



CNR: KAHC010058342024

NC: 2026:KHC:39406-DB
WA No. 157 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 157 OF 2024 (LB-RES)

BETWEEN:

1. SRI K RAMARAJ
S/O KEMPEGOWDA
AGED ABOUT 80 YEARS
R/O MADAPURA VILLAGE
KASABA HOBLI
RAMANAGARA TALUK
RAMANAGARA DISTRICT

PRESENTLY R/AT
NO 21/32, MATHRUSHREE
1ST MAIN ROAD
BYATARAYANAPURA
MYSORE ROAD
BENGALURU 560026

...APPELLANT

(BY SRI. BHANU PRAKASH H V., ADVOCATE)

AND:

1. THE TALUK PANCHAYATH
REP BY ITS EXECUTIVE OFFICER
RAMANGARA TALUK,
RAMANAGARA DISTRICT 560571
2. THE MAYAGANAHALLI GRAMA PANCHAYATH
REP BY ITS PANCHAYATH
DEVELOPMENT OFFICER



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RAMANGARA TALUK
RAMANGARA DISTRICT

3. SRI T JAYARAM
S/O POOJARI THIMMAIAH
AGED ABOUT 65 YEARS
R/O MADAPURA VILLAGE
MAYAGANAHALLI POST
KASABA HOBLI
RAMANGARA TALUK
RAMANAGAR DISTRICT 560218

...RESPONDENTS

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER OF THE LEARNED SINGLE JUDGE DATED 23.11.2022, PASSED IN WP No. 47 OF 2022 (LB-RES) AND TO ALLOW THIS WRIT APPEAL, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

The present writ appeal is filed under Section 4 of the Karnataka High Court Act, 1961, assailing the order dated 23.11.2022 passed by the writ Court in W.P.No.47/2022 (LB-RES) instituted by the respondent No.3 herein, whereby the writ petition is allowed, and the order dated 27.10.2021 passed by respondent No.1/the Taluk Panchayat, Ramanagara Taluk



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and District is set aside, and relegated the parties to the Civil Court for determination of their rights, if any and if so advised.

2. The parties are referred to as per their ranking before writ Court for the sake of convenience.

3. Brief facts of the case are as under:-

The petitioner claims to be the absolute owner of property bearing Site No.153/22, which is now re-numbered as 231/31. He claims that he acquired the property from his father Poojari Timmaiah under a partition between him and his brothers, the property which is the subject matter of the writ petition came to be allowed to his share. Earlier the khata in respect of the property continued in the name of the father of the petitioner, and after his demise on application by the petitioner, the khata in respect of the property in question was transferred and effected in the name of the petitioner on 30.06.2014.

4. The respondent No.3 claiming right over the property belonging to the petitioner made a representation before respondent No.2-Mayaganahalli Grama Panchayath, which turned down the claim of the respondent No.3 on the premise



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that the issue involves determination of rights between the parties requiring adjudication by a Competent Court of law as per Order dated 02.01.2016 (Annexure-G). Aggrieved by the said endorsement, respondent No.3 preferred an appeal before respondent No.1/the Taluk Panchayath. The Taluk Panchayath on consideration of material placed before it framed the following points for consideration:-

- "i. Whether the appeal is fit to be admitted at first instance?*
- ii. Whether the appellant proves that he has right and possession over the disputed property ?*
- iii. Whether the 2nd respondent proves that he has right and possession over the disputed property?*
- iv. What order ?"*

and allowed the appeal, holding that the property in dispute is the ancestral property of respondent No.3 and ordered to enter the name of respondent No.3 in the katha and directed the authorities to cancel the katha already made in the name of the petitioner. Aggrieved by the said order, the petitioner approached the writ Court, the writ Court after hearing the rival parties was of the opinion that, in view of the settled position of



law that a dispute with regard to right, title and interest in respect of an immovable property between the private parties is required to be adjudicated and determined by the Court of Competent Jurisdiction, whereas respondent No.1/the Taluk Panchayat has taken upon itself the onus of determining the right, title and interest of the parties, cannot be countenanced. Especially the writ Court has observed regarding the points for consideration wherein the appellate authority framed the points on the right and possession over the disputed property and whether the appellant or the respondent no. 3 herein proved that either of them have right and possession over the property in question.

5. The writ Court was of the opinion that, the jurisdiction to adjudicate on right, title and possession is not enjoined on the revenue authorities and allowed the petition and set aside the order dated 27.10.2021 passed by the Taluk Panchayat, Ramanagara District, and relegated the parties to the Civil Court for examination of their rights.



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6. We have heard Sri. Bhanu Prakash, learned counsel appearing for the appellant. The learned counsel has reiterated the very same submissions, which were urged before the writ Court, which have been taken on record, considered and rejected.

7. We find no infirmities in the well considered order passed by the writ Court, which calls for any interference by this Court. Accordingly we ***dismiss*** this writ appeal.

8. Pending interlocutory applications, if any, stand disposed of.

**SD/-
(D K SINGH)
JUDGE**

**SD/-
(T.M.NADAF)
JUDGE**