



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT PETITION NO. 34983 OF 2025 (GM-RES-PIL)

BETWEEN:

1. SRI S. UMAPATHI
S/O M.R. THIPPESWAMY
ADVOCATE
AGED ABOUT 56 YEARS
RESIDENT OF NAYAKANAHATTY VILLAGE
CHALLAKERE TALUK
CHITRADURGA DISTRICT - 577 536

...PETITIONER

(BY SRI BALARAJ A.C., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE
VIKASA SOUDHA
DR. B.R. AMBEDKAR VEEDHI
BENGALURU - 560 001
2. THE DEPUTY COMMISSIONER
CHITRADURGA DISTRICT
CHITRADURGA - 577 501





3. THE ASSISTANT COMMISSIONER
CHITRADURGA SUB-DIVISION
CHITRADURGA - 577 501
4. THE ASSISTANT DIRECTOR OF
LAND RECORDS
CHITRADURGA SUB-DIVISION
CHITRADURGA - 577 501
5. THE TAHSILDAR
CHALLAKERE TALUK
CHITRADURGA DISTRICT - 577 536
6. SRI RAJA VIDYA SAMSTHE (R)
NAYAKANAHATTI VILLAGE
NAYAKANAHATTI HOBLI
CHALLAKERE TALUK
CHITRADURGA DISTRICT - 577 536
REPRESENTED BY ITS
PRESIDENT CUM SECRETARY

...RESPONDENTS

(BY MS. NILOUFER AKBAR, AGA FOR R-1 TO 5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, DIRECTING THE 2ND RESPONDENT AND 3RD RESPONDENT FOR PASSING FINAL ORDERS ON THE PROPOSALS SUBMITTED BY THE 5TH RESPONDENT DATED 23/11/2018 VIDE ANNEXURE-H FOR CANCELLING THE LAND GRANTED IN FAVOUR OF 6TH RESPONDENT AND TO RESUME THE ABOVE LAND IN FAVOUR OF THE STATE GOVERNMENT AND RESERVING THE SAME FOR PUBLIC PURPOSES & ETC.



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

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

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

1. The learned Additional Government Advocate accepts notice for respondents No.1 to 5.
2. The petitioner has filed the present petition as a public interest litigation, *inter alia*, praying that directions be issued to the second and third respondents to pass the final order on the proposal dated 23.11.2018 furnished by the fifth respondent for cancelling the subject land granted in favour of the sixth respondent.
3. The petitioner states that on 19.10.1993, respondent No.2 had granted 2 acres of land comprising in Survey No.193 of Nayakanahatti Village, Nayakanahatti Hobli, Challakere Taluk, Chitradurga District, for the purposes of construction of a high school and playground for children. The petitioner states that the said grant was subject to the condition that the subject land would



be utilized within a period of two years from the date of grant and the grantee will also comply with other rules and regulations. It is stated that consequent to the said grant the name of respondent No.6 was mutated in the revenue records.

4. The petitioner claims that despite the said condition, respondent No.6 did not establish any school or develop the subject land as a playground for the children. Since the subject land was not utilized for the purpose for which it was granted, the grant was liable to be cancelled. The petitioner further states that the proposal had been furnished by the fifth respondent for cancelling the grant and resumption of the subject land. However, no steps have been taken in this regard.

5. In view of the averments made in the present petition, we consider it apposite to direct the respondent authorities to consider the averments made in the present petition and take an informed decision, and if necessary and warranted, take steps for resumption of the subject land, albeit in accordance with law.

6. We have not issued any notice in the present petition to respondent No.6 and therefore we consider it apposite to clarify



that if any steps are proposed to be taken by the authorities, which are adverse to respondent No.6, respondent No.6 shall be afforded sufficient opportunity to be heard and the principles of natural justice shall be followed.

7. The petition is disposed of in the aforesaid terms.

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

**Sd/-
(K.S. HEMALEKHA)
JUDGE**

KMV
List No.: 2 Sl No.: 15