

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 19TH DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT APPEAL NO.100303 OF 2025

BETWEEN

SHRI MANJAPPA @ MANJUNATH
S/O. BASAPPA KOPPAD
AGE: 43 YEARS, OCC: AGRICULTURE,
R/O. JALAGAR ONI, KURABAGERI CROSS,
RANEBENNUR, TQ. RANEBENNUR
DISTRICT HAVERI.

...APPELLANT

(BY SRI A.P. MURARI, ADVOCATE)

AND

- 1 . THE DEPUTY COMMISSIONER,
HAVERI, DIST. HAVERI-581116.
- 2 . THE ASSISTANT COMMISSIONER,
HAVERI, TQ. RANEBENNUR,
DIST. HAVERI-581116.
- 3 . THE TAHASILDAR
RANEBENNUR,
TQ. RANEBENNUR,
DIST. VIJAYNAGARA-583201.

- 4 . SMT. SHARADAMMA W/O. GANESHAPPA KOPPAD ,
AGE: MAJOR, OCC: NIL,
R/O. KURABAGERI CROSS, RANEBENNUR,
TQ. RANEBENNUR, DIST. HAVERI-581116.
- 5 . KARABASAPPA S/O. GANESHAPPA KOPPAD
AGE: MAJOR, OCC: NIL,
R/O. KURABAGERI CROSS,
RANEBENNUR, TQ. RANEBENNUR
DIST. HAVERI-581 116.
- 6 . SMT. KAVITA W/O. BASAVARAJ KOPPAD
GANESHAPPA KOPPAD
AGE: MAJOR, OCC: NIL,
R/O. KURABAGERI CROSS, RANEBENNUR,
TQ. RANEBENNUR, DIST. HAVERI-581116.

...RESPONDENTS

(BY SMT. VIDYAVATHI M. KOTTURSHETTAR, ADVOCATE FOR
R4 TO R6;
SRI SHARAD V. MAGADUM, AGA FOR R1 TO R3)

THIS WRIT APPEAL IS FILED U/S.4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE IMPUGNED ORDER IN WP NO.103761/2024 (KLR-RR/SUR) DATED 12.02.2025 PASSED BY THE LEARNED SINGLE JUDGE AND TO ALLOW THE W.P.NO.103761/2024 (KLR-RR/SUR), THEREBY UPHOLDING MR NO.619/2023-24 MADE IN FAVOUR OF THE PETITIONER PERTAINING TO SURVEY NO.830/1 MEASURING 05 ACRES 30 GUNTAS OF RANEBENNUR VILLAGE, TALUK. RANEBENNUR, DISTRICT. HAVERI AND LEAVE TO AMEND THE APPEAL MEMO AND TO FILE/URGE ADDITIONAL GROUNDS, IF NECESSARY, BE RESERVED TO THE APPELLANT. AND ETC.,.

THIS APPEAL HAVING BEEN HEARD AND RESERVED ON 12.11.2025 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, DELIVERED THE FOLLOWING:

CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.

CAV JUDGMENT

(PER: THE HON'BLE MRS JUSTICE GEETHA K.B.)

The unsuccessful petitioner is before this Court under Section 4 of the High Court Act, 1961 praying for setting aside the order passed by learned Single Judge in Writ Petition No.103761/2024 (KLR-RR/SUR) dated 12.02.2025 and to uphold the MR No.619/2023-24 mutated in favour of petitioner pertaining to Survey No.830/1 measuring 5 acres 30 guntas of Ranebennur village, Ranebennur Taluk, Haveri District.

2. Parties would be referred with their ranks as they were before learned Single Judge for the sake of convenience and clarity.

3. The petitioner has filed the writ petition praying for issuance of writ in the nature of *certiorari* to quash the impugned order dated 12.06.2024 bearing RTS RA CR No.96/2023-24 passed by first respondent *vide* Annexure-G, to quash the impugned order dated 02.01.2024 bearing RTS AP No.127/2023 passed by respondent No.2 *vide*

Annexure-D and to direct respondent No.3 to restore the MR No.H-619/2023-24 in the name of petitioner to the land in dispute.

4. Petitioner claims that he is the adoptive son of Channavva Basappa Koppad, after her death he was impleaded as appellant in RSA No.803/2007 (DEC/ING) and in that judgment and decree dated 24.02.2023, ultimately it is held that he succeeded to the estate of Channavva and thus the ownership of petitioner is already declared by the Civil Court and thus the revenue authorities ought not to have mutated the said property in the name of respondents No.4 and 5 on the guise of alleged sale deed dated 13.06.2011.

5. After hearing arguments of both sides, the learned Single Judge has passed order in Writ Petition No.103761/2024 that respondents No.4 & 5 being the legal representatives of one Ganeshappa Koppad having purchased the property from the adoptive mother of petitioner under registered sale deed dated 13.06.2011 are

entitled to enter their names in the mutation register against the name of the present petitioner. The petitioner claims to be the owner of the property based on inheritance. But during her lifetime itself, the adoptive mother of claimant has sold the property to one Ganeshappa Koppad under registered sale deed dated 13.06.2011 and this petitioner is one of the signatory to it. Hence, considering these aspects, the learned Single Judge has rejected the prayer of the petitioner.

6. Aggrieved by the same, appellant/petitioner has filed this appeal.

7. Sri A.P.Murari, learned counsel for appellant would submit that petitioner is declared as owner in possession of the property bearing Survey No.830/1 measuring 5 acres 30 guntas that he succeeded to the same from his adoptive mother Smt.Channavva; his ownership is declared in RSA No.803/2007 (DEC/INJ) dated 24.02.2023, which was preferred against the judgment and decree passed in R.A.No.44/2000 on the file of Senior

Additional Civil Judge, Ranebennur and said R.A. was preferred against the judgment and decree passed in O.S.No.184/1996, which was filed by one Basappa Channappa Koppad against the adoptive mother of the petitioner seeking declaration that petitioner's adoptive mother has executed the Will in his favour. The said suit was dismissed; against which, R.A. No.44/200 was preferred and was allowed; against which this petitioner has preferred R.S.A. No.803/2007, which was allowed restoring the judgment & decree passed in O.S.No.184/1996 that Basappa Channappa Koppad failed to prove the Will and petitioner is the adopted son of Smt.Channavva.

8. Learned counsel for appellant would further submit that the order passed by learned Single Judge is against the finding given in the civil case and thus the impugned order would affect the rights of the petitioner, who was exploited by Ganeshappa Koppad on whom Channavva had implicit faith for conducting civil proceedings. Ganeshappa Koppad or his legal

representatives-the respondents never made any effort to get mutation of said property in their name based on the alleged sale deed; thus, it was not acted upon and concocted one. Hence, prayed for allowing the appeal.

9. Learned counsel for respondents No.4 & 5 Smt. Vidyavathi M Kotturshettar would submit that there is sale deed in favour of Ganeshappa Koppad executed by Smt. Channavva and it is duly attested by the present petitioner; thus, having knowledge about it, now cannot contend that he is the owner of said property. Only because immediately after the sale deed, revenue entries were not mutated into the name of Ganeshappa Koppad, the registered document will not lose its validity. The said sale deed was not at all questioned by the petitioner or his adoptive mother during her lifetime. Now it is not open for petitioner to contend that the said sale deed was taken by undue influence. Hence, prayed for dismissal of appeal.

10. Having heard the arguments of both sides and on verifying appeal papers along with records, the only point

that would arise for our consideration is, "*Whether the appellant/petitioner has made out a case for issuance of writ of certiorari as prayed in the writ petition?*"

11. Our finding on the above point is in '**negative**' for the following reasons.

12. The contention of petitioner is that he is the adopted son of Smt.Channavva and thereby he was impleaded as her legal representative in RSA No.803/2007 after death of Smt.Channavva. It is to be noted here that O.S.No.184/1996 was filed on the file of Principal Civil Judge and I Additional JMFC, Ranebennur by one Basappa Channappa Koppad against the adoptive mother of petitioner alleging that one Basappa Sannappa Koppad the husband of said adoptive mother had executed Will in favour of plaintiff. The said suit was dismissed; against which R.A.No.44/2000 was preferred by the unsuccessful plaintiff before the Additional Senior Civil Judge, Ranebennur, which was allowed. Aggrieved by the same, the second appeal RSA No.803/2007 was preferred which

was allowed holding that the alleged Will executed by one Basappa Sannappa Koppad in favour of this Basappa Channappa Koppad is not proved. Hence, appellant/petitioner contends that Smt.Channavva inherited the property of Basappa Sannappa Koppad and after her death, he being her adoptive son has inherited the said property.

13. It is to be noted here that this Smt.Channavva has executed the registered sale deed dated 13.06.2011 in favour of Ganeshappa Koppad and present petitioner is one of the attesting witnesses to said sale deed.

14. As per Second Proviso to S.128 of Karnataka Land Revenue Act, 1964 it is the duty of revenue authorities to mutate revenue entries into the name of purchaser immediately after execution and registration of such sale deed. However, they did not do so. For the reasons best known to Ganeshappa Koppad, he has not moved the revenue authorities to mutate the property into his name. As Ganeshappa Koppad is no more, his wife and son i.e.,

respondents No.4 and 5 have filed the petition before learned Assistant Commissioner to mutate the property in to their name, which was allowed *vide* annexure-D and confirmed by learned Deputy commissioner *vide* annexure-G. When there is a registered document conveying the title of property by the lawful owner; the plaintiff who succeeded to the estate of deceased will not get any right because during her lifetime itself, his adoptive mother has conveyed the ownership in the property.

15. When there is registered document and it is not annulled by any competent court of law, the ownership will not automatically succeeded by the legal heir of the seller only on the ground of revenue documents still continue in the name of seller.

16. If at all the petitioner is aggrieved by the said sale deed, it was incumbent upon him or his adoptive mother during her lifetime to challenge the same in competent court of law. Without taking recourse of law, the petitioner cannot establish his ownership over it. Merely

because revenue entries were standing in the name of his adoptive father or mother, he cannot claim any title over the property in question.

17. Considering the above aspects in a right and proper perspective, learned Single Judge has dismissed the writ petition.

18. We find no merit in this appeal. Accordingly, it stands ***dismissed***.

**Sd/-
(S G PANDIT)
JUDGE**

**Sd/-
(GEETHA K.B.)
JUDGE**

SH
CT-CMU