



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 8464 OF 2026 (KLR-RES)

BETWEEN:

1. SMT. VIJAYALAKSHMI
W/O RAJANNA V
AGED ABOUT 52 YEARS

2. SRI. MANJUNATH V
S/O LATE VENKATAPPA
AGED ABOUT 57 YEARS

BOTH ARE R/A BULLAHALLI VILLAGE
VIJAYAPURA HOBLI
DEVANAHALLI TALUK
BANGALORE RURAL-562110.

...PETITIONERS

(BY SRI. ANIKETH K.U., ADVOCATE FOR
SRI. SACHIN B.S., ADVOCATE)

AND:

THE TAHSILDAR
DEVANAHALLI TALUK
BANGALORE RURAL- 562110

...RESPONDENT

(BY SMT. B.P.RADHA., AGA)

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED
ORDER DTD. 17.02.2026 IN NCR/CR.308/2022-23 PASSED BY





RESPONDENT AS PER ANNEX-A IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

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

CORAM: HON'BLE MR. JUSTICE R DEVDAS

ORAL ORDER

Learned Counsel for the petitioners has drawn the attention of this Court to Annexure-C, the RTC of the year 2025-26 and submits that even in terms of the latest RTC in Survey No.39/3 of Ballahalli village, Vijayapura Hobli, Devanahalli Taluk, the total extent of land is shown as 09 Guntas and 06 Guntas are shown as 'B' kharab land and the remaining 03 Guntas are shown in the name of the petitioners. However, in the handwritten RTCs, the total extent of land in Survey No.39 is shown as 16 Guntas, out of which 06 Guntas are shown as 'A' kharab land and the remaining 10 Guntas were shown in the name of Sri.Venkatappa S/o Subbaiah, through whom the petitioners herein claim rights. Subsequently, there was



partition in the family and land to an extent of 09 Guntas fall to the share of Sri.Subramani S/o Narayanappa. Having regard to these aspects that were reflected in the RTCs and the Revenue Records, the petitioners purchased the said lands from Sri.Subramani under a registered Sale Deed dated 25.03.2024 at Annexure-B.

2. Learned Counsel for the petitioners draws the attention of this Court to the Schedule in the Sale Deed and submits that the total extent of land purchased by the petitioners is 09 Guntas, out of which 06 Guntas are shown as kharab land and the remaining 03 Guntas are shown as khushki lands. Further, the learned Counsel submits that in the impugned order at Annexure-A the respondent-Tahsildar has stated that though notice was issued to the petitioners on 21.08.2025 they have not given any reply. On the other hand, at Annexure-E is the reply given by the petitioners on 02.09.2025 as acknowledged at the bottom of the page. Learned Counsel



further submits that the impugned order has been passed without giving an opportunity of hearing to the petitioners.

3. Having regard to the facts narrated hereinabove and the fact that the Tahsildar has stated in the impugned order at Annexure-A that no reply is given by the petitioners, it clearly show that the petitioners have not been afforded an opportunity of hearing before such an order could be passed by the Tahsildar. Moreover, the learned Counsel for the petitioners submitted that in the Karnataka Revision Settlement Aakarbandh, there appears to be an order passed by the Assistant Director of Land Records in proceedings bearing No.ADLR/CR/No.164/2020-2021, which is again an order passed without notice to the petitioners or their predecessors in title.

4. For the foregoing reasons, this Court is of the considered opinion that the respondent-Tahsildar cannot be permitted to proceed on the basis of the impugned order at Annexure-A dated 17.02.2026. The provision



contained in Section 104 of the Karnataka Land Revenue Act, 1964, empowers the competent authority to take action against persons who have encroached upon public property, which would be a drastic step, having regard to the fact that it is a summary proceeding. Therefore, unless an opportunity of hearing is given to the petitioners, the respondent-Tahsildar cannot be permitted to evict the petitioners.

5. Consequently, this Court proceeds to pass the following:

ORDER

- (1) The writ petition is **partly allowed** while setting aside the impugned order dated 17.02.2026 at Annexure-A passed by the respondent-Tahsildar. However, liberty is also reserved to the petitioners to raise a challenge to the order said to have been passed by the Assistant Director of Land



Records in proceedings bearing No. ADLR/CR
No.164/2020-2021.

- (2) The respondent-Tahsildar is hereby directed to go through the reply dated 02.09.2025 given by the petitioners as found at Annexure-E, afford sufficient opportunity of hearing to the petitioners to have their say in the matter, since the petitioners have purchased the property in question under a registered Sale Deed dated 25.03.2024 as found in Annexure-B.
- (3) In the meanwhile, if a challenge is raised by the petitioners to the order passed by the Assistant Director of Land Records, the same is also required to be considered by the competent authority in accordance with law.
- (4) Till a decision is rendered by the appellate authority on the order said to have been passed by the Assistant Director of Land



Records, the respondent-Tahsildar shall stay his hands.

- (5) It is further directed that respondent-Tahsildar, Devanahalli Taluk consider the reply given by the petitioners and wait for a period of at least two months to enable the petitioners to raise a challenge to the order said to have been passed by the Assistant Director of Land Records and thereafter, consider the grievance of the petitioners in accordance with law.

Sd/-
(R DEVDAS)
JUDGE

DL
CT: JL