



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 5959 OF 2026 (GM-RES)

BETWEEN:

1. NARASIMHAMURTHY
S/O. LATE HANUMANTHAIAH ALIAS
HANUMANTHAPPF KA
AGED ABOUT 58 YEARS,
OCCUPATION AGRICULTURIST,
2. RAVIKUMAR
S/O. LATE HANUMANTHAIAH ALIAS
HANUMANTHAPPA
AGED ABOUT 45 YEARS,
OCCUPATION AGRICULTURIST,
BOTH ARE RESIDENTS OF
MAGODU VILLAGE AND POST,
KASABA HOBLI, SIRA TALUK,
TUMAKURU DISTRICT-572 137.



...PETITIONERS

(BY SRI. HARISH T.S., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,



DEPARTMENT OF REVENUE,
DR. B.R. AMBEDKAR VEEDHI,
VIDHANASOUDHA,
BENGALURU-560 001.

2. THE DEPUTY COMMISSIONER,
TUMAKURU DISTRICT,
TUMAKURU-572 101.
3. THE ASSISTANT COMMISSIONER,
MADHUGIRI SUB-DIVISION,
MADHUGIRI TOWN,
TUMAKURU DISTRICT-572 132.
4. THE THASILDAR,
SIRA TALUK,
TUMAKURU DISTRICT-572 137.
5. THE REVENUE INSPECTOR,
KASABA HOBLI,
MAGODU CIRCLE, KASABA HOBLI,
SIRA TALUK,
TUMAKURU DISTRICT-572 137.
6. THE VILLAGE ACCOUNTANT,
MAGODU CIRCLE, KASABA HOBLI,
SIRA TALUK,
TUMAKURU DISTRICT-572 137.
7. THE PANCHAYATH DEVELOPMENT OFFICER,
MAGODU GRAMA PANCHAYATH,
SIRA TALUK,
TUMAKURU DISTRICT- 572 137.
8. THE EXECUTIVE OFFICER,
TALUK PANCHAYATH OFFICE,
SIRA TALUK,



TUMAKURU DISTRICT-572 137,

...RESPONDENTS

(BY SRI. B. RAVINDRANATH, AGA FOR R1 TO R6)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT IN THE NATURE OF CERTIORARI/APPROPRIATE WRIT AND QUASH THE ORDER DATED 26.04.2017 BEARING NO. LND (SIRA) CR 252/2016-17 PASSED BY THE 2ND RESPONDENT PRODUCED VIDE, ANNEXURE-G; ISSUE WRIT IN THE NATURE OF MANDAMUS/APPROPRIATE WRIT, DIRECTING THE 2ND RESPONDENT, 3RD RESPONDENT AND 4TH RESPONDENT RESPECTIVELY TO CONSIDER THE REPRESENTATIONS OF THE PETITIONERS DATED 11.12.2025, 09.12.2025 AND 24.12.2025 WHICH ARE SUBMITTED SEEKING TO REGULARISE THE UN-AUTHORISED OCCUPATION OF LAND BEARING SY. NO.37, MEASURING 5 ACRES 22 GUNTAS, SITUATED AT MAGODU VILLAGE, KASABA HOBLI, SIRA TALUK PRODUCED VIDE, ANNEXURES-A, B AND C.

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

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD



ORAL ORDER

The petitioners assert that they are in possession of the land measuring 5 acres 22 guntas of Magodu Village, Kasaba Hobli, Sira Taluk [*the subject property*] and that before them their father was in possession of this property. The petitioners have called in question the second respondent's order dated 26.04.2017. The second respondent by this order has reserved 4 acres of the land in Sy.No.37 of the afore Village for *Ashraya Scheme*. Mr. Harish T. S, the learned counsel for the petitioners, and Mr. B. Ravindranath, the learned Additional Government Advocate, who is called upon to accept notice for the first to sixth respondents, are heard for final disposal of the petition.

The petitioners' case as against the second respondent's order dated 26.04.2017 is built on three grounds *viz.*, [***a***] that they are in possession of the



subject property and the application filed by them for regularisation of their unauthorised occupation is pending consideration, **[b]** though the second respondent's order is dated 26.04.2017, no action has been taken and the petitioners are in possession thereof, and **[c]** the petitioners have learnt about this only in December 2025 when the officers visited the property to survey and mark plots to be allotted under the *Ashraya Scheme*.

However, this Court is not persuaded because the application purportedly filed by the petitioners prior to 1988 is not favourably considered with the authorities observing that the Government had not permitted regularization. The next application, which is in the year 2019, is after the impugned order dated 26.04.2017. The petitioners have not placed on record the measures that they have taken to ensure that their application is decided. These circumstances congeal to apply the principle that



delay must defeat a right even if there could be any.

Hence, the petition is rejected.

Sd/-
(B M SHYAM PRASAD)
JUDGE

RB