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HIGH COURT OF KARNATAKA



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Status: Pending

Case Number: WA 1462/2025 (KAHC010571352025)

Classification: KLR RES

Date of Filing: 28/08/2025 11:35:45

Petitioner: THE STATE OF KARNATAKA

Petitioner Advocate: GOVT ADVOCATE

Respondent: MR. H D KUMARASWAMY

Respondent Advocate:

Filing No.: WA 1456/2025

Judge: CHIEF JUSTICE AND C M JOSHI

Last Posted For: WRIT APPEAL MATTER/S

Last Date of Action: 08/09/2025

Last Action Taken: NOTICE

Next Hearing Date: 22/09/2025

Daily Orders: WA 1462/2025

|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |            |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 1 | CHIEF JUSTICE AND C M JOSHI                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 08/09/2025 |
|   | <p>(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)</p> <p>1. Issue notice.</p> <p>2. The appellants have filed the present appeal impugning an order dated 19.06.2025 passed in Writ Petition No.17583/2025, inter alia, staying the summons dated 29.05.2025 issued by the Tahsildar (appellant No.2) under Section 28 of the Karnataka Land Revenue Act, 1964.</p> <p>3. The impugned interim order is premised on the basis that the Special Investigation Team [SIT] which has been constituted by virtue of the order dated 28.01.2025 is contrary to law as no Notification under Section 195 of the Karnataka Land Revenue Act, 1964 [the Act] has been issued.</p> <p>4. Mr. K. Shashi Kiran Shetty, learned Advocate General contends that Section 195 of the Act has been erroneously referred in the order dated 28.01.2025 and the State Government has not delegated</p> |            |

any of its powers. He submits that that the summons dated 29.05.2025 has been issued under Section 28 of the Act by the appellant through Revenue Officer.

5. We consider it apposite to refer to Section 28 of the Act which reads as under:

"28. Power to take evidence, summon persons to give evidence and produce documents.— (1) Every Revenue Officer not lower in rank than a Tahsildar or an Assistant Director of Land Records in their respective departments, shall have the power to take evidence on oath and to summon any person whose attendance he considers necessary, either to be examined as a party, or to give evidence as a witness, or to produce documents, for the purpose of any inquiry which such Officer is legally empowered to make.

(2) Any person summoned under sub-section (1) shall be bound to attend either in person or by an authorised agent as directed in the summons:

Provided that exemptions under Sections 132 and 133 of the Code of Civil Procedure, 1908, shall be applicable to requisitions for attendance under this section.

(3) Every person summoned under sub-section (1) either to be examined as a party or to give evidence as a witness shall be bound,—

(i) to state the truth upon any subject respecting which he is examined or makes a statement; and

(ii) to produce such documents as may be required.

(4) Any person summoned merely to produce a document shall be deemed to have complied with the summons by causing the production of such document instead of attending personally to produce the same."

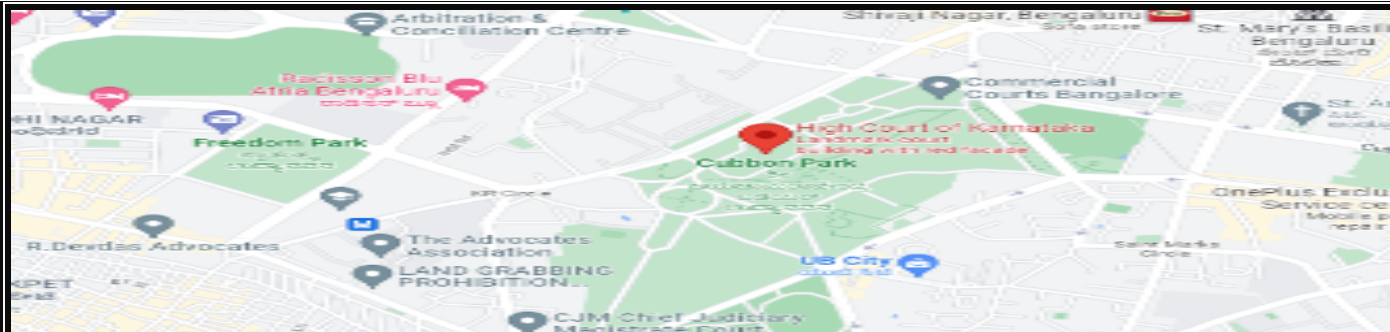
6. Undisputedly, the Tahsildar is empowered to take evidence on oath and to summon any person whom he considers necessary for the purpose of any inquiry which the officer is legally empowered to undertake. There appears to be no cavil that the Tahsildar has the power to conduct an inquiry.

7. In view of the above, we are prima facie of the view that the impugned order staying summons dated 29.05.2025 is not sustainable. Further, no irreparable loss would be caused if the inquiry being conducted by the Tahsildar is not interdicted.

8. We, accordingly, stay the impugned order to the extent that it stays the summons dated 29.05.2025, till the next date of hearing.

9. List on 22.09.2025.

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