



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO. 597 OF 2025 (KLR-RES)

BETWEEN:

SRI. LATE A NARASIMHAMURTHY
S/O LATE N. ANATHRAMAIAH
SINCE DEAD REPRESENTED BY HIS LEGAL HEIRS

1. SMT. JAYALAKSHMI N.,
D/O LATE A. NARASIMHAMURTHY
AGED ABOUT 54 YEARS
R/AT HOUSE NO.200,
LAG 3RD PHASE, KUVEMPUNAGAR
MYSURU - 570 023.
2. SRI. KUMARASWAMY N.,
S/O LT A NARASIMHAMURTHY
AGED ABOUT 58 YEARS
R/AT HOUSE NO 1295
4TH CROSS, KRISHNAMURTHYPURAM
MYSURU - 570 004.
3. SRI. MANJUNATH N.,
S/O LATE A. NARASIMHAMURTHY
AGED ABOUT 54 YEARS
R/AT HOUSE NO.1509
3RD CROSS, C BLOCK
J.P. NAGAR, MAHADEVAPURA
MYSURU - 570 031.
4. SMT. PADMASREE N
D/O LATE A NARASIMHAMURTH
AGED ABOUT 52 YEARS
R/AT HOUSE No.1295



4TH CROSS, KRISHNAMURTHYPURAM
MYSURU - 570 004.

...PETITIONERS

(BY SMT. JAITHRA J. NARAYAN.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY PRINCIPAL
SECRETARY TO GOVERNMENT
REVENUE DEPARMTENT
M.S. BUILDING
BENGALURU - 560 001.
2. THE DEPUTY COMMISSIONER
MYSURU DISTRICT
OFFICE OF THE DEPUTY COMMISSIONER
KRISHNARAJA BOULEVARD ROAD
MSYURU - 570 001.
3. THE ASSSITANT COMMISSIONER
MYSURU SUB-DIVISON
MYSURU DISTRICT - 570 005.
4. THE TAHSIDLAR
MYSURU TALUK
MYSURU - 570 001.
5. SMT. MEENAKSHI
W/O LATE SANNAPPA
AGED ABOUT 55 YEARS
R/AT HOUSE NO 464
6TH MAIN, NEAR CORPORATION BANK
VIJAYANAGAR, 1ST PHASE
MYSURU - 570 017,
MYSURU - 562 133.

...RESPONDENTS

(BY SRI. MAHANTHESH SHETTAR, AGA FOR R1 TO R4;
R5 SERVICE HELD SUFFICIENT V/O DATED 03.12.2025)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 04.09.2019 PASSED BY THE R-3 HEREIN IN DISPUTE BEARING RA No.508/2019 AS PER ANNEX-A; DIRECT THEREBY QUASHING THE ORDER DATED 21.06.2024 PASSED BY THE R-2 HEREIN IN R.P NO. 126/2022 (RD005-0000400053) AS PER ANNEX-B.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

In this petition, petitioners are assailing the order dated 04.09.2019 in RA.No.508/2019 (Annexure-A) passed by respondent No.3 and order dated 21.06.2024 in RP.No.126/2022 (Annexure-B) passed by respondent No.2.

2. Brief facts for adjudication of this writ petition are that the grandfather of the petitioners claim to be the purchaser of the land to an extent of 12 acres in Sy.No.37 of Shyandanahalli Village, Kasaba Hobli, Mysuru Taluk during the year 1950 having acquired the same through Government auction. It is further stated that, the said purchase was of land made by the grandfather of the



petitioners - M.G.Narasimhamurthy and thereafter, the revenue records stand in the name of the grandfather of the petitioners-M.G.Narasimhamurthy. It is further stated that after the demise of M.G.Narasimhamurthy, the petitioners are in possession of the schedule property. It is the case of the petitioners that the respondent No.5 herein has approached respondent No.3 to change the revenue records pertaining to the land in question based on the Will dated 20.06.1976 said to have been executed by the grandfather of the petitioners-M.G.Narasimhamurthy in favour of the husband of the respondent No.5-Sannappa. The respondent No.5 filed RA.No.508/2019 before the Assistant Commissioner and the Assistant Commissioner vide order dated 04.09.2019 allowed the appeal. Thereafter, the petitioners herein have preferred RP.No.126/2022 before the Revisional Authority and the Revisional Authority, confirmed the order passed by the respondent No.3. Being aggrieved by the same, the present writ petition is filed.



3. I have heard Smt.Jaithra J. Narayan, learned counsel for the petitioners, Sri.Mahanthesh Shettar, learned AGA for respondent Nos.1 to 4.

4. It is contented by the learned counsel appearing for the petitioners that the petitioners are the owners of the land in question as the same was purchased by the grandfather of the petitioners-M.G.Narasimhamurthy in Government auction and the petitioners have denied the execution of the Will based on which the entries have been made in favour of the respondent No.5 by the respondent-authorities. In this regard, the counsel appearing for the petitioner places reliance on the judgment of the Full Bench of this Court in the case of ***C.N.Nagendra Singh vs. The Special Deputy Commissioner, Bangalore District and Others*** reported in ***ILR 2002 KAR 2750*** and argued that, unless the propounder of the Will has prove the Will in a manner known to law, the respondent-authorities ought not to have changed the entries made in respect of the subject matter of the land in question and further, the respondent-



authorities have not heard the petitioners, while changing the entry in the revenue records. Accordingly, learned counsel appearing for the petitioners seeks interference of this Court.

5. *Per contra*, Sri.Mahanthesh Shettar, learned AGA for respondent Nos.1 to 4 sought to justify the action of the respondent-authorities.

6. In the light of the submission made by the learned counsel appearing for the parties, it is not in dispute as to the fact that the land in question is belonged to M.G.Narasimhamurthy, who had purchased the same in Government auction. The petitioners are the grandchildren of M.G.Narasimhamurthy. It is the case of the respondent No.5 before respondent Nos.2 and 3 that the said M.G.Narasimhamurthy had executed Will dated 20.06.1976 in favour of the husband of the respondent No.5-Sannappa and therefore, the entries have been changed accordingly. In the light of the said aspect of the matter, on careful consideration of the same would



indicate that the revenue authorities are not the competent authority to decide as to title of the property in question, wherein the genuineness of the Will is being questioned by the petitioners herein, before the Civil Court and it is the duty of the propounder of the Will to prove the Will in a manner known to law.

7. Perusal of the cause-title in Annexures-A would indicate that the petitioners herein have not been arraigned as parties before the respondent-authorities. In that view of the matter, taking into consideration that the suit in respect of the subject land is pending consideration before the Principal Senior Civil Judge, CJM Mysore in OS.No.779/2022, I am of the view that both the respondent-authorities have committed an error in passing an order to change the entry in favour of the respondent No.5 without hearing the petitioner and further have not followed the declaration of law made by this Court in the case of **C.N.Nagendra Singh** (Supra). Therefore, I find force in the submission made by the learned counsel



appearing for the petitioner. Accordingly, I pass the following:

ORDER

- i) Writ petition is allowed;
- ii) Order dated 04.09.2019 passed by respondent No.3 in RA.No.508/2019 (Annexure-A) is hereby set aside;
- iii) Order dated 21.06.2024 in RP.No.126/2022 (Annexure-B) is hereby set aside.
- iv) The respondent No.4 is directed to restore the name of the grandfather of the petitioners in the revenue records as stood before changing the entry made by the respondent-authorities.

**SD/-
(E.S.INDIRESH)
JUDGE**