



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 8TH DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO.200271 OF 2026 (KLR-RR/SUR)

BETWEEN:

SMT. SHANTABAI
W/O IRAPPA HEDAGALI,
AGED ABOUT 63 YEARS,
OCC; HOUSEWIFE
R/O MASABINAL VILLAGE
TQ. BASAVAN BAGEWADI
DIST. VIJAYAPURA-586101

...PETITIONER

(BY SRI. YASHAS S. DIKSHIT, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
VIJAYAPURA
DIST. VIJAYAPURA-586101
2. THE ASSISTANT COMMISSIONER,
VIJAYAPURA
DIST. VIJAYAPURA-586101.
3. THE TAHASILDAR,
VIJAYAPURA
DIST. VIJAYAPURA-586101.
4. THE REVENUE INSPECTOR (MAHALBAGAYAT)
VIJAYAPURA





DIST. VIJAYAPURA-586101

5. THE VILLAGE ACCOUNTANT,
MAHALBAGAYAT,
VIJAYAPURA-586101.

...RESPONDENTS

(BY SRI. MALLIKARJUN SAHUKAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO I) ISSUE THE WRIT OF CERTIORARI QUASHING THE ORDER DATED 07.04.2025 BEARING NO.R.B.L.N.D. 274. 2009-10 PASSED BY RESPONDENT NO.1 WHICH IS AT ANNEXURE-G; II) ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENT NO.1 TO RESTORE THE NAME OF PETITIONER IN THE PROPERTY BEARING NO.185 IN SY NO.685 OF MAHALBAGAYAT VIJAYAPURA; III) PASS ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION AS THIS HON'BLE COURT MAY DEEMS FIT TO GRANT IN THE CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE.

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

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

ORAL ORDER

In this petition, the petitioner seeks the following reliefs :

- i) Issue the writ of certiorari quashing the order dated 07.04.2025 bearing Bo.R.B.L.N.D. 274/2009-10 passed by respondent No.1 which is at Annexure-G;



- ii) Issue a writ of mandamus directing the respondent No.1 to restore the name of petitioner in the property bearing No.185 in Sy.No.685 of Mahalbagayat, Vijayapura;
- iii) Pass any other appropriate writ, order or direction as this Hon'ble court may deems fit to grant in the circumstances of the case, in the interest of justice.

2. In addition to reiterating the various contentions urged in the petition and referring to the material on record, learned counsel for the petitioner invited my attestation to the judgment of this Court in the case of ***Shardhadevi vs. The Deputy Commissioner and others*** in **W.P.No.203141/2023** dated 19.11.2024 whereby this Court allowed the said petition and quashed the impugned order in relation to a property/plot situated in the same Sy.No.685 of Mahalbagayath, Vijaypaura and as such the impugned order deserves to be quashed in the present case also.

3. In ***Shardhadevi's*** case supra this Court held as under :



"In this petition, petitioner seeks quashing of the impugned order at Annexure – A dated 22.05.2023 passed by respondent No.1 – Deputy Commissioner and for other reliefs.

2. Heard learned counsel for the petitioner and learned counsel for the respondents and perused the material on record

3. A perusal of the material on record will indicate that the 51 plots carved out of Sy.No.685 measuring 30' x 45' situated in Mahalbagayath, Vijayapura, was granted in favour of the petitioner along with 51 other persons on 23.12.1981 free of cost. The said grant imposed conditions on grantees including the petitioner and one of such condition was that the petitioner was supposed to put-up construction on the plot within a period of two years from the date of grant. It is contended that due to bonafide reasons, unavoidable circumstances and sufficient cause, the petitioner's father-in-law original grantee could not put-up construction on the said plot till his demise on 06.09.2005. It is further contended that to the shock and surprise of the petitioner, she came to know that respondent No.1 had passed an order dated 22.04.2015 purporting to cancel the grant without notifying the petitioner and without providing any opportunity to the petitioner to contest the said proceedings for cancellation of grant. Under these circumstances, petitioner approached this Court in W.P.No.207294/2017, which was disposed of by this Court vide final order dated 07.04.2022 setting aside the cancellation order dated 22.04.2015 and remitting the matter back to the Deputy Commissioner for reconsideration afresh, in accordance with law.

4. Pursuant to the aforesaid remand order passed by this Court, petitioner appeared before respondent No.1, who proceeded to pass the impugned order confirming cancellation of grant and rejecting the request of the petitioner thereby canceling the grant in respect of the subject plot. Aggrieved by the impugned order, the petitioner is before this Court by way of the present petition.

5. It is contended that in the light of the undisputed fact that the subject plot was granted in favour of the petitioner as long back as on 30.09.1981, the impugned



*proceedings culminating in the impugned cancellation order after almost 33 years was clearly barred by inordinate and unexplained delay and latches having been initiated beyond reasonable time / period from the date of grant and in the light of the various judgments of the Apex Court and this Court including recent judgment of the Co-ordinate Bench of this Court in the case of **Smt.Susheelamma Vs. State of Karnataka – W.P.No.30264/2010 dated 10.03.2020**, the impugned order deserves to be quashed.*

6. *Per contra, learned AGA would support the impugned order and submits that since the petitioner and her father-in-law had violated the terms and conditions of the said grant and not put-up any construction within the stipulated time of two years, respondent No.1 – Deputy Commissioner was fully justified in passing the impugned order canceling the grant and as such, there is no merit in the petition and that the same is liable to be dismissed.*

7. *As rightly contended by learned counsel for the petitioner it is an undisputed fact borne out from the material on record that the subject plot was granted in favour of the petitioner's father-in-law as long back as on 30.09.1981 and the impugned proceedings culminating in the impugned order which was initiated only in the year 2015; under identical circumstances in relation to the proceedings for cancellation of grant in Susheelamma's case supra, this Court has held as under:*

"The petitioner filed the present writ petition for writ of certiorari to quash the impugned order bearing No.LND/CR/76/2007-08 dated 30.07.2010 passed by respondent No.2- the Regional Commissioner, Bengaluru Revenue Region as per Annexure- H. (The present writ petition is filed only in respect of 1 acre of land allotted by the Government to the original grantee deceased respondent No.6- Ponnuswamy)

2. *It is the case of the petitioner that the State Government allotted total 11 acres of irrigable land to the eleven land less farmers who are residing at Antaragange Village, Bhadravathi Taluk, Shimoga District. The Government has fixed the price of Rs.150/- per acre exclusive water tax and contribution subject to usual conditions under the Land Grant Rules, 1960. The Deputy*



Commissioner by the order dated 05.12.1964 granted one acre of land in favour of respondent No.6- Ponnuswamy and ten others on payment of Rs.150/- per acre. Subsequently, the jurisdictional Tahsildar issued Saguvali Chit dated 23.07.1970 imposing the condition that the granted land should not be alienated for a period of 15 years. The said Ponnuswamy could not cultivate the land granted and sold the entire 1 acre of land allotted to him to respondent No.7 (deceased)- Sri S.Joseph S/o. Saliana for valuable consideration on 26.07.1974 and the same was registered before the Sub-Registrar, Badravathi Taluk. Thereafter, mutation also changed in the name of respondent No.7 as per Annexure- C. After the death of respondent No.7, his wife Smt.Rahelamma @ Ramalamma sold 1 acre of land to the petitioner under the sale deed dated 04.02.2000 for valuable consideration and the revenue entries also changed in the name of the petitioner in M.R.No.27/1999-2000 and the RTC as per Annexure- G for the year 2001-2002 upto 2009-2010. When things stood thus, on the basis of the report submitted by the Assistant Commissioner dated 28.06.2007, the respondent No.2 issued notice to the present petitioner. In response to the said notice, the petitioner filed detailed objection before the respondent No.2 and contended that there was delay of 34 years in initiating the proceedings and also contended that except the land in question, she has left with no other lands for her livelihood and she has spent huge amount in developing the said land. Therefore, she sought to drop the proceedings. The respondent No.2 without considering the material on record, has proceeded to pass the impugned order dated 30.02.2010 as per Annexure- H canceling the land granted to the original grantee and directed the Deputy Commissioner to change the revenue entries made in favour of Ponnuswamy in respect of the land in question. Therefore, the petitioner is before this for the relief sought for.

3. *The respondents/State Government not filed objections.*

4. *I have heard the learned counsel for the parties to the lis.*

5. *Sri Ganapathi, learned counsel for the petitioner contended that the impugned order passed by the respondent No.2 canceling the land granted in favour of*



the original grantee Ponnuswamy after lapse of 34 years from the date of first purchase cannot be sustained. On that ground alone, the impugned order cannot be sustained and is liable to be quashed. He further contended that though in response to the notice issued by the Deputy Commissioner, the petitioner has taken up specific contentions that the proceedings initiated is after lapse of more than three decades and except the land in question, she has no other land for her livelihood and also contended that she has spent huge amount to develop the property and therefore, requested to drop the proceedings, inspite of the same, the impugned order came to be passed. In the impugned order absolutely there is no reason assigned by the respondent No.2. Therefore, in the absence of any reason, the impugned order cannot be sustained.

6. He further contended that admittedly, the grant was made on 05.12.1964. The first alienation was made on 26.07.1974 from the original grantee Ponnuswamy in favour of one S.Joseph. The petitioner purchased the property in question from the wife of said S.Joseph under the sale deed dated 04.02.2000. The initiation proceedings were made on 30.02.2010. Even assuming that there was violation of grant, still the petitioner is perfected by the adverse possession for morethan three decades against the State Government. Therefore, the impugned order cannot be sustained.

7. In support of his contention, learned counsel relied upon the dictum of Single Bench of this Court (i) in the case of **Gavi Sidde Gowda Vs. State of Karnataka and Another** reported in **1994 SCC Online KAR 307 (1994) 5 KLJ 253:1995 AIHIC 5988** at para Nos.8 and 9 and (ii) the decision of Division Bench of this Court reported in **1999(5) KLD 117 (DB)** between **K.Govindappa Vs. State of Karnataka, Revenue Department and Others** at para Nos.12 and 14 held as under;

"8. In view of the said facts and the legal consequences, the question that arises is as to whether the Government could have proceeded to cancel the grant in question? The answer can be only in negative. It is so because the only effect of cancellation of grant would be of divesting the grantee or his successor-in-interest of title over the



land through him. But as noticed above, since in the present case the grantee had lost his title by operation of Section 27 of the Limitation Act and the petitioner having acquired the title by way of adverse possession, he cannot be said to be the successor-in-interest of the grantee through him. As such, after lapse of twelve years from the date the petitioner and his father came into possession over the land in question, and they having remained thereon uninterruptedly for the said period, the grant itself became non-est and non-available for being cancelled, the same having extinguished by operation of law. Therefore, the exercise of the State Government under the impugned order was futile and inconsequential.

9. This aspect of the law has again been considered by the Supreme Court in the case of K.T. Huchegowda v. Deputy Commissioner (supra) wherein it has been held that a transferee who has acquired the land from the grantee in contravention of the terms of the grant shall perfect his title by adverse possession by completing the period of 12 years and the title so perfected cannot be taken away even by the Legislature except by making law in conformity with the Constitutional provisions.

12. Secondly, the question is whether the authority exercising revisional powers can pass an order to revise the order after lapse of long time. In the Land Revenue Act there is no provision providing limitation to exercise revisional powers by the Government. But Section 56 itself postulates authority exercising revisional power to exercise within a period of three years from the date of order sought to be revised. In this case there is no dispute that the revisional power is exercised after more than ten years, which cannot be said as reasonable time.

14. In Ram Chand and others Vs. Union of India and others, JT 1993 (5) SC 465, the Supreme Court held that:



"It is settled that in a statute where for exercise of power no time limit is fixed, it has to be exercised within a time which can be held to be reasonable."

The same view is taken also in C.S.Narayan Rao Vs City Improvement Trust Board, My. LJ 1969 (1) 237. In all the above judgments principle held is that where limitation period is not prescribed for exercise of revisional power such power has to be exercised within a reasonable time. In the present case Section 56 of the Karnataka Land Revenue Act, 1964 prescribed limitation of three years for exercise of revisional power by the officers and authorities under the Act. No limitation is prescribed for the exercise of revisional powers by the Government. Therefore, the revisional powers was to be exercised within a reasonable time. In the present case revisional power was exercised after more than ten years. Therefore, it cannot be said that power is exercised within a reasonable time."

8. *Per contra Sri T.L.Kiran Kumar, learned Additional Government Advocate for respondent Nos.1 to 5 sought to justify the impugned order passed by the respondent No.2 and contended that admittedly, the grant was made on 05.12.1964 in favour of the original grantee Ponnuswamy stipulating the condition that the land should not be alienated for a period of 15 years, but the original grantee Ponnuswamy in violation of the grant made, has alienated the property in question bearing old Sy.No.19/9, New No.81, situated in Antharagange Village, Kudligere Hobli, Bhadravathi Taluk, measuring one acre. Therefore, the authorities have rightly initiated the proceedings under the Rule 25 of the Land Grant Rules after holding enquiry and passed the impugned order. He would further contend that since the original grantee has violated the conditions of the grant and since there is no limit prescribed under the Land Grant Rules for initiating proceedings by the respondents/authorities at any time from the date of the knowledge, the impugned order came to be passed.*

9. *In support of his contention, learned Additional Government Advocate also relied upon the decision of this*



Court in the case of **Puttamma and Others v. The Deputy Commissioner, Shimoga District and Others** reported in **2014 (1) KCCR 788 (DB)** at para 20 of the judgment which held as under and therefore, sought to dismiss the writ petition.

"20. Further, regarding the submission of the learned counsel appearing for appellants that the authorities are not justified in invoking the provision of Rule 25 of Land Grant Rules for cancelling the grant made in favour of original grantee after lapse of 23 years is concerned, it can be seen that there is no limitation period as such prescribed under the Rules and it can be cancelled at any stage and at any time, once it has come to the knowledge of the authorities and is proved beyond all reasonable doubts that the grant has been obtained on false pretext or fraudulent representation, as held by the Hon'ble Apex Court in catena of decisions including the one extracted above, wherein the Hon'ble Apex Court has observed that, persons whose case is based on falsehood, have no right to approach the Court and can be summarily thrown out at any stage of the litigation. Therefore, delay of 23 years does not come to the rescue of the appellants in defending their case."

10. Having heard the learned counsel for the parties, the only point that arises for consideration in the present writ petition is;

"Whether the respondent No.2-the Regional Commissioner is justified in initiating proceedings after lapse of 34 years canceling the grant in exercise of power under Rule 25 of the Land Grant Rules in the facts and circumstances of the present case?"

11. Having heard the learned counsel for the parties, it is not in dispute that the Deputy Commissioner by an order dated 05.12.1964, granted 1 acre each to the 11 landless persons including, Ponnuswamy, S/o. Nallappanaidu in Sy.No.19 of Antharagange Village for wet cultivation agricultural purpose for an upset price of Rs.150/- per acre. It is also not in dispute that the



Tahsildar, based on the grant, issued 'Saguvali Chit' in favour of Ponnuswamy, S/o. Nallappanaidu measuring 1 acre in Sy.No.19/9, Block No.9 on 23.07.1970 with non-alienation condition of 15 years from the date of issuance of 'Saguvali Chit'.

12. It is the specific case of the petitioner that the said original grantee, Ponnuswamy has alienated 1 acre in Sy.No.19/9, New No.81 of Antharagange Village, Bhadravathi District, Shivamogga on 26.07.1974 for a valuable consideration to one S. Joseph. It is also not in dispute that the wife of said S. Joseph has sold the same in favour of the petitioner on 04.02.2000. In pursuance of the sale deed, the Mutation Register was changed in favour of the petitioner in M.R.No.27/99-2000. It is also relevant to note that the RTCs for the years 2001-2002 to 2009-2010 depicts the name of the petitioner in respect of 1 acre in Sy.No.81 of Antharagange Village, Koodligere Hobli, Bhadravathi Taluk, Shivamogga District both in Column Nos.9 and 12 in the RTCs.

13. The things stood thus, the Deputy Commissioner submitted a report to the second respondent on 21.09.2007 and thereafter, the second respondent issued notice to the petitioner and others. The petitioner filed detailed objections to the said notice and has taken a specific contention that the petitioner purchased the property on 04.02.2000 for a valuable consideration and improved the land by spending money and that she has no other land except this 1 acre. She would further state that the present proceedings has been initiated after lapse of more than 34 years from the date of first sale and hence, the same cannot be sustained and sought to drop the proceedings.

14. In spite of the fact that a detailed objection being filed to the notice issued by the second respondent, the Regional Commissioner has proceeded to pass the impugned order dated 30.07.2010 to cancel the grant but, failed to state under which provision, the said power has been exercised either under the Karnataka Land Revenue Act, 1964 or under the Karnataka Land Grant Rules, 1969. However, he only proceeded to cancel the grant, mainly on the ground that grant was made on 05.12.1964 and first



alienation was made on 26.07.1974, before the condition of non-alienation period of 15 years could expire. The Regional Commissioner has not considered the fact that there is inordinate delay of 34 years in initiating the proceedings, though the same was urged by the petitioner was not considered by the respondent No.2.

15. This Court, while considering the provisions of Rule 25 of the Karnataka Land Grant Rules, 1969 in the case of **Gavi Sidde Gowda v. State of Karnataka and Another** reported in **1994 (5) Kant LJ 253** at Para Nos.4, 5, 7 and 9 has held as under:

"4. In the present case, the land was granted under the provisions of Mysore Land Revenue Rules. Rule 43-G of the said Rules reads as under:

"The grant is liable to be terminated and the land resumed if any of the aforesaid conditions is not fulfilled and on such resumption, the land shall vest in Government free from all encumbrances. Providing that no land shall be resumed under this clause except after giving an opportunity to the grantee or his successor in interest to show cause why the grant should not be terminated and the land resumed."

5. There is a similar provision under Rule 25 of the Karnataka Land Grant Rules, 1969 which reads as under:

"25. Cancellation of Grant.- Any grant of land made under these rules shall be liable to be cancelled and the land resumed by the Authority which granted it, where the grant has been obtained by making false or fraudulent representations or is contrary to these rules:

Provided that no such cancellation shall be made without giving the grantee an opportunity of being heard."

7. In respect of the grant of lands made by the State Government under the Land Grant Rules



of this State, the Supreme Court in the case of MANCHEGOWDA v. STATE OF KARNATAKA (Paras 17, 18 and 24) has held that-

- (i) Such grants are made by the Government as the owner of land to the grantee for enjoyment and possession of the land so granted;*
- (ii) The prohibition on transfer of such granted land for specified period was an essential condition of such grant;*
- (iii) The transferees of the granted lands from the original grantees in violation of non-alienation clause acquired only a voidable title which was liable to be defeated with resumption of land by the Government;*
- (iv) In case where transfer was made in violation of non-alienation clause, the transferee though initially acquired only a voidable title, perfects the same by prescription by uninterrupted and continuous enjoyment of the granted land.*

9. In view of the said facts and the legal consequences, the question that arises is as to whether the Government could have proceeded to cancel the grant in question? The answer can be only in negative. It is so because the only effect of cancellation of grant would be of divesting the grantee or his successor-in-interest of title over the land through him. But as noticed above, since in the present case the grantee had lost his title by operation of Section 27 of the Limitation Act and the petitioner having acquired the title by way of adverse possession, he cannot be said to be the successor-in-interest of the grantee through him. As such, after lapse of twelve years from the date the petitioner and his father came into possession over the land in question, and they having remained thereon uninterruptedly for the said period, the grant itself became non-est and non-available for being cancelled, the same having



extinguished by operation of law. Therefore, the exercise of the State Government under the impugned order was futile and inconsequential. This aspect of the law has again been considered by the Supreme Court in the case of K.T. Huchegowda, supra, wherein it has been held that a transferee who has acquired the land from the grantee in contravention of the terms of the grant shall perfect his title by adverse possession by completing the period of 12 years and the title so perfected cannot be taken away even by the Legislature except by making law in conformity with the Constitutional provisions”.

16. The Division Bench of this Court, while considering the provisions of Section 56 of the Karnataka Land Revenue Act, 1964 in the case of **K. Govindappa v. State of Karnataka, Revenue Department and Others** reported in **1999 (5) KLD 117 (DB)**, at Para Nos.6, 7, 8, 9, 10, 11, 12 and 14 has held as under:

“5. The learned Counsel for appellant contended that the revisional power or the power of resumption of the land for violation of the conditions of the grant have to be exercised within a reasonable time and cannot be exercised after a lapse of long time. Therefore, the order of the single Judge and the consequential order of cancellation and resumption of 10 acres 3 guntas of land passed by authorities has to be quashed.

6. The Government Advocate contended that the Government has got a power to cancel and resume the land for violation of conditions of grant at any time. Merely there is delay in exercising that power the order is not liable to be quashed. There is no limitation prescribed for exercising such powers.

7. In view of the above contentions, the important question of law that has to be considered is:

- (1) Whether the Government can exercise its revisional powers to cancel the grants made on the ground of violation of conditions of the grant at any time or it



has to exercise such powers within a reasonable time?

8. Section 56 confers a power of revision on the Tribunal or any Revenue Officer not inferior in rank to an Assistant Commissioner, and any Survey Officer not inferior in rank to a Superintendent of Land Records or an Assistant Settlement Officer to examine the records of an enquiry or the proceedings of any Subordinate Officer under the Karnataka Land Revenue Act, 1964 for the purposes of satisfying itself or himself, as the case may be, as to the legality or propriety of the proceedings of such officer. It is further provided that no order shall be modified, annulled or reversed unless notice has been served on the parties interested and opportunity given to them of being heard. The revision power shall not be exercised where appeal is provided. The subsection (3) further provided that where the power is exercised by Revenue Officer, power has to be exercised within three years from the date of the order

9. By reading the above provision it is evident that the revisional powers can be exercised by the Superior Officer within the period of 3 years from the date of the order sought to be revised. Rule 25 of the Karnataka Land Grant Rules provides to cancel the grant on the ground making a false representation or fraudulent representations for the grant of land.

10. In the present case there is no dispute that grant was made in the year 1962 and the allegation of the respondent is that appellant has not brought the land under cultivation within 5 years. Inspection was made in the year 1989. The inspection report was made available and according to the report the cashewnut trees were not found as if properly planted but they were here and there. Therefore, the grant was cancelled on that ground.

11. Firstly, inspection was not made immediately after the expiry of 5 years. Therefore, it is not, possible to know whether actually the



appellant has planted trees or not within the period of five years. There is possibility of appellant planting trees within five years, thereafter some of them might have died for different reasons. When once the appellant has planted trees within five years from the date of grant, if the trees died thereafter it cannot be said that the appellant has not cultivated the land. This fact could have been ascertained only by making inspection immediately within five years or after five years. But in the present case no such inspection was made. The order is passed based on the inspection report of the year 1989. On that ground itself the impugned order is liable to be quashed.

12. *Secondly, the question is whether the authority exercising revisional powers can pass an order to revise the order after lapse of long time. In the Land Revenue Act there is no provision providing limitation to exercise revisional powers by the Government. But Section 56 itself postulates authority exercising revisional power to exercise within a period of three years from the date of order sought to be revised. In this case there is no dispute that the revisional power is exercised after more than ten years, which cannot be said as reasonable time.*

14. *In Ram Chand and others v. Union of India and others, JT 1993 (5) SC 465, the Supreme Court held that:*

"It is settled that in a statute where for exercise of power no time limit is fixed, it has to be exercised within a time which can be held to be reasonable."

The same view is taken also in C.S. Narayan Rao v. City Improvement Trust Board, My.LJ 1969 (1) 237. In all the above judgments principle held is that where limitation period is not prescribed for exercise of revisional power such power has to be exercised within a reasonable time. In the present case Section 56 of the Karnataka Land Revenue Act, 1964 prescribed limitation of 3 years for exercise of



revisional power by the officers and authorities under the Act. No limitation is prescribed for the exercise of revisional powers by the Government. Therefore, the revisional powers was to be exercised within a reasonable time. In the present case revisional power was exercised after more than ten years. Therefore, it cannot be said that power is exercised within a reasonable time."

17. *It is well settled that, in the absence of any limitation prescribed for exercise of revisional power, such power has to be exercised by the authority within a reasonable time. Admittedly, in the present case, the proceedings has been initiated after lapse of 34 years from the date of first sale, when the petitioner has been in possession of the land from 04.02.2000. It was specifically stated before the second respondent that she has improved the land by spending money and she has no other land except this land for her livelihood and since the proceedings has been initiated after lapse of more than 34 years, the same cannot be sustainable. However, the Regional Commissioner, without considering the objections, has proceeded to pass the impugned order which cannot be sustained.*

18. *The Hon'ble Supreme Court, in identical circumstances in the case of **Chhedi Lal Yadav and Others v. Hari Kishore Yadav (Dead) through Legal Representatives and Others** reported in **2018 (12) SCC 527** has held that, merely because the legislation is beneficial and no limitation is prescribed, the rights acquired by persons cannot be ignored lightly and proceedings cannot be initiated after reasonable delay and action initiated after delay is impermissible. The Hon'ble Supreme Court at para Nos.9 to 14 has held as under:*

"9. *The Learned counsel appearing for the appellants vehemently submitted that the delay must be overlooked because the Act is a beneficial piece of legislation intended to bring relief to farmers who had been dispossessed during the proscribed period. The reliance was placed on a judgment of this Court in **New India Assurance Co. Ltd. v. C. Padma** where this Court held that in a motor accident which took place on 18-12-1989, a*



claim petition barred by time but filed on 02-11-1995, after limitation itself was removed from the statute was maintainable. This Court held that there could be no resort to Article 137 of the Limitation Act, 1963 even though no period of limitation was prescribed. Accordingly, the Court held that the Claim Petition could not be rejected at the threshold on the ground of limitation, after the deletion of sub-section (3) of Section 166 of the Motor Vehicles Act, 1988 which had provided a period of six months. This view was taken having regard to the purpose of the statute. We, however, find that the judgment relied on has no application to the present case. It is a settled law where the statute does not provide for a period of limitation, the provisions of the statute must be invoked within a reasonable time.

10. In *Advanced Law Lexicon* by P. Ramanatha Aiyar, 3rd Edn., "reasonable time" is explained as follows :

"That is a reasonable time that preserves to each party the rights and advantages he possesses and protects each party from losses that he ought not to suffer."

Thus, time must be reckoned reasonably, not only in order to preserve rights and advantages a party possesses, but equally to protect each party from the losses he ought not to suffer. Thus whether an action has been taken within a reasonable time, must also be viewed from the point of view of the party who might suffer losses.

11. In the instant case, we find that the High Court had observed as follows:

"The auction-sale took place in 1942, the application for restoration of the lands was first made in 1975 and the appeal from it was dismissed for default in 1983. In the meanwhile, the disputed lands changed hands twice and were in the possession of the appellants-writ petitioners from 1962 and 1986. Such a long-settled position could



only be up-set for some very compelling reasons and on making out an extremely strong case for restoration of the appeal. There is nothing on record to suggest anything remotely like that. Secondly, the action of the Additional Collector in restoring the appeal even without any notice to the appellants-writ petitioners was clearly illegal and in contravention of Sections 4 & 5 of the Act." The High Court was clearly right in the view it had taken.

12. *It is argued on behalf of the appellants that power of the Additional Collector for restoration of lands could have been exercised suo motu and since no limitation was prescribed for exercise of such power, the delay in this case may be overlooked. This submission presupposes that where the power can be exercised suo motu, such exercise may be undertaken at any time. The submission is directly contrary to a decision of this Court in Collector v. D. Narsing Rao where this Court affirmed the view of the Andhra Pradesh High Court. Paragraph '17' of the judgment reads as follows: (D. Narsing Rao case, SCC p.706, Para 17).*

"17. ... that the suo motu revision undertaken after a long lapse of time, even in the absence of any period of limitation was arbitrary and opposed to the concept of rule of law."

Thus, we have no hesitation in rejecting this contention.

13. *In our view, where no period of limitation is prescribed, the action must be taken, whether suo motu or on the application of the parties, within a reasonable time. Undoubtedly, what is reasonable time would depend on the circumstances of each case and the purpose of the statute. In the case before us, we are clear that the action is grossly delayed and taken beyond reasonable time, particularly, in view of the fact that the land was transferred several times during this period, obviously, in the faith that it is not encumbered by any rights.*



14. We are of the view that merely because the legislation is beneficial and no limitation is prescribed, the rights acquired by persons cannot be ignored lightly and proceedings cannot be initiated after reasonable delay as observed by this Court in *Situ Sahu Vs. State of Jharkhand*".

19. The Hon'ble Supreme Court, in the case of **Joint Collector Ranga Reddy District and Another v. D. Narsing Rao and Others** reported in **(2015) 3 SCC 695** relying upon the dictum in the case of *State of Gujarat v. Patil Raghav Natha* reported in (1969) 2 SCC 187 while adverting to Sections 65 and 211 of the Bombay Land Revenue Code, 1879 held that though there is no period of limitation prescribed under Section 211 to revise an order made under Section 67 of the Act, the said power must be exercised in reasonable time and on the facts of the case in which the decision arose, the power came to be exercised more than one year after the order and that was held to be too late.

20. The Apex Court, while considering the provisions of Maharashtra Land Revenue Act in the case of **Santoshkumar Shivgonda Patil and Others v. Balasaheb Tukaram Shevale and Others** reported in **2009 (9) SCC 352** at para No.11 has held as under:

"11. It seems to be fairly settled that if a statute does not prescribe the time-limit for exercise of revisional power, it does not mean that such power can be exercised at any time; rather it should be exercised within a reasonable time. It is so because the law does not expect a settled thing to be unsettled after a long lapse of time. Where the legislature does not provide for any length of time within which the power of revision is to be exercised by the authority, suo motu or otherwise, it is plain that exercise of such power within reasonable time is inherent therein".

21. Though the learned Government Advocate relied upon the dictum of this Court in the case of **Puttamma and Others v. The Deputy Commissioner, Shimoga District and Others** reported in **2014 (1) KCCR 788 (DB)** to the effect that under Rule 25 (2) of the



Karnataka Land Grant Rules, 1969, if the land has been granted on the basis of the application filed by the applicant on false or fraudulent information made in the application, then there is no limitation period as such prescribed and such claim can be set aside or cancelled at any time immediately after it has come to the knowledge of the jurisdictional competent authority. The said judgment relied upon by the learned Government Advocate is a case where a Government employee has suppressed the fact that he is a Government employee and getting monthly income of Rs.2,000/- and he has possessed 4 acres 38 guntas of land and grant was made that he is a landless person. Under those circumstances, the Division Bench of this Court held that the party to the said proceedings has suppressed the fact that he was an Government employee and had possessed 4 acres 38 guntas of land and obtained grant by playing fraud and there was no limitation period prescribed.

22. Admittedly, it is not the case of the respondent-State Government that the petitioner obtained grant by playing fraud and suppression of fact. The grant made in favour of Ponnuswamy is not in dispute. The only dispute is that the grantee has violated the condition of non-alienation period of 15 years. If it is so, the competent authorities could have initiated the proceedings within the limitation period prescribed under law and as held by the Hon'ble Supreme Court.

23. For the reasons stated above, the point framed in the present writ petition has to be answered in the 'negative' holding that the Regional Commissioner was not justified in canceling the grant, after lapse of 34 years from the date of first sale and 48 years from the date of grant and the same cannot be sustained as held by the Hon'ble Supreme Court and the Division Bench of this Court stated supra.

*24. In view of the above, the writ petition is **allowed**. The impugned order No.LND/CR/76/2007-08 dated 30.07.2010 at Annexure-H passed by the second respondent is hereby quashed. The rule is made absolute."*



8. As can be seen from the aforesaid order passed by this Court after following judgment of earlier judgments of the Apex Court and this Court, it was held that the cancellation proceedings having been initiated after long lapse of time, is clearly barred by "**reasonable time principle**" and by long, inordinate and unexplained delay and latches; in the instant case, it is an undisputed fact that the petitioner's father-in-law has been granted subject plot as long back as in the year, the present proceedings initiated after almost 33 years were barred by "**reasonable time principle**" and also long, unexplained, inordinate delay and latches. Under these circumstances, I am of the considered opinion that the proceedings initiated by respondent No.1 in the year 2015 for the purpose of cancellation of the grant of the subject plot made in favour of the petitioner on 30.09.1981 is clearly barred by "*reasonable time principle*" and the same deserves to be quashed.

9. *In the result, I pass the following:*

ORDER

(i) *The petition is hereby **allowed**.*

(ii) *The impugned order at Annexure – A dated 22.05.2023 passed by respondent No.1 – Deputy Commissioner is hereby quashed."*

4. In the instant case, the material on record would indicate that the subject plot which also situated in the aforesaid land bearing Sy.No.685 which was subject matter in **Shardhadevi's** case and consequently, the present petition also deserves to be allowed and disposed



of in terms of the said judgment. In the result, the following :

ORDER

- i) The petition is hereby allowed.
- ii) The impugned order at Annexure-G dated 07.04.2025 bearing No.RBLND/274/2009-10 passed by respondent No.1 – Deputy Commissioner is hereby quashed.

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

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List No.: 1 Sl No.: 94
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