingly, his name has been entered in the preliminary records for the year 1928-29.

7. It is the case of the petitioner that earlier he had approached this Court in W.P.No.29309/2023 seeking for quashing the order passed by the Assistant Commissioner. This Court by order dated 01.03.2024 allowed the writ petition directing revenue authorities to pass necessary orders for cancellation of the entry made in the RTC.

8. It is further claim of the petitioner in the said writ petition two Survey Numbers being Sy.No.178 measuring 6 guntas and Sy.No.36 measuring 6 acres 12 guntas both situated at Hennalli Village, Yasalur Hobli,

Sakaleshpur Talu, Hassan District were not included, hence, the writ petition was filed for the similar relief.

9. The writ Court following the judgment of this Court in ***Shivanna Vs. Deputy Commissioner and others*** and the earlier writ petition filed by the petitioner in W.P.No.29309/2023 allowed the writ petition directing the respondent to pass a formal order of cancellation and remove the entry of "Sarkari Beellu" in the RTC by collecting the arrears of land revenue in term of order passed in W.P.No.29309/2023. It is this order passed by the writ Court is called in question in this appeal.

10. Heard Sri.M.N.Sudev Hegde, learned Additional Government Advocate for appellants.

11. The Co-ordinate Bench of this Court in W.A.No.485/2026, wherein similar order is passed by the writ Court in W.P.No.5957/2024 with respect to removing the entry as 'Sarkari Pada' disposed of the writ appeal on 09.04.2026. The order reads as under:

"xxxxx

3. *The petitioners had filed the writ petition impugning the order dated 19.09.2023 passed by the Tahsildar, Magadi Taluk, Magadi, whereby petitioners' land in Survey No.32/2 measuring 1 acre and 29 guntas along with 5 acres and 22 guntas of land situated at Banavadi Village, Solur Hobli, Magadi Taluk, Ramanagara District, was declared as 'Sarkari Pada'.*

4. *The order dated 19.09.2023 was passed on the ground that the petitioners have not deposited the land revenue.*

5. *The learned Single Judge having considered the said fact has allowed the writ petition and the order dated 19.09.2023 passed by the Tahsildar has been set aside and direction had been given to the petitioners to pay the arrears of land revenue within a period of two months from the date of the receipt of the certified copy of the order and the Tahsildar shall collect the land revenue and thereafter, pass necessary orders cancelling the forfeiture.*

6. *Sri M.N. Sudev Hegde, learned AGA does not dispute the fact that the only basis on which the order dated 19.09.2023 impugned in the writ petition was passed, was for non-payment of the land revenue.*

7. *Therefore, we do not find much substance in this writ appeal. However, we direct the petitioner Nos.1 to 3 to produce the records pertaining to their ownership in respect of the lands in question and make payment of the land revenue along with interest at the rate of 10% p.a. from the due date till the date of payment.*

8. *This order shall be communicated by the Tahsildar himself to respondents Nos.1 to 3 to appear and produce the records of their ownership. We direct the respondent Nos.1 to 3 to appear before the Tahsildar on *08.06.2026.*

9. *With the above observation, the writ appeal is **disposed** of."*

12. We ***dispose of*** this writ appeal also, since the issue involved in this writ appeal is more or less the same as in W.A.No.485/2026 dated 09.04.2026.

In view of disposal of the appeal, pending interlocutory applications, if any do not survive for consideration, hence stand disposed of.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(T.M.NADAF)
JUDGE

RR
List No.: 1 Sl No.: 5
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