



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 1ST DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.226429 OF 2020 (KLR-RR/SUR)

BETWEEN:

PARIKSHIT S/O GURUBEEMACHAR,
DEAD BY LRS

1. RAGHAVENDRA S/O PARIKSHIT,
AGE: 43 YEARS, OCC: PRIVATE EMPLOYED
R/O RAMADURGA, DIST. RAICHUR
PRESENTLY AT C/O M.B. DESAI PLOT NO. 36,
ADYAPAK NAGAR NEAR
SUB-JAIL HUBLI-580032.
2. ROHINI W/O VENUGOPAL KULKARNI
D/O PARIKSHIT
AGE; 40 YEARS OCC: ADVOCATE
R/O NO.78, 4TH CROSS, GRAHALAXMI COLONY,
IIND STAGE, KAMSA NAGAR,
BANGALORE-560079.
3. VEDAPRAKASH S/O PARIKSHIT,
AGE: 32 YEARS, (UN SOUND MIND)
U/G NATURAL BROTHER RAGVENDRA LRS
OF NO.1 R/O RAMADURGA,
DIST. RAICHUR PRESENTLY AT C/O M.B DESAI
PLOT NO. 36, ADYAPAK NAGAR
NEAR SUB-JAIL HUBLI-580032.

...PETITIONERS

(BY SRI. SHIVANAND PATIL, ADVOCATE)





AND:

1. HUSSAIN NAYAK
S/O BAWASAB,
SINCE DECEASED BY LR'S
- 1A) BAVASB S/O HUSSAIN NAYAK,
AGE: 55 YEARS, OCC. AGRI.
R/O- GOVINDAPALLI,
TQ. DEODURGA DIST. RAICHUR-584111.
- 1B) KHAJA MOINUDDIN S/O HUSSAIN NAYAK,
AGE: 50 YEARS, OCC: AGRI.
R/O- GOVINDAPALLI,
TQ. DEODURGA DIST. RAICHUR-584111.
- 1C) ILIYAS S/O HUSSAIN NAYAK,
AGE: 45 YEARS, OCC: AGRI.
R/O GOVINDAPALLI,
TQ. DEODURGA DIST. RAICHUR-584111.
2. THE DEPUTY COMMISSIONER
RAICHUR-584101.
3. THE ASST. COMMISSIONER
RAICHUR-584101.
4. THE TAHASILDAR, DEODURGA,
DIST. RAICHUR-584111.

...RESPONDENTS

(BY SRI. MALLIKARJUN SAHUKAR, AGA FOR R2 TO R4;
SRI. ANANTH S. JAHAGIRDAR, ADVOCATE FOR R1 (A) TO
R1(C))

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 OF
THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
CERTIORARI OR ANY OTHER ORDER OF THE LIKE NATURE AND
SET ASIDE/QUASH THE IMPUGNED ORDER DATED 28.08.2020



IN FILE NO. SUM.KUM/RI/APPEAL/09/2013-14 OF THE RESPONDENT NO.2 VIDE ANNEXURE-F TO THE WRIT PETITION.

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition petitioner seeks the following reliefs:-

Issue a writ of certiorari or any other order of the like nature and set aside/quash the impugned order dated 28.08.2020 in file no. sum.kum/ri/appeal/09/2013-14 of the respondent No.2 vide Annexure-F to the writ petition, in the interest of justice and equity.

2. A perusal of the material on record will indicate that the petitioner filed an appeal in Appeal No.32/2008-09 before the 3rd respondent - Assistant Commissioner under Section 136(3) of the Karnataka Land Revenue Act and Rules, 1956. Since the appeal challenged the order of the Tahasildar of the year 1983-84, the petitioner who was the appellant before the Assistant Commissioner filed an



application under Section 5 of the Limitation Act 1963, for condonation of delay in filing the appeal. By order dated 29.03.2012, the Assistant Commissioner/ appellate authority condoned the delay in filing the appeal by a cryptic, unreasoned, non speaking and laconic order without assigning any reasons as to why the enormous delay deserves to be condoned. Aggrieved by the said order passed by the Assistant Commissioner, respondent No.1 filed a revision petition under Section 136(3) of the Karnataka Land Revenue act, 1956 before the respondent No.2 -Deputy Commissioner, who not only set aside the order of the Assistant Commissioner condoning the delay in filing the appeal, but also set aside the order on merits and as such the petitioner is before this Court by way of the present petition.

3. The legal representatives of respondent No.1 have contested the present petition and it is submitted that there is no merit in the petition and the same is liable to be dismissed.



4. A perusal of the order passed by the Assistant Commissioner will indicate that except stating that the delay in filing the appeal deserves to be condoned, the Assistant Commissioner has not assigned any cogent or valid reasons as to why the long and inordinate delay of 29 years in filing the appeal deserves to be condoned. Under these circumstances, the Deputy Commissioner proceeded to allow the revision petition filed by the legal representatives of respondent No.1 on the ground that the Assistant Commissioner could not have condoned the delay on the part of the petitioner in filing the appeal. However having come to the conclusion that the order of the Assistant Commissioner condoning the delay was liable to be set aside on the ground of the same being unreasoned and non speaking, the Deputy Commissioner could not have ventured to dispose of the revision petition on merits which is impermissible in law.

5. Under these circumstances, I deem it appropriate to set aside the impugned order dated



28.08.2020 passed by the Deputy Commissioner as well as the order dated 29.03.2012 passed by the Assistant Commissioner and remit the matter back to the Assistant Commissioner, to reconsider the application for condonation of delay and pass appropriate orders by way of a reasoned and a speaking order in accordance with law after providing sufficient and reasonable opportunity to the petitioner and legal representatives of respondent No.1.

6. In the result, petition is hereby ***allowed***.

- i) The impugned order at Annexure-F dated 28.08.2020 passed by the Deputy Commissioner as well as the order at Annexure-C dated 29.03.2012 passed by respondent No.3 -Assistant Commissioner are hereby set aside.
- ii) Matter is remitted back to the respondent No.3/Assistant Commissioner for reconsideration of the appeal filed by the petitioner along with the



application for condonation of delay afresh and in accordance with law.

iii) The petitioner and legal representatives of respondent No.1 i.e., R1(a) to R1(c) shall appear before the respondent No.3-Assistant Commissioner on 29.06.2026 without awaiting further notice from the respondent No.3.

iv) The respondent No.3 shall reconsider the appeal filed by the petitioner along with the application for condonation of delay and provide sufficient and reasonable opportunity to the petitioner as well as respondent Nos.1(a) to 1(c) and dispose of the application for condonation of delay as well as the main appeal in accordance with law as expeditiously as possible and at any rate within a period of three months from 29.06.2026.

v) It is further directed that till disposal of the appeal and the condonation of delay application filed by



the petitioner as stated supra by the respondent No.3-Assistant Commissioner, all parties shall maintain status quo in all respects including revenue records as on today in respect of the subject lands till disposal of the appeal by the respondent No.3- Assistant Commissioner as stated supra.

vi) All rival contentions on all aspects of the matter are kept open and no opinion is expressed on the merits/de-merits of the rival contentions.

**Sd/-
(S.R.KRISHNA KUMAR)
JUDGE**

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List No.: 1 Sl No.: 19
CT:SI