HC-KAR

NC: 2026:KHC:59385-DB
WA No. 1807 of 2026

CNR: KAHC010505452026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 1807 OF 2026 (KLR-RR/SUR)

BETWEEN:

1. THE DEPUTY COMMISSIONER,
   BENGALURU URBAN DISTRICT,
   BENGALURU-560 001.

2. THE ASSISTANT COMMISSIONER,
   BANGALORE EAST SUB DIVISION,
   BENGALURU-560 001.

3. THE TAHSILDHAR,
   BANGALORE EAST TALUK,
   K.R.PURAM, BENGALURU-560 014.

...APPELLANTS

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

Digitally signed by VASANTHA KUMARY B K
Location: HIGH COURT OF KARNATAKA

AND:

1. SMT. S.SUMITHRA,
   SINCE DECEASED,

   REPRESENTED BY PETITIONER No.2
   VIDE ORDER DT:22.09.2023.

2. S.VENKATESH,
   S/O LATE K.SUBBA RAO,
   AGED ABOUT 65 YEARS,
   R/AT NO.14/2, MMV ROAD,
   V.V.PURAM, BENGALURU 560004

…RESPONDENT

(BY SRI. HARISH N K., ADVOCATE FOR R2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 25.10.2023 PASSED IN WRIT PETITION No. 23523/2021 (KLR-RR/SUR) BY THE LEARNED SINGLE JUDGE AND DISMISS THE SAID WRIT PETITION WITH EXEMPLARY COST, 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 H.SHANTHI BHUSHAN

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present appeal has been filed impugning the judgment and order dated 25.10.2023 passed by the writ Court in W.P.No.23523/2021 (KLR-RR/SUR) filed by the respondents.

2. The parties are referred to as per their ranking before the writ Court for the sake of convenience.

3. According to the writ petitioners they are the legal heirs of one K. Subba Rao, who died on 27.01.1975. It is further stated that the Tahsildar, Bangalore East Taluk had issued Grant Certificate dated 29.11.1966 in favour of Sri. K. Subba

Rao in respect of two acres of land in Sy.No.11 of Kyalasanahalli Village, K.R. Puram Hobli, Bangalore East Taluk. However, the katha was not effected in respect of the land granted to Sri. K. Subba Rao and he never took any steps in furtherance of the land granted to him on 29.11.1966. A representation was made by the petitioners as late as on 29.09.2020 before the Tahsildar for effecting the katha in their name in respect of the alleged grant dated 29.11.1966.

4. The learned Single Judge without considering the inordinate delay in approaching the Court has entertained and disposed of the petition directing the Tahsildar to consider the representation dated 29.09.2020 filed by the petitioners in accordance with law in the light of the observation made by this Court in the judgment dated 26.09.2012 passed in W.P.Nos.4531-33/2012.

5. We are of the considered view, that such a belated claim could not have been entertained by the writ Court. The writ petition suffers from inordinate delay and laches inasmuch as the representation was filed after 54 years from the date of

alleged grant and after 45 years from the date of the death of late K. Subba Rao.

6. Accordingly, the writ appeal is ***allowed***. The impugned judgment and order dated 25.10.2023 passed by the writ Court in W.P.No.23523/2021 (KLR-RR/SUR), is set aside.

7. Interlocutory application(s) if any, does not survive for consideration, hence disposed of.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

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CT:SN
List No.: 1 Sl No.: 23