HC-KAR

NC: 2026:KHC:59753
WP NO.11915 OF 2023

CNR: KAHC010277302023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO.11915 OF 2023 (KLR-RR/SUR)

BETWEEN:

SMT. DEVAKI
W/O VITTALA SHETTY,
AGED ABOUT 70 YEARS,
R/AT PULIYA HOUSE,
URUVALU VILLAGE,
BELTHANGADY TALUK,
DAKSHINA KANNADA – 547 201.

…PETITIONER

(BY SRI. SACHIN B.S., ADVOCATE)

AND:

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

1. SRI. MOHAN S.
   S/O VISHU GOWDA,
   AGE: MAJOR,
   R/AT SINKRA KODANGE HOUSE,
   HIRBANDADY VILLAGE AND POST,
   PUTTUR TALUK,
   DAKSHINA KANNADA DISTRICT – 574 214.

2. THE TAHSILDAR
   BELTHANGADY TALUK,
   DAKSHINA KANNADA DISTRICT – 574 214.

3. THE ASSISTANT COMMISSIONER
   PUTTUR,
   DAKSHINA KANNADA DISTRICT – 547 201.

4. THE DEPUTY COMMISSIONER
MANGALURU,
DAKSHINA KANNADA DISTRICT – 574 142.

…RESPONDENTS

(BY SRI. RAVISHANKAR SHASTRY G., ADVOCATE FOR R1;
SRI. ADITYA DIWAKARA, AGA FOR R2 TO R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 22ND NOVEMBER, 2022 PASSED BY THE RESPONDENT NO.3 IN CASE NO.ADS R.E.V.S.R.:24/2020-21 VIDE ANNEXURE-A; DIRECT THE RESPONDENT NO.4 TO CONSIDER THE APPLICATION DATED 16TH JANUARY, 2023 FILED BY THE PETITIONER IN CASE NO.RAP.57/2023 VIDE ANNEXURE-C FOR STAY OF ORDER DATED 22ND NOVEMBER, 2022 PASSED IN CASE NO.ADS.R.E.V.S.R.:24/2020-21; QUASH THE ORDER DATED 26TH NOVEMBER, 2024 PASSED BY THE RESPONDENT NO.4 IN CASE NO.RAP.57/2023; AND ETC.

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

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

ORAL ORDER

In this petition, the petitioner is challenging the order dated 26th November, 2024 passed by the respondent No.4 in Case No.RAP.57/2023 and order dated 22nd November, 2022 (Annexure-A) passed by the respondent No.2 in Case No.ADS.R.E.V.S.R:24/2020-21.

2. Heard Sri. Sachin B.S., learned counsel appearing for the petitioner; Sri. Ravishankar Shastry G., learned counsel appearing for the respondent No.1; and Sri. Aditya Diwakara, learned Additional Government Advocate appearing for respondents 2 to 4.

3. Having heard the learned counsel appearing for the parties, on perusal of order dated 13th July, 2023, it is forthcoming that, this Court had stayed the impugned order dated 22nd November, 2022 (Annexure-A) passed by the respondent No.2 in Case No.ADS.R.E.V.S.R:24/2020-21. On careful perusal of the order dated 26th November, 2024 passed in case No.RAP.57/2023, it is forthcoming that the respondent No.4 had dismissed the Second Appeal preferred by the petitioner herein under Section 50 of the Karnataka Land Revenue Act against the order passed by the respondent No.2 dated 22nd November, 2022 (Annexure-A), holding that there is a pending consideration of the present writ petition before this Court. In that view of the matter, in the ends of justice, order dated 26th November, 2026 passed by the respondent No.4 in Case No.RAP.57/2023 is hereby set-aside and matter is

remitted back to the respondent No.4 with a direction to reconsider the second appeal preferred by the petitioner under Section 50 of the Karnataka Land Revenue Act in Case No.RAP.57/2023 on merits and dispose of the appeal by providing an opportunity of hearing to the parties concerned.

4. Since, the parties are represented by their learned counsels, parties are directed to appear before the respondent No.4 on ***30th November, 2026 at 03.00 p.m.*** The respondent No.4 shall reconsider the appeal on merits and dispose of the same within an outer limit of six months from the date of appearance of the parties. It is made clear that this Court has not expressed any opinion on merits of the case. All contentions of the parties are kept open. Accordingly, writ petition is ***disposed of.***

SD/-
(E.S.INDIRESH)
JUDGE

ARK
List No.: 1 Sl No.: 41