



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

AND

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT APPEAL NO. 200069 OF 2026 (KLR-RR/SUR)

BETWEEN:

1. SMT. SUGUNAMMA
W/O LATE NARASIMHA REDDY
AGED ABOUT 72 YEARS,
OCC: HOUSEHOLD,
R/O: YERAGERA VILLAGE
RAICHUR TQ: & DIST: 584 133.
2. VENKATA RAMA REDDY
S/O LATE NARASIMHA REDDY,
AGED ABOUT 38 YEARS,
OCC: ADVOCATE
R/O: YERAGERA VILLAGE
RAICHUR TQ: & DIST: 584 133.
3. RAJAVARDHANA REDDY
S/O LATE NARASIMHA REDDY
AGED ABOUT 32 YEARS,
OCC: AGRICULTURE,
R/O: YERAGERA VILLAGE
RAICHUR TQ: & DIST: 584 133.

...APPELLANTS

(BY SRI. MAHANTESH PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY
ITS SECRETARY,
DEPARTMENT OF REVENUE





VIDHANA SOUDHA,
BENGALURU – 560 001.

2. THE DEPUTY SECRETARY,
REVENUE DEPARTMENT,
(LAND GRANTS AND LAND REFORMS)
M.S. BUILDING, AMBEDKAR VEEDHI,
BENGALURU – 560 001.
3. THE DEPUTY COMMISSIONER,
RAICHUR DISTRICT,
MINI VIDHANA SOUDHA,
RAICHUR – 584 101.
RAICHUR TALUK AND DISTRICT
4. THE ASSISTANT COMMISSIONER,
RAICHUR SUB-DIVISION,
MINI VIDHANASOUDHA,
RAICHUR – 584 101.
RAICHUR TALUK AND DISTRICT
5. THE TAHSILDAR,
TAHASIL OFFICE, RAICHUR – 584 101,
RAICHUR TALUK AND DISTRICT.
6. THE REVENUE INSPECTOR,
YERAGERA HOBLI,
TAHASIL OFFICE, RAICHUR - 584 101.
RAICHUR TALUK AND DISTRICT
7. THE VILLAGE ACCOUNTANTS,
LINGANAKHANA DODDI AND
JAMBALADINNI VILLAGE,
YERAGERA HOBLI, RAHASIL OFFICE,
RAICHUR – 584 101.
RAICHUR TALUK AND DISTRICT
8. SMT. SAVITRAMMA
D/O NARAYANA REDDY,
BY LR., SRI. RANGAREDDY
S/O NARAYANA REDDY,
R/O: GUNJAHALLI VILLAGE,
RAICHUR TALUK AND DISTRICT



9. SRI. RAVINDRAN REDDY
S/O LATE NARASIMHA REDDY,
R/O: YERAGERA VILLAGE,
RAICHUR TALUK AND DISTRICT

...RESPONDENTS

(BY SMT. MAYA T.RAJANNA, HCGP FOR R1 TO R7;
NOTICE TO R9 IS DISPENSED WITH)

THIS WA IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, PRAYING TO SET ASIDE THE ORDER DATED 03.02.2026 PASSED BY THE LEARNED SINGLE JUDGE IN W.P.NO.202133/2024 (KLR-RR/SUR) AND ALLOW THE SAID WRIT PETITION BY GRANTING THE RELIEF AS SOUGHT THEREIN, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ
and
HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

1. Learned counsel for the appellants submits that there is no such person as Sri Ravindran Reddy, who has been arrayed as respondent No.9 in W.P.No.202133/2024. His submission is that since Sri Ravindran Reddy was arrayed as respondent No.9 in the writ petition, he has been arrayed as respondent No.9 in the present appeal. His submission is placed on record and notice to respondent No.9 is dispensed with.



2. The appellants are before this Court seeking for the following reliefs:

"Wherefore, the Appellants most humbly pray that this Hon'ble Court may kindly be pleased to set aside the Order dated 03.02.2026 passed by the learned Single Judge in W.P.No.202133/2024 (KLR-RR/SUR) and allow the said Writ Petition by granting the relief as sought therein, in the interest of justice and equity."

3. The short question in the present matter is whether notice has been served on the appellants before the order dated 15.06.2023 was passed by respondent No.4 vide Annexure-K to the writ petition.
4. Learned High Court Government Pleader was called upon to verify and make her submission as to whether service of notice on appellants was effected and to place on record the proof of such service.
5. Learned High Court Government Pleader today, on instructions, submits that there is no acknowledgement of service available in the file; however, in the order sheet dated 14.09.2022, it has been categorically stated that respondent Nos.1 and 2 therein, who are appellants herein, were present before the Assistant Commissioner. On enquiry as to whether the signatures of respondent Nos.1 and 2 therein were obtained, she submits that no signature



is found on the said order sheet. However, she reiterates that a copy of the notice issued is available in the file.

6. Whenever administrative authorities exercise either administrative or quasi-judicial powers, they are duty-bound to adhere to the principles of natural justice before passing any order prejudicial to any citizen. The requirement is not an empty formality but a substantive safeguard against arbitrariness. It is well settled that *audi alteram partem*, the right of a person to be heard before an adverse decision is taken, is a foundational facet of fair procedure and is now regarded as an integral part of Article 14 of the Constitution of India.
7. The said principle necessarily presupposes due and effective service of notice upon the person likely to be affected. Service of notice is the very foundation upon which the edifice of a fair hearing rests; in its absence, the opportunity of hearing becomes illusory. Compliance with natural justice, therefore, entails: (i) proper and demonstrable service of notice; (ii) acknowledgment of such service on record; (iii) recording the presence of the parties; (iv) affording a meaningful and effective opportunity



of hearing; and (v) passing a reasoned order reflecting application of mind to the contentions urged. These are not procedural embellishments but essential requirements, the breach of which vitiates the decision-making process.

8. In the present case, the record reveals a complete absence of compliance with these minimum requirements. There is neither any material evidencing service of notice on the affected parties nor any acknowledgment thereof. The order sheet does not reflect the presence of the parties, nor does it bear their signatures. In effect, the proceedings have been conducted *ex parte* without even establishing that notice had been duly served. The impugned order dated 15.06.2023 is thus required to be set aside on account of a fundamental procedural infirmity.
9. The defect is not merely technical but goes to the root of the matter. An order passed in violation of the principles of natural justice is a nullity in the eye of law, as it is tainted by arbitrariness and denial of fair opportunity. The requirement of hearing is not a ritualistic formality but a substantive right, and that its breach vitiates the decision unless it can be



shown that no prejudice has been caused. In the present case, where even service of notice is absent, prejudice is writ large and must be presumed.

10. The contention of the learned High Court Government Pleader that the appellants have an alternative and efficacious statutory remedy by way of an appeal before the Deputy Commissioner does not persuade this Court to decline interference. The rule of alternative remedy is a rule of prudence and self-imposed restraint; it is not an absolute bar to the exercise of writ jurisdiction. A writ petition would be maintainable notwithstanding the availability of an alternative remedy, *inter alia*, where there has been a violation of the principles of natural justice.
11. In the case on hand, the very initiation of proceedings is vitiated by the absence of service of notice. When the foundational requirement itself is not satisfied, relegating the appellants to an appellate remedy would amount to compelling them to pursue a remedy against an order that is *void ab initio*. Such a course would neither be efficacious nor in consonance with the principles governing judicial review.



12. In view of the above, this Court is of the considered opinion that the impugned order cannot be sustained and is liable to be set aside.
13. In that view of the matter, we pass the following:

ORDER

- i. The appeal is allowed.
- ii. The order dated 03.02.2026 passed by the learned Single Judge in W.P.No.202133/2024 is set aside. The petition in W.P.No.202133/2024 is allowed.
- iii. Certiorari is issued. The order dated 15.06.2023 passed by respondent No.4 in No.RRT/Appeal/Decree/162/2022 as per Annexure-K to the writ petition is quashed.
- iv. The respondents are directed to restore the status prior to the passing of the order dated 15.06.2023 in No.RRT/Appeal/Decree/162/2022 by respondent No.4.
- v. Liberty is however reserved to the respondents to issue a fresh notice, comply with the principles of natural justice and take necessary action.



- vi. This not being a stray case, many such cases are coming before this Court, the Principal Secretary, Revenue Department, is directed to look into the matter and initiate appropriate enquiry as to how such orders are passed as also to issue necessary directions to the concerned officers coming within the supervisory jurisdiction as to the methodology to be followed by them in discharge of their administrative and quasi judicial functions.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

NB
List No.: 2 Sl No.: 13
Ct: Vk