



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 3516 OF 2026 (KLR-RES)

BETWEEN:

1. KRISHNAMURTHY C N
AGED ABOUT 38 YEARS,
S/O C N NAARAJA REDDY C N
R/A NO. 69, VITTALASANDRA MAIN ROAD,
LAKSHMI LAYOUT, BEGUR,
BENGALURU- 560114.
2. LOKESH.S,
AGED ABOUT 36 YEARS,
S/O B SHANKAR, NO. 2969,
SHANTHIPRIYA NAGAR,
BEGUR-560114.

...PETITIONERS

(BY SRI. B. MADHUSUDHAN ADIGA., ADVOCATE)

AND:

THE DEPUTY COMMISSIONER
BEHIND KHANDAYA BHAVAN,
BENGALURU URBAN DISTRICT,
KEMPEGOWDA ROAD,
BENGALURU- 560009.

...RESPONDENT

(BY SRI.SHAMANTH NAIK., HCGP)

Digitally signed
by JUANITA
THEJESWINI
Location: HIGH
COURT OF
KARNATAKA



THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO SETTING ASIDE ORDER DATED 24-10-2025, PASSED BY LEARNED REVENUE MEMBER AND DISTRICT JUDGE MEMBER OF THE KARNATAKA APPELLANT TRIBUNAL, BENGALURU, CH II IN APPEAL NO. 412/2024, PRODUCED AS ANNEXURE A TO THIS WRIT PETITION AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE R DEVDAS

ORAL ORDER

Learned High Court Government Pleader takes notice for the respondents.

2. The Petitioners are here before this Court since their appeal filed before the Karnataka Appellate Tribunal at Bengaluru in Appeal No.412 of 2024 has been rejected upholding the office objections. Office raised two objections that the correct provision has to be mentioned. Secondly, some of the necessary parties such as Tahsildar, Assistant Commissioner and BBMP have not been made parties to the proceedings. Learned counsel submits that



insofar as the provision is concerned, the correct provision i.e., Section 49(c) of the Karnataka Land Revenue Act has been quoted in the memorandum of appeal filed before the Tribunal. Learned counsel submits that Section 49(c) provides for an appeal to the Tribunal if an original order is passed by the Deputy Commissioner. The order under challenge before the Tribunal is the order passed by the Deputy Commissioner, namely the Official Memorandum dated 11.09.2023 reserving certain lands in Survey No.369 of Beguru Village, Beguru Hobli, Bangalore South Taluk, for the purpose of burial ground to be handed over to the Commissioner of the BBMP. Therefore the correct provision is quoted. On the other hand what is stated in the impugned order passed by the Tribunal is that the correct provision is Regulation 49(a) of the Karnataka Appellate Tribunal Regulations, 1979. Learned counsel submits that Regulation 49(a) is in Chapter No.8 of the Regulations pertaining to parties to the proceedings. Regulation 49(a) provides that in case of assignment,



creation or devolution of interest during the pendency of the proceeding, such proceeding may be continued by or against the person upon whom such interest has devolved with the leave of the Tribunal. Therefore, the provision pertains to the impleadment of the parties and continuation of the proceedings when there are some changes during the course of the proceedings. That is not the relevant provision under which the appeal can be filed. Generally, appeals are filed in terms of Regulations 3 and 4 of the Regulations. It is not compulsory that the same has to be quoted and even if there is a wrong provision quoted, it does not empower the Tribunal to reject the appeal itself.

3. However, office objection regarding the non-impleadment of the Commissioner, BBMP is sustained, since, any order that could be passed by the Tribunal would affect the rights of the Commissioner, BBMP to whom the lands have been handed over. The petitioner may be permitted to implead the Commissioner BBMP in



the proceedings and after issuance of notice to the respondents, the Tribunal shall proceed to consider the appeal of the petitioner. It is not necessary to implead the Tahsildar or the Assistant Commissioner, since the order impugned is passed by the Deputy Commissioner and the Tahsildar and Assistant Commissioner have nothing to do with the impugned order.

4. There is substance in the submission made by the learned counsel for the petitioner having regard to the contentions noted herein above, this Court is of the considered opinion that the appeal filed by the petitioner could not have been rejected on the two grounds on office objections raised.

5. Consequently, the writ petition is ***allowed***. The impugned order passed by the Karnataka Appellate Tribunal in Appeal No.412/2024 dated 24.10.2025 is hereby quashed and set aside. The appeal is directed to be



restored on the file of the Karnataka Appellate Tribunal and the Tribunal shall proceed to issue notice.

6. Learned High Court Government Pleader is permitted to file memo of appearance within a period of four weeks from today.

Sd/-
(R DEVDAS)
JUDGE

KLY
CT: JL