



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 23RD DAY OF NOVEMBER, 2023**

PRESENT

**THE HON'BLE MR PRASANNA B. VARALE, CHIEF JUSTICE
AND**

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

WRIT APPEAL NO. 387 OF 2023 (KLR-CON)

BETWEEN:

C G JAGDISH

...APPELLANT

(BY SRI. NATARAJ G.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY TO
REVENUE DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU-02
2. DEPUTY COMMISSIONER
TUMKUR DISTRICT,
TUMKUR-572 101
3. TAHSILDAR
CHIKKANAYAKANAHALLI,
TUMKUR DISTRICT-572 101
4. D. SIDDARAMAPPA

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by AMBIKA H B
Location: HIGH
COURT OF
KARNATAKA



...RESPONDENTS
(BY SMT. NOLOUFER AKBAR., AGA FOR R-1 TO R-3)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET-ASIDE THE ORDER DATED 18/02/2022 BEING PASSED IN WRIT PETITION NO.33747/2014 VIDE ANNEXURE-A AND TO PASS SUCH OTHER ORDER OR DIRECTIONS.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, **CHIEF JUSTICE**, DELIVERED THE FOLLOWING:

JUDGMENT

This intra-Court appeal seeks to call in question a learned Single Judge's order dated 18.02.2022 whereby, W.P No.33747/2014 (KLR-CON) filed by the 4th respondent herein having been favoured, Deputy Commissioner's order dated 15.02.2014 rescinding the Conversion Order dated 06.10.1998 issued by the Tahasildar.

2. Learned counsel for the appellant vehemently argues that the Conversion Order could not have been issued at all and therefore, the Deputy Commissioner in exercise of inherent power vested under Section 25 of the Karnataka Land Revenue Act, 1964 has rightly rescinded the same. Even otherwise, an



appeal may lie to challenge the Conversion Order before the Karnataka Appellate Tribunal and therefore, the learned Single Judge is not justified in quashing the order of the Deputy Commissioner.

3. Having heard the learned counsel for the appellant and the learned Additional Government Advocate appearing for the Officials Respondents, we decline indulgence in the matter inasmuch as a Conversion Order which was in existence for the last quarter century could not have been casually rescinded by the Deputy Commissioner especially, when there was no plausible explanation for the long delay brooked in laying the challenge. Secondly, the inherent power vested in a Revenue Court by virtue of Section 25 of the 1964 Act could not have been invoked, even if we agree that the order of conversion was statutorily appealable. A resort to inherent power is not like a drug of choice for a physician. By its very text, the power under the provision scarcely avail. The Deputy Commissioner admittedly is not the Appellate Authority in matters like this and therefore, he could not have invoked Section 25 as if he was sitting in appeal. This view gains



support from ***SIDDESHWAR YUVAK MANDAL vs. STATE & ANR.,
ILR 1981 KAR 1309.***

4. Added, the learned Single Judge has rightly observed that whatever grievance the appellant can have against the Conversion Order can be considered only after he established title to the land in question. Thus, he has not foreclosed the issue. Therefore, much grievance cannot be raised against the impugned order which has brought about a just result by balancing the competing claims of the rival parties.

In the above circumstances, the appeal being devoid of merits is liable to be and accordingly dismissed, costs having been made easy.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**

KPS