



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 5367 OF 2026 (KLR-RES)

BETWEEN:

SRI. M.A. NAGESH
S/O ANNEGOWDA,
AGED ABOUT 60 YEARS,
R/AT MANNIKERE, G. AGRAHARA VILLAGE,
GONIBEEDU HOBLI, MUDIGERE TALUK,
CHIKKAMAGALURU.

...PETITIONER

(BY SRI. SUNDARESH H.C., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
RPT BY ITS PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
M.S. BUILDING, BENGALURU-560 001.
2. THE DEPUTY COMMISSIONER
CHIKKAMAGALURU DISTRICT,
CHIKKAMAGALURU-577 101.
3. THE ASSISTANT COMMISSIONER
CHIKKAMAGALURU SUB DIVISION,
CHIKKAMAGALURU DISTRICT-577 101.
4. THE TAHASILDAR,
MUDIGERE TALUK,
CHIKKAMAGALURU DISTRICT-577 101

...RESPONDENTS

(BY SMT. NAVYA SHEKHAR, AGA)





THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE ORDER VIDE CASE NO.BAHU/385/2015-16 DATED 30/09/2020 PASSED BY THE 3RD RESPONDENT AND ALSO THE ORDER VIDE CASE NO.R.A. (SPL DC) 50/2024 DATED 12/02/2025 PASSED BY THE 2ND RESPONDENT AS PER ANNEXURE-F AND G RESPECTIVELY.

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

CORAM: HON'BLE MR. JUSTICE R DEVDAS

ORAL ORDER

Learned Additional Government Advocate takes notice for all the respondents.

2. The grievance of the petitioner is that nearly 4 years after the grant was made in favour of the petitioner, regularizing 3 acres of land in Survey No.825 of G. Agrahara Village, Gonibeedu Hobli, Mudigere Taluk, the Tahsildar, Mudigere Taluk, instituted proceedings before the Assistant Commissioner under Rule 108K r/w Section 49 of the Karnataka Land Revenue Act seeking cancellation of the grant.



3. Learned counsel submits that a plain reading of the order passed by the Assistant Commissioner clearly shows that the matter has been remanded for reconsideration on the ground that the mandatory requirement of publishing in the notice board, the applications filed by persons seeking regularization of unauthorised occupation was not published, calling for objections from the general public. Secondly, the resolution passed by the Committee does not contain the signature of the Secretary. Learned counsel contends that Rule 108K enables cancellation only if the grant has been obtained by making false or fraudulent representation or is contrary to these rules.

4. Having regard to the provision contained in Rule 108K, it is clear that cancellation would be possible not only if the grant is obtained by making false or fraudulent representation, but also if the grant is contrary to the rules. That being the position, this Court is of the considered opinion that there is no infirmity that can be



found in the orders passed by the Assistant Commissioner. If the procedures are not complied, it would become contrary to the rules. Objections are required to be called for from the general public so that any information that would go against the applicant can be noticed by the Committee. The resolution of the Committee is also required to be signed by all the members, including the Secretary. That being the admitted position, the impugned order cannot be faulted. Moreover, the matter has been remanded back to the Committee for reconsideration.

Consequently, the writ petition is ***dismissed***.

Sd/-
(R DEVDAS)
JUDGE