IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 5700 OF 2026 (KLR-RR/SUR)

BETWEEN:

SMT. MUMTAZ
D/O LATE KASIM SAB
AGED ABOUT 66 YEARS
R/AT KENCHANAHALLI VILLAGE,
C S PURA HOBLI, GUBBI -572 216

...PETITIONER

(BY SRI. MALLIKARJUN N.A, ADVOCATE FOR
SRI. SAMPATH A, ADVOCATE)

AND:

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

2. TAHSILDAR
GUBBI TALUK
GUBBI - 572 216.

...RESPONDENTS

(BY SRI. V. SESHU, HCGP)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A. ISSUE WRIT IN THE NATURE OF CERTIORARI QUASHING THE NOTICE DATED

28.01.2025, BEARING NO.PADA CR13/25-26 PASSED BY RESPONDENT NO.2-TAHSILDHAR VIDE ANNEXURE-A AND ETC.,

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 High Court Government Pleader takes notice for all the respondents.

2. The grievance of the petitioner is that Sy.No.95 measuring 2 acre 10 guntas of land situated at Kenchanahalli Village, C.S.Pura Hobli, Gubbi Taluk is shown as "SARKARI PADA" and the said entry has been made without notice to the owners/kathedar of the land. At Annexure-A, an endorsement issued by the Tahsildar, Gubbi Taluk, it is stated that the petitioners did not file necessary application within the time stipulated in the amended Rule 119 of the Karnataka Land Revenue Rules, 1966 in terms of Order No.RD 28 LGP 2013 dated

07.12.2012, where such applications were required to be filed on or before 06.09.2014.

3. This Court, in WP.No.19639/2021 dated 05.09.2022 considered the relevant provisions contained in sub-section (1) of Section 163, sub-section (i) of Section 87 of the Karnataka Land Revenue Act, 1964, and Rule 119 of the Karnataka Land Revenue Rules, 1966, and held that, having regard to the provisions contained in sub-section (1) of Sections 163 and 87, it is clear that the Tahsildar shall not declare any such occupancy or alienated land holding to be forfeited to the State Government, where the arrears of land revenue due does not exceed Rs.10,000.00. Similarly, this Court has held that insofar as Rule 119 is concerned, even in Sub-Rule 2, the intention of the amended provision, which came into effect on 01.04.1988 is to grant relaxation and enable the revenue authorities to accept the application for cancellation of forfeiture even in cases where the land

was sold and purchased on account of the Government dues but which were not disposed of otherwise.

4. In the considered opinion of this Court, a plain reading of the provisions contained in Section 163 and the Rules, including Rule 119, makes it clear that in the normal circumstances where there are arrears of land revenue, it is not the intention of the government to forfeit the agricultural lands. On the other hand, the provisions are clearly directed towards the other cases where charges are created by orders passed by Courts of law and other competent authorities where the parties are in default for payment and the Courts and authorities deem it fit to direct recovery of such debts to be collected as arrears of land revenue.

5. Consequently, in terms of the earlier order passed by this Court in W.P.No.19639/2021 dated 05.09.2022 in the case of ***Shivanna Vs. Deputy Commissioner and others,*** the writ petition stands ***disposed of*** directing the respondent No.2-Tahsildar,

Gubbi Taluk, to collect the arrears of land revenue, and formally pass an order of cancellation of forfeiture (PADA). The Tahsildar shall pass necessary orders intimating the petitioner as to the arrears of land revenue and on payment of the said arrears of land revenue, the Tahsildar shall pass necessary orders for cancellation of the order of the forfeiture passed earlier. The petitioner is also permitted to file necessary application for entering the name of the petitioner and the Tahsildar shall also consider such an application and pass necessary orders in accordance with law, as expeditiously as possible, and at any rate within a period of three months from the date of receipt of a copy of this order.

Sd/-
(R DEVDAS)
JUDGE

rv
List No.: 1 Sl No.: 5