IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

WRIT APPEAL NO. 1498 OF 2023 (KLR-RES)

BETWEEN:

1. THE STATE OF KARNATAKA
   BY THE CHIEF SECRETARY,
   VIDHANA SOUDHA,
   BANGALORE - 560 001.

2. THE REVENUE COMMISSIONER
   DEPARTMENT OF REVENUE,
   GOVERNMENT OF KARNATAKA,
   VIDHANA SOUDHA,
   BENGALURU - 560 001.

3. THE DEPUTY COMMISSIONER
   BENGALURU RURAL DISTRICT,
   CHAPPARAKALLU,
   VISWANATHAPURA POST,
   KUNDANA HOBLI,
   DEVANAHALLI TALUK,
   BENGALURU RURAL DISTRICT - 562 110.

4. THE ASSISTANT COMMISSIONER
   DODDABALLAPURA SUB DIVISION,
   DODDABALLAPURA,
   BENGALURU RURAL DISTRICT - 561 203.

5. THE TAHSILDAR
   DEVANAHALLI TALUK,
   DEVANAHALLI,
   BENGALURU RURAL DISTRICT - 562 110.

...APPELLANTS

(BY SRI. SPOORTHY HEGDE, HCGP)

Digitally signed by RAKSHA
Location: high court of karnataka

AND:

SRI. VENKATESHAPPA
S/O LATE RAMANNA
AGED ABOUT 68 YEARS
AGRICULTURIST
R/O GANGAVARA CHOWDAPPANAHALLI,
CHANNARAYAPATNA HOBLI,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT.

…RESPONDENT
(RESPONDENT - SERVED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO CALL FOR THE RECORDS A) ALLOW THE WRIT APPEAL B) SET ASIDE THE ORDER PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO.55072/2018 (KLR-RES); DATED 09.03.2022 AND CONSEQUENTLY DISMISS THE SAID WRIT PETITION AND ETC.,

THIS WRIT APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 09.10.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, ***K.S.BHARATH KUMAR, J.,*** PRONOUNCED THE FOLLOWING :

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE K.S.BHARATH KUMAR)

The appellant-State has preferred the instant appeal calling in question the legality and correctness of the order dated 09.03.2022, passed by the learned Single Judge in Writ Petition No.55072/2018.

2. For the sake of convenience, the parties are referred to as per their rankings before the Writ Court.

3. The case of the petitioner is that the Committee for Regularisation of Unauthorised Cultivation of Lands, had regularised 3 acres 7 guntas of land of the petitioner in Survey No.146/P-35 of Gangavara Chowdappanahalli Village, Channarayapatna Hobli, Devanahalli Taluk, on 18.08.2007. As the saguvali chit was not issued by respondent No.5-Tahsildar, the petitioner preferred Writ Petition No.715/2008, which came to be allowed by the order dated 21.01.2008 and as a result, the saguvali chit was issued in favour of the petitioner.

4. Since the katha in respect of the said land was not mutated in the name of the petitioner, he preferred Writ Petition No.22764/2009, which came to be allowed on 05.08.2009. In spite of the said orders, the concerned authorities did not take any action to mutate the name of the petitioner in the revenue records. As a result, the petitioner preferred contempt petition in CCC.N0.748/2009 (Civil) and during the pendency of the contempt proceedings, the katha in respect of the land in question was issued in favour of the petitioner.

5. Further, since the phodi and durasthi in respect of the subject land was not done, the petitioner preferred Writ Petition No.25172/2012, which came to be allowed on 14.08.2012 and in spite of the same, the authorities failed to take action. As a result, the petitioner filed contempt petition by in CCC.No.1873/2013 (Civil), which came to be dismissed by the order dated 28.10.2013, by recording that the order has been complied with. Consequently, the phodi and durasthi was done and new Survey No.279 was assigned to the land in question.

6. Subsequently, the Tahsildar/Secretary, Land Regularisation Committee, Devanahalli Taluk, Devanahalli, initiated proceedings under Rule 108-D (6) of Karnataka Land Revenue Rules, 1966. Since there was insufficient gomala land in the concerned village and that the records pertaining to the orders regarding regularization and the grant made on 18.08.2007 and 06.09.2007 were not available in the records maintained by the Committee, all the grants made were set aside by respondent No.4-Assistant Commissioner, Doddaballapura Sub-Division, Doddaballapura, Bengaluru Rural District, vide order dated 11.11.2016.

7. Being aggrieved by the said order dated 11.11.2016, the petitioner filed Writ Petition No.55072/2018 before the learned Single Judge. The learned Single Judge allowed the writ petition by the order dated 09.03.2022 and set aside the order dated 11.11.2016, passed by respondent No.4-Assistant Commissioner, Doddaballapura. Being aggrieved by the

said order dated 09.03.2022, passed by the learned Single Judge, the State has preferred the instant appeal.

8. Subsequent to the order dated 09.03.2022, passed by the learned Single Judge and during the pendency of the writ appeal, petitioner-Venkateshappa died on 03.07.2023. Thereafter, the appellant-State has filed an application - IA.No.1/2026, seeking impleadment of the legal heirs of the petitioner. The said application was filed on 07.06.2026 i.e., after lapse of nearly three years.

9. It is stated in the affidavit accompanying the application that, recently when the Village Administrative Officer was verifying the voters list during SIR duty, he found that the petitioner - Venkateshappa died on 03.07.2023. It is further stated that, immediately thereafter, in order to ascertain the legal heirs of late Venkateshappa, the Village Administrative Officer visited the house of late Venkateshappa and secured the information from his wife Lakshamamma.

10. Though there is delay of nearly three years in filing the said IA.No.1/2026, the appellant-State has not filed any application seeking condonation of the said delay and an application to set aside the abatement. The reasons assigned by the appellant-State for not bringing the legal heirs of the deceased petitioner on record is not satisfactory and further, since the said application IA.No.1/2026 has been filed without filing an application seeking condonation of delay of three years for bringing the legal representatives of deceased petitioner on record and an application for setting aside of abatement, we are of the considered opinion that the application - IA.No.1/2026 filed by the appellant-State does not find any merit for consideration and accordingly, the same is rejected.

11. Further, there is delay of 577 days in preferring the writ appeal. The appellant-State has filed an application - IA.No.1/2023 under Section 5 of the Limitation Act, seeking condonation of delay of 577 days in

preferring the appeal. In support of the application, an affidavit of the Tahsildar has been filed. It is stated in the affidavit that, pursuant to the order dated 09.03.2022, passed by the learned Single Judge in Writ Petition No.55072/2018, the file was placed before the higher authorities to take decision in the matter. It is further stated that, subsequently a decision was taken to prefer an appeal against the order passed by the learned Single Judge.

12. On perusal of the affidavit accompanying the application, it is seen that, there are no satisfactory grounds to condone the said delay of 577 days in preferring the appeal. Accordingly, IA.No.1/2023 stands rejected.

13. It is contended by the learned HCGP appearing for the appellant-State that respondent No.4 - Assistant Commissioner has passed the order dated 11.11.2016, vide Annexure-T, setting aside the grant order dated 18.08.2007 and 06.09.2007, passed by the

Tahsildar/Secretary, Land Regularisation Committee, Devanahalli, on the ground that the land in question, which was granted in favour of the petitioner, was situated within 18 KMs of the outer boundary of the BBMP area and that the original grant certificate was not available on record.

14. It is contended that, if the learned Single Judge found that the impugned order at Annexure-T passed by respondent No.4-Assistant Commissioner was unsustainable, the matter ought to have been remitted to respondent No.4 to consider the matter afresh. It is further contended that the land in question was reserved for public purpose. Hence, on these grounds, prayed to allow the appeal and set aside the order dated 09.03.2022, passed by the learned Single Judge.

15. We have heard the learned HCGP appearing for the appellant-State and perused the materials on record.

16. The subject land measuring 3 acres 7 acres belonging to the petitioner, situated in Survey

No.146/P-35 of Gangavara Chowdappanahalli Village, Channarayapatna Hobli, Devanahalli Taluk, was regularised by the Committee for Regularisation of Unauthorised Cultivation of the Lands. Further, by virtue of the order passed in Writ Petition No.715/2008, the saguvali chit was issued in favour of the petitioner. Further, in view of the orders passed in Writ Petition No.22764/2009, the katha was mutated in the name of the petitioner. Subsequently, in view of the order passed in Writ Petition No.25172/2012, phodi and durasthi in respect of the subject land was done.

17. It is the main contention of the appellant-State that, Assistant Commissioner has set aside the order of the Regularisation Committee and grant made on 18.08.2007 and 06.09.2007 on the ground that the records were not available and further, since the land in question was within 18 KMs of the outer boundary of the BBMP area.

18. It is seen from the records that, pursuant to the regularisation of the said land measuring 3 acres 7 guntas,

in Survey No.146/P-35, the authorities have taken steps to issue saguvali chit, mutated the name of the petitioner in the revenue records and also done phodi and durasthi in respect of the subject land. In all the said proceedings, no where it was mentioned by the authorities that the original records were not available and the land in question was within 18 KMs of the outer boundary of the BBMP area.

19. The appellant-State has failed to produce any materials to substantiate the fact that, as of the year 2007, when the regularisation of unauthorised occupation was initially done, the subject land was within 18 KMs of the outer boundary of the BBMP area. Further, it is strange to note that the impugned order at Annexure-T was passed behind the back of the petitioner, without putting the petitioner on notice and without affording an opportunity of being heard.

20. Since the respondent-authorities have implemented all the directions which were issued in the various proceedings initiated by the petitioner without

raising these specific objections and have issued the saguvali chit, mutated the name of the petitioner in the revenue records and done phodi and durasthi in respect of the subject land and as there is no whisper in the impugned order at Annexure-T with respect to the land being within 18 KMs of the outer boundary of the BBMP area, the Writ Appeal preferred with such a fresh contention on facts cannot be entertained.

21. For the reasons stated supra, we are of the considered opinion that on merits as well, no error can be found with the findings, reasoning and conclusions arrived at by the learned Single Judge.

22. Since no acceptable reasons have been assigned by the appellant-State seeking condonation of delay of 577 days in preferring the appeal, IA.No.1/2023 filed for condonation of delay is dismissed and also as the appellant-State has not filed applications seeking condonation of delay in filing the application to bring the legal heirs of the deceased petitioner on record and to

set aside the abatement, IA.No.1/2026 filed for impleadment is dismissed.

Consequently, the appeal is devoid of merits, and the same is ***dismissed.***

Pending interlocutory applications, if any, shall stand *disposed of*.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(K.S.BHARATH KUMAR)
JUDGE

bk/