



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 18TH DAY OF DECEMBER, 2025
BEFORE
THE HON'BLE MR. JUSTICE E.S.INDIRESH
WRIT PETITION NO. 7707 OF 2023 (GM-RES)

BETWEEN:

1. M/S GURUKULA CHARITABLE TRUST (R)
HAVING ITS REGISTERED OFFICE AT
"BRINDAVANA", BEHIND UTP OFFICE
H KADAKATTE,
MARIKOPPA ROAD, HONNALI TALUK
DAVANAGERE DISTRICT - 577 217.
REPRESENTED BY ITS PRESIDENT
MR. D.G SHANTHANA GOWDA,
S/O MR. D G SHANKARAPPA GOWDA,
AGED ABOUT 75 YEARS,

(NOTE NO. SR. CITIZENSHIP BENEFIT CLAIMED)

...PETITIONER

(BY SRI. SATYANAND B S, ADVOCATE)

AND:

Digitally signed
by ARUNKUMAR
M S

Location: HIGH
COURT OF
KARNATAKA

1. GOVERNMENT OF KARNATAKA
DEPARTMENT OF REVENUE,
ROOM NUMBER.505
5TH FLOOR,
GATE NO. 3, M.S BUILDING,
BANGALORE - 560 001.

- BY ITS PRINCIPAL SECRETARY
2. SR. SUB REGISTRAR
THE OFFICE OF THE SUB REGISTRAR
SUDHA COMPLEX,
ADARSH LAYOUT,
VINOBA NAGARA
SHIVAMOGGA - 577 201.



3. THE STATION HOUSE OFFICER
HONNALI POLICE STATION,
HONNALI TALUK
DAVANGERE DISTRICT - 577 217.
4. MR. G MARIGOWDA
S/O G DODDALINGAPPA
AGED ABOUT 59 YARS,
R/AT KOTEMALLUR VILLAGE,
HONNALI
DAVANGERE DISTRICT - 577 217.
5. MR. H C BASAVARAJAPPA
S/O H CHANNABASAPPA
AGED ABOUT 73 YEARS,
R/AT BULLAPURA SHIVAMOGGA - 577 227.
6. MRS. B SUMA
W/O B BASAVARAJ
AGED ABOUT 37 YEARS,
R/AT BEERAGONANDANAHALLI,
HONNALI
DAVANGERE DISTRICT - 577 217.
7. MR. T BASAVARAJAPPA
S/O VEERAPA
AGED ABOUT 62 YEARS,
R/AT SORATUR,
HONNALI TALUK
DAVANGERE DISTRICT - 577 217.
8. MR. K H BASAVARAJAPA
S/O HANUMANTHAPPA
AGED ABOUT 60 YEARS,
R/AT KONANATHALE
HONNALI,
DAVANGERE DISTRICT - 577 217.
9. MRS. NILAMMA
W/O B N UMESHA
AGED ABOUT 34 YEARS,



R/AT BELIMALLUR
HONNALLI,
DAVANGERE DISTRICT - 577 217.

10. MR.PRAMESHAPPA
S/O G BASAVANYAPPA
AGED ABOUT 50 YEARS,
R/AT SORATUR,
HONNALI TALUK
DAVANGERE DISTRICT - 577 217.
11. MR. G C LOHITH
S/O G CHANDRAPPA
AGED ABOUT 35 YEARS,
R/AT SORATUR HONNALI TALUK
DAVANGERE DISTRICT - 577 217.
12. MR. D BASAPPAGOWDA
S/O G HANUMANTHAPPA
AGED ABOUT 63 YEARS,
R/AT SORATUR HONNALI TALUK
DAVANGERE DISTRICT - 577 217.
13. MR. RAJAPPA HOSAGOUDARA
S/O SIDDALINGAPPA
AGED ABOUT 58 YEARS,
R/AT MEDUR
RATTIHALLI,
HAVERI - 581 116.
14. MR. SHIVANAGOWDA BHANGIGOUDAR
S/O MARIGOUDA BHANGIGOUDAR
AGED ABOUT 54 YEARS,
R/AT PURADAKERI
RATTIHALLI,
HAVERI - 581 116.
15. THE MANAGER
STATE BANK OF INDIA,
J. B COMPLEX,
NYAMATHI ROAD,



HONNALI
DAVANGERE - 577 217.

16. THE MANAGER
KARNATAKA GARMEENA BANK,
NYAMATHI ROAD,
HONNALLI,
DAVANGERE - 577 217.

17. THE MANAGER
IDFC FIRST BANK LTD.,
OPP. KSRTC BUS STAND
NYAMTHI ROAD,
HONNALI
DAVANGERE - 577 217.

...RESPONDENTS

(BY SRI. MAHANTESH SHETTAR, AGA FOR R1 TO R3;
SRI. VINOD KUMAR M, ADVOCATE FOR R5, R6, R9,
R13 & R14;
SRI. JAYAKUMAR S PATIL, SR. ADVOCATE FOR
SRI. A MAHAMMED TAHIR, ADVOCATE FOR R4, R7,
R8, R10 TO R12, R15, R16 & R17 - SERVED)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE
DOCUMENT STYLED AS RECONSTITUTION TRUST DEED DATED
01.02.2023, IN THE NAME OF THE PETITIONER TRUST AND
REGISTERED AS SMG-4-00611-2022-23, BOOK NO.4, STORED
IN CD NO. SMGD1590, BY THE SR. SUB-REGISTRAR
SHIVAMOGGA, PRODUCED AS ANNEXURE-M AND ETC.,

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

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



ORAL ORDER

Heard learned counsels appearing for the respective parties.

2. In this writ petition, the petitioner is assailing the Document styled as Reconstitution Trust Deed dated 01.02.2023, in the name of the Petitioner Trust registered at Senior Sub-Registrar, Shivamogga (Annexure-M) *inter-alia* sought for a direction to respondent No.3 to register the complaint filed by the Petitioner-Trust against the private-respondents.

3. It is the submission of learned counsel Sri.Satyanand.B.S., appearing for the petitioner that, the petitioner is assailing the registration of the deed dated 01.02.2023 styled as Reconstitution Trust Deed of Gurukula Charitable Trust (Annexure-M) as the registering authority has no jurisdiction/power to register the said document. He further contended that, as the registration of the deed at Annexure-M is contrary to the recitals made in the original Trust Constitution/Trust Deed dated 17.09.2008 (Annexure-A), wherein, clause 3 stipulates that the Office of the Trust shall be at Honnali and therefore, the entire affairs of the Trust has to



be made at Honnali and as such the registering authority at Shivamogga has no jurisdiction to register the document at Annexure-M and accordingly learned counsel representing the petitioner sought for interference of this Court.

4. It is further argued by the learned counsel appearing for the petitioner by referring to Annexure B, that the registered Sale Deed dated 23.12.2009 made in respect of the immovable property, wherein, the property was purchased by the Gurukula Charitable Trust (R) as well as the Reconstitution Trust Deed dated 18th May, wherein year is not mentioned at Annexure-C and the subsequent unregistered reconstitution trust deed at Annexure-D, and further by referring to the judgment of the Hon'ble Supreme Court in the case of ***Asset Reconstruction Company (India) Limited Vs. S.P. Velayutham and Others*** reported in **(2022) 17 SCR 637**, argued that since the registering authority has not complied with the provisions contained under Sections 17 and 18 of the Registration Act, 1908, (hereinafter referred to as Act) read with Rule 41 of Karnataka Registration Rules, 1965, (hereinafter referred to as Rules), this Court is having jurisdiction to interfere with the registration of the document as



null and void as the registering authority has no jurisdiction to the same as per the provisions under the Act and accordingly sought for interference of this court.

5. In order to buttress his arguments, learned counsel representing the petitioner places reliance on the judgment of the High Court of Judicature at Madras, in the case of **Sree Kalyana Choodeswara Swamy Committee Trust v. The Sub Registrar, Hosur** in **WP No.13973/2025** and **W.M.P.No.15730/2025** and argued that, this Court is having jurisdiction to pass the registration of the reconstitution trustee produced at Annexure-M as null and void and accordingly sought for interference of this Court.

6. Per contra, Sri.Jayakumar.S. Patil, learned Senior Counsel, on behalf of Sri.A.Mahammed Tahir, learned counsel for respondent Nos.4, 7, 8, 10 to 12, raised a preliminary objection with regard to the maintainability of the petition that, as the disputed question of facts are involved in this petition and therefore this Court has no jurisdiction to entertain the writ petition as the petitioner has to be relegated to approach the



competent Civil Court for nullifying the Reconstitution Trust Deed.

6. Further learned Senior Counsel for the respondent submitted by referring to Annexure-M that enquiry has to be made with regard to the validity of the document and accordingly sought for dismissal of the petition. Emphasising on Sections 28 and 29 of the Act, Sri.Jayakumar S. Patil, learned Senior Counsel representing the contesting respondents submitted that, as the majority of the members of the trustees except the petitioner, had desires to, execute the deed with regard to the Reconstitution Trust Deed as per Annexure-M, and therefore, it is admitted that, the writ petition does not survive for consideration.

7. It is also argued by the learned Senior Counsel representing the Contesting respondents that, as the matter is not touching with regard to the immovable property and the Annexure-M is only in so far as the reconstitution of the trustee is concerned, and as such there is no impediment for the Registering Authority to register the same, even outside of Honnalli town as the majority members of the trustees are



willing to execute the Reconstitution Trust Deed at Annexure-M and therefore, it is submitted that the registration of the document comes within the purview of Section 28 and 29 of the Act and accordingly sought for dismissal of the writ petition.

9. Sri.Mahantesh Shettar, learned Additional Government Advocate appearing for the respondent-State submitted that, when the document is presented after due execution by the parties. it is for the registering authority to register the same. In the event, if, any person being aggrieved by the same, which results in disputed question of facts and therefore, sought for dismissal of the writ petition.

10. In the light of the submissions made by the learned counsels appearing for the respective parties and on careful consideration of the prayer made in the writ petition is that, the petitioner herein is assailing the Reconstitution Trust Deed dated 01.02.2023 (Annexure-M) at Senior Sub-Registrar Office, Shivamogga. The original Trust Deed is produced at Annexure-A dated 17.09.2008, wherein, clause 3 provides for Office of the Trust is concerned and clause 18 of the Act, with respect to the managing immovable property is concerned, the



Registering Authority would be the only in respect to movable property. However, the document which has been registered at Shivamogga is only the Gurukula Charitable Trust (or) Reconstitution Trust deed. Therefore, I am of the view that the contentions raised by the learned counsel appearing for the petitioner cannot be accepted. Though, the learned counsel appearing for the petitioner, invited the attention of this Court to paragraph Nos.51 to 53 of the judgment of the Hon'ble Supreme Court in the case of **Asset Reconstruction Company (India) Limited** (*supra*) however, by looking into the entire aspects of the matter is concerned where the reconstitution of the deed has been made more than twice and as well as certain immovable properties have also been purchased in the name of the Trust and as majority of the members of the Trust have, decided to change/reconstitute the Trust Deed as per Annexure-M. I am of the view that the disputed question of facts are involved in this writ petition and same can not be gone into writ petition.

11. Following the declaration of law made by the Hon'ble Supreme Court of India in the case of **G. Manikyamma & Others v. Roudri Co-operative Housing**



Society Limited & Others reported in **AIR 2015 SC 720**, the disputed question of facts cannot be dealt under Article 226 of the Constitution of India and therefore the judgment referred to by the learned counsel for the petitioner as to order passed by the Judicature at Madras is not applicable to the case on hand.

12. In the light of the observations made, the writ petition cannot be decided on the veracity of the address at Annexure-M is concerned.

In the result, the writ petition is ***rejected***.

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

NM
List No.: 1 Sl No.: 11