



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 3366 OF 2020 (KLR-RR/SUR)

BETWEEN:

1. P. ANANTHARAJE GOWDA
AGED ABOUT 75 YEARS
S/O LATE DODDAIAH GOWDA
R/AT KARNUMGERI VILLAGE
MADIKERI HOBLI
MADIKERI TALUK
KODAGU DISTRICT-571 201.

... PETITIONER

(BY SRI. PAVANA CHANDRA SHETTY H., ADVOCATE)

AND:

1. THE PRL. SECRETARY
REVENUE DEPARTMENT,
GOVERNMENT OF KARNATAKA,
M S BUILDING
BENGALURU-560 001.
2. THE DEPUTY COMMISSIONER
KODAGU DISTRICT-571 201
MADIKERI.
3. THE ASSISTANT COMMISSIONER
MADIKERI SUB DIVISION,
MADIKERI,
KODAGU DISTRICT-571 201.

Digitally signed
by VIDYA G R
Location
HIGH COURT
OF
KARNATAKA



4. TAHSILDAR
MADIKERI TALUK
KODAGU DISTRICT-571 201.

5. AKRAMA-SAKRAMA SAMITHI
TALUK OFFICE,
MADIKERI TALUK
KODAGU DISTRICT-571 201
REP. BY ITS SECRETARY

... RESPONDENTS

(BY SMT. SPOORTHY HEGDE, HCGP)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER NO.RP/129/2017-18 PASSED BY THE R-2, DATED 30.10.2019 AND THE ORDER PASSED BY THE R-3 ASSISTANT COMMISSIONER, MADIKERI SUB-DIVISION, MADIKERI DATED 30.01.2018, BY CANCELLING THE GRANT MADE BY THE R-5 IN FAVOUR OF THE PETITIONER HEREIN DATED 29.07.2016, MEASURING 1.60 ACRES AT LAND BEARING SY.NO.195/1 OF KARNUMGERI VILLAGE, MADIKERI TALUK, KODAGU DISTRICT PRODUCED AT ANNEXURE-A AND B AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV



ORAL ORDER

The petitioner has sought for setting aside of the order passed by the Deputy Commissioner at Annexure-A, which order had confirmed the order of the Assistant Commissioner at Annexure-B.

2. Before the Assistant Commissioner, the proceedings were initiated relating to grant and issuance of saguvali chit. Subsequently on 23.01.2009, the Assistant Commissioner on the basis of the report of the Tahsildar had noticed that the petitioner herein had certain other properties and the declaration made did not reflect the same, and accordingly the grant and saguvali chit were set aside and the land vested with the Government. The said order was taken up before the Deputy Commissioner who in exercise of power conferred under Section 136 (3) of the Karnataka Land Revenue Act, 1964, had upheld the order of the Assistant Commissioner.

3. Learned counsel for petitioner would submit that the order of the Assistant Commissioner at Annexure-B



was without notice. It was further submitted that power was exercised after an unreasonable period of time and such power is impermissible. It is further submitted that, before the Deputy Commissioner there is a finding that the learned counsel for petitioner herein was absent.

4. It is submitted that the orders impugned are to be set aside firstly on the ground of violation of principles of natural justice. It is further submitted that the power was exercised after unreasonable delay and ought not to have been entertained.

5. Learned HCGP submits that declaration of the petitioner in the form submitted while seeking for land grant at page 51 at Annexure-F was silent with respect to properties held.

6. It is submitted that the information came to the authorities only by complaints and accordingly, the power was exercised upon finding out of the holdings of the petitioner. Insofar as his contention regarding absence of



notice, the same is not controverted by any record submitted before the Court.

7. Taking note of the serious consequence of order of cancellation of grant and noticing that cancellation of grant proceedings was granted in the year 2016-17 after 09 years of issuance of Saguvali Chit and the Assistant Commissioner has failed to issue notice as contemplated under proviso to Rule 109(k), it would be appropriate to remand the matter back to the Assistant Commissioner for fresh consideration.

8. Accordingly, the order at Annexure-A and B are set aside. The matter is remitted for fresh consideration before the Assistant Commissioner. The Assistant Commissioner is to hold an enquiry after giving due opportunity the petitioner adhering to the principles of natural justice.



9. All contentions of the petitioner as raised herein and also contentions of the State are kept open to be canvassed before the Assistant Commissioner afresh.

10. Needless to state, any action by the State could be only after conclusion of the proceedings if answered in the affirmative in favour of the State. Till such time, all entries in favour of the petitioner shall not be disturbed. Needless to state, petitioner to cooperate in the proceedings and the respondents to conduct the proceedings diligently.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

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