



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 30465 OF 2025 (GM-RES)

BETWEEN:

1. SRI. R. RAVINDRA
AGED ABOUT 51 YEARS,
S/O LATE RAGHUPATHI
@ R.S. RAGHUPATHI RAO,
NO.40, 5TH BLOCK,
NEW VENUGOPALA TEMPLE,
DODDAMMASANDRA, VIDYARANYAPURA POST,
BENGALURU - 560 097.
2. SMT. LAKSHMI TRIVENI @ V LAKSHMI,
AGED ABOUT 80 YEARS,
W/O LATE RAGHUPATHI @ R.S. RAGHUPATHI RAO,
RESIDING AT SRI MATA CHARITABLE TRUST
OLD AGE CARE, 5TH MAIN, 7TH CROSS,
VRS COMPLEX, KRISHNA LAYOUT,
DEVARACHIKKANAHALLI, NEAR RTO COMPLEX,
BANNERGHATTA ROAD, BENGALURU - 560 076

BOTH PETITIONERS ARE
REPRESENTED BY THEIR GPA HOLDER
SRI. SHAKTHI KUMAR R.S
AGED ABOUT 58 YEARS,
S/O LATE. SANJEEVAPPA,
RESIDING AT NO. 767, 9TH MAIN,
3RD STAGE, 3RD BLOCK,





BASAVESHWARANAGAR,
BENGALURU - 560 079.

...PETITIONERS

(BY SRI. SHARAN B.T, ADVOCATE)

AND:

1. THE ASSISTANT COMMISSIONER
CHIKKABALLAPURA SUB-DIVISION,
CHIKKABALLAPURA - 562 101.
2. SRI. NARASIMHAPPA,
S/O LAKSHMAIAH,
AGE MAJOR,
R/AT RAMAPURA VILLAGE,
HOSUR HOBLI,
GOWRIBIDANUR TALUK
CHIKKABALLAPURA DISTRICT - 561 208.

...RESPONDENTS

(BY SMT. NAVYA SHEKHAR, AGA FOR R1)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE R1/ASSISTANT COMMISSIONER TO CONSIDER THE REPRESENTATION/COMMUNICATION LETTER DTD 21.01.2025 (ANNEXURE-G).

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM



ORAL ORDER

The present writ petition is filed seeking issuance of a writ in the nature of mandamus directing respondent No.1-the Assistant Commissioner, to consider and take appropriate action on the representation/communication dated 21.01.2025 submitted by the petitioners, which is produced as Annexure-G. The grievance of the petitioners is that despite the said representation highlighting the pendency of proceedings pursuant to the remand order passed by the Karnataka Appellate Tribunal, respondent No.1 has failed to take any steps to adjudicate the matter in accordance with law.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Government Advocate appearing for the State. Perused the material placed on record.

3. The material on record indicates that respondent No.2 had filed an application in Form No.7-A seeking grant of the land in question, claiming to be a tenant in respect of the said land. The said application was considered by respondent No.1-the Assistant Commissioner, who proceeded to allow the application and granted the land in favour of respondent No.2



under Section 77-A of the Karnataka Land Reforms Act, 1961 (for short, "the Act").

4. The petitioners, asserting themselves to be the landlords of the land in question and disputing the claim of tenancy set up by respondent No.2, preferred an appeal before the Karnataka Appellate Tribunal in Appeal No.739/2003 challenging the order of grant passed by the Assistant Commissioner. The Appellate Tribunal, upon consideration of the rival contentions, allowed the appeal by its order dated 05.12.2008, set aside the order passed by respondent No.1 granting the land under Section 77-A of the Act and remitted the matter back to respondent No.1-the Assistant Commissioner for fresh consideration in accordance with law.

5. The facts of the present case disclose a rather unfortunate state of affairs. Though the appeal preferred by the petitioners was allowed as far back as 05.12.2008 and the matter was remitted to respondent No.1 for reconsideration, no effective steps have been taken by the said authority to adjudicate the application afresh. Nearly eighteen years have



elapsed from the date of remand order passed by the Appellate Tribunal, yet the proceedings have remained unattended.

6. The petitioners, who contend that the land in question was never subject to tenancy and therefore could not have been granted under Section 77-A of the Act, have been constrained to approach this Court. The petitioners have also addressed a communication/representation dated 21.01.2025 requesting respondent No.1 to take up the matter pursuant to the remand order and decide the application filed by respondent No.2 in accordance with law. However, the said request has not evoked any response from respondent No.1.

7. In the light of the remand order passed by the Karnataka Appellate Tribunal and the continued inaction on the part of respondent No.1, the petitioners have demonstrated a clear legal right to seek a direction at the hands of this Court. The prolonged inaction on the part of respondent No.1 in not taking up the proceedings for fresh adjudication, despite the remand order passed nearly two decades ago, clearly reflects administrative inaction and laxity.



8. In these circumstances, this Court is of the considered view that the petitioners have made out a case for issuance of a writ of mandamus directing respondent No.1 to take up the proceedings and decide the application filed by respondent No.2 in Form No.7-A expeditiously.

ORDER

- i. The writ petition is allowed.
- ii. Respondent No.1 – Assistant Commissioner is directed to forthwith take up the proceedings pursuant to the remand order dated 05.12.2008 passed by the Karnataka Appellate Tribunal in Appeal No.739/2003.
- iii. Respondent No.1 shall issue notice to all concerned and interested parties, including the petitioners and respondent No.2, and thereafter consider and decide the application filed by respondent No.2 in Form No.7-A strictly in accordance with law.



iv. The entire exercise shall be completed within an outer limit of three months from the date of completion of service of notice on the parties.

v. All rival contentions of the parties are kept open to be urged before respondent No.1.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE