HC-KAR

NC: 2026:KHC:61932
WP No. 16990 of 2022
C/W WP No. 14626 of 2024

CNR: KAHC010386772022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 05TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO.16990 OF 2022 (KLR-RES)

C/W

WRIT PETITION NO.14626 OF 2024 (KLR-RES)

IN WP No. 16990/2022

BETWEEN:

1. SRI. PAPANNA
   S/O LATE MUNISHAMAPPA
   AGED ABOUT 85 YEARS,
   R/AT INDRASANAHALLI VILLAGE
   KUNDANA HOBLI
   DEVANAHALLI TALUK
   BANGALORE RURAL DISTRICT – 562110.

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

   KRISHANPPA
   SINCE DEAD REPRESENTED BY LRS

2. CHIKKEGOWDA
   S/O LATE KRISHANAPPA
   AGED ABOUT 55 YEARS,
   R/AT INDRASANAHALLI VILLAGE
   KUNDANA HOBLI
   DEVANAHALLI TALUK
   BANGALORE RURAL DISTRICT – 562110.

HANUMANTHAPPA
SINCE DEAD REPRESENTED BY LRS.

3. SURESH
S/O LATE HANUMANTHAPPA
AGED ABOUT 46 YEARS,
R/AT INDRASANAHALLI VILLAGE
KUNDANA HOBALI
DEVANAHALLI TALUK
BANGALORE RURAL DISTRICT – 562110.

…PETITIONERS

(BY SRI. PHANIRAJ KASHYAP, ADVOCATE)

AND:

1. DEPUTY COMMISSIONER
BANGALORE RURAL – 562110.

2. TAHSILDAR
DEVANAHALLI TALUK
BANGALORE RURAL – 562110.

3. SRI. C. ASHWATHNARAYANA
S/O CHIKKAPPAIAH
AGED ABOUT 56 YEARS,
M/S CITY BUILD REALTORS PVT LTD
R/AT INDRASANAHALLI VILLAGE
KUNDANA HOBLI
DEVANAHALLI TALUK
BANGALORE RURAL DISTRICT – 562110.

4. SRI. S.R. VENUGOPAL
S/O RAMACHANDRAPPA
AGED ABOUT 52 YEARS

R/AT INDRASANAHALLI VILLAGE
KUNDANA HOBLI
DEVANAHALLI TALUK
BANGALORE RURAL DISTRICT – 562110.

…RESPONDENTS

(BY SRI. SHAMANTH NAIK, AGA FOR R1 & R2;
SRI. MANJUNATH G. KANDEKAR, ADVOCATE FOR R4;
SRI. MANJUNATH M. HEGDE, ADVOCATE FOR R3 V/O DATED 05.11.2026)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 22.02.2022 PASSED IN RP NO.145/2015 BY RESPONDENT NO.1 VIDE ANNX-A; AND ETC.

IN WP NO. 14626/2024

BETWEEN:

1. SRI.S.R. VENUGOPAL
SON OF LATE RAMACHADNRAPPA,
AGED ABOUT 71 YEARS,
RESIDING AT SADAHALLI VILLAGE,
KASABA HOBLI,
DEVANAHALLI TALUK,
BANGALORE RURAL DISTRICT - 562110.

...PETITIONER

(BY SRI. MANJUNATH G KANDEKAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF REVENUE,
M S BUILDING,
BENGALURU - 560001
REPRESENTED BY ITS

PRINCIPAL SECRETARY.

2. DEPUTY COMMISSIONER AND
DISTRICT MAGISTRATE,
DISTRICT ADMINISTRATIVE BHAVAN,
BEERASANDRA VILLAGE,
KUNDANA HOBLI,
DEVANAHALLI TALUK,
BANGALORE RURAL DISTRICT - 562110.

3. THE TAHASILDAR
DEVANAHALLI,
BANGALORE RURAL DISTRICT - 561203.

4. SRI. C. ASHWATH NARAYANA,
SON OF SRI. CHIKKAPPAIAH,
AGED ABOUT 75 YEARS,
RESIDING AT SLN PROPERTIES,
SULIBELE ROAD, KUNDANA HOBLI
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT-562110.

KRISHNAPPA
SINCE DECEASED BY HIS LRS

5. CHIKKEGOWDA
S/O LATE KRISHNAPPA
AGED ABOUT 55 YEARS
RESIDING AT INDRASANAHALLI VILLAGE,
KUNDANA HOBLI,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT - 562110.

6. SRI. PAPANNA

SON OF MUNISHAMAPPA,
AGED ABOUT 72 YEARS,
RESIDING AT INDRASANAHALLI VILLAGE,
KUNDANA HOBLI,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT-562110.

HANUMANTHAPPA
SINCE DECEASED BY HIS LRS

7. SRI. SURESH
S/O LATE HANUMANTAPPA
AGED ABOUT 46 YEARS,
RESIDING AT INDRASANAHALLI VILLAGE,
KUNDANA HOBLI,
DEVANAHALLI TALUK,
BANGALORE RURAL DISTRICT – 562164.

...RESPONDENTS

(BY SRI. SHAMANTH NAIK, AGA FOR R1 TO R3;
SRI. MANJUNATH M. HEGDE, ADVOCATE FOR R4;
SRI. PHANIRAJ KASHYAP, ADVOCATE FOR R5 TO R7)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER OF THE 2ND RESPONDENT/DEPUTY COMMISSIONER IN R.P.NO. 145/2015 DATED 22/02/2022 AS PER ANNEXURE-A, AND ALSO THE IMPUGNED ORDER OF THE 2ND RESPONDENT DATED 06/09/2021 IN R.P.NO. 96/2016 AS PER ANNEXURE-B.

THESE PETITIONS, 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

1. In these writ petitions, the petitioners are assailing the order dated 22.02.2026 (Annexure-A) in R.P.No.145 of 2015, and order dated 06.09.2021 (Annexure-B) in R.P.No.96 of 2016 passed by respondent-Deputy Commissioner, whereby the grant of land made in favour of the petitioners has been cancelled.

2. Heard the learned counsel appearing for the parties.

3. Sri Phanirajn Kashyap, learned counsel appearing for the petitioner in W.P.No.16990 of 2022, and Sri Manjunath G Kandekar, learned counsel appearing for the petitioner in W.P.No.14626 of 2024, contended that the lands in question were purchased by the petitioners through registered Sale Deeds from their

respective vendors. In this regard, the learned counsel referred to the Khetwar Register maintained by the respondent-authorities (Annexure-C in W.P.No.16990 of 2022) and further submitted that mutation entries have also been effected in respect of the subject lands in favour of the petitioners.

4. It is further contended by the learned counsel appearing for the petitioners that subsequent sale deeds have been executed in respect of the subject lands. The learned counsel also brought to the notice of this Court the orders dated 05.10.2018 passed in LGC(S) No.727 of 2017 (Annexure-G in W.P.No.16990 of 2022) and LGC(S) No.728 of 2017 (Annexure-N in W.P.No.14626 of 2024), and contended that the Karnataka Land Grabbing Prohibition Special Courts, Bengaluru, had dropped the proceedings against the petitioners herein, after verifying the records. In this

regard, they specifically referred to paragraph 12 of the said orders.

5. Accordingly, the learned counsel for the petitioners contended that the impugned orders passed by respondent-Deputy Commissioner, produced as Annexures-A and B, respectively, are without any basis and are unsustainable in law. Accordingly, sought for interference of this court.

6. Per contra, Sri. Shamanth Naik, learned Additional Government Advocate appearing for the respondent-State sought to justify the impugned orders passed by the respondent-Deputy Commissioner and contended that the land in question has been classified as tank-bed lands. It is further contended that the observations made by the Karnataka Land Grabbing Prohibition Special Court have no bearing on the initiation of suo motu

proceedings by respondent-Deputy Commissioner. Accordingly, the learned Additional Government Advocate sought dismissal of the writ petitions.

7. In the light of the arguments advanced by the learned counsel appearing for the parties, this Court has carefully examined the records, particularly the Khetwar Register, which indicates that the land in question was granted in favour of the vendors of the petitioners under the Hangami Kandaya auction during the year 1921-22, pursuant to the order of the Sub-Divisional Huzur bearing No.576/1921-22 (in W.P.No.16990 of 2022 and petitioner in W.P.No.14626 of 2024, was granted land through his vendors.

8. A perusal of the records would further indicate that respondent-Assistant Commissioner, by Official Memorandum dated 02.07.2005, had permitted conversion of the adjacent lands under Section 95 of

the Karnataka Land Revenue Act, 1964. If that being so, the very same authority could not have subsequently initiated suo motu proceedings under Section 136(3) of the Karnataka Land Revenue Act, 1964, without considering the effect of its earlier order permitting conversion of the lands.

9. It is needless to observe that the subject lands were also the subject matter of proceedings before the Karnataka Land Grabbing Prohibition Special Court, Bengaluru, in LGC(S) Nos.727 of and 728 of 2017. The competent Court, upon consideration of the records, arrived at a conclusion that respondent-Deputy Commissioner had not produced any material to substantiate its contention that the lands in question were classified as Indrasanahalli tank-bed lands.

10. In that view of the matter, when the competent Court has already recorded a finding that no material was placed by respondent-authorities to establish that the subject lands were tank-bed lands, the respondent-authorities were required to consider the said finding before initiating further proceedings in respect of the very same lands.

11. That apart, it is a well-settled principle of law that suo-motu proceedings by quasi-judicial authorities are required to be initiated within a reasonable period. In this regard, reliance is placed on the declarations of law made by the Hon'ble Supreme Court in the case of ***Joint Collector Ranga Reddy District and Another vs. D. Narsing Rao and others*** reported in ***(2015) 3 SCC 695***, in the case of ***Shyamo Devi and others vs. State of U.P., through Secretary and others*** reported in ***AIR***

2024 SC 2862 and in the case of ***Shivama (dead) by Lrs., vs. Karnataka Housing Board and Others*** reported in ***2025 SCC OnLine SC 1969***, wherein it has been held that proceedings seeking to annul or nullify a grant cannot be initiated after an unreasonable lapse of time, and that the foundational facts warranting such initiation must be established.

12. A perusal of the reasons assigned in the impugned orders would indicate that there has been considerable delay and laxity on the part of the respondent-authorities in initiating suo motu proceedings, particularly when the original grants relate to a period nearly eight decades prior to the initiation of such proceedings.

13. Further, it is forthcoming from the records that the very same authority, which has passed the impugned orders, had also passed order of conversion

in respect of similarly situated lands adjacent to the subject lands. This circumstance is also required to be taken into consideration while examining the legality of the impugned action.

14. It is also submitted by Sri Manjunath Hegde, learned counsel appearing for respondent No.4- C. Ashwath Narayan, that respondent No.4 is a subsequent purchaser of the land in question and that the land claimed by respondent No.4 was also the subject matter of proceedings in LGC(S) No.729 of 2017, wherein the Karnataka Land Grabbing Prohibition Special Court, Bengaluru, by order dated 05.10.2018, had dropped the proceedings against respondent No.4. The said submission has not been disputed by the learned counsel appearing for the petitioners.

15. In the aforesaid circumstances, and having regard to the material available on record, this Court finds considerable force in the submissions made by the learned counsel appearing for the petitioners. The impugned action of respondent-Deputy Commissioner, particularly in the absence of any material establishing the classification of the subject lands as tank-bed lands and having regard to the inordinate delay in initiating suo motu proceedings, cannot be sustained in law.

16. Accordingly, I pass the following:

ORDER

i. The writ petitions are ***allowed***.

ii. The impugned order dated 22.02.2026 (Annexure-A) in R.P.No.145 of 2015, and order dated 06.09.2021 (Annexure-B) in

R.P.No.96 of 2016 passed by respondent-Deputy Commissioner, are hereby set aside.

iii. The jurisdictional Tahsildar is directed to enter the names of the petitioners and the subsequent purchasers, if any, in respect of the subject lands, in the revenue records, within an outer limit of two months from the date of receipt of a certified copy of this order.

Sd/-
(E.S.INDIRESH)
JUDGE

SB
List No.: 1 Sl No.: 52