



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 1338 OF 2025 (KLR-LG)

C/W

WRIT APPEAL NO. 1339 OF 2025 (KLR-LG)

IN WA No. 1338/2025:

BETWEEN:

SREE. SIDDAGANGA MUTT,
REPRESENTED BY ADMINISTRATIVE OFFICER,
S. VISHWANATHAIAH,
AGED ABOUT 84 YEARS,
SIDDANGANA MATA ROAD,
SIDDAGANGA KSHETRA,
TUMAKURU, KARNATAKA - 572 104.

...APPELLANT

(BY SRI. PRABHULING K. NAVADGI, SENIOR ADVOCATE FOR
SRI. SANJEEVINI PRABHULING NAVADGI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REP. BY ITS REVENUE SECRETARY,
DEPARTMENT OF LAND REVENUE,
M.S. BUILDING,
BANGALORE - 560 001.
2. THE SPL. DEPUTY COMMISSIONER,
BANGALORE URBAN DISTRICT,
K.G. ROAD,





BANGALORE - 560 001.

3. ASSISTANT COMMISSIONER,
BANGALORE URBAN DISTRICT,
K.G. ROAD,
BANGALORE - 560 001.
4. TAHASILDAR,
BENGALURU NORTH TALUK
K.G. ROAD,
BANGALORE - 560 001.

SRI. SEETHARAMAIAH,
SINCE DEAD BY LRS
5. SRI. MANJESH K.S.,
S/O SEETHARAMAIAH,
AGED ABOUT 52 YEARS,
R/AT KADARANHALLI VILALGE,
LAKSHMIPURA POST,
DASANAPURA HOBOLI,
BENGALURU NORTH,
BENGALURU - 562 123.
6. SRI. GOVINDAPPA,
S/O. LATE THIMMAHANUMAIAH,
AGED ABOUT 65 YEARS,

SMT. LAKSHMAMMA,
7. SRI. KIRAN L.,
S/O. LAKSHMINARASIMAIAH,
AGED ABOUT 30 YEARS,
RESIDING AT:
KADARANAHALI VILLAGE,
LAKSHMIPURA POST,
DASANAPURA HOBOLI,
BANGALORE NORTH,
BANGALORE - 562 123.
8. SRI. RAMANJINAPPA. K.V.,
S/O. LATE VENKATAHANUMAIAH,



AGED ABOUT 42 YEARS,

9. SRI. SRINIVAS. K.V.,
S/O. LATE VENKATAHANUMAIHAH,
AGED ABOUT 32 YEARS,
RESPONDENT NOS.5 TO 9 ARE
RESIDING AT:
KADARANAHALLI VILLAGE,
LAKSHMIPURA POST,
DASANAPURA HOBLI,
BANGALORE NORTH DISTRICT,
BANGALORE - 562 162.

...RESPONDENTS

(BY SRI. REUBEN JACOB, AAG A/W
SRI. G.S. ARUNA, HCGP FOR R1 TO R4;
SRI BHARATH KUMAR V., ADVOCATE FOR
R5(A), R6, R7(A) R8 & R9)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT,1961, PRAYING TO ALLOW THE
WRIT APPEAL AND SET ASIDE THE ORDER DATED:15.07.2025
PASSED BY THE LEARNED SINGLE JUDGE IN W.P
No.30695/2018 DISMISSING THE WRIT PETITION AND ETC.,

IN WA NO. 1339/2025:

BETWEEN:

1. STATE OF KARNATAKA,
REPRESENTED BY ITS
REVENUE SECRETARY,
DEPARTMENT OF LAND REVENUE,
M.S. BUILDING,
BANGALORE - 560 001.
2. THE SPL. DEPUTY COMMISSIONER,
BENGALURU URBAN DISTRICT,
K.G. ROAD,
BANGALORE - 560 001.



3. THE ASSISTANT COMMISSIONER,
BENGALURU URBAN DISTRICT,
K.G.ROAD,
BANGALORE - 560 001.
4. THE TAHSILDAR,
NELAMANGALA TALUK,
K.G. ROAD,
BANGALORE - 560 001.

...APPELLANTS

(BY SRI. REUBEN JACOB, AAG A/W
SRI. G.S. ARUNA HCGP)

AND:

1. SRI. SEETHARAMAIAH,
SINCE DEAD BY LRS.
- 1(a). SRI. MANJESH K.S.,
S/O. SEETHARAMAIAH,
AGED ABOUT 45 YEARS,
RESIDING AT:
KADARANHALLI VILLAGE,
LAKSHMIPURA POST,
DASANAPURA HOBLI,
BENGALURU NORTH,
BENGALURU - 562 123.
2. SRI. GOVINDAPPA,
S/O. LATE. THIMMAHANUMAIAH,
AGED ABOUT 45 YEARS,
RESIDING AT:
KADARANHALLI VILLAGE,
LAKSHMIPURA POST,
DASANAPURA HOBLI,
BENGALURU NORTH,
BENGALURU - 562 123.
3. SMT. LAKSHMAMMA
SINCE DEAD BY LR



- 3(a) SRI. KIRAN. L.
S/O. LAKSHMINARASIMAIAH,
AGED ABOUT 23 YEARS,
RESIDING AT KADARANHALLI VILLAGE,
LAKSHMIPURA POST,
DASANAPURA HOBLI,
BENGALURU NORTH,
BENGALURU - 562 123.
4. SRI. RAMANJINAPPA K.V.,
S/O. LATE VENKATAHANUMAIAH,
AGED ABOUT 35 YEARS,
RESIDING AT: KADARANHALLI VILLAGE,
LAKSHMIPURA POST,
DASANAPURA HOBLI
BENGALURU NORTH,
BENGALURU - 562 123.
5. SRI. SRINIVAS K.V.,
S/O. LATE VENKATAHANUMAIAH,
AGED ABOUT 25 YEARS,
RESIDING AT: KADARANHALLI VILLAGE,
LAKSHMIPURA POST,
DASANAPURA HOBLI,
BENGALURU NORTH,
BENGALURU - 562 123.
6. SIDDAGANGA MUTT,
REP. BY SIDDALINGASWAMIJI,
TUMAKURU - 572 104.

...RESPONDENTS

(BY SRI. PRABHULING K. NAVADGI SR. ADVOCATE
SRI. SANJEEVINI PRABHULING NAVADAGI,
ADVOCATE FOR R6,
SRI. BHARATH KUMAR V., ADVOCATE FOR R1 TO R4,
SRI. BIPIN HEGDE ADVOCATE FOR R5)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE
THE ORDER DATED:15.07.2025 PASSED BY THE LEARNED



SINGLE JUDGE IN WRIT PETITION No.30695/2018 (KLR-LG) BY ALLOWING THIS APPEAL AND CONSEQUENTLY, DISMISS WRIT PETITION No.30695/2018 (KLR-LG) FILED BY THE RESPONDENT Nos. 1 TO 5 AND ETC.,

THESE APPEALS ARE COMING ON FOR FURTHER HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D.K.SINGH)

These two intra-court appeals being W.A.Nos.1338/2025 and 1339/2025 are by respondent No.5-Mutt, respondent Nos.1 to 4 - State and its instrumentalities in W.P.No.30695/2018, assailing the order dated 15.07.2025 passed by the writ court.

2. By means of impugned order the writ court allowed the writ petition filed by the petitioner Nos.1 to 5, set aside the Official Memorandum¹ dated 18.08.2010 issued by respondent No.2, so also the order dated

¹ For short hereinafter referred to as 'OM'



27.04.2018 passed in Appeal No.897/2011 by the Karnataka Appellate Tribunal² and directed the jurisdictional Tahsildar to enter the name of petitioners in the revenue records in respect of the land in question forthwith. Further directed the respondents-State to allot an alternative suitable land in favour of the respondent No.5-Mutt in view of quashing of their OM dated 18.08.2010.

3. Parties are referred to as per their rankings before the writ court.

FACTS GERMANE TO FILE THE PRESENT APPEALS ARE AS UNDER:

4. The petitioners put forth their case before the writ court as under:

The petitioners claimed to be the grantees of land bearing Sy.No.41 of Kadaranahalli Village, Dasanapura Hobli, Bangalore North Taluk. Pursuant to the application made by the petitioners seeking grant of land, the

² 'KAT' for short



respondent No.2 - Special Deputy Commissioner in Proceedings No.LND(1)RHM.PR.1020/81-82 had proposed for grant of land in favour of the petitioners. Subsequent to said proposal, the respondent No.4-Tahsildar in proceedings No.LND.CR.374/81-82 had granted 3 acres of land to each of the petitioners and the same was communicated to respondent No.3-Assistant Commissioner vide letter dated 31.07.1982 (Annexure-A). A survey sketch came to be prepared as per Annexure-B. As the petitioners belonged to Adi Karnataka community, though the upset price was fixed at Rs.1,000/- per acre, the same was waived. It was further contended that though the land was subjected to auction as per Notification dated 02.04.2007 issued by respondent No.2, however, the same was not concluded on the ground that the land in question was granted to the petitioners.

4.1 It was further contended by the petitioners that the respondent No.5 - Mutt made an application seeking allotment of land for the purpose of establishment of



'Dasoha Prasada Distributing Centre'. The Government without considering the grant made in favour of the petitioners, had granted the very same land to an extent of 14 acres 25 guntas in favour of respondent No.5-Mutt by means of Government Order dated 27.05.2010 (Annexure-F) and the same came to be confirmed by the OM dated 18.08.2010 (Annexure-H) issued by the respondent No.2.

4.2 The petitioners aggrieved by the said action of the Government challenged the order as well as OM before the KAT in Appeal No.897/2011 granting 14 acres 25 guntas of land in Sy.No.41 of Kadaranahalli Village, Dasanapura Hobli, Bengaluru North Taluk. The KAT after considering the rival submissions and materials on record, by means of its order dated 27.04.2018 (Annexure-K) dismissed the appeal, which made the petitioners to approach this Court in present W.P.No.30695/2018.



4.3 Before the writ court it was argued on behalf of the petitioners that by means of a letter dated 31.07.1982 (Annexure-A) addressed by the respondent No.4 to respondent No.3 with regard to grant of land in favour of the applicants mentioned in the said letter, a report was submitted along with Darkhast records built-up as per the directions of the respondent No.2 as the applicants were belonging to Adi Karnataka community and landless persons. In the report it is stated that the land was surrounded by Hiduvali lands and not convenient for pasturing and that apart, the upset price which was fixed at Rs.1,000/- per acre was waived in view of the fact that the petitioners were belonging to Adi Karnataka. It was further argued that the land has been granted in favour of the petitioners by means of OM dated 11.10.1982 (Annexure-L). Further it was argued that the petitioners had paid the upset price as per Annexure-M and name of the applicants found in the register of Darkhast lands for



cultivation, which lucidly indicates that the lands have been granted in favour of the petitioners.

4.4 Further referring to the affidavit filed by the Tahsildar, Bengaluru North Taluk, Bengaluru, attached to the Office of the Regional Commissioner, dated 03.03.2025, it was contended that the records pertaining to the land made in favour of the petitioners are found in the Office of the Regional Commissioner, Bangalore Division and as such, the RTC extracts stand in the name of the petitioners insofar as the lands in question and therefore, the reasons assigned by the KAT while dismissing the appeal are against the evidence available on record with respect to grant made in favour of the petitioners.

4.5 Further inviting the attention of the Court to the applications filed by the petitioners for grant of land, it was submitted that the petitioners though have properly mentioned the extent of lands, however, wrongly



mentioned survey number as '42', that was properly considered in the proposal as Sy.No.'41'. Further contending that the entire records were prepared and put up by the respondents-State Authorities, submitted that the KAT failed to consider the same, as such the reasons assigned by the KAT dismissing the appeal is unsustainable in law and accordingly, the order requires to be set aside.

4.6 So far as the grant made in favour of the respondent No.5-Mutt is concerned, the petitioners submitted that, there is no impediment for the respondents-State to allot alternative land instead of land granted and belonging to the petitioners, accordingly, sought quashing of the OM dated 18.08.2010 (Annexure-H) issued by respondent No.2.

4.7 So far as the challenge to the grant made by the respondent No.5-Mutt and the report of the State



Forensic Science Laboratory³ dated 12.05.2025 is concerned, it was submitted by the petitioners that the expert opinion of the FSL is not conclusive and it is stated that the documents relating to grant made in favour of the petitioners might have been typed on the same typewriter. The said fact would not by itself be considered as a base for rejecting the grant made in favour of the petitioners.

4.8 It was further contended on behalf of the petitioners that in an identical circumstances wherein the land granted in favour of Adichunchanagiri Maha Samsthana Mutt in W.P.No.49958/2019 disposed of on 18.07.2022, this Court set aside the allotment made in favour of the Mutt holding that the lands were granted in favour of the grantees under a particular Scheme, which was unsuccessfully carried in W.A.No.769/2022⁴. Accordingly, sought to allow the petition and set aside the order sought in the prayer.

³ for short 'FSL'

⁴ Disposed of on 18.01.2024



5. Per contra, learned Additional Advocate General⁵ who appeared on behalf of the State sought to justify the impugned order dated 27.04.2018 (Annexure-K) passed by the KAT in Appeal No.897/2011 stating that the land in question belongs to the Government and at no point of time, the land in question was granted in favour of the petitioners. He further contended that the documents produced by the petitioners are all created to knock off the Government's valuable property in question. Further referring to the documents particularly OM dated 11.10.1982 (Annexure-L), the learned AAG has contended that the said document is not signed by the Divisional Commissioner, Bengaluru District and the Special Deputy Commissioner, Bengaluru District and the same is created to suit the claims of the petitioners. He further submitted that the Kimmat receipts produced by the petitioners are not found in the original records and therefore, sought for dismissal of the writ petition.

⁵ for short 'learned AAG'



5.1 It was further argued by learned AAG that Sl.No.48/81-82 mentioned in the register of Darkhast land for cultivation is not found in the original records and therefore, pursuant to the direction issued by the Court, the Regional Commissioner, Bengaluru Division has filed an affidavit dated 10.03.2025 stating that steps have been taken to secure assistance of FSL to ascertain the genuineness of the aforesaid documents.

5.2 The arguments placed by the learned AAG was that, the grant order upon which the petitioners are seeking right in respect of the land in question is doubtful and the documents as stated by the Regional Commissioner in his affidavit has been sent to FSL for expert opinion. Further referring to the report submitted by FSL, it was argued by learned AAG that the entire grant records relied on by the petitioners are said to have been typed in the same typewriter which never happened in the



Government Office and therefore, document referred to by the petitioners relating to grant thus are fabricated.

5.3 Further referring to paragraph 9 of the impugned order passed by the KAT, argued that no records were produced before the KAT to establish the grant made in favour of the petitioners. The documents which were referred by the petitioners even if considered, are just relating to proposal made to the Government for grant of land. However, the same has not reached its logical end by means of grant of land in question in favour of the petitioners. Accordingly, sought to dismiss the petition and confirm the order passed by the KAT.

5.4 It was argued by the respondent No.5 - Mutt before the writ court that the land has been allotted to the Mutt for Dasoha Centre as per OM dated 18.08.2010 (Annexure-H) and subsequently by means of sale deed dated 05.07.2018 the same conveyed in favour of the Mutt and therefore, once the land is allotted in favour of the



respondent No.5 - Mutt, petitioners have no legal right to challenge the same.

5.5 Placing reliance on the judgment of this Court in W.P.No.20245/2010 disposed of on 08.12.2015 in the case of **SRI. KUMARASWAMY J vs. THE STATE OF KARNATAKA AND OTHERS**, it was contended on behalf of respondent No.5 - Mutt that, this Court in an identical circumstances considering the provisions contained under Rule 10(2) and 27 of Karnataka Land Revenue (Amendment) Rules, 2007, upheld the allotment made in favour of the respondent No.5 - Mutt and therefore, sought to dismiss the petition.

6. The writ court having considered the rival submissions, framed the following questions for consideration:

- (1) Whether the petitioners are entitled for grant of the land as per Official Memorandum dated 11th October, 1982 (Annexure-L)?



- (2) Whether the respondent-State is justified in establishing that the documents produced by the petitioners to substantiate the grant are not genuine?
- (3) Whether the grant of land in favour of the respondent No.5-Mutt as per Official Memorandum dated 18th August, 2010 (Annexure -H) is justified in law?
- (4) What order?

7. The writ court upon consideration of the entire material, observed that the petitioners belonged to Adi Karnataka community, who made application seeking grant of land in Sy.No.42 of Kadaranahalli Village, Dasanapura Hobli, Bengaluru North Taluk, as per Annexures - R1 to R4 annexed to affidavit of the Tahsildar, Bengaluru North Taluk, Bengaluru. The respondents - State had initiated proceedings for grant of land in Sy.No.41 of Kadaranahalli Village in favour of five persons and records have been built-up as per letter dated 31.07.1982 (Annexure-A). The writ court further observed that as per Annexure-A the same indicates that the land



bearing Sy.No.41 is not reserved for any other purposes and no 'Maliki'. Further the report indicate that the land is surrounded by Hiduvali lands and upset price was fixed at Rs.1,000/- per acre and the same was waived insofar as the grantees - petitioners, who belonged to Adi Karnataka community. It was further observed that a sketch pertaining to demarcation of the land in favour of the petitioners has been prepared as per Annexure-B. The writ court has further observed that proceedings have been made in LND.SR(4)126/81-82 to confirm the grant of land in favour of the petitioners and by means of OM dated 15.11.1982, whereunder permission was granted under Rule 97(4) of the Karnataka Land Revenue Rules, 1966⁶ to reduce the available extent of gomal land by 16 acres in Sy.No.41 of Kadaranahalli Village and same has been signed by the Divisional Commissioner, Bengaluru Division. Further observed that, as forthcoming from the writ papers that as per OM dated 11.10.1982 (Annexure-

⁶ for short 'KLR Rules, 1966'



L), 4 acres of land has been granted in favour of B.R.Narasimhamurthy and the land to an extent of 3 acres each has been granted in favour of Lakshamma, Govindappa, Seetharamaiah and Venkatahanumaiah - petitioners herein.

8. It was further observed by the writ court that as per the OM dated 11.10.1982 (Annexure-L), conditions have been stipulated and the signature of Special Deputy Commissioner, Bengaluru District is found. Further it was observed that as per the letter dated 23.08.1982 addressed by the Assistant Commissioner, Doddaballapura Sub-Division to the Special Deputy Commissioner, Bengaluru District that sanction is accorded for reduction of gomal land to an extent of 16 acres under Section 97(4) of the KLR Rules, 1966. The writ court further observed that despite the upset price has been waived the petitioners have paid the upset price as forthcoming from the records, which are found in the writ petition. Accordingly, the writ court observed that the OM was



finally issued on 11.10.1982 (Annexure-L) by Special Deputy Commissioner and granted subject land in favour of the petitioners with certain conditions to be fulfilled.

9. The writ court further observed that it has perused the register of Darkhast lands for cultivation (Annexure-N) and found that there are two grants entered being Nos.47/81-82 and 48/81-82. The writ court further observed that grant No.48/81-82 refers to the petitioners herein in respect of the subject land, the respondent-State though not disputed the grant No.47/81-82, however, questioned the genuineness of grant No.48/81-82. With these observations, the writ court has come to the conclusion that Government cannot be permitted to urge that the grant No.48/81-82 is fake and fraudulent. Referring to the affidavit of the Tahsildar, Bengaluru North Taluk dated 03.03.2025 and the letter dated 31.07.1982 (Annexure-R5) addressed by the Tahsildar, Nelamangala Taluk, to the Assistant Commissioner, Doddaballapur Sub-Division, regarding reduction of land and grant of land in



question subject to payment of upset price, Mahazar, Appendix in Revenue Form No.121 and Ahavalu Takte (Annexure -R7), the writ court held that in the backdrop of these aspects and on examination of the OM dated 11.10.1982 (Annexure-L), it is clear that the subject land has been granted in favour of the petitioners.

10. So far as arguments of learned AAG with respect to affidavit filed by the Regional Commissioner and the report sought by the said Authority, the writ court has observed that no adverse opinion has been given as to fabrication of the documents in respect of the writings, signature and writings/signature marked as 'D'1, 'D2'; 'E1 to E5'; 'D7', 'D8', 'E6', 'E7' and 'E8'. Further the writ court held that, though it is stated that the ink used in the documents is different and further the typed text marked as 'D3' to 'D6' are typed with the same typewriter, but the respondents-State has failed to establish that the documents produced are fake and fabricated. Further the writ court held that the petitioners secured documents



relating to grant in their favour as certified copies from the Office of the Tahsildar and Regional Commissioner, makes it clear that the documents were in the custody of the aforesaid Officials. In that view of the matter, the writ court has held that the finding recorded by the KAT at paragraph Nos.9 and 10 in the impugned order is without any basis and contrary to the documents produced by the respondents-State through the affidavits filed by the (1) Tahsildar working at the Office of the Deputy Commissioner, (2) Tahsildar working at the Office of the Regional Commissioner and (3) Tahsildar, Bengaluru North Taluk and the averments made in the affidavit filed by the Regional Commissioner, makes it clear that the documents were withheld before the KAT and therefore, miscarriage of justice has been caused to the petitioners and accordingly, answered the Question Nos.1 and 2 in favour of the petitioners, inasmuch as, the finding recorded by the KAT is unsustainable and against the evidence and held that the same requires to be set aside.



11. So far as the grant made in favour of respondent No.5 - Mutt is concerned, the writ court has held that as on the date the land is vacant and in view of the grant made in favour of the petitioners held to be genuine on the basis of the original records, and the petitioners have established the grant made by the Government in their favour, the writ court set aside the OM dated 18.08.2010 (Annexure-H) granting subject land in favour of respondent No.5 - Mutt. However, the writ court kept it open to the respondents-State to allot suitable land in favour of respondent No.5 - Mutt in accordance with law by following procedure contemplated under the Karnataka Land Revenue Act, 1964 and other relevant Rules in lieu of the land in question, claimed by the petitioners.

12. Having given the reasons and findings arrived thereon, the writ court allowed the petition, set aside the OM and order sought in the writ petition and directed the



jurisdictional Tahsildar to enter the name of the petitioners in terms of the grant and directed the respondents-State to allot suitable alternative land in favour of respondent No.5-Mutt as the OM granting land belonging to the petitioners has been set aside. It is this order passed by the writ court is called in question in these two appeals by respondent No.5-Mutt as well as respondent Nos.1 to 4-State and its instrumentalities.

13. Heard Sri. Reuben Jacob, learned AAG along with Sri.G.S.Aruna, learned HCGP appearing for the appellants in W.A.No.1339/2025, Sri.Prabhuling K Navadgi, learned Senior Counsel assisted by Smt. Sanjeevini Prabhuling Navadgi, learned counsel appearing for the appellant in W.A.No.1338/2025, Sri.Bharath Kumar V, learned counsel appearing for respondent Nos.1 to 4 and Sri.Bipin Hegde, learned counsel appearing for respondent No.5 in both the appeals. Perused the records.



14. Sri. Prabhuling Navadgi, learned Senior Counsel appearing for the appellant in W.A.No.1338/2025, submits that the land measuring 14 acres 25 guntas in Kadaranahalli Village, Dasanapura Hobli, Bengaluru North Taluk, Bengaluru, under Rule 27 of the Karnataka Land Grant Rules, 1969, for the purpose of establishing Prasada Nilaya Dasoha, granted in favour of the Mutt, a Charitable Institution for providing free food service. Said order was preceded by a detailed report of the Special Deputy Commissioner, Bengaluru Urban District dated 28.05.2009 certifying that the land was available for grant and the same was continued to be a gomal land (pasture land) with no lawful private land subsisted. The order granting land was called in question before the KAT, in Appeal No.897/2011, by the respondents herein claiming to be the grantees for the same land. The KAT after going through the entire materials placed before it and after recording categorical finding that, there was no grant found in favour of the respondents herein, dismissed the



appeal. It was further argued by the learned Senior Counsel that the KAT has held that at the most it was just proposal to grant and it was not ended in its logical conclusion resulting in grants. The KAT to satisfy itself called for records and after going through the records found that there are no records found showing the grant of land except the proposal for such grant. The learned Senior Counsel argued that, the documents now sought to be produced as grant order, which was not found after a period of 42 years, creates suspicion and doubt and irresistibly points out that the same are fabricated, created to suit the claim of the petitioners herein.

15. It was further argued by the learned Senior Counsel, Sri.Prabhuling Navadgi pointing at the prayer of the petitioners sought in the writ petition, clearly indicates that lands were not granted. He refers to prayer (b) sought in the writ petition and submits that the said prayer takes away the entire case of the petitioners that there is a grant in their favour, which reads as under:



"(b) Issue A writ in the nature of mandamus directing the respondents 1 to 4 to conclude the proceedings by issuance of saguvali chit pursuant to the orders of the Tahsildar dated 31.07.1982 as per Annexure-A; and"

16. It was further contended by the learned Senior Counsel that originally when the writ petitions filed, it was only on the document dated 31.07.1982 purported to be the recommendation by the Tahsildar to the Assistant Commissioner i.e., a proposal to the grant. However, it was only on 04.12.2024 that is nearly after a period of 42 years one of the legal heirs of Seetharamaiah filed an affidavit sought to produce:

- (a) The OM dated 11.10.1982 said to have been passed by the then Deputy Commissioner, Bengaluru, under Rule 91(4) of the Karnataka Land Revenue Rules, 1966, reducing the gomal land to 16 acres;
- (b) Receipts paying upset price four (4) in number;
- (c) Extract of register of Darkhast land for claimants stating that on 11.10.1982



sanction is accorded and saguvali chit issued.

17. It was further contended that the State has produced the following documents:

- (1) Affidavit of the Regional Commissioner stating that the order dated 11.10.1982 does not have the signature of Deputy Commissioner;
- (2) Note sheet written by a single person and not with the hierarchy of other Officers, addressed the practice and procedure in the office;
- (3) Note sheet does not contain the signature.

18. On this, further the learned Senior Counsel contended that, the order dated 11.10.1982 is at best as the order of reduction of gomal land and not an order of grant. Further in the affidavit it was clearly stated that there is serious doubt regarding the genuineness of the document.



19. It was further argued that as per the affidavit of the Sri. Vijay Kumar Naik it was only the proposal sent to the Office of the Assistant Commissioner and the affidavit states that upon verification of the Saguvali Chit Register, the Original Grant File, Index of the Land Register, the Record of Right, the Mutation Register, there is nothing to show that the grant was executed in favour of the petitioners. As such there is no concluded grant in law.

20. It was further contended by the learned Senior Counsel that the writ court has failed to consider these aspects of the matter, as such the order passed by the learned Single Judge setting aside the grant order in favour of respondent No.5-Mutt, is unsustainable in law. Further it was contended by the learned Senior Counsel that the disputed question of fact as claimed by the petitioners and answered by the respondents-State Authorities are not amenable to the writ court to decide under Article 226 of the Constitution of India. It was further contended that the writ court has failed to consider



the fact that the extraordinary jurisdiction under Article 226 of the Constitution of India is not meant for adjudication of complex and disputed questions of fact when a particular title in respect of the immovable property itself is in serious dispute and authenticity of the documents itself is in question. Learned Senior Counsel in support of the said contention relied on the judgment of Supreme Court in the case of **STATE OF RAJASTHAN vs. BHAWANT SINGH⁷**, wherein at paragraph No.7 the Supreme Court has held as under:

"7. Having heard the counsel for the parties, we are of the opinion, that the writ petition was misconceived insofar as it asked for, in effect, a declaration of writ petitioner's title to the said plot. It is evident from the facts stated hereinabove that the title of the writ petitioner is very much in dispute. Disputed question relating to title cannot be satisfactorily gone into or adjudicated in a writ petition."

21. Similarly, he relied on the judgment of Supreme Court in the case of **GUNWANT KAUR vs. MUNICIPAL**

⁷ (1993) SUPP 1 SCC 306



COMMITTEE, BHATINDA⁸ refers to paragraph No.14,
which reads as under:

"14. The High Court observed that they will not determine disputed question of fact in a writ petition. But what facts were in dispute and what were admitted could only be determined after an affidavit in reply was filed by the State. The High Court, however, proceeded to dismiss the petition in liming. The High Court is not deprived of its jurisdiction to entertain a petition under Article 226 merely because in considering the petitioner's right to relief questions of fact may fall to be determined. In a petition under Article 226 the High Court has Jurisdiction to try issues both the fact and law. Exercise of the jurisdiction is, it is true, discretionary, but the discretion must be exercised on sound judicial principles. When the petition raises questions of fact of a complex nature, which may for their determination require oral evidence to be taken, and on that account the High Court is of the view that the dispute may not appropriately be tried in a writ petition, the High Court may decline to try a petition. Rejection of a petition in liming will normally be justified, where the High Court is of the view that the petition is frivolous or because of the nature of the claim made dispute sought to be agitated, or that the petition against the party against whom relief is claimed is not maintainable or the dispute raised thereby is such that it would be inappropriate to try it in the writ jurisdiction, or for analogous reasons."

22. Further relied on the judgment of the Supreme Court in the case of **MOHAMMED HANIF vs. STATE OF**

⁸ (1969) 3 SCC 769



ASSAM⁹ and stressed at paragraph No.5, which reads as under:

"5. It is true that the jurisdiction of the High Court under Art. 226 is an extraordinary jurisdiction vested in the High Court not for the purpose of declaring the private rights of the parties but for the purpose of ensuring that the law of the land is implicitly obeyed and that the various tribunals and public authorities are kept within the limits of their jurisdiction. In other words, the jurisdiction of the High Court under Art 225 is a supervisory jurisdiction. A jurisdiction meant to supervise the work of the tribunals and public authorities and to see that they act within the limits of their respective jurisdiction. In a proceeding under Art. 226 the High Court is not concerned merely with the determination of the private rights of the parties; the only object of such a proceeding under Art. 226 is to ensure that the law of the land is implicitly obeyed and that various authorities and tribunals act within the limits of their respective jurisdiction. Article 226 states that the High Court shall have power to issue to any person or authority, including in appropriate cases any Government directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and all these writs are known in English law as prerogative writs, the reason being that they are specially associated with the King's name.

These writs were granted for the protection of public interest and primarily are always by the Court of the King's Bench. As a matter of history the Court of the King's Bench was held to be coram rege ipsa and was required to perform quasi-governmental functions. The theory of the English law is that the King himself superintends the due course of justice through his own Court

⁹ AIR Online 1969 SC 167



certiorari. -preventing cases of usurpation of Jurisdiction and insisting on vindication of public rights and protecting the Liberty of the subjects by speedy and summary interposition....."

23. With this, the learned Senior Counsel sought to set aside the order passed by the writ court.

24. Further it was argued by the learned Senior Counsel that the writ petition ought to have been dismissed on the ground of delay and laches as the writ petitioners approached the Tribunal as well as this Court belatedly seeking the grant order in the absence of possession of land and records of cultivation, mutation entries. Accordingly, submitted that the indolent conduct of the petitioners disentitles them from equitable relief under writ jurisdiction and sought to dismiss the petition.

25. So far as, Sri. Reuben Jacob, learned AAG in W.A.No.1339/2025 argued supporting the arguments of Sri.Prabhuling Navadgi, learned Senior Counsel and submits that the land in question belongs to the Government, at no point of time it was granted in favour



of the petitioners as contended by them. Further he reiterates his contentions taken before the writ court and with all firmness he submits that the documents sought to be relied on by the petitioners stating to be the orders of grant, are all fabricated as they are not found in the official records maintained by the State. All the records were typed in the same typewriter, which never happened in the Government Office. The report of the FSL clearly indicates that, the entire records relied on by the petitioners are fabricated, as the report clearly says that the ink used in the document is different and further contend that typed text marked as 'D3' to 'D6' are typed with the same typewriter.

26. The learned AAG referring to Annexure-A, which according to the petitioners the order of communication on the basis of which the grant orders passed in their favour, clearly indicates that the said communication just states regarding the claim of the petitioners herein that they are the landless persons and it is just a proposal in favour of



the applicants. Except this record, all the records relied on by the petitioners were not found in the Government records.

27. The learned AAG further argued referring to the affidavit filed by one Sri. Vijay Kumar Naik, presently serving as Tahsildar, Bengaluru North Taluk, Bengaluru, Kandaya Bhavan, K.G.Road, Bengaluru, wherein he has stated that he had personally visited and verified the records i.e., Saguvali Chit Issue Register, Original Grant File, Index of Grant Register, Record of Rights Register, Hand Written RTC's, Computer RTC's, Mutation Register Extract and there is no grant order mentioned in the said records in respect of land measuring 3 acres each in Sy.No.42 in favour of the petitioners as contended by them. Further he has stated in his affidavit that a perusal of Darkhast register for the year 1981 discloses that the applications have been filed for the grant of 3 acres of land in Sy.No.42, however, there is no grant forthcoming from the aforesaid records. No final grant executed in favour of



the petitioners found, after verification of all the records. It was further stated on oath in the affidavit by the said Sri. Vijay Kumar Naik that name of the petitioners are not at all reflected in the RTC's or other original revenue records from the date of the alleged grant till the date. Though the applicants sought for grant in the year 1982 claiming 3 acres of land each in Sy.No.42 gomal land, a communication dated 31.07.1982 came to be made to the Assistant Commissioner requesting to give instructions to consider the applications to the grant of land sought by them.

28. A mahazar is also found in the record stating that the lands claimed in Sy.No.42 of the gomal land and in the mahazar prepared by the Revenue Inspector shows that, villagers in the surrounding area have no objection for grant of land. Except this, there is no order of grant of land in favour of the petitioners. Even the claim made is in respect of some other survey number. The documents now sought to be relied on by the petitioners does not



bear the signature of the concerned Authorities. This indicates and leads to the suspicion regarding the fabrication of the record. As such the documents produced are all fabricated only to suit the claims of the petitioners before this Court. Accordingly, sought to allow the appeal and set aside the order passed by the learned Single Judge.

29. In contrast, Sri.Bipin Hegde, learned counsel appearing for the respondent No.5 with all vehemence submits that, there was a proposal which ultimately concluded in the issuance of grant order in favour of the petitioners way back in the year 1982. Once the land having been granted in favour of the petitioners, no lands are available for the Government to grant the same in favour of Mutt. All the efforts made by the Government is only to save the land granted in favour of the Mutt, thereby giving a go-by to the rights which were already created in favour of the petitioners way back in the year 1982 by means of grant. The writ court upon



consideration of entire material on record has properly considered the entire records at paragraph Nos.14 and 15 has come to the irresistible conclusion that Government is wrong in contending that the documents are fabricated and created and held that there was grant in favour of the petitioners. As such the grant now made in favour of Mutt after 26 years from the date of grant in favour of the petitioners, is unsustainable in law. Accordingly, set aside the same, as the Government has failed to establish that the documents produced by the petitioners are fake and fabricated. The writ court having held so, has allowed the writ petition quashing the order which does not call for any interference at the hands of this Court.

30. Further relying on the judgment of this Court in W.P.No.49958/2019 and other connected matters and the writ appeal preferred by the respondent assailing the order ended in dismissal, contends that in similar identical situation the writ court allowed the claim of the petitioners therein, who have been granted land under a particular



Scheme and set aside the grant made in favour of the Adi Chunchanagiri Mutt, which was confirmed in writ appeal assailed by the Adi Chunchanagiri Mutt before the Coordinate Bench of this Court and sought to dismiss these appeals.

31. We having considered the rival submissions and have gone through the documents produced by both the parties, which are part of the record in these appeals. The only point that would arise for our consideration is:

“Whether the order passed by the writ court is sustainable in view of the peculiar facts and circumstances of this case on the basis of the documents produced?”

32. Our answer to the above point for consideration is in negative for the following reasons:

The admitted facts in this case are that there was a proposal sent for reduction of gomal land as per the letter dated 31.07.1982 (Annexure-A). It is also not in dispute that there was a report by the Revenue Inspector so also



mahazar for the purpose of conversion of a gomal land for consideration of proposal on the application filed by the petitioners herein for grant of land in Sy.No.42. It is also not in dispute that the writ petition was filed only on the basis of the Annexure-A with prayer (b), which we have already extracted hereinabove.

33. It is also not in dispute as per the petitioners that the petitioners herein have not produced any documents before the KAT, which they have produced before the writ court by means of an application which were marked subsequently as Annexure-L to Annexure-P1. It is stated particularly at paragraph 13 of the affidavit that, the aforesaid documents and transpired facts as mentioned in the said affidavit in paragraph Nos.1 to 12, have come to the knowledge of the petitioners only recently and hence, the application is filed with leave to produce the documents as part of the writ petition.



34. The disputed facts are that the Government has denied strongly the documents particularly Annexure-L to Annexure-P1 contending that these documents are not found in the records and the documents produced are all fabricated. Further it was contended that the document at Annexure-L produced does not bear the signature of the concerned Authority as well as contended that the signatures found in various documents differs with the signatures of the Officers, who were discharging the duties at relevant point of time and as such these documents are fabricated and created only for the purpose of case as an afterthought. Further on the basis of the affidavit filed by the Regional Commissioner as well as affidavit of Sri. Bharath Kumar, the Tahsildar at Regional Commissioner Office, Bengaluru Division and Sri. Vijay Kumar, who was working as Tahsildar, Bengaluru North Taluk, contended that the Office at the Regional Commissioner without verifying the records with the official records maintained, issued the documents. There is no corresponding records



available on the deliberation regarding the logical end to the proposal sent for the purpose of granting land in favour of the petitioners on their applications as per the proposal dated 31.07.1982. Further it was contended by the State that subsequent alleged documents produced by the petitioners at Annexure-L to Annexure-P1 are all fabricated, the land continued to exist as a gomal land in the records. Hence, *ipso facto* the claims remained as claims and were never executed.

35. Now coming to the facts of the case are concerned, it is the case of the petitioners that there was a proposal sent for the purpose of reducing the gomal land to consider the applications filed by the petitioners along with one B.R.Narasimhamurthy for the purpose of granting of land in terms of their claim as landless persons. The Government has produced the records i.e., report by the Revenue Inspector with respect to consideration of land in Sy.No.41 of Kadaranahalli Village, Dasanapura Hobli, in favour of the applicants. The report speaks that records



for consideration of applications made by the petitioners have been built up and submitted for the perusal of the Tahsildar. In the said report it was clearly stated that the applicants are the landless persons as per records in the village. The land is vacant and nobody cultivates the land as Bagair Hukum. There are no valuable trees or other valuable items in the village. The villagers have no objection to dispose of the land to the landless persons as the land is surrounded by Hiduvali lands and not convenient for the village cattle. The said report is built up on the basis of the mahazar wherein the statements of the villagers have been recorded even in the presence of the petitioners herein. In the said mahazar it is clearly and unequivocally stated that lands are not in cultivation of any person as Bagair Hukum and the land is vacant. This was found not only in the mahazar but also in the report with the check list of the application. So far as the contention of the petitioners that the sketch which is produced at Annexure-B clearly shows that the land is in



possession *per se* is not sustainable in law, because, what is stated in Annexure-B is the land which is marked in the said sketch in respect of land for which the applications are filed.

36. The joint reading of the documents i.e., particularly the report of the Revenue Inspector along with the mahazar, pellucidly indicates that the contention of the petitioners taken in their statement of objections as well as in the writ petitions, that the petitioners are in possession of the properties, is a belied statement, inasmuch as, the report and the mahazar recorded in the presence of petitioners, which is not at all denied, however, supported by them, which clearly indicates that the land was not in cultivation of any persons as Bagair Hukum and the land is kept vacant. Even the application filed by the petitioners as landless persons in the village even in the column in the application whether the family is having any other land or whether they are in cultivation and possession of any land, it is clearly mentioned as



'NIL'. The application admittedly is not an application seeking for regularization of the unauthorized cultivation of land, but filed seeking land as landless persons.

37. All that went in the writ petition well when it was filed, only on the basis of the Annexures-A and B. Even the prayer (b) which we have already extracted above clearly says that they are seeking a direction to the State to give a logical end to the proceedings by issuance of Saguvali Chit pursuant to the orders of the Tahsildar as per Annexure-A dated 31.07.1982, which is even to the naked eye shows that it is just a proposal for reduction of the gomal land and the status of the application filed by the petitioners along with another Narasimhamurthy and nothing more than that. The same is maintained before the KAT.

38. The entire case of the petitioners takes a different turn/course after the entry of Sri. Manjesh K.S., S/o. Late Seetharamaiah, who got impleaded himself as



petitioner No.1(a) as legal heir to petitioner No.1 – Seetharamaiah. In the affidavit filed by Sri. Manjesh, a just-opposite statement has been made, stating that, the entire proceedings has been concluded by means of order dated 11.10.1982 at Annexure-L passed by Special Deputy Commissioner, Bengaluru District, granting the lands in favour of the petitioners to an extent of 3 acres each and payment of an upset price at the rate of Rs.1,000/- per acre has been paid by means of Annexures - M to M-4, further stating that the petitioners came to know regarding these documents recently and filed the application to produce the documents in support of the claim of the petitioners by producing the documents i.e., the alleged order of grant, upset price paid, entry of the name of the petitioners in the register of Darkhast lands for cultivation.

39. The appellants herein filed their statement of objections along with the affidavit of the Regional Commissioner and two Tahsildars, who were working in the Office of the Regional Commissioner and Bengaluru



North Taluk. All the Officials clearly and unequivocally have stated that the documents which were sought to be produced are not part of the original records. Even the signatures found are mismatching with the officers, who were working at the relevant point of time. Even a contention has been taken by the Regional Commissioner that the order alleged to be passed on 11.10.1982 was not signed by the authority and these documents were never part of original records though the certified copies issued were under strange circumstances and thus creates suspicion. Further it was contended that request was sent to the FSL to give opinion on the ink used in all these notes with respect to the proceedings as well as the age of the same and also place an opinion regarding several orders produced as that of orders and proposals alleged to have been taken in different offices regarding the age of the said typing and the paper. An opinion was furnished by the FSL though stating that the age of the ink cannot be detected as there is no reliable scientific technique,



however, a categorical opinion has been given that all the typing found in the documents of different offices are typed in single typewriter based on their similarity found between them such as fonts, sizes, spaces, shapes, spacing, character alignment, defects, locations, unique identifying marks and the same have been found on the super imposition technique.

40. A perusal of the affidavits filed by different Officers, the documents produced and the contentions maintained in the writ petition at the earlier point of time, as well as in the appeal before the KAT and subsequent developments by means of application, when read in conjoint with the report of the Revenue Inspector and the mahazar clearly shows that there was no grant in favour of the petitioners and the petitioners were not at all in possession as contended by them. The said documents are not denied i.e., report of the Revenue Inspector and the mahazar. Both the report as well as mahazar categorically states that the land was not in cultivation as



Bagair Hukum by anybody and is vacant. Added to this, even the writ court has categorically stated in its order that the land is vacant. As such contentions of the petitioners that they are in possession of the property and cultivating and some persons subsequent to the grant made in favour of Mutt came near their field and started interference, cannot be sustained in law as the same are nothing but lie in the mouth of the petitioners.

41. So far as the documents are concerned, in view of the categorical statements and the FSL report that the same were unsigned by the concerned Officer and since the signatures were also mismatching and the most astonishing one is, all the documents are typed in the same typewriter which clearly shows that the case has been built up, as an afterthought to meet and suit the case of the petitioners to call in question the order of grant in favour of the Mutt. All that as per the contentions earlier maintained, clearly gives a picture that Annexure-A is just a proposal sent to the Government for reduction of



the gomal land on the application filed and for consideration of the same. The said proposal is locked in the Government records and not carried forward so far. The petitioners are well aware of these factual things. However, not taken any pain to pursue the matter in that regard.

42. The petitioners jolt awake only when the order of grant has been granted in favour of the Mutt. The records clearly show that the lands were still maintained vacant and no order has been passed. The concerned Authorities after verifying the entire records, passed the order granting the land in favour of Mutt for establishment of Dasoha Kendra to feed the poor and needy people.

43. An attempt has been made by the petitioners by creating the documents against their own stand before the KAT as well as this Court when the writ petition was filed originally along with prayer (b). This clearly shows



that the petitioners have approached the Court with soiled hands.

44. The writ court has failed to consider these aspects of the matter and swayed only on the opinion expressed by the FSL to the fact that the age of the ink cannot be clearly given in view of the fact that there is no reliable scientific technique in that regard.

45. All the documents produced i.e., the application filed by the petitioners themselves as well as the report of Revenue Inspector and the mahazar and other Annexures at Annexure-R7, starting with paragraph Nos.307 to 310 so far as the petitioners are concerned, clearly show that the land is vacant and not under the cultivation of anybody.

46. This matter was heard and reserved for judgment, however the matter is listed today to make certain clarifications with the learned counsel for the respondent as to their stand on the report as well as



mahazar and the document at Annexure-R7, which we have stated supra. On query, learned counsel for the respondent Sri.Bipin Hegde, reaffirmed and reiterated his stand that they are not denying the report of the Revenue Inspector and the mahazar appended thereto. The conjoined reading of the documents stated supra clearly shows that the land is vacant and not under cultivation of anybody and against the contention of the petitioners that they are in possession of the property.

47. The writ court has given much importance to the documents relied on by the petitioners, which as per the report of the FSL are typed on the same typewriter without any signature of the Authority granting the land holding that in the register of Darkhast of cultivation there are two grants stated i.e., 47/81-82 and 48/81-82. Among them grant No.48/81-82 is in respect of the petitioners' subject land is concerned, and the respondent - State is not disputing the grant No.47/81-82, however, questioned the genuineness of grant No.48/81-82 and



held that the official record produced by the Government particularly register of Darkhast (Annexure-N) establishes the fact that the land in question is granted in favour of the petitioners herein. Annexure-N i.e., extract of register of Darkhast is produced by the petitioners along with the application filed seeking to produce the additional documents and not by the Government. The Government disputes the said entry since the order on the basis of which the said entry has been made is created and fabricated.

48. The finding of the writ court that the respondent has failed to establish that the documents produced by the petitioners are fake and fabricated, is not sustainable in view of earlier stand of the petitioners before the KAT as well as before the writ court when the writ petition was originally filed only on the basis of Annexure-A and Annexure-B. A prayer sought at (b) which we have already extracted hereinabove, clearly shows that the petitioners are seeking 'a mandamus to the



Government to conclude the entire proceedings and issue saguvali chit on the basis of the order passed by the Tahsildar dated 31.07.1982 at Annexure-A'. This presupposes that there is no order of grant in favour of the petitioners now purported to be produced. The documents now sought to be produced, all came into existence only after entering of Sri.Manjesh. In these circumstances, the order passed by the writ court in the peculiar facts and circumstances of the case is not sustainable in law as the Court has failed to consider the documents produced by the Government. In that view of the matter, the order passed by the learned Single Judge is unsustainable and requires to be set aside.

49. We are of the considered opinion that, though we wanted to direct the Government to consider the case of the petitioners sympathetically for a grant of land available with the Government on their application filed way back in the year 1982, but in the facts and circumstances of the case, as the petitioners tried to



create and engineered record by means of fabrication and forgery and committed fraud on the Court and succeeded in getting the order, they do not deserve any order in equity. The fraud unravels all actions, as fraud is intrinsic, collateral act and fraud of an egregious nature, as fraud is an act of deliberate deception with a design to secure something, which is otherwise not due. It is trite that fraud and justice never dwell together.

50. The Supreme Court in the case of **VISHNU VARDHAN @ VISHNU PRADHAN VS. STATE OF UTTAR PRADESH AND OTHERS**¹⁰ at Paragraph No.60 has held as under:

"60. Be that as it may, obtaining of the impugned order by Reddy in his favour by playing fraud on the High Court is conspicuous by its presence. Thus, we find Vishnu's core argument to be creditworthy and compelling for us to hold that judicial orders procured by Reddy by subverting the judicial process through fraud and concealment of material facts cannot be permitted to stand."

¹⁰ 2025 SCC ONLINE SC 1501



51. In the said Judgment, the Supreme Court referred to several decisions in Paragraph No.61 and concluded in Paragraph No.64 holding that given the deception involved, the impugned order and the decision of the Court procured are tainted by fraud and thus, lack legal sanctity and validity. The said paragraphs read as under:

"61. In decisions abound, the Courts have consistently nullified orders obtained through fraudulent means. Key excerpts from some of these decisions read thus:

a. In United India Insurance Co. Ltd. v. Rajendra Singh, this Court reiterated that fraud unravels everything:

"3. Fraud and justice never dwell together" (fraus et jus nunquam cohabitant) is a pristine maxim which has never lost its temper over all these centuries. Lord Denning observed in a language without equivocation that "no judgment of a court, no order of a Minister can be allowed to stand if it has been obtained by fraud, for, fraud unravels everything" (Lazarus Estates Ltd. v. Beasley, [[1956] 1 Q.B. 702 : [1956] 1 All ER 341 : [1956] 2 WLR 502 (CA)]."

b. In Shrisht Dhawan (Smt) v. Shaw Bros, it was held:

"20. Fraud and collusion vitiate even the most solemn proceedings in any civilised system of jurisprudence. It is a concept descriptive of human conduct. Michael Levi likens a fraudster to Milton's sorcerer, Comus, who exulted in his ability to, 'wing me into the easy-hearted man and trap him into snares'. It has been defined as an act of trickery or deceit. In Webster's Third New International



Dictionary fraud in equity has been defined as an act or omission to act or concealment by which one person obtains an advantage against conscience over another or which equity or public policy forbids as being prejudicial to another. In Black's Legal Dictionary, fraud is defined as an intentional perversion of truth for the purpose of inducing another in reliance upon it to part with some valuable thing belonging to him or surrender a legal right; a false representation of a matter of fact whether by words or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed, which deceives and is intended to deceive another so that he shall act upon it to his legal injury....."

c. *In A.V. Papayya Sastry v. Govt. of A.P., this Court held:*

"21. Now, it is well-settled principle of law that if any judgment or order is obtained by fraud, it cannot be said to be a judgment or order in law. Before three centuries, Chief Justice Edward Coke proclaimed:

"Fraud avoids all judicial acts, ecclesiastical or temporal."

22. It is thus settled proposition of law that a judgment, decree or order obtained by playing fraud on the court, tribunal or authority is a nullity and non est in the eye of the law. Such a judgment, decree or order—by the first court or by the final court—has to be treated as nullity by every court, superior or inferior. It can be challenged in any court, at any time, in appeal, revision, writ or even in collateral proceedings.

23. ***

24. In Duchess of Kingstone, Smith's Leading Cases, 13th Edn., p. 644, explaining the nature of fraud, de Grey, C.J. stated that though a judgment would be res judicata and not impeachable from within, it might be impeachable from without. In other words, though it is not permissible to show that the court was "mistaken", it might be shown that it was "misled". There is an essential distinction between mistake and trickery. The clear implication of the distinction is that an action to set aside a judgment cannot be brought on the ground that it



has been decided wrongly, namely, that on the merits, the decision was one which should not have been rendered, but it can be set aside, if the court was imposed upon or tricked into giving the judgment.

25. It has been said: fraud and justice never dwell together (fraus et jus nunquam cohabitant); or fraud and deceit ought to benefit none (fraus et dolus nemini patrocinari debent)."

d. The judgment by Denning, L.J. in Lazarus Estates Ltd. (supra), which has since been quoted with approval by this Court in a catena of decisions including Nidhi Kaim (supra), asserted intolerance for fraud in legal proceedings in the following words:

No court ... will allow a person to keep an advantage which he has obtained by fraud. [...] Fraud unravels everything. The court is careful not to find fraud unless it is distinctly pleaded and proved; but once it is proved, it vitiates judgments, contracts and all transactions whatsoever..."

"64. *In light of the above discussion, we feel no hesitation to hold that given the deception involved, the impugned order and the decision of this Court dated 5th May, 2022 in Reddy Veerana (supra) procured by Reddy are tainted by fraud and, thus, lack legal sanctity and validity."*

52. We would have considered the case of the petitioners by means of a direction to the respondents-State to consider their applications filed way back in the year 1981, if the petitioners had maintained their stand as has been taken before the KAT and this Court at the first instance, but the fact remains that the petitioners have started engineering the record, thereby created record, as



if there was a grant order and saguvali chit issued in their favour as contended by Sri.Manjesh in his affidavit supporting the application filed by him on behalf of the all the petitioners to produce the said documents. This, for us, clearly indicates that there are certain unseen hands working behind the scene to engulf the property belonging to the State, which is not permissible in law. Such acts of the parties defrauding the Court require to be dealt with iron hands.

53. Given the facts and circumstances of the case, for the reasons stated supra, we refrain ourselves in issuing any direction to the State in favour of the petitioners. The conduct of the petitioners debars them from claiming any equity in the hands of this Court even for consideration of their case. On the other hand, we are of the opinion of allowing the writ appeals with heavy costs by setting aside the order of writ court and dismissing the writ petition, but for the reason that the petitioners are villagers and looking to their financial



status, we refrain ourselves from imposing any costs though the facts and circumstances demand the same.

54. With these observations, we proceed to pass the following:

ORDER

- (i) W.A.No.1338/2025 and W.A.No.1339/2025 are ***allowed***.
- (ii) The impugned order dated 15.07.2025 passed by the writ court is set aside.
- (iii) Consequently, W.P.No.30695/2018 filed by the petitioners is dismissed upholding the order dated 27.04.2018 passed by the Karnataka Appellate Tribunal in Appeal No.897/2011.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**