HC-KAR

CNR: KAHC010576442025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 26685 OF 2025 (KLR-RES)

BETWEEN:

1. SMT. SANNAMMA
   W/O LATE SANNASOMACHARI
   SINCE DEAD BY HER LRS,
   SRI B S GURUMURTHACHARI
   S/O LATE SONNASOMACHARI,
   AGED ABOUT 66 YEARS,
   OCC AGRICULTURE,
   R/O AGRAHARA BACHAHALLI VILLAGE,
   KRISHNARAJPET TALUK, MANDYA DISTRICT 571426

...PETITIONER

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

(BY SRI. R A KULKARNI., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
   MANDYA DISTRICT,
   MANDYA 571426.
2. THE ASSISTANT COMMISSIONER
   PANDAWARAPURA,
   MANDYA DISTRICT 571425

3. THE TAHASILDAR
KRISHNARAJ PET, KRISHNARAJPET TALUK,
MANDYA DISTRICT 571426.

SRI SUBBAKRISHNEGOWDA S/O LATE RAMEGOUDA
DEAD BY HIS LRS

4. GOPAL BIN LATE SUBBAKRISHNEGOWDA
AGED ABOUT 50 YEARS.
RESIDING AT AGRAHARA BACHAHALLI VILLAGE,
KASABA HOBLI, K R PET TALUK,
MANDYA DISTRICT 571 426.

5. SRIDHAR
BIN LATE SUBBAKRISHNAGOUDA,
AGED ABOUT 48 YEARS
RESIDING AT AGRAHARA
BACHAHALLI VILLAGE,
KASABA HOBLI, K R PET TALUK
MANDYA DISTRICT 571 426.

6. KRISHNAMURTHY
BIN LATE SUBBAKRISHNAGOUDA,
AGED ABOUT 46 YEARS
RESIDING AT AGRAHARA
BACHAHALLI VILLAGE,
KASABA HOBLI, K R PET TALUK,
MANDYA DISTRICT 571 426.

7. SRINIVAS
BIN LATE SUBBAKRISHNAGOUDA
AGED ABOUT 44 YEARS
RESIDING AT AGRAHARA
BACHAHALLI VILLAGE,

KASABA HOBLI, K R PET TALUK,
MANDYA DISTRICT 571 426.

8. PRAKASH
BIN LATE SUBBAKRISHNAGOUDA,
AGED ABOUT 42 YEARS
RESIDING AT AGRAHARA
BACHAHALLI VILLAGE
KASABA HOBLI K R PET TALUK,
MANDYA DISTRICT 571 426

…RESPONDENTS

(BY SRI. ADITYA DIWAKARA., AGA FOR R1 TO R3)
(R4 IS DECEASED)
(SMT. M.L. KRUTHIKA., ADVOCATE FOR)
(SRI. K.V.NARASIMHAN., ADVOCATE FOR R5 TO R8)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR SIMILAR WRIT OR ORDER OR DIRECTION TO QUASH THE ORDER DATED 5-12-2019 IN REVISION 50/2017 PASSED BY THE KARNATAKA APPELLATE TRIBUNAL CH 1 BY ALLOWING WRIT PETITION AND REMAND THE MATTER FOR FRESH CONSIDERATION AS PER LAW, AS PER ANNEXURE- T.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

1. Heard the learned counsel for the parties.

2. In this writ petition, the petitioner is assailing the order dated 05.12.2019 passed by the Karnataka Appellate Tribunal in Revision No.50/2017 at Annexure-T.

3. It is submitted by the learned counsel appearing for the petitioner that the Tribunal has committed an error in entertaining the revision petition, as the same was not maintainable before the Karnataka Appellate Tribunal. It is further submitted that the grant certificate was issued in favour of the private respondent on 04.09.1992 with a condition not to alienate the same for a period of 15 years from the date of issuance of the grant certificate. However, the private respondent has alienated the granted land. Accordingly, learned counsel sought for interference of this Court.

4. Per contra, learned counsel appearing for respondent Nos.5 to 8 submitted that there is a delay of six years in filing the writ petition against the order dated 05.12.2019 passed by the Karnataka Appellate Tribunal (Annexure-'T'). Therefore, the writ petition deserves to be dismissed on the ground of delay and laches.

5. It is also argued by learned counsel appearing for respondent Nos.5 to 8 that the date of issuance of the grant certificate is not the relevant criterion for calculating the period of non-alienation and the said period has to be reckoned from the date of the possession by the private respondent herein. Accordingly, learned counsel sought dismissal of the writ petition.

6. Learned AGA appearing for respondent Nos.1 to 3 sought to justify the impugned order.

7. In the light of the submissions made by the learned counsel appearing for the parties, it is not in dispute that there is a delay of six years in filing the writ petition assailing the order dated 05.12.2019 (Annexure-'T'). No acceptable reasons

are shown to condone the delay of six years in filing this writ petition. Therefore, I find force in the submission made by learned counsel appearing for respondent Nos.5 to 8.

8. That apart, on merits, taking into consideration the findings recorded by the Tribunal would indicate that the Tribunal, after considering the relevant aspects, particularly with regard to the date of delivery of possession to the grantee, has rightly arrived at the conclusion to allow the revision. The date of issuance of the grant certificate is not the relevant criterion for reckoning the period of non-alienation. The period of 15 years is reckoned from the date of possession by the grantee, it would indicate that there was no violation of the condition of non-alienation.

9. In that view of the matter and following the judgment of this Court in the case of ***Narasareddy & Anr. vs. Deputy Commisisoner, Chitradurga & Ors.,*** reported in ***ILR 2002 KAR 2758***, I find force in the submission made by learned counsel appearing for respondent Nos.5 to 8. Accordingly, the writ petition stands ***dismissed***.

10. Pending interlocutory applications, if any, stand disposed of.

SD/-
(E.S.INDIRESH)
JUDGE

VMB
List No.: 1 Sl No.: 15