



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO.3006 OF 2026 (KLR-RES)

BETWEEN:

1. SRI S. V. ASHWATHAIAH
S/O. VENKATASHAMIREDDY
AGED ABOUT 73 YEARS
2. SRI MUNISWAMY REDDY
S/O. VENKATASHAMIREDDY
AGED ABOUT 61 YEARS

BOTH ARE R/AT NO.1
NEAR MARIYAMMA TEMPLE
SORAHUNASE, VARTHURU HOBLI
BENGALURU EAST TALUK-560 087

...PETITIONERS

Digitally signed
by JUANITA
THEJESWINI

Location: HIGH
COURT OF
KARNATAKA

(BY SRI R. S. RAVI, SR. COUNSEL FOR;
SRI N. KUMAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE
VIDHANA SOUDHA
BENGALURU-560 001
2. THE DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT
BENGALURU-560 002



3. THE SPECIAL DEPUTY COMMISSIONER-3
BENGALURU NORTH SUB-DIVISION
BENGALURU-560 009
4. THE TAHSILDAR
BENGALURU EAST TALUK
BENGALURU-560 067

...RESPONDENTS

(BY SRI V. SESHU, HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ENDORSEMENT DATED 28.11.2025 BEARING NO.LND (VA) CR 02/2024-2025 ISSUED BY THE RESPONDENT NO.4-TAHSILDAR AND DIRECT THE RESPONDENT NO.4 TO INITIATE AND CONDUCT THE PHODI OF THE SCHEDULE PROPERTY VIDE ANNEXURE-Z 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

On the previous date of hearing, the following order was passed.

"Learned High Court Government Pleader takes notice for all the respondents.

Learned counsel for petitioners is directed to serve copies of the petition along with annexures on the learned High Court Government Pleader.



Learned counsel for the petitioners submits that earlier when the petitioners were before this Court in W.P.No.25211/2024 seeking directions to the respondent- Tahsildar and the Assistant Director of Land Records, Bangalore East Taluk, to conduct phodi and durast of 4 acres 34 guntas of land in Survey No.126/1 of **Varthur* Village, Varturu Hobli, Bangalore East Taluk, the Learned High Court Government Pleader made a submission on instructions that if the petitioners produced the relevant documents, more particularly, the RTC standing in the name of the petitioners, the phodi will be conducted. Accordingly, the writ petition was disposed of, reserving liberty to the petitioners to produce the RTC before the Tahsildar and the Assistant Director of Land Records.

Learned counsel submits that pursuant to the directions issued by this Court, the petitioners gave one more representation at Annexure-Y dated 14.11.2025, enclosing a copy of the RTC dated 30.06.2023, which reflects the name of the petitioners in Column No.9. Moreover, learned counsel draws the

*Corrected vide Court order dated 25.02.2026
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attention of this Court to Annexure-S series which are all the RTCs. The RTCs till the period 2022-2023 have been furnished, which reflect the names of the petitioners, Sri.S.V.Ashwathaiah and Sri.Muniswami Reddy, to the extent of 3 acres 4 guntas and 1 acre 30 guntas, respectively. Despite the RTC being produced, the respondent-Tahsildar has issued the impugned endorsement at Annexure-Z without stating anything regarding the RTC. On the other hand, the Tahsildar is once again harping upon the original grant records. In this regard, learned counsel draws the attention of this Court to Annexures-V and W, where proceedings initiated before the Special Deputy Commissioner, Bangalore North Sub-Division, invoking Section 136(3) of the Karnataka Land Revenue Act, 1964, were proceeded with and finally dropped while stating that the revenue records, including the mutation register, clearly depict the fact that, by way of registered instruments, the lands have been transferred from one person to another commencing from Sri.Dodda Appannareddy, who purchased the property and registered the sale dated



09.12.1942. Further, it is also pointed out from Annexure-AA photographs that the Tahsildar has now put up a board on the property in question stating that the entire 20 acres of land is government land.

At this juncture, the Learned High Court Government Pleader has kept the Tahsildar, Begaluru East Taluk present before this Court.

On instructions from the Tahsildar, learned High Court Government Pleader submits that there is a circular which requires any three documents to be placed before the Tahsildar and the ADLR for proceeding with the phodi. Learned High Court Government Pleader seeks for a short accommodation to place before this Court the said circular.

Re-list this matter on 05.02.2026.”

2. Today, the learned High Court Government Pleader has furnished a copy of the Government Order bearing No.CumE 156, SSM 2024, Bengaluru dated 25.11.2024 issued by the State Government, which would be applicable in all cases where phodi and durasth is



sought, in respect of a granted land. Learned High Court Government Pleader submits that the Tahsildar while issuing the impugned endorsement should have stated the Government Order while proceeding to place the application of the petitioners before the committee for building up missing records. To that extent, learned High Court Government Pleader submits that the Tahsildar could not have issued such an endorsement. Nevertheless, learned High Court Government Pleader submits that this is the procedure to be followed in all cases where phodi and durasth is sought in respect of granted lands.

3. Learned Senior Counsel Sri R.S.Ravi however submits while pointing out to Annexure-B, Index of land that the original survey No.126 has been subsequently phoded and sub numbers have been assigned to all the grantees. Moreover, here is a case where the first purchaser Munishamappa S/o Muniyappa had purchased the property in question in an auction conducted by the Chairman of the Varthur Grama Panchayath, as is evident



from the recitals in the sale deed dated 09.12.1942 at Annexure-A. Learned Senior Counsel would therefore submit that this is not a case of darkasth as sought to be contented by the respondents.

4. There is substance in the submission made by the learned Senior Counsel appearing for the petitioners. It is clear from the material available on record that one Sri Munishamappa, S/o Muniyappa purchased the land in question in an auction conducted by the Chairman of the Varthur Grama Panchayath. Pursuant to which, the name of Sri Munishamappa was entered in the revenue records. Thereafter, phodi and durasth was conducted and the land was assigned a sub number which came to be known as survey No.126/1. The same is indicated in the sale deed and is reflected in the Index of Records as found at Annexure- B. Therefore, it is a clear case that the lands in question do not fall under the category of Darkasth lands or granted lands. That being the position, the petitioners are entitled to have their names entered in the revenue



records. This Court is also of the considered opinion that since the land is already phoded and a separate number is assigned, all that is required to be done is the Akarband and Tippani should accordingly be entered with the name of the petitioners to enable the petitioners to enjoy the property in question without any hassles from any side. For the purpose of records the exercise of entering the information in the Akarband and Tippani along with the information regarding the phodi conducted earlier, is required to be proceeded with. It is also made clear that the circular/Government Order bearing No.KAMEe 156, SSM 2024 Bengaluru, dated 25.11.2024 shall not apply in cases where phodi and durasth has once taken place and sub-number is already given to the land in question.

5. The writ petition stands ***disposed of*** with a direction to the respondent No.4 – Thasildar, Bangalore East Taluk, and the concerned Assistant Director of Land Records to proceed to act in terms of the directions issued by this Court. The entire exercise shall be completed as



expeditiously as possible and at any rate within a period of two months from the date of receipt of a copy of this order. The respondent – Tahsildar is hereby directed to remove the board put up on the land in question forthwith.

Ordered accordingly.

**Sd/-
(R DEVDAS)
JUDGE**

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CT:VC