2026 INSC 944

*Reportable*

# IN THE SUPREME COURT OF INDIA
## CIVIL APPELLATE JURISDICTION

**CIVIL APPEAL NOS. ............ & ............ OF 2026**
**(@ SLP (C) Nos. 23954-23955 OF 2023)**

**M.R.R. Setty (Dead), by LRs** **….. Appellants**

**Versus**

**Government of Karnataka and others** **….. Respondents**

## JUDGMENT

**SANJAY KUMAR, J**

**1.** Leave granted.

**2.** These two appeals arise out of the common judgment dated 09.01.2020 of a Division Bench of the Karnataka High Court, insofar as it pertains to Writ Appeal No. 6405 of 2017, and the later order dated 16.06.2023 of another Bench of the said Court, dismissing Review Petition No. 105 of 2022. In turn, Writ Appeal No. 6405 of 2017 arose out of the common order dated 22.07.2015 of a learned Judge of the Karnataka High Court, in so far as it pertained to Writ Petition No. 35210 of 2014.

**3.** The said writ petition was filed by M.R.R. Setty, deceased appellant No. 1, assailing the Notice dated 26.04.2014 issued by the Joint Director/Registrar of Land Records, City Survey, South Zone, K.R. Circle, Bengaluru, in exercise of power under Section 56 of the Karnataka Land Revenue Act, 1964[1], cancelling the order of the erstwhile Enquiry Officer with respect to City Survey No. 174 and directing the Enquiry Officer, City Survey, Team-3, Bengaluru, to decide the case by holding a re-enquiry with respect to City Survey Nos. 174, 174/1, 174/2, 174/3, 174/5, 178, 178/1, 108, 109, 129, 130, 155, 166, 171, 172 and 1019 with verification of the record of rights of the private parties on the basis of the original survey records of Yediyur Lake region. This notice was issued at the behest of one L. Shankaralingaiah, who complained that Yediyur Lake was being encroached upon by members of the public and requesting removal of the said encroachments so as to protect the lake.

**4.** M.R.R. Setty claimed to be the owner of an extent of land admeasuring 28 guntas in Survey No. 2 of Dasarahalli Village that he had purchased under eight different sale deeds executed in the year 1929. It was his case that, in the year 1974, a City Title Survey was conducted and his land was allotted City Title Survey (CTS) Nos. 174/1 to 174/5. In the year 2004, he applied for development of the said land by constructing a residential apartment building, under the name and style of Gokul Lake View. The Bangalore Mahanagara Palike (renamed as the Bruhat Bengaluru Mahanagara Palike), the municipal corporation, sanctioned his

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1 For short, 'the Act of 1964'

construction plan on 08.07.2004. He was permitted to commence construction on 22.05.2005 and upon completion thereof, Occupancy Certificate dated 12/13.06.2006 was issued by the Joint Director of Town Planning, Bangalore Mahanagara Palike, permitting occupation of the residential apartment building, subject to conditions.

**5.** While so, the impugned notice came to be issued on 26.04.2014, cancelling the earlier Enquiry Officer's order and proposing to hold an enquiry afresh into the nature of the land held by M.R.R. Setty and several others, on the strength of a complaint made by a third party who alleged that Yediyur Lake was being encroached upon by members of the public, including M.R.R. Setty. This enquiry was to be conducted in the context of the revenue records, wherein entries had been made long ago indicating the ownership of private parties over extents of land in the CTS numbers in question. The issue raised by M.R.R. Setty and others who filed writ petitions assailing the aforestated notice dated 26.04.2014 was that the revisional jurisdiction exercised by the Joint Director/Registrar of Land Records was completely time-barred, in terms of the limitation prescribed under the *proviso* to Section 56(3) of the Act of 1964.

**6.** Accepting their stand the learned Judge, who disposed of the batch of writ petitions, including W.P. No. 35210 of 2014 filed by M.R.R. Setty, opined that the notice was well beyond the period of three years stipulated in the *proviso* to Section 56(3) of the Act of 1964. The learned Judge, accordingly, held that the Joint Director/Registrar of Land Records had no jurisdiction to initiate such revisionary proceedings after the expiry of 35 years from the date of allotment of CTS numbers to the lands in question, belonging to the writ petitioners. The writ petitions were, accordingly, allowed on this short ground.

**7.** Aggrieved thereby, the authorities of the Government of Karnataka, including the Joint Director/Registrar of Land Records, filed a batch of writ appeals. Writ Appeal Nos. 6405 of 2017 pertained to W.P. No. 35210 of 2014 filed by M.R.R. Setty. By the impugned common judgment dated 09.01.2020, a Division Bench of the Karnataka High Court opined that, as there was no clear decision taken by the authorities with regard to the correctness or otherwise of the CTS numbers and as the primary contention of the authorities was that Yediyur Lake had been encroached upon, a fresh enquiry to ascertain the truth was justified and the writ petitioners would be at liberty to participate therein. Observing that the result of the enquiry would determine the further process of the proceedings, the he Bench held that the learned Judge was not justified in allowing the writ petitions on the ground of delay without going into the merits. In consequence, the appeals were allowed.

**8.** Aggrieved by this turn of events, M.R.R. Setty filed Review Petition No. 105 of 2022 in Writ Appeal No. 6405 of 2017. However, the said review petition was dismissed by the later order dated 16.06.2023, holding that no grounds were made out to review the earlier order. Assailing these two orders, M.R.R. Setty approached this Court. On 17.10.2023, operation and implementation of the impugned judgment dated 09.01.2020 was stayed by this Court. During the pendency of these cases, M.R.R. Setty expired on 28.12.2024. By order dated 08.05.2026 while allowing his widow and two sons to come on record as his legal representatives, this Court permitted the deletion of the name of L. Shankaralingaiah from the array of parties as his whereabouts were not known.

**9.** The issue boils down to whether the exercise of jurisdiction under Section 56 of the Act of 1964 by the Joint Director/Registrar of Land Records, on the basis of a complaint made by a third party, was sustainable in the the light of the limitation prescribed therein. Section 56 of the Act of 1964 is titled 'Power of revision'. Section 56(1) empowers the Tribunal or authorized Revenue/Survey Officer to call for and examine the records of any enquiry or proceeding of any subordinate officer under the Act of 1964 or under Section 54 of the Code of Civil Procedure, 1908, for the purpose of satisfying itself or himself, as the case may be, as to the legality or propriety of the proceedings of such officer. Section 56(2) enables the Tribunal or the aforestated Revenue/Survey Officer to pass such order as may be deemed fit, if it appears that any decision, order or proceeding so called for should be modified, annulled or reversed. The *proviso* thereto requires notice to be served upon the parties interested and an opportunity being given to them of being heard before any order is modified, annulled or reversed. Section 56(3) stipulates that no application for revision under the Section 56 and no power of revision on such application shall be exercised against any order in respect of which an appeal has been preferred and no application for revision shall be entertained unless such application is presented within a period of four months from the date of such order. The *proviso* thereto is of significance presently and it reads as under:-

> 'Provided that any Revenue Officer or Survey Officer referred to in sub-section (1) may exercise power under this section in respect of any order against which no appeal has been preferred under this Chapter, at any time within three years from the date of the order sought to be revised.'

**10.** The intent of the aforestated *proviso* being clear and manifest, the question for consideration is whether the Division Bench of the Karnataka High Court was justified in departing therefrom on the purported premise that the subject litigation was not a *lis* between the State and a private individual, as it related to the question whether Yediyur Lake was being encroached upon.

**11.** Learned counsel for the Government of Karnataka sought to place reliance upon Section 52 of the Act of 1964 in his attempt to support the Division Bench's opinion. Section 52 deals with application of the Limitation Act, 1963, and states that, save as otherwise provided in this Act, the provisions of Sections 4, 5 and 12 thereof shall apply *mutatis* *mutandis* to all appeals under the Act of 1964. We are at a loss to understand as to how this provision aids the case of the Government. It has no application in the present scenario, as we are not dealing with appeals under the Act of 1964, but with exercise of revisional power under Section 56 thereof. Further, Section 52 itself states that, save as otherwise provided in the Act of 1964, the named provisions of the Limitation Act, 1963, could be applied. Once the *proviso* to Section 56(3) stipulated in categorical terms that the power of revision under Section 56(1) could be exercised in respect of an order, against which no appeal has been preferred, at any time within three years from the date of such order, the provisions of the Limitation Act, 1963, cannot be smuggled in to negate and defeat the limitation prescribed in the aforestated *proviso*.

**12.** The learned counsel for the Government also relied upon the Karnataka Land Revenue (Amendment) Act, 2025, whereby certain provisions of the Act of 1964 were amended. Reference was made by him to the amendment made to Section 25 of the Act of 1964. Section 25 is titled 'Saving of the inherent powers of a Revenue Court' and states that nothing in the Act of 1964 shall be deemed to limit or otherwise affect the inherent power of the Revenue Court to make such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the Revenue Court. By way of the amendment of this provision, the words 'or to correct' were inserted after the words 'to prevent'. In effect, the inherent power of the Revenue Court to either prevent the abuse of the process of the Revenue Court or to correct the abuse of such process is not deemed to be limited or otherwise affected by any other provision in the Act of 1964. Further, a *proviso* was added in Section 25 which reads as under:

> 'Provided that the inherent power to review may be exercised *suo motu* or on an application by the petitioner or respondents in the case within a period of six months from the date of the order, on the discovery of new and important matter or evidence which was not within the knowledge of the Revenue Court when the order was made, or where some mistake or error apparent on the face of the record is found, including the exercise of power without jurisdiction or misapplication of legal provision on any analogous ground not amounting to an error on merit'.

**13.** This *proviso* is now sought to be pressed into service, by relying on the latter portion thereof in the context of discovery of new and important matter or evidence which was not within the knowledge of the Revenue Court when the earlier order was made. In this regard, we may note that Section 24 notifies Revenue Officers, not below the rank of a Tahsildar, while exercising power under the Act of 1964 or under any other law in force to enquire into or to decide any question arising for determination between the State Government and any person or between parties to any proceedings, to be a 'Revenue Court'. However, the allotment of CTS numbers by a Revenue/Survey Officer in the year 1974 cannot be equated with exercise of power by a Revenue Court under Section 24, as it was not a determination of any question arising between the State

Government and any other person or between parties to any proceedings. It was merely an administrative exercise undertaken by such Revenue/Survey Officer and was not quasi-judicial in nature. Therefore, the amended Section 25 and its *proviso* are of no avail to the Government.

**14.** We may also note that, in ***State of Gujarat vs. Patil Raghav Natha and others***[2], a 3-Judge Bench of this Court held that even where no limitation was prescribed for exercise of *suo motu* revisional power, this Court held that such power must be exercised within reasonable time and the length of the reasonable time must be determined by the facts of the case and the nature of the order which is being revised. More recently, in ***Securities and Exchange Board of India v. Sunil Krishna Khaitan and others***[3], noting that the aforestated principle was affirmed and reiterated in ***Mansaram vs. S.P. Pathak and others***[4]; ***Government of India vs. Citedal Fine Pharmaceuticals, Madras, and others***[5]; ***State of Orissa and others vs. Brundaban Sharma and another***[6]; and ***State of Punjab and others vs. Bhatinda District Cooperative Milk Producers Union Ltd.***[7], this Court again held that authorities are not empowered to initiate action at any time and even in the absence of limitation being prescribed by an enactment, every authority has to exercise power within a

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2 (1969) 2 SCC 187
3 (2023) 2 SCC 643
4 (1984) 1 SCC 125
5 (1989) 3 SCC 483
6 1995 Supp (3) SCC 249
7 (2007) 11 SCC 363

reasonable period and, though no hard and fast rules can be laid down in that regard, the nature of the statute, the rights and liabilities thereunder and other consequences, including prejudice caused and whether third-party rights have been created, are relevant factors to be considered. It was further observed that, whenever a question with regard to inordinate delay in issuance of a show-cause notice is made, it is open to the noticee to contend that the show-cause notice is bad on the ground of delay and it is the duty of the authority to consider the question objectively, fairly and in a rational manner. It was further held that there is public interest involved in not taking up and spending time on stale matters and, therefore, exercise of power, even when no time is specified, should be done within reasonable time as it prevents miscarriage of justice, misuse and abuse of power as well as ensures that violation of the provisions are checked and penalised without delay, thereby effectuating the purpose behind the enactment.

**15.** Given this settled legal position, we may note that we are not dealing with a situation where no limitation has been prescribed. On the other hand, there is a clear mandate as to the time frame within which revisional jurisdiction is to be exercised, viz., three years. Further, not only was the land in question purchased by the predecessor-in-interest of the present appellants as long back as in the year 1929, it was also conferred the status of private property by allotting specific CTS numbers in the year

1974. Thereafter, the authorities concerned deemed it appropriate to grant him sanction and permission to construct a residential apartment building and also allowed the same to be occupied. Third-party interests, therefore, came into existence long prior to the issuance of the subject notice under Section 56(1) of the Act of 1964.

**16.** In the light of the clear embargo on exercise of such revisionary power in relation to an order, which was not appealed against, beyond the period of three years from the date of such order, the very invocation of such power by the Joint Director/Registrar of Land Records was without any mooring in the statute. The exercise being vitiated in its very inception, the Division Bench was not justified in opining that, as no adverse order had been passed yet, the learned Judge ought not to have interfered. Requiring M.R.R. Setty or his successors-in-interest to participate in such an enquiry, based on invocation of power well beyond the prescribed limitation, cannot be sustained and the learned Judge was, therefore, fully justified in interfering with the notice and in allowing the writ petitions. The Division Bench erred in holding to the contrary and the same was compounded by the other Bench by rejecting the review petition.

**17.** The appeals are accordingly allowed, setting aside the common judgment dated 09.01.2020 in so far as it pertained to Writ Appeal No. 6405 of 2017 along with the order dated 16.06.2023, confirming the said order and dismissing Review Petition No. 105 of 2023. In consequence, the Notice dated 26.04.2014 shall stand quashed in so far as it pertains to the land of the appellants.

**18.** Parties shall bear their own costs.

**……………………...J**
**(SANJAY KUMAR)**

**…………….………J**
**(SANJEEV SACHDEVA)**

**New Delhi;**
**September 02, 2026.**