HC-KAR

NC: 2026:KHC:59834-DB
WA No. 2137 of 2026

CNR: KAHC010634832026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT APPEAL NO.2137 OF 2026 (GM-RES)

BETWEEN:

1. THE STATE OF KARNATAKA,
REVENUE DEPARTMENT,
M.S. BUILDING,
DR. B.R. AMBEDKAR VEEDI,
BENGALURU-560 001,
REPRESENTED BY ITS SECRETARY.

2. THE STATE OF KARNATAKA,
PUBLIC WORKS, PORTS AND
INLAND WATER TRANSPORT DEPARTMENT,
OFFICE OF ASSISTANT EXECUTIVE ENGINEER,
NO.5, SUB-DIVISION, SAGARA,
SHIVAMOGGA DISTRICT-577 301,
REPRESENTED BY ITS SECRETARY.

3. THE DEPUTY COMMISSIONER,
SHIVAMOGGA DISTRICT,
SHIVAMOGGA-577 201.

4. THE ASSISTANT COMMISSIONER,
SAGARA SUB-DIVISION, SAGARA,
SHIVAMOGGA DISTRICT - 577 301.

5. THE TAHSILDAR,
SAGARA TALUK,
SHIVAMOGGA DISTRICL - 577 301.

…APPELLANTS

Digitally signed by
MAHALAKSHMI B M
Location: High Court
of Karnataka

(BY SRI. MOHAMMED JAFFAR SHAH, ADDL. GOVERNMENT ADVOCATE)

AND:

1. SMT. ADRI GOWRAMMA,
   AGED ABOUT 62 YEARS,
   W/O. NARAYANAPPA.

2. THIMMAPPA
   AGED ABOUT 79 YEARS,
   S/O GAMAPPA.

3. KANNAPPA,
   AGED ABOUT 76 YEARS,
   S/O MANJAPPA.

4. SMT. HALAMMA,
   AGED ABOUT 68 YEARS,
   W/O. LATE G. M. GAMAPPA.

5. SMT. MANJAMMA,
   AGED ABOUT 55 YEARS,
   W/O. MANJAPPA,

6. SMT. V. NAGAMMA,
   AGED ABOUT 70 YEARS,
   W/O. KARIYAPPA,

7. M.H. HANUMAPPA,
   AGED ABOUT 62 YEARS,
   S/O. MANJAPPA,

8. G. K. THIMMAPPA,
   AGED ABOUT 60 YEARS,
   S/O. KERIYAPPA,

9. ADRI MANJAPPA,
   AGED ABOUT 51 YEARS,
   S/O. BANGARAPPA,

10. RAMESHA,
AGED ABOUT 55 YEARS,
S/O. KANNAPPA,

11. VENKATESHA .M,
AGED ABOUT 53 YEARS,
S/O. K. MANJAPPA,

12. ALALLI MANJAPPA,
AGED ABOUT 53 YEARS,
S/O. GAMAPPA,

13. BANGI HONNAPPA,
AGED ABOUT 55 YEARS,
S/O. HUCHAPPA,

14. NAGARAJA,
AGED ABOUT 56 YEARS,
S/O. LATE BHEERAPPA,

15. SMT. HOLIYAMMA,
AGED ABOUT 65 YEARS,
W/O. KERIYAPPA,

16. HUCHAPPA,
AGED ABOUT 50 YEARS,
S/O. HANUMAPPA,

17. SMT. SUVARNA,
AGED ABOUT 50 YEARS,
W/O. LATE NINGAPPA,

18. SMT. NEELAMMA,
AGED ABOUT 66 YEARS,
W/O. LATE KERIYAPPA,

R-1 TO R-18 ARE R/AT
MARASA VILLAGE, SAGAR TALUK,
SHIVAMOGGA DISTRICT.

19. THE SAGARA TALUK PANCHAYAT,
SAGARA, SHIVAMOGGA DISTRICT-577 301,

REPRESENTED BY ITS
EXECUTIVE OFFICER.

20. THE EXECUTIVE OFFICER,
TALUK PANCHAYAT, SAGARA,
SHIVAMOGGA DISTRICT-577 301.

21. THE NAADAKALASI GRAMA PANCHAYAT,
NAADAKALASI, SAGARA TALUK,
SHIVAMOGGA DISTRICT-577 301,
REPRESENTED BY ITS
PANCHAYATH DEVELOPMENT OFFICER.

22. THE PANCHAYAT DEVELOPMENT OFFICER,
NAADAKALASI GRAMA PANCHAYATH,
NAADAKALASI, SAGARA TALUK,
SHIVAMOGGA DISTRICT-577 301.

23. RAJIV GANDHI HOUSING CORPORATION LTD.,
INDUSTRIAL AREA,
RAJAJINAGAR,
BENGALURU-560 010
REPRESENTED BY ITS
MANAGING DIRECTOR.

…RESPONDENTS

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO ALLOW THE WRIT APPEAL; SET ASIDE THE ORDER DATED 18.07.2024 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P.NO.7555/2021 AND ETC.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CNR: KAHC010634832026

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The State has filed the present appeal impugning the order dated 18.07.2024 [**impugned order**] passed by the learned Single Judge of this Court in W.P. No.7555/2021 (GM-RES).

2. Respondent Nos.1 to 18 [**writ petitioners**] had filed the said writ petition, *inter alia,* praying that directions be issued to the concerned authorities to carry out Hadbast Survey, demarcate the sites allotted to them by fixing the boundaries and provide basic amenities as requested.

3. The learned Single Judge allowed the said petition and directed the authorities to conduct a Hadbast survey; demarcate the boundaries of the sites allotted to the writ petitioners; and to provide the basic amenities sought by them.

4. It is stated that the Deputy Commissioner, Shivamogga District had granted land measuring 1 acre 16 guntas in Survey No.44 of Marasa Village, Kasaba Hobli, Sagar Taluk, to the Taluk

Panchayat, Sagar for distribution of house sites to the beneficiaries under the Ashraya Housing Scheme.

5. The Deputy Commissioner had also provided a list of beneficiaries. The Executive Officer of the Taluk Panchayat, Sagar had issued Hakku Patras (title deeds) to the said beneficiaries. Notwithstanding the same, no further steps were taken to demarcate the sites or provide the requisite amenities. The writ petitioners are entitled to the said sites alloted to them as they hold Hakku Patras in their own names or are the legal heirs of the beneficiaries. Thus, they filed the writ petition as they were unable to develop their sites because the boundaries of the sites alloted to them had not been demarcated. The writ petitioners also allege in the writ petition that even though the sites have not been demarcated, the Grama Panchayat has collected taxes in respect of the sites allotted to them.

6. Since there is no dispute that the Hakku Patras have been provided to the writ petitioners or their predecessors-in-interest, but the sites allotted to them have not been demarcated, we find no

infirmity with the order passed by the learned Single Judge. The appeal is thus liable to be dismissed.

7. We also note that the present appeal has been filed after an inordinate delay of 753 days, for which no reasonable explanation is forthcoming. The appeal is liable to be dismissed on the ground of delay as well.

8. The learned counsel for the appellant submits that there is no dispute that Hakku Patras have been provided to the writ petitioners. However, he submits that there is a controversy as to the land earmarked for them. He submits that a part of the land is claimed by the Forest Department, while another portion falls within the road margin. He submits that even if the impugned order is sustained, the beneficiaries would not be able to build on the sites allotted to them. It is therefore, necessary to allot alternative sites to them.

9. In this regard, it is clarified that the dismissal of the present appeal would not preclude the concerned authorities from entering into a dialogue with the writ petitioners for resolving the disputes

and for providing them alternative demarcated sites, if they are agreeable for the same.

10. The appeal is dismissed with the aforesaid observations.

11. The pending interlocutory application also stands disposed of.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(K.S. HEMALEKHA)
JUDGE

MBM
List No.: 1 Sl No.: 5