



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 25TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MS. JUSTICE JYOTI M
WRIT PETITION NO. 113397 OF 2019 (KLR-RES)

BETWEEN:

SMT. VEERAMMA
W/O SHANTAYYA BHUSNOORMATH,
AGE: 66 YEARS,
OCC: HOUSEHOLD AND AGRICULTURE,
R/O: AGALKERA, TQ. AND DIST: KOPPAL-583 231.

... PETITIONER

(BY SRI. MRUTYUNJAYA.S.HALLIKERI, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
KOPPAL DISTRICT, KOPPAL-583 231.
2. THE ASSISTANT COMMISSIONER,
KOPPAL SUB-DIVISION, KOPPAL,
DIST: KOPPAL-583 231.
3. THE TAHSILDAR,
KOPPAL TALUK, KOPPAL,
DIST: KOPPAL-583 231.

... RESPONDENTS

(BY SMT. MALA.B.BHUTE, AGA FOR R1-R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS UNDER:



ORAL ORDER

Sri.Mrutyunjay S.Hallikeri., counsel for the petitioner and Smt. Mala B.Bhute., AGA for respondents 1 to 3-State have appeared in person.

2. The Writ petition is filed seeking the following reliefs:

"1. Issue Writ, Order or direction in the nature of writ of certiorari by quashing the order dated 15.09.2017 passed in Appeal No.180/2006 by the Hon'ble karnataka Appellate Tribunal, Bengaluru Vide Annexure-J, and consequently quash the order dated 01.12.2005 bearing Case No.Kandaya/appeal/11/12/13/2004-05 passed by respondent No.1 Vide Annexure-H, in so far as grant made in favour of petitioner & order bearing No.Rev:LND:120:2002-03 dated 03.09.2004 passed by respondent No.2 Vide Annexure-G, in so far as grant made in favour of petitioner, in the interest of justice and equity.

2. Pass any such other order or direction that may be deemed fit under the circumstances of the case, in the interest of justice and equity."

3. The brief facts leading to the case are that the Revenue Inspector, after conducting a mandatory inquiry, submitted a report holding that the petitioner was eligible for a grant of land, which she had been cultivating for more than 20 years. Based on the said report, the Tahsildar, Koppal Taluk and District, by order dated 30.03.1999, granted the land in favour of



the petitioner. Pursuant thereto, the petitioner paid the requisite amount and her name was duly entered in the revenue records.

After a lapse of nearly four years, the Assistant Commissioner, acting on a complaint made by a third party, initiated proceedings and cancelled the grant made in favour of the petitioner. Aggrieved by the same, the petitioner preferred a revision before the Deputy Commissioner, which came to be dismissed by order dated 01.12.2005. Thereafter, the petitioner approached the Karnataka Appellate Tribunal in Appeal No.180/2006, which also came to be dismissed by order dated 15.09.2017. Hence, the present writ petition.

4. Counsel for the petitioner contends that under Rule 25 of the Karnataka Land Grant Rules, 1969, only the authority that has granted the land is competent to cancel the same. It is submitted that in the present case, the grant having been made by the Tahsildar, the Assistant Commissioner had no jurisdiction to cancel the grant. Therefore, the impugned orders are liable to be set aside.



5. Per contra, the Additional Government Advocate seeks to justify the impugned orders and prays for dismissal of the writ petition.

6. I have considered the submissions made by the learned counsel for the parties and perused the material on record.

7. The issue that arises for consideration is whether the Assistant Commissioner had jurisdiction to cancel the grant of land made by the Tahsildar.

Rule 25 of the Karnataka Land Grant Rules, 1969, mandates that the power to cancel a grant and resume land resides with the original granting authority. To be precise, the authority making the cancellation must be the same as the one that granted the land.

In view of the above, the action of the Assistant Commissioner in cancelling the grant is without jurisdiction and contrary to the provisions of law. Consequently, the orders passed by the Deputy Commissioner and the Karnataka



Appellate Tribunal, confirming the same, are also unsustainable.

Accordingly, the writ petition deserves to be ***allowed***.

ORDER

- i. The writ petition is ***allowed***.
- ii. The impugned orders dated 15.09.2017, passed by the Karnataka Appellate Tribunal in Appeal No.180/2006, dated 01.12.2005, passed by the Deputy Commissioner, Koppal, and dated 03.09.2004, passed by the Assistant Commissioner, are hereby ***quashed***.
- iii. The grant order dated 30.03.1999 made by the Tahsildar, Koppal Taluk and District, in favour of the petitioner is hereby ***restored***.
- iv. No order as to costs

**Sd/-
(JYOTI M)
JUDGE**

AM/-
LIST NO.: 1 SL NO.: 17