



CNR: KAHC010255942023

NC: 2026:KHC:50114-DB
CCC No. 484 of 2023
C/W WA No. 1909 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

CIVIL CONTEMPT PETITION NO. 484 OF 2023

C/W

WRIT APPEAL NO. 1909 OF 2025 (KLR-RES)

IN CCC No. 484/2023:

BETWEEN:

SRI. VEMANNA G
S/O SRI LATE GOVINDA,
AGED ABOUT 53 YEARS,
R/O NO 64/B, 5TH CROSS,
BAPUJI NAGARA (KHB),
BENGALURU 560 026.

...COMPLAINANT

(BY SRI. SUMANTH L BHARADWAJ, ADVOCATE)

AND:

1. SRI KAPIL MOHAN
THE PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
THE STATE OF KARNATAKA,
BANGALORE 560 001.
2. SRI. B C SHIVANANDA MURTHY
THE DEPUTY COMMISSIONER
RAMANAGARA DISTRICT,
RAMANGARA 573 134.
3. SRI. MANJUNATH
THE ASSISTANT COMMISSIONER

Digitally
signed by
MALA K N
Location:
HIGH COURT
OF
KARNATAKA



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RAMANAGARA SUB DIVISION,
RAMANAGARA 573 134.

4. SRI SURESHA MURTHY G
THE THASILDHAR,
MAGADI TALUK, MAGADI 573 134.

...ACCUSED

5. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
BANGALORE 560 001.

...PRO-FORMA RESPONDENT

(BY SRI.BHAIRAV KUTTAIAH, AGA FOR PROFORMA R5;
A1, A2, A3 & A4 ARE SERVED)

THIS CCC IS FILED UNDER SECTION 11 AND 12 OF CONTEMPT OF COURTS ACT, R/W ARTICLE 215 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUED TO THE ACCUSED PERSONS AND THEY MAY BROUGHT BEFORE THIS HONBLE COURT AND TRIED AND PRODUCED FOR THE OFFENCE OF CONTEMPT OF COURT COMMITTED BY THEM BY SHOWING DELIBERATE DISRESPECT AND BY WILLFUL DISOBEDIENCE OF THE FINAL ORDER OF THIS HON'BLE COURT DATED 6.12.2022 PASSED IN WP NO.10934/2022 (KLR-RES) (ANNEXURE-A)

IN WA NO. 1909/2025:

BETWEEN:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
BENGALURU-560 001.
2. THE DEPUTY COMMISSIONER
RAMANAGARA DISTRICT
RAMANAGARA-573 201.



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3. THE ASSISTANT COMMISSIONER
RAMANAGARA SUB DIVISION
RAMANAGARA DISTRICT-573 134.
4. THE TAHSILDAR,
MAGADI TALUK, MAGADI-573 134.

...APPELLANTS

(BY SRI. M.N.SUDEV HEGDE, AGA)

AND:

VEMANNA G
S/O SRI LATE GOVINDA
AGED ABOUT 57 YEARS,
R/O NO.64/B, 5TH CROSS,
BAPUJI NAGARA (KHB)
BENGALURU-560 026.

...RESPONDENT

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO A) CALL FOR THE RECORDS AND B) ALLOW THE WRIT APPEAL AND SET ASIDE THE IMPUGNED ORDER DATED 06/12/2022 PASSED BY THE LEARNED SINGLE JUDGE OF THE HON'BLE HIGH COURT IN WP NO.10934/2022 AND C) PASS SUCH OTHER ORDER OR ORDERS.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL ORDER

(PER: HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN)

***We pass this order with a heavy heart, as the
State does not have five acres of land to be granted***



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to a soldier who has served the nation. The earlier rule providing for the grant of five acres of land to soldiers has since been amended, and under the amended rule, the petitioner is offered only 2,400 square feet of land, which he has declined to accept. We are conscious of the services and sacrifices rendered by the petitioner to the nation. Nevertheless, in view of the amended rule, we are, with an unwilling mind and a deep sense of regret, constrained to pass the present order in accordance with the prevailing legal position.

The present contempt petition has been filed by the petitioner for the willful disobedience of the judgment and order dated 06.12.2022 passed by the Writ Court in Writ Petition No.10934/2022 (KLR-RES) whereas the Writ Appeal is filed impugning the above said judgment and order.



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2. For the sake of convenience, the parties shall be referred to as per their status before the learned Single Judge of this Court.

3. The petitioner, Sri. Vemanna G., is an ex-serviceman who approached this Court under Articles 226 and 227 of the Constitution of India, questioning the legality and correctness of the endorsement dated 03.08.2020, bearing No. RAAGIKA/LND/CR/272/2013-14, issued by the Deputy Commissioner, Ramanagara District. The grievance of the petitioner was that, despite his status as an ex-serviceman and his claim for grant of Government land under the Karnataka Land Grant Rules, his request for grant of five acres of land in Survey No.383/P2 of Hulikall Village, Kudooru Hobli, Magadi Taluk, Ramanagara District, has not been favourably considered. According to the petitioner, the land was available for grant under the quota earmarked for soldiers and ex-servicemen.



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4. It was the case of the petitioner that he had initially submitted an application/representation seeking grant of land in the year 2000. The said request was rejected by the authorities on 11.04.2001 on the ground that no land was available for grant in Magadi Taluk and that the land claimed by him was Government land/Government kharab land and, therefore, could not be granted. The petitioner thereafter pursued the matter and submitted a further representation in the year 2020, seeking reconsideration of his claim. However, the Deputy Commissioner once again rejected the request by issuing the impugned endorsement dated 03.08.2020. The petitioner contended that the rejection was contrary to the beneficial provisions of the Karnataka Land Grant Rules, under which land was reserved for grant to soldiers and ex-servicemen on priority.

5. The petitioner further relied upon the recommendations and correspondence exchanged between the revenue authorities concerning the grant of land under



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the ex-servicemen quota. He contended that the authorities had themselves processed his request and that the matter had remained pending for several years without a lawful and effective decision. It was also asserted that the petitioner was a landless ex-serviceman and that, having regard to his long and unblemished service in the Defence Department, his claim ought to have received sympathetic and preferential consideration. On these grounds, the petitioner sought quashing of the endorsement dated 03.08.2020 and a consequential direction to the respondents to grant five acres of land in his favour.

6. It is relevant to record that, as reflected from the writ papers, the State Authorities did not file their statement of objections to the writ petition. The record contains a memo regarding non-filing of the statement of objections.



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7. Consequently, the writ petition came to be considered substantially on the basis of the pleadings of the petitioner, the documents produced along with the writ petition, and the subsequent submission made on behalf of the revenue authorities before the learned Single Judge.

8. During the pendency of the writ petition, the learned Single Judge of this Court directed the personal presence of the Tahsildar. Pursuant thereto, the Tahsildar appeared before the Court and through the learned Additional Government Advocate, produced a memo along with certain documents.

9. The memo stated that a proposal had been submitted recommending the grant of five acres of land in Survey No.67 of Madigondanahalli Village, Magadi Taluk, in favour of the petitioner. The learned Additional Government Advocate submitted that the grant would have to be made in terms of the proposal after obtaining the necessary orders from the higher authorities.



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10. Having regard to the memo filed on behalf of the revenue authorities and the assurance placed before the Court, as well as the long and unblemished service rendered by the petitioner in the Defence Department, the learned Single Judge proceeded to dispose of the writ petition with a direction to the respondents to ensure that the proposal materialised within the stipulated period.

11. By order dated 06.12.2022, the learned Single Judge observed that the essential grievance of the petitioner, an ex-serviceman, was the non-grant of land earmarked for soldiers. The Court noted that the petitioner had challenged the endorsement dated 03.08.2020, by which his claim for grant of land had been rejected.

12. The learned Single Judge took note of the memo filed by the learned Additional Government Advocate on the instructions of the Tahsildar, wherein it was stated that the proposal for grant of five acres of land



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in Survey No.67 of Madigondanahalli Village had been recommended in favour of the petitioner.

13. In view of the said submission and assurance, the writ petition was disposed of with the following directions:

1. The respondents were directed to ensure that the proposal for grant of land in favour of the petitioner materialized within an outer limit of four months.
2. The respondents were directed to issue the grant order and effect consequential mutation/revenue entries in the revenue records.
3. A report of compliance was directed to be filed before the Registrar General within three months.
4. It was further observed that, in the event of non-compliance, the petitioner would be at liberty to seek exemplary costs personally



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payable by the officials concerned by filing an appropriate application before the Court.

14. Subsequent to the passing of the order dated 06.12.2022, the State Authorities preferred Review Petition No.416/2023, seeking review and recall of the said order on the ground that the material facts relating to the now availability of the land had not been brought to the notice of the Court. It was contended that Survey No.67 of Madigondanahalli Village, measuring approximately 86.3 hectares, had subsequently been identified and proposed to be reserved for the Forest Department as alternate land in connection with the Mekedatu Project, and that the proposal had already been forwarded to the Additional Chief Secretary, Water Resources Department. The review petitioners, therefore, asserted that the said land was not available for grant and that no Government land was available for grant in the entire Ramanagara District. Reliance was also placed upon the amended proviso to Rule 8 of the Karnataka Land Grant Rules, under which an



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eligible soldier or ex-serviceman could be allotted a residential site where Government land was unavailable. It was further submitted that sites had been formed in Sy.No.12 of Shiraganahalli Village, Solur Hobli, Magadi Taluk, and that, pursuant to the Official Memorandum dated 28.07.2023 and 05.08.2023, a site measuring 2,400 square feet had been allotted to the respondent, who had been called upon to furnish the necessary documents.

15. By order dated 11.06.2025, this Court considered the grounds urged in the review petition and the submission that the earlier order had been passed on the basis of the memo and consent given by the Tahsildar, without the relevant factual and legal position being brought to the notice of the Court. However, upon examination of the earlier proceedings, this Court found that the Tahsildar had been personally present and that the learned Additional Government Advocate had filed the memo on his instructions, wherein an assurance had been given that appropriate action would be taken within an



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outer limit of four months. In that view of the matter, this Court held that no error apparent on the face of the record was made out so as to warrant exercise of the review jurisdiction. Accordingly, placing reliance upon the judgment of the Hon'ble Supreme Court in ***Shri Ram Sahu (Dead) through Legal Representatives and Others v. Vinod Kumar Rawat and Others***¹, the Review Petition came to be dismissed.

16. Aggrieved by the order passed in the writ petition and the dismissal of the review petition, the State and its officers have preferred the present writ appeal.

17. The principal grounds urged in the appeal are as follows:

(i) It is contended that the order of the learned Single Judge was passed on the basis of the memo and undertaking given by the Tahsildar, but the said undertaking was subsequently found to be factually

¹ (2021) 13 SCC 1



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incorrect and contrary to the applicable provisions of the Karnataka Land Grant Rules.

(ii) The appellants contend that the land in Survey No.67 of Madigondanahalli Village had already been identified and proposed for the Forest Department as alternate land in connection with the Mekedatu Project. Therefore, the said land was not available for grant to the respondent.

(iii) It is urged that no Government land was available for grant to soldiers or ex-servicemen in Magadi Taluk or in the entire Ramanagara District.

(iv) The appellants contend that, in view of the amendment to the Karnataka Land Grant Rules, an ex-serviceman could not insist upon grant of five acres of agricultural land when no such land was available. In such circumstances, the amended Rules contemplated allotment of a residential site of the prescribed extent.

18. It is submitted that subsequent to the passing of the order dated 06.12.2022 in the writ petition,



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Amendment to Rule 8 of the Karnataka Land Grant Rules came to be implemented, introducing a specific provision to meet situations where Government land is not available for grant to eligible soldiers and ex-servicemen. Under the amended proviso, such eligible persons may be allotted a residential site measuring 2,400 square feet in a rural area or 1,200 square feet in an urban area, either in the native taluk or, if unavailable, in another taluk of the concerned district, under an existing housing scheme or a special scheme of the State Government. In view of the said subsequent statutory amendment, and as Government land was not available for grant, the authorities formed sites in Sy.No.12 of Shiraganahalli Village, Soluru Hobli, Magadi Taluk, and allotted a residential site measuring 2,400 square feet to the respondent. The said subsequent amendment and the consequential allotment constituted material developments which had a direct bearing on the relief granted in the writ petition and therefore required consideration in the present appeal.



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19. The State submits that, pursuant to the amended provisions, sites had been formed at Shiraganahalli Village and that an Official Memorandum dated 05.08.2023 had been issued allotting a site to the respondent. Hence, according to the respondents, the petitioner's claim could be considered under the amended scheme rather than by directing grant of five acres of agricultural land.

20. It is contended that the learned Single Judge was not appraised of the material fact that the land in question was unavailable for grant. Such non-disclosure, according to the respondents, resulted in an order directing grant of land which could not legally or factually be allotted.

21. The respondents/State assert that the relevant facts concerning reservation of the land for the Forest Department and the amended provisions of the Karnataka Land Grant Rules came to their notice only after the



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disposal of the writ petition. The said facts, according to them, could not be brought to the notice of the learned Single Judge despite due diligence.

22. The respondents state that they initially pursued the remedy of review by filing Review Petition No.416/2023. Since the review petition was dismissed on 11.06.2025, the present writ appeal was thereafter filed, along with an application for condonation of delay.

23. On the above grounds, the respondents seek setting aside of the order dated 06.12.2022 passed in W.P.No.10934/2022 and dismissal of the writ petition, or such other order as may be deemed fit in the circumstances of the case.

24. The petitioner instituted Civil Contempt Petition No.484/2023 under Sections 11 and 12 of the Contempt of Courts Act, read with Article 215 of the Constitution of India, alleging willful disobedience of the order dated 06.12.2022 passed in W.P.No.10934/2022. It was



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contended that this Court, after taking on record the memo submitted on the instructions of the Tahsildar, had directed the respondent-authorities to ensure that the proposal for grant of five acres of land in Sy.No.67 of Madigondanahalli Village, Magadi Taluk, materialised within an outer limit of four months by issuing the grant order and carrying out the consequential mutation entries in the revenue records. The complainant further asserted that, despite the expiry of the stipulated period and despite submitting representations to the concerned authorities requesting compliance with the order, no effective steps were taken and the directions of this Court remained unimplemented. Alleging that such conduct amounted to deliberate disrespect and willful disobedience of the order of this Court, the complainant sought initiation of contempt proceedings against the accused officials and issuance of appropriate orders in accordance with law.

25. We have heard Sri.Sumanth L.Bharadwaj, learned counsel for the petitioner/complainant and



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Sri.Bhairav Kuttaiah, learned AGA for the proforma respondent No.5.

26. Thus, the controversy in the present appeal centers around the direction issued by the learned Single Judge for grant of 5 acres of land to the respondent on the basis of the memo and assurance placed before the Court, and the subsequent contention of the State that the land was not available for grant, having been earmarked for the Forest Department, and that the respondent's claim was required to be considered only in terms of the amended scheme providing for allotment of a residential site.

27. Now, the questions that arise for our consideration are:

- (i) *"Whether the order passed by the learned Single Judge in the writ petition, as affirmed in the review petition, calls for interference in the present writ appeal; and*
- (ii) *Whether, in view of the consideration and disposal of the writ appeal, the contempt petition alleging non-compliance of the order passed in the writ petition survives for consideration?"*



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28. We have carefully considered the pleadings, the material placed on record, the provisions of the Karnataka Land Grant Rules, the order under challenge and the submissions advanced by the learned counsel appearing for the parties.

29. The controversy in the present appeal essentially revolves around the entitlement of the appellant to the benefit contemplated under Rule 8(8) of the Karnataka Land Grant Rules.

30. A plain reading of the aforesaid provision makes it clear that the Rule itself contemplates an alternative mechanism in the event Government land is not available for grant to soldiers and ex-servicemen. It provides for allotment of a residential site, free of cost, in the native Taluk and if such site is not available, in any other Taluk of the concerned district. The Rule further makes a specific provision in respect of cases where the native Taluk falls within Bengaluru Urban District.



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31. The entitlement flowing from the Rule is not dependent upon the creation of a fresh right by an individual administrative order. It is a statutory benefit arising from the Rule itself, subject, of course, to the conditions prescribed therein. The authorities are therefore required to examine the claim in the light of the Rule and cannot defeat the benefit conferred thereunder by adopting an interpretation which renders the substantive provision otiose.

32. It is also significant to notice that the validity, legality or vires of Rule 8(8) of the Karnataka Land Grant Rules is not under challenge in the present proceedings. In the absence of any challenge to the Rule, the same continues to remain operative and binding upon the parties as well as the authorities. The learned Single Judge, therefore, was required to consider the claim of the appellant in the light of the statutory mandate contained in Rule 8(8), instead of proceeding on an interpretation



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which effectively denies the benefit expressly contemplated by the Rule.

33. When a statutory provision remains unchallenged, the Court is required to give effect to the provision as it stands. The executive authorities are equally bound to implement the Rule in its true letter and spirit. The appellant cannot be denied the benefit of the statutory provision merely on the basis of an administrative understanding which is inconsistent with the plain language and object of Rule 8(8).

34. The learned Government Advocate during the course of hearing, in view of the amendment to Rule 8(8) of the Karnataka Land Grant Rules, has produced an official memorandum dated 05.08.2023, relating to the grant of 2,400 square feet of land out of the five acres reserved in Survey No.12 of Shiraganahlli Village, Solur Hobli, Magadi Taluk, for allotment of residential sites to ex-servicemen under the Ashraya Scheme. It is submitted



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that, in accordance with the Karnataka Land Grant Rules and the Government Notification, 27 soldiers/ex-servicemen, whose names are mentioned in the official memorandum, have been provisionally granted residential sites measuring 2,400 square feet each from the aforesaid land reserved for the said purpose.

35. It is further submitted that the final grant order would be issued only upon the beneficiaries furnishing the requisite documents within the prescribed period and satisfying the conditions stipulated in the memorandum, including production of proof of Karnataka residency at the time of service within thirty days, production of an income certificate issued by the Tahsildar within thirty days, and submission of an affidavit affirming that no grant has been received elsewhere. The memorandum also provides for verification of the said particulars before issuance of the title deeds and makes it clear that no right of ownership would accrue until the final grant is made.



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36. The learned Government Advocate has also submitted that the petitioner stands at Serial No.1 among the 27 eligible soldiers/ex-servicemen identified for allotment of the residential sites. He has further made a categorical statement before this Court that, notwithstanding the time stipulated in the official memorandum and having regard to the pendency of the present appeal and the orders passed by this Court, the petitioner's claim would be considered and the site would be granted in recognition of his service to the nation. Despite the said offer and assurance made on behalf of the State, the petitioner has declined to accept the same.

37. In view of the aforesaid developments, the statutory framework governing the grant, the provisional allotment made in favour of the petitioner and the categorical statement made by the learned Government Advocate before this Court, we find that the petitioner has been extended a meaningful opportunity for consideration of his claim. The refusal of the petitioner to accept the



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offer, despite the assurance placed on record, leaves this Court with no further effective course in the present proceedings.

38. Accordingly, we proceed to consider and dispose of the writ appeal and the connected contempt petition in the light of the aforesaid circumstances. In view of the amended Rule 8 of the Karnataka Land Grant Rules, the statutory benefit available to eligible soldiers and ex-servicemen, the provisional allotment made in favour of the petitioner, and the categorical assurance given by the learned Government Advocate before this Court, the order passed by the learned Single Judge does not stand scrutiny. The same is liable to be set aside. Consequently, the writ appeal deserves to be allowed.

39. Insofar as the contempt proceedings are concerned, the contempt petition proceeds on the allegation that the order passed by the learned Single Judge has not been complied with. However, in view of the



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order now being passed in the writ appeal, the very foundation of the contempt proceedings no longer survives.

40. The order alleged to have been disobeyed is being set aside in the present writ appeal. Once the underlying order is set aside, the allegation of non-compliance thereof cannot be independently sustained in the contempt jurisdiction. The contempt jurisdiction is intended to secure compliance with a subsisting and enforceable order and cannot be invoked to perpetuate or enforce an order which is no longer in existence.

41. Further, the materials on record do not establish any deliberate or willful disobedience of a subsisting order so as to warrant the exercise of contempt jurisdiction. The dispute is essentially with regard to the interpretation and implementation of Rule 8(8) of the Karnataka Land Grant Rules, and the same is being adjudicated in the writ appeal.



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42. Accordingly, the contempt petition does not survive for consideration and is liable to be dismissed.

For the foregoing reasons, we pass the following;

ORDER

The Writ Appeal is allowed. The order dated 06.12.2022 passed by the learned Single Judge in W.P. No. 10934/2022 is hereby set aside.

Consequently, the contempt petition in C.C.C.No.484/2023 does not survive for consideration and stands dismissed.

All pending interlocutory applications, if any, stand disposed of.

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

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**

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