



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 1383 OF 2024 (KLR-RES)

BETWEEN:

1. STATE OF KARNATAKA
REPTD. BY PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
M.S.BUILDING, BENGALURU-560 001.
2. THE DEPUTY COMMISSIONER
BENGALURU RURAL DISTRICT,
BEERASANDRA VILLAGE,
DEVANAHALLI TALUK- 562 110.
3. TAHSILDAR
DODDABALLAPURA TALUK
DODDABALLAPURA- 561203.

...APPELLANTS

(BY SRI. K.S. HARISH, GA)

AND:

SMT SHANTHAMMA
W/O KEMPEGOWDA
AGED ABOUT 65 YEARS,
R/AT HONNAGHATTA VILLAGE,
KASABA HOBLI,
DODDABALLAPURA TALUK.

...RESPONDENT

(BY SRI. CHOKKAREDDY, ADVOCATE)

Digitally signed
by NIRMALA
DEVI

Location:
HIGH COURT
OF
KARNATAKA



THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO CALL FOR RECORDS, SET ASIDE THE ORDER PASSED BY THE LEARNED SINGLE JUDGE DATED 23/08/2023 IN WRIT PETITION NO.4656/2023 (KLR-RES) AND GRANT SUCH OTHER RELIEF/s AND ETC.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The State has filed the present appeal impugning an order dated 23.08.2023 passed by the learned Single Judge of this Court in Writ Petition No.4656/2023 (KLR-RES).

2. The respondent had filed the said petition impugning an endorsement dated 30.01.2023 issued by appellant no.3 [**the Tahsildar**]. In terms of the said endorsement, the writ petitioner's request for issuance of a cultivation certificate in respect of land measuring 19 guntas falling in Survey no.51/3A of Honnaghatta Village, Kasaba Hobli, Doddaballapur Taluk [**subject land**] was rejected.



3. The writ petitioner had applied for grant of the said land, which was favourably considered by the concerned committee and a resolution dated 30.01.2004 was passed resolving to grant the subject land in favour of the writ petitioner. Thereafter, on 28.09.2004 the Tahsildar issued a memorandum pursuant to the resolution. The writ petitioner paid the occupancy price as required, on 06.10.2004, and executed a personal bond. Thereafter, it appears that no further steps were taken.

4. In the aforesaid circumstances, the writ petitioner was constrained to file a representation dated 21.10.2022 seeking issuance of a saguvali chit in respect of the subject land. The said request/representation was rejected in terms of the endorsement dated 30.01.2023, which was challenged by the writ petitioner by filing a writ petition being W.P.No.4656/2023.

5. The writ petitioner's request for issuance of a saguvali chit was rejected on the ground that the subject land fell within a distance of five kilometers from the limits of the City Municipal Council and thus, in terms of Section 94A of the Karnataka Land



Revenue Act, 1964 [hereafter **the KLR Act**], the same could not be granted.

6. The learned Single Judge allowed the writ petition on essentially two grounds. First, that some other persons, who were similarly situated as the writ petitioner, were granted occupancy certificates. Thus, in effect, the Court held that on the principle of parity, the writ petitioner would also be entitled to a saguvali chit. Second, that the resolution passed by the committee resolving to grant land in favour of the writ petitioner was passed on 30.01.2004, which was prior to the Circular issued, which was referred to in the impugned endorsement.

7. It is material to note that the endorsement had referred to a circular for issuance of a cultivation certificate. The Tahsildar had reasoned that in view of the said circular, the land falling within a five kilometer radius of the limits of the Municipal Council could not be granted.

8. The learned Single Judge proceeded on the basis that since the circular referred to had been issued after the resolution passed by the concerned committee, the same could not take away the



rights, which had crystallized in favour of the writ petitioner earlier. The Court held that the circular of the Commissioner of Survey of Land Records dated 29.09.2015 could not be made applicable retrospectively.

9. Learned counsel for the appellant submits that both the grounds, on which the writ petition was allowed, are unsustainable. Insofar as the principle of parity is concerned, he submitted that saguvali chits issued to other persons in respect of lands in the vicinity of the subject land, were subsequently cancelled. He submitted that since the saguvali chits issued to similarly placed persons had been cancelled, the writ petitioner could not draw benefit from the same.

10. Second, he submitted that the circular dated 29.09.2015 did not demarcate the municipal limits for the first time. He also referred to a notification dated 16.10.1995 issued under Section 9 of the Karnataka Municipalities Act, 1964 (hereinafter **Municipalities Act**), *inter alia*, specifying the town limits of Doddaballapur Town. He submitted that the subject land fell within the radius of five kilometres of the said limits as specified in terms of the said notification. Thus, the resolution of the committee to



grant sanction was subsequent to the said notification and thus, contrary to law.

11. He also referred to Section 94A of the KLR ct. The Proviso to sub Section (4) of said Section 94A of the KLR Act, expressly provides that no lands be granted in the areas lying within the limits of Cities and City Municipalities specified in the Tabular statement set out below:

TABLE

Sl. No. 1	Places 2	Distances 3
1	Bangalore City under the Karnataka Municipal Corporations Act, 1976.	18 Kms.
2	The Cities of Belgaum, Gulbarga, Hubli-Dharwad, Mangalore and Mysore respectively under the provisions of Karnataka Municipal Corporations Act, 1976.	10 Kms.
3	All City Municipalities having more than fifty thousand population and constituted under the Karnataka Municipalities Act, 1964	5 Kms.
4	All Town Municipal Councils (TMCs) and Town Panchayats under the provisions of the Karnataka Municipalities Act, 1964.	3 Kms.

12. Entry 3 of the said Table specifies the distance of five kilometres from All City Municipal Councils under the provisions of the Municipalities Act. Thus, in terms of the proviso to sub Section (4) of Section 94A, no lands falling within the radius of five kilometres from the limits of the city municipal councils could be



granted. In this view, the resolution passed for grant of subject land in favour of the writ petitioner is vulnerable.

13. This Court is informed that the Tahsildar has already taken steps to challenge the same and the grant has been set aside.

14. In view of the above, the present appeal is allowed and the impugned judgment is set aside. The prayer made by the writ petitioner in the writ petition, thus, stands rejected. We, however, clarify that if there is any dispute whether the subject land falls within the radius of five kilometers from the City Municipal Council limits, the same would not stand concluded by the present order. The parties would be at liberty to agitate the same in an appropriate forum.

15. Pending IAs., if any, also stand disposed of.

**SD/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**SD/-
(C.M. POONACHA)
JUDGE**