



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 24TH DAY OF FEBRUARY, 2026
PRESENT
THE HON'BLE MRS. JUSTICE ANU SIVARAMAN
AND
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT APPEAL NO.284/2023 (KLR-RES)

BETWEEN:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
REVENUE DEPARTMENT
M. S BUILDING, BENGALURU 560001.
2. THE DEPUTY COMMISSIONER
BENGALURU RURAL DISTRICT
V.V. TOWER, BENGALURU 560 001.
3. THE ASSISTANT COMMISSIONER
DODDABALLAPURA SUB DIVISION
DODDABALLAPURA
BENGALURU RURAL DISTRICT 560 203.
4. THE TAHSILDAR
DEVANAHALLI TALUK
DEVANAHALLI
BENGALURU RURAL DISTRICT 562 135.
5. THE CHAIRMAN
COMMITTEE FOR REGULARIZATION OF
UNAUTHORIZED CULTIVATION OCCUPATION
DEVANAHALLI TALUK, DEVAHANALLI
BENGALURU RURAL DISTRICT 562 135.

...APPELLANTS

(BY SRI. KIRAN KUMAR, HCGP)





NC: 2026:KHC:11798-DB
W.A. No.284/2023

AND:

1. SMT. PYARI MA
W/O IMTIYAZ
AGED ABOUT 56 YEARS
OCC: AGRICULTURIST.
2. SMT. PARVEEN TAZ
W/O VAZIR SAB
AGED ABOUT 49 YEARS
OCC: AGRICULTURIST.
3. SMT. SHAMEEMUNNISA
W/O SALIM
AGED ABOUT 51 YEARS
OCC: AGRICULTURIST.

ALL ARE R/AT.2574
WARD NO.13, NEW BUS STAND ROAD
VIJAYAPURA TOWN
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT 562 135.

4. SRI. M.S. MUJEEB
S/O SHAJAN SAB
AGED ABOUT 51 YEARS
R/AT WARD NO.17
KUBAH MASJID MOHALLA
VIJAYAPURA TOWN
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT 562 135.

...RESPONDENTS

(BY SRI. M.S. NAGARAJA, ADV., FOR R1 & R2
SRI. V. MUNIRAJ GOWDA, ADV., FOR R3
R4 SERVED)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT, 1961, PRAYING TO CALL FOR RECORDS.
ALLOW THIS W.A. AND SET ASIDE THE ORDER DATED



12.01.2022 PASSED BY THE LEARNED SINGLE JUDGE IN WP No.22426/2021 (KLR-RES) IN THE INTEREST OF JUSTICE AND EQUITY & ETC.

THIS WRIT APPEAL HAVING BEEN HEARD AND RESERVED ON 20.02.2026, COMING ON FOR PRONOUNCEMENT OF JUDGMENT, THIS DAY **VIJAYKUMAR A. PATIL J.**, DELIVERED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL)

This appeal is filed by the appellant-State under Section 4 of the Karnataka High Court Act, 1961, challenging the order dated 12.01.2022 passed in W.P.No.22426/2021 (KLR-RES) by the learned Single Judge.

2. The brief facts leading to the filing of this appeal are that the respondents filed an application for regularization of unauthorized occupation of the land, which was allowed and the grant order was issued by the appellant No.4-Tahaasildar on 25.01.1999. The respondent No.4 filed a complaint before the Tahasildar



which was rejected and the same was assailed before the appellant No.3-Assistant Commissioner under Rule 108(D)(6) of the Karnataka Land Revenue Rules, 1966 (hereinafter referred to as the '**Rules**'). The appellant No.3 allowed the appeal and ordered for cancellation of grant under Rule 108-K of the Rules vide order dated 28.04.2014 on the ground that the land was situated within 5 kms of the City Municipal limits and was also required for public purpose. The aforesaid order was upheld by the appellant No.2-Deputy Commissioner as well as the Karnataka Appellate Tribunal (hereinafter referred to as the '**KAT**'). The respondents assailed all the three orders before the learned Single Judge in W.P.No.22426/2021. The learned Single Judge, on considering the material on record and the provisions of law, allowed the petition on the ground that the initiation of action by the Authorities was beyond reasonable time and no explanation was given for initiating such an action



after the delay of over a decade. Being aggrieved, the appellant-State has preferred this appeal.

3. Sri.Kiran Kumar, learned High Court Government Pleader appearing for the appellant-State submits that the learned Single Judge has failed to consider the material on record and the provisions of law in its proper perspective. It is submitted that the grant in favour of the respondents vide grant order dated 25.01.1999 is in violation of Section 94(4) of the Karnataka Land Revenue Act, 1964 (hereinafter referred to as '**the Act**'), as the land is situated within 5 kms of the City Municipal limits. It is further submitted that the grant of land to the respondents is in violation of Rule 108-I of the Rules which cannot be allowed. Hence, he seeks to allow the appeal.

4. *Per contra*, Sri.M.S.Nagaraja and Sri.V.Muniraj Gowda, learned counsel appearing for the respondents No.1 and 2 and respondent No.3, respectively, support the



impugned order of the learned Single Judge. It is submitted that the learned Single Judge has rightly recorded the finding that the revisionary power to recall an order or cancel a grant has to be exercised within a reasonable period and allowed the writ petition which does not call for any interference. Hence, they seek to dismiss the appeal.

5. We have heard the arguments advanced by the learned High Court Government Pleader appearing for the appellant-State, the learned counsel appearing for the respondent Nos.1 and 2, the learned counsel appearing for respondent No.3 and perused the material available on record. We have given our anxious consideration to the submissions advanced on both the sides.

6. The material on record indicates that the respondents were in an unauthorized occupation of the land in Sy.No.162 measuring 5 acres 10 guntas situated at Vijayapura Village, Devanahalli Taluk, Bengaluru Rural



District. The respondents filed an application in Form No.50 seeking regularization of the unauthorized occupation of land in the year 1993. The Regularization Committee rejected the said application on 01.10.1993 and the same was challenged by the respondents in W.P.No.37533-37535/1993. This Court vide order dated 13.12.1994 ordered the Authorities to reconsider the applications seeking for regularization of the unauthorized occupation. Consequently, the Regularization Committee on reconsideration of the application passed an order of recommendation of regularization with observations that there were no objections filed, the spot inspection was conducted by the Tahasildar, the land is about 4 kms. away from Vijayapur city and the land was not required for the public usage. The appellant No.4, on the basis of the recommendation of the Regularization Committee, issued the grant order to the respondents on 25.01.1999.

7. The respondent No.4 filed a complaint before the appellant No.4 that the grant made in favour of the



respondents was in violation of law and the same is sought to be cancelled. The appellant No.4 rejected the said complaint and held that the grant was in accordance with law. The respondent No.4 filed an appeal under Rule 108(D)(6) of the Rules before the appellant No.3 challenging the order passed by the appellant No.4. The appellant No.3 allowed the appeal on the ground that the land was within 5 kms of the City Municipal limits and is also required for public purpose and ordered for cancellation of grant under Rule 108K of the Rules. The order of the appellant No.3 was assailed in an appeal before the appellant No.2 and the same was dismissed vide order dated 27.09.2016. The order of the appellant No.2 was further assailed before the KAT in R.P.No.22/2019 and the same was also dismissed vide order dated 27.10.2021. The respondents filed a writ petition before the learned Single Judge in W.P.No.22426/2021 challenging all the aforesaid orders. The learned Single Judge on considering the material on



record and the provisions of law passed the impugned order holding that the power of recalling or cancellation of grant by the Authorities must be exercised within a reasonable period of time and also that there was no explanation given by the Authorities for initiation of action after a lapse of over a decade.

8. The contention of the appellant that the land is granted in violation of Section 94(4) of the Revenue Act as well as Rule 108-I of the Rules cannot be considered in view of the delay in initiation of action by the appellant-Authorities. It is trite law that even in cases where the orders sought to be revised are fraudulent, the exercise of power must be within a reasonable period of the discovery of fraud. In the instant case, the impermissibility of the grant as contended by the appellant-State is rooted in the fact that the lands in question are within 5 kms of City Municipal limits. However, the order of recommendation passed by the Regularization Committee at Annexure-B clearly mentions that the land is situated at 4 kms



distance from Vijayapur City. Hence, the appellant-State, being aware of the distance of the lands in question from the City Municipal limits, ought to have initiated the action at a much earlier stage.

9. The learned Single Judge has rightly placed reliance on the decisions of the Hon'ble Supreme Court in the case of **MOHAMAD KAVI MOHAMAD AMIN Vs. FATMABAI IBRAHIM¹** and **JOINT COLLECTOR RANGA REDDY DISTRICT Vs. D.NARASING RAO AND OTHERS²** and held that no explanation is offered by the appellant No.3 as to why the action is initiated after a lapse of more than a decade, when it was well within the knowledge of the Regularization Committee as well as the appellant No.4 that the granted land was well within the restricted limits.

10. It is also noticed that the initial application for regularization of unauthorized occupation is made in the

¹ (1997) 6 SCC 71

² (2015) 3 SCC 695



year 1993 and Section 94(4) of the Act, was only brought in by way of amendment on 06.07.1994. In regard to the same, the Co-ordinate Bench of this Court in the case of **MAHADEVA AND OTHERS Vs. STATE OF KARNATAKA AND OTHERS³**, has held that the Authority is required to take note of the law prevailing as on the date of filing of the application and the provisions of Section 94A of the Act, has prospective application. In view of the said finding and taking note of the fact that the application is filed in the year 1993, the Authorities are required to consider the law prevailing on the date of filing of the application and not the later events. Even on this ground, the cancellation of grant is bad in law.

11. Hence, we are of the considered view that the finding of the learned Single Judge is after considering the material on record and the provision of law in its right perspective, which does not call for any interference.

³ WP.No.19474-19479/2016 dated 01.07.2016



12. For the aforementioned reasons, the appeal is ***dismissed.*** Consequently, the pending interlocutory application stands disposed of.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

RV
List No.: 2 Sl No.: 4