



CNR: KAHC010038552026

NC: 2026:KHC:44102
WP No. 1577 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

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

WRIT PETITION NO. 1577 OF 2026 (KLR-RES)

BETWEEN:

K N KESHAVEGOWDA
S/O LATE NINGEGOWDA,
AGED ABOUT 70 YEARS,
R/O NANDIPURA VILLAGE,
KODLIPETE HOBLI,
SOMWARPET TALUK-571236
COORG DISTRICT,
(SENIOR CITIZENSHIP BENEFITS NOT CLAIMED)

...PETITIONER

(BY SRI. SUDHINDRA S A., ADVOCATE)

AND:

Digitally signed by
CHAYA S A

Location: HIGH
COURT OF
KARNATAKA

1. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY
REVENUE DEPARTMENT,
M.S. BUILDING, BANGALORE560 001.
2. THE REGIONAL JOINT DIRECTOR
OF LAND RECORDS,
MYSORE DIVISION,
UPOR OFFICE BUILDING,
NEAR GOVERNMENT BHAVAN,
NAZARBAD, MYSORE-570 017.



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3. THE DEPUTY DIRECTOR
OF LAND RECORDS,
KODAGU DISTRICT,
KODAGU-571201.
4. THE ASSISTANT DIRECTOR
OF LAND RECORDS,
SOMWARPETE TALUK,
SOMWARPETE-571236.
5. TAHASILDAR
SOMWARPETE TALUK
SOMWARPETE-571236.
6. SMT. RUKMANI, J.K.
W/O J.D. KRISHNA KUMAR,
AGED ABOUT 61 YEARS
R/O DODDAKUNDA VILLAGE,
KODLI PET HOBLI
SOMWARPETE TALUK-571236.
KODAGU DISTRICT.
7. SMT BHAGYA,
W/O CHENNAKESHAVA
AGED ABOUT 39 YEARS,
R/O KEREKANAHALLI VILLAGE,
KODLI PET HOBLI
SOMWARPET TALUK-571236
COORG DISTRICT.
8. GURUDEV N. ARER,
S/O NAGESH,
AGED ABOUT 50 YEARS,



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MAHADIMANE,
KODLIPET HOBLI,
SOMWARPET TALUK-571236
KODUGU DISTRICT.

...RESPONDENTS

(BY SMT.B.P.RADHA, AGA FOR R-1 TO R-5,
SRI A.T.JAYARAJA, ADVOCATE FOR R-6 AND R-8,
SRI S.SREEVATSA, SR.COUNSEL FOR SMT.YUKTA ANIL,
ADVOCATE FOR R-7)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF CONSTITUTION OF INDIA PRAYING TO QUASH
THE ORDER DATED 29.04.2025 PASSED BY THE R2
AUTHORITY, REGIONAL JOINT DIRECTOR LAND RECORDS,
MYSORE DIVISION, MYSORE IN NO.
BHU.JAM.NI.LRI.PI.02/2025, (ANNEXURE-G).

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, the petitioner is assailing the order
dated 29.04.2025 (Annexure-G), passed by the
respondent No.2.

2. Heard Sri S.N.Aswatha Narayan, learned Senior
Counsel appearing for Sri Sudhindra S.A., learned counsel



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for the petitioner, Sri S.Sreevatsa, learned Senior Counsel appearing for Smt.Yukta Anil, learned counsel for respondent No.7, Smt.B.P.Radha, learned Addl.Government Advocate appearing for respondent Nos.1 to 5 and Sri A.T.Jayaraja, learned counsel appearing for respondent Nos.6 to 8.

3. Sri S.N.Aswatha Narayan, learned Senior Counsel appearing for the petitioner, contended that, the respondent No.2 has no jurisdiction to entertain the petition preferred by the revision petitioner therein, contrary to Section 56 of the Karnatka Land Revenue Act, 1964 (for short, `the Act'), as there is delay of more than 55 years in challenging the durasthi made by the competent authority. By referring to the sketch produced at Annexure-F, it is contended by learned Senior Counsel appearing for the petitioner that respondent No.2 has committed an error in remanding the matter to the competent authority.



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4. It is also contended by the learned Senior Counsel appearing for the petitioner by referring to Annexures-`P' and `Q' to the writ petition that, as the land in question bearing Survey No.88/1 belonging to the petitioner is a pisari land and therefore, the private respondents are interfering with the schedule property belonging to the petitioner and are obstructing the way of the petitioner and accordingly, sought for interference by this Court.

5. By referring to the judgment of this Court in Writ Petition No.10991/2022, disposed of on 24.06.2024 (*Pushpa Umesh and another -vs- Regional Joint Director of Land Records and others*), it is contended by the learned Senior Counsel appearing for the petitioner that the respondent No.2 has committed an error in allowing the revision petition.

6. Per contra, Sri S.Sreevatsa, learned Senior Counsel appearing for respondent No.7, referring to the registered Sale Deed dated 01.09.2025, wherein



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respondent No.7 has purchased the schedule property on 01.09.2025 and also referring to the very same sketch produced at Annexure-F, invited the attention of the Court to the grounds for interim prayer made in the writ petition, and submitted that the petitioner is claiming easementary right, which is a civil right, in respect of the subject land and therefore, contended that, as the suit is pending consideration before the competent Court, it is open for the petitioner, to seek such other reliefs before the competent Civil Court in accordance with law and accordingly, sought for dismissal of the writ petition.

7. Learned Addl.Government Advocate sought to justify the impugned order and accordingly sought for dismissal of the writ petition.

8. In the light of the submissions made by the learned counsel appearing for the parties and on careful consideration of the writ papers, the same would indicate that, the private respondents herein are claiming right



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over the property based on the registered Sale Deed dated 01.09.2025 (Annexure-E), wherein the schedule of the property is mentioned. It is also to be noted that the respondents are claiming a right of way in respect of the land belonging to the petitioner. The land bearing Survey No.88/1 is belonging to the Government, wherein, said land is being utilized by the petitioner and other neighbouring land owners, as a road approach to Madikerei State Highway, as contended by the petitioner in paragraph-2 of the writ petition.

9. In the backdrop of these aspects and on careful consideration of the proceedings in O.S.No.102/2025, pending consideration before the learned Prl.Civil Judge, at Somawarpete, though the learned Senior Counsel appearing for the petitioner contended that, the respondent No.2 herein has no jurisdiction to entertain the petition filed under Section 56 of the Act, after lapse of inordinate delay i.e., beyond three years from the date of durasthi made by the competent authority, however,



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looking to the schedule to the registered Sale Deed dated 01.09.2025 at Annexure-E, wherein the private respondents herein are claiming right over the property and also on careful consideration of the two sketches produced at Annexures-`F' and `N', would indicate that there is a discrepancy in so far as mentioning of the land bearing Survey No.88/1 in the first sketch, as well as, with respect to the road, which has been reflected in the second sketch, which requires to be reconsidered by the authorities afresh, and also in the backdrop of these aspects, as a new cause of action has arisen for the private respondents pursuant to the registered Sale Deed, I am of the view that, the contentions raised by the learned Senior Counsel appearing for the petitioner, cannot be accepted.

10. It is also noted from the impugned order at Annexure-G that the respondent No.2 has remanded the matter to the jurisdictional Joint Director of Land Records to reconsider the issue afresh after conducting fresh



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survey and phodi in respect of the land in question after issuing notice to all parties concerned, and in that view of the matter, I am of the opinion that, no interference is called for in so far as remand order passed by the respondent No.2, which is just and proper.

Accordingly, the writ petition stands ***dismissed.***

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

BK
List No.: 1 Sl No.: 23