



CNR: KAHC010009132021

NC: 2026:KHC:54086
WP No. 727 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2026

BEFORE

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

WRIT PETITION NO. 727 OF 2021 (KLR-RES)

BETWEEN:

1. SHIVARUDRAIAH
DEAD BY LRS:
- 1(a) SMT.SAROJAMMA,
AGED ABOUT 77 YEARS,
W/O LATE SHIVARUDRAIAH,
- 1(b) CHITRASHEKAR,
AGED ABOUT 48 YEARS,
S/O LATE SHIVARUDRAIAH,
- 1(c) SOMASHEKARA,
AGED ABOUT 45 YEARS,
S/O LATE SHIVARUDRAIAH,
- 1(d) NAGESHA K.S.,
AGED ABOUT 43 YEARS,
S/O LATE SHIVARUDRAIAH,

ALL ARE R/AT SY.NO.64/4,
KADABAGERE VILLAGE, DASANAPURA HOBLI,
BENGALURU NORTH TALUK,
BENGALURU - 562 130.

...PETITIONERS

(BY SRI. C M NAGABHUSHANA., ADVOCATE)

Digitally signed by
CHANDRA S A
Location: HIGH
COURT OF
KARNATAKA



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AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF REVENUE,
M.S.BUILDING,
AMBEDKAR VEEDHI,
BENGALURU - 560 001.
2. THE DEPUTY COMMISSIONER,
BENGALURU URBAN DISTRICT,
KEMPEGOWDA ROAD,
BENGALURU - 560 009.
3. THE ASSISTANT COMMISSIONER,
BENGALURU NORTH SUB DIVISION,
KANDHAYA BHAVAN, K G ROAD
BENGALURU - 560 009.
4. THE SPECIAL TAHSILDAR,
BENGALURU NORTH TALUK,
BENGALURU - 560 009.
5. SRI. NEELAKANTAIAH, DEAD
6. DAYANANDA MURTHY,
S/O NEELAKANTAPPA,
MAJOR IN AGE,
R/A KADABAGERE VILLAGE,
DASANAPURA HOBLI,
BENGALURU NORTH TALUK - 562 130.

...RESPONDENTS

(BY SRI.ADITYA DIWAKARA, AGA FOR R1 TO R4;
SRI.HARSHA KUMAR GOWDA, ADVOCATE FOR R6;
R5 - DELETED, VIDE ORDER DATED 15.01.2021)



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THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 19.12.2019 IN R.P.NO.91/2019, PASSED BY THE R-2 AT ANNEXURE-J2 AND ALSO THE ORDER DATED 07.02.2019 IN RA(BN)20/2011-12 PASSED BY THE R-3 AT ANNEXURE-J1, CONSEQUENTLY ALLOW THE APPEAL FILED BY THE PETITIONER IN RA(BN) 20/2011-12 AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

In this writ petition, petitioners are assailing the order dated 19.12.2019 (Annexure-J2) and order dated 07.02.2019 (Annexure-J1) passed by the respondent Nos.2 and 3 respectively.

2. Heard Sri C.M.Nagabhushana, learned counsel appearing for the petitioners, Sri Harsha Kumar Gowda, learned counsel appearing for respondent No.6 and Sri



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Aditya Diwakara, learned Additional Government Advocate for respondent Nos.1 to 4.

3. Sri C.M.Nagabhushana, learned counsel appearing for the petitioners, refers to the proceedings in W.P.No.18123/2011 disposed of 26.06.2013 (Annexure-B2) and submitted that, the alleged tenant-petitioner therein has suffered an order before this Court in LRF-12/75-76 dated 14.03.2011 (Annexure-B1) and same has reached finality.

4. It is also contended by learned counsel appearing for the petitioners by referring to the statement of objection filed by respondent No.6 and refers to paragraph Nos.5, 6 and 8 and submitted that the respondent No.5 herein has filed statement of objections stating that the entries made in the revenue records have been wrongly made as he was not in possession of the land in question and further stated that, the name of one Byaranna has to be made in the revenue records.



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5. It is also contended by learned counsel appearing for the petitioners by referring to the Partition Deed dated 10.03.1987 (Annexure-D) wherein, the subject matter of land was not one of the items of the schedule property therein and the said aspect would indicate that, the land in question is not belonging to the respondent Nos.5 or 6 and therefore, contended that the respondent-authorities have committed an error in passing the impugned orders.

6. It is further contended by Sri C.M.Nagabhushana, learned counsel appearing for the petitioners by referring to the judgment and decree dated 02.04.2016 (Annexure-H) in O.S.No.592/2014, wherein respondent No.5 herein (father of respondent No.6 herein), has been permanently restrained from interfering with the scheduled property and therefore, submitted that the aforementioned aspects have not been considered by



the respondent-authorities and accordingly, sought for interference of this Court.

7. Per contra, Sri Harsha Kumar Gowda, learned counsel appearing for respondent No.6 sought to justify the impugned orders passed by the respondent-authorities and contended that the petitioners herein have not challenged the mutation made in favour of the respondent No.5 and therefore, submitted that as respondent No. 6 is in possession of the land in question claiming right over the property, on inheritance, and therefore, submitted that impugned orders are required to be confirmed.

8. Learned Additional Government Advocate sought to justify the impugned orders.

9. In the light of the submissions made by the learned counsels appearing for the parties and on careful consideration of the proceedings before this Court in W.P. No.18123/2011 disposed of on 26.06.2013 (Annexure-



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B2), wherein, the petitioner herein has been arrayed as respondent No.3 in the said writ petition and the order dated 14.03.2011 in LRF No.12/75-76 (Annexure-B1) was questioned and further, the writ petition came to be dismissed, wherein the order passed by the Land Tribunal, declaring the petitioner herein as the landlord of the scheduled property is forthcoming.

10. It is also to be noted from the statement of objections filed by the respondent No.6, wherein, at paragraph Nos.5 to 8 would indicate that, respondent No.5 in unequivocal words has stated that the entry made in the revenue records is false and the entry should have been made in the name of Byranna only, and taking into consideration the aforementioned submission made by respondent No.6, who is the son of the respondent No.5, wherein it has to be concluded that the land in question is in possession of the petitioners and the revenue entries ought to have been entered in the name of the petitioners.



11. Nextly, it is also to be noted that the subject land in question has not been the subject matter of the partition in the family of the respondent Nos.5 and 6 as per the Partition Deed dated 10.03.1987 (Annexure-D) and in the event, if the subject matter of the land is the ancestral properties of the respondent Nos.5 and 6, under such circumstances, the subject land ought to have been one of the items in the Partition Deed. In that view of the matter, it is made clear that the land in question is not the ancestral property of respondent Nos.5 and 6.

12. It is also forthcoming from the judgment and decree dated 02.04.2016 passed in O.S.No.592/2014 on the file of the Senior Civil Judge at Nelamangala (Annexure-H), wherein the finding recorded by the Trial Court has to be considered and further, the Civil Court has restrained the defendant therein (respondent No.5 herein) from interfering with the scheduled property.



13. In that view of the matter, taking into consideration the aforementioned aspects, I am of the view that the impugned orders passed by the respondent Nos.2 and 3 are required to be set aside as the petitioners are claiming right over the property based on the order dated 14.03.2011 in LRF No.12/75-76, on the file of the Land Tribunal, Bengaluru North taluk, which came to be confirmed by this Court in W.P.No.18123/2011 dated 26.06.2013 (Annexure-B2) and as such, the finding recorded by the respondent-authorities is contrary to the records. Therefore, I find force in the submission made by the learned counsel appearing for the petitioners.

14. Accordingly, I pass the following:

ORDER

- (i) Writ petition is ***allowed***.
- (ii) Order dated 19.12.2019 (Annexure-J2) passed by respondent No.2 and order dated 07.02.2019



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(Annexure-J1) passed by respondent No.3 is accordingly, set aside.

(iii) The respondent No.4 is directed to enter the name of the petitioners in the revenue records, if there is any modification in the mutation, in respect of the subject land is concerned, within a period of one month from the date of receipt of a copy of this order.

(iv) It is also to be noted that the rights of the parties is subject to the result of the judgment and decree that may be passed by this Court in RSA No.1895/2025 and RSA No.28/2021.

SD/-
(E.S.INDIRESH)
JUDGE

PSJ
List No.: 1 Sl No.: 50