

HC-KAR



CNR: KAHC010042792023

NC: 2026:KHC:36005
WP NO.1772 OF 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO.1772 OF 2023 (KLR-RES)

BETWEEN:

1. MUNI AKKAYAMMA
W/O LATE PILLIAIAH,
SINCE DEAD, REP. BY LR'S.
LR'S ARE ALREADY ON RECORD AS
PETITIONERS 2 TO 7.
2. SRI. P. RAMASWAMY
W/O LATE PILLIAIAH,
AGED ABOUT 71 YEARS,

SRI. DODDA VENKATESH @ VENKATESH,
S/O LATE PILLIAIAH,
SINCE DEAD, REP. BY LR'S.
3. SMT. LAKSHMI
W/O LATE DODDA VENKATESH @ VENKATESH,
AGED ABOUT 50 YEARS.
4. SRI. MANJUNATH
S/O LATE DODDA VENKATESH @ VENKATESH,
AGED ABOUT 32 YEARS.
5. SMT. MAMATHA
D/O LATE DODDA VENKATESH @ VENKATESH,
AGED ABOUT 30 YEARS.
6. SRI. CHIKKA VENKATESH @ VENKATARAMANAPPA
S/O LATE PILLIAIAH,
AGED ABOUT 61 YEARS.

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

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7. SRI. GOVINDA @ GOVINDARAJU
S/O LATE PILLAIAH,
AGED ABOUT 56 YEARS.

ALL ARE RESIDING AT:
KOTHANURU VILLAGE,
UTTARAHALLI HOBLI,
BENGALURU SOUTH TALUK,
BENGALURU - 560 078.

...PETITIONERS

(BY SRI. VENKATARAMI REDDY E., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY ITS SECRETARY,
DEPARTMENT OF REVENUE,
VIDHANA SOUDHA,
BENGALURU - 560 001.
2. THE DEPUTY COMMISSIONER
BENGALURU DISTRICT,
BEHIND KANDHAYA BHAVAN,
K.G. ROAD,
BENGALURU - 560 009.
3. THE ASSISTANT COMMISSIONER
BENGALURU SOUTH SUB-DIVISION,
KANDHAYA BHAVAN,
K.G. ROAD,
BENGALURU - 560 009.
4. THE TAHASILDAR
BENGALURU SOUTH TALUK,
KANDHAYA BHAVAN,
K.G. ROAD,
BENGALURU - 560 009.
5. SRI. D. RAMA MURTHY
S/O DEVAPPA,
AGED ABOUT 65 YEARS,

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R/AT KONANAKUNTE VILLAGE
KANAKAPURA ROAD,
BENGALURU - 560 078.

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE N., HCGP FOR R1 TO R4;
SRI. DHANANJAY JOSHI, SENIOR COUNSEL FOR
SRI. SRIKANTH S., ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 31ST DECEMBER, 2021 PASSED BY THE RESPONDENT NO.2-DEPUTY COMMISSIONER, BENGALURU URBAN DISTRICT, BENGALURU IN REVISION PETITION NO.228/2011-12 VIDE ANNEXURE-A; 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 petition, petitioners are challenging the order dated 31st December, 2021 (Annexure-A) passed by the respondent No.2-Deputy Commissioner in Revision Petition No.228/2011-12.

2. The relevant facts for adjudication of this petition are that, the land bearing Survey No.51/1A totally measuring 2 acre 15 guntas excluding 11 guntas of Kharab situate at Kothanuru Village, Uttarahalli Hobli, Bengaluru South Taluk is

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ancestral property of the husband of the petitioner No.1 viz., Pillaiah. It is stated in the petition that, out of total extent of 2 acre 15 guntas, the land to an extent of 1 acre 35 guntas was allotted to the share of brothers of Late Pillaiah namely Kempaiah and Muniyappa and remaining 20 guntas in favour of Late Pillaiah. The brothers of late Pillaiah namely Kempaiah and Muniyappa have relinquished and released their share of land to an extent of 1 acre 34 guntas in favour of Pillaiah by retaining 1 gunta under the registered Released Deed dated 08th September, 1966. Therefore, it is the contention of the petitioners that the petitioners are the owners in possession of the land to an extent of 2 acre 14 guntas in Survey No.51/1A of Kothanuru Village, Bengaluru South Taluk. It is also stated in the petition that, late Pillaiah had sold the land to an extent of 20 guntas out of 2 acre 14 guntas in favour of one Sri. Munivenkatappa under the registered Sale Deed dated 15th April, 1968 and therefore, the remaining land with the petitioners is to an extent of 1 acre 34 guntas. Accordingly, the petitioners have sought for interference of this Court stating that the respondent No.2-Deputy Commissioner in the

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impugned order dated 31st December, 2021 (Annexure-A) passed in Revision Petition No.228/2011-12 has not considered the entire extent of land belonging to late Pillaiah.

3. Heard Sri. Venkatarami Reddi E., learned counsel appearing for petitioners and Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for respondents 1 to 4; and Sri. Dhananjay Joshi, learned Senior Counsel on behalf of Sri. Srikanth S., appearing for the respondent No.5.

4. Sri. Venkatarami Reddi E., learned counsel appearing for petitioners submitted that the husband of the petitioner No.1 viz., late Pillaiah got the land to an extent of 20 guntas in Palu Patti and another extent of 1 acre 34 guntas under the registered Release Deed dated 08th September, 1966 executed by his brothers Kemapaiah and Muniyappa and therefore, the petitioners are owners in possession of the land to an extent of 2 acre 14 guntas out of 2 acre 15 guntas in Survey No.51/1A situate at Kothanuru Village, Uttarahalli Hobli, Bengaluru South Taluk. Accordingly, he sought for interference of this Court.

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5. Per contra, Sri. Dhananjay Joshi, learned Senior Counsel appearing for the respondent No.5, by referring to the registered Sale Deed dated 03rd September, 2003 (Annexure-D) said to have been executed by the petitioners in favour of the respondent No.5, invited the attention of the Court to the schedule in the registered Sale Deed and submitted that the respondent No.5 had purchased the total extent of 1 acre 14 guntas along with Kharab land to an extent of 21 guntas in Survey No.51 (New Sy.No.51/1A) of Kothnur Village, Uttarahalli Hobli, Bengaluru South Taluk. Therefore, learned Senior Counsel submits that the impugned order passed by the respondent No.2 is just and proper.

6. In response to the submission made by learned counsel for petitioners, Sri. Dhananjay Joshi, learned Senior Counsel appearing for the respondent No.5 produced Memorandum of Plaint in Original Suit No.211 of 2024 filed by the respondent No.5 herein against the petitioners and submitted that the subject matter in the said suit is nothing to do with the registered Sale Deed dated 03rd September, 2003 (Annexure-D). Accordingly, learned Senior Counsel sought for

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dismissal of the petition on the ground that the finding recorded by the respondent No.2 in the impugned order holding that the Kharab land to an extent of 21 guntas is also sold by the petitioners in favour of the respondent No.5 is just and proper.

7. Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for respondents 1 to 4 sought to justify the impugned order passed by the respondent No.2.

8. In the light of submission made by learned counsel appearing for the parties, it is not in dispute that the husband of the petitioner No.1 viz., Pillaiah acquired the land to an extent of 20 guntas in the partition took place between and amongst him and his brothers. Thereafter, brothers of Pillaiah viz., Kempaiah and Muniyappa have executed registered Release Deed dated 08th September, 1966, relinquishing the land to an extent of 1 acre 34 guntas in favour of Pillaiah out of 1 acre 35 guntas of their share. Therefore, the said Pillaiah had become owner of the total land to an extent of 2 acre 14 guntas. It is to be noted that the said Pillaiah Sold the land to an extent of 20 guntas in favour of Munivenkatappa and remained land to an extent of 1 acre 34 guntas with him. On

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careful perusal of the registered Sale Deed dated 03rd September, 2003 (Annexure-D), it is forthcoming that the land to an extent of 1 acre 14 guntas along with 21 guntas of Kharab land has been sold by the petitioners herein being a legal heirs of said Pillaiah in favour of the respondent No.5. Hence, I am of the opinion that the said Pillaiah sold the land to an extent of only 20 guntas in favour of Munivenkatappa and the petitioners being a legal heirs of said Pillaiah sold the land to an extent of 1 acre 14 guntas in favour of the respondent No.5-D. Rama Murthy as per the registered Sale Deed dated 03rd September, 2003 (Annexure-D) and land remained with the petitioners is 20 guntas in Survey No.51/1A of Kothanuru Village, Uttarahalli Hobli, Bengaluru South Taluk. In that view of the matter, the finding recorded by the respondent No.2 in the impugned order that the said Pillaiah and his legal heirs have sold the entire extent of land is incorrect. Therefore, the respondent No.5 herein is required to establish his right over the property in question in a manner known to law. Accordingly, I pass the following:

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ORDER

- (i) Writ Petition ***allowed;***
- (ii) Order dated 31st December, 2021 (Annexure-A) passed by the respondent No.2-Deputy Commissioner in Revision Petition No.228/2011-12 is hereby set-aside;
- (iii) The respondent No.3-Tahsildar and the concerned revenue authorities are directed to mutate the name of petitioners herein in the revenue records in respect of 20 guntas of land in Survey No.51/1A of Kothanuru Village, Uttarahalli Hobli, Bengaluru South Taluk within a period of two months from the date of receipt of this order.
- (iv) It is made clear that the observation made by this Court in the present petition will not come in the way, if the parties establish their right over the property in question before the competent Civil Court.

SD/-
(E.S. INDIRESH)
JUDGE

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List No.: 1 Sl No.: 46