



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO.33184 OF 2016 (KLR-RES)

BETWEEN:

1. AUREEN RODRGUES
W/O M J RODRIGUES,
SINCE DECEASED REP. BY LRS.

1(a). ALLAN RODRIGUS
AGED ABOUT 68 YEARS
R/AT ELIZA ESTATE
POLLIBETTA - 571 215
VIRAJPET TALUK
KODAGU DISTRICT.

1(b). PAMELA MANDRE
AGED ABOUT 68 YEARS
R/AT ELIZA ESTATE
POLLIBETTA - 571 215
VIRAJPET TALUK
KODAGU DISTRICT.

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KARNATAKA

2. IVOR RODRIGUES
S/O M J RODRIGUES,
AGED ABOUT 56 YEARS
R/AT ELIZA ESTATE
POLLIBETTA-571 215
VIRAJPET TALUK
KODAGU DISTRICT.

3. PETER RODRIGUES
S/O M J RODRIGUES
AGED ABOUT 52 YEARS
R/AT ELIZA ESTATE
POLLIBETTA-571 215



VIRAJPET TALUK,
KODAGU DISTRICT.

4. MICHAEL JOSEPH RODRIGUES
S/O M J RODRIGUES,
AGED ABOUT 45 YEARS
R/AT ELIZA ESTATE
POLLIBETTA-571 215
VIRAJPET TALUK
KODAGU DISTRICT.

...PETITIONERS

(BY SRI. ROHAN KOTHARI, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY PRINCIPAL SECRETARY TO
GOVERNMENT,
REVENUE DEPARTMENT
MULTISTOREYED BUILDING,
BENGALURU -560 001.
2. THE DEPUTY COMMISSIONER
KODAGU DISTRICT,
MADIKERI, KODAGU-571 001.
3. THE TAHSILDAR
VIRAJPET TALUK,
KODAGU-571 001.
4. THE DEPUTY CONSERVATOR OF FOREST
VIRAJPET DIVISION,
VIRAJPET,
KODAGU DISTRICT-571 001.

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE N., HCGP)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 25.04.2016 PASSED BY THE RESPONDENT NO.2 IN RE.AA/REVISION/01/2013-14 PRODUCED AS ANNEXURE-K; DIRECT TO THE RESPONDENTS RELEASE THE ENTIRE AMOUNT IN DEPOSIT IN CORPORATION BANK, VIRAJPET DEPOSITED JOINTLY IN THE NAME PETITIONERS AND RESPONDENT NO.4.

THIS PETITION, COMING ON FOR FINAL DISPOSAL, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

1. In this Writ Petition, petitioners are assailing the order dated 25.04.20 in case No.RE.AA/REVISION/01/2013-14 issued by respondent No.2 as per Annexure-K, inter alia, sought for a direction to respondents to release the entire amount in the Corporation Bank, Virajpet, deposited jointly in the names of the petitioners and respondent No.4.

2. The facts in nutshell are that the petitioners claim to be the owner of land bearing Sy.Nos. 192/1, 193/1, 193/2 of Mekoor Hosakeri Village, Ammathi Hobli, Virajpet Taluk,



Kodagu District, as per the registered Sale Deed dated 24.05.1974. It is stated that Sy.No.192/1 has been classified as "Redeemed Sagu Jaga" and the revenue records stand in the name of the petitioners. However, the computerised revenue records in respect of the Sy.No.192/1 was shown as "Sagu Bane" (Annexure-B) to the Writ Petition. In this regard, the petitioners approached the Assistant Commissioner, seeking rectification of the mistake generated in the computerised revenue records. However, as no action was taken, petitioners were constrained to file Writ Petitions and this Court in W.P.No.398 to 401/2010 issued a direction to consider the applications of the petitioners and in that view of the matter, the Assistant Commissioner passed the order directing to rectify the mistakes as per Annexure-C and accordingly, the necessary rectification was carried out in the computer and RTC was corrected as per Annexure-D. Sy.No.192/1 was classified as "Redeemed sagu Bane" and Sy.No.193/2 was classified as "Redeemed Sagu Jaga" and the respondent No.2 - Deputy Commissioner has given an opinion confirming the right of the petitioner in respect of the land in Sy.No.192/1 and 193/2 as per Annexure-E. Pursuant to the same, respondent No.4 has



passed an order granting permission to the petitioner No.1 - Aureen Rodrgues to cut '220 beete trees', standing thereon in SY.Nos.192/1 and 193/2 of Mekoor Hosakeri Village, subject to certain conditions, as per Annexure-F to the Writ Petition.

3. However, the grievance of the petitioners is that though the opinion made by respondent No.2 was accepted by respondent No.4, respondent No.3 has filed the revision petition in R.P.No.1/2013-14 under Section 49(b) of the Karnataka Land Revenue Act, 1964 contending that the nature of the land in Sy.No.192/1 and 193/1 is "unredeemed sagu" and not "redeemed sagu" and therefore, the petitioners have filed detailed objections as per Annexures-H and J to the Writ Petition. Subsequently, in W.P.No.49686-688/2015 and connected Writ Petition, by order dated 19.11.2015(Annexure-G), this Court directed to deposit the amount received through auction of timber, in the joint names of the petitioners and respondent No.4 herein. When things stood thus, the respondent No.2, vide order dated 25.04.2016 (Annexure-K) has rejected the claim made by the petitioners herein and recorded a finding that the land in Sy.No.192/1 and 193/1 shall



continue to be "unredeemed" and feeling aggrieved by the same, the petitioners have presented this Writ Petition.

4. The petitioners have also referred to the endorsement dated 06.06.2016 (Annexure-C) issued by the Assistant Commissioner, Madikeri Sub Division, directing the Tahsildar - respondent No.3 herein, to change mutation entry with regard to Sy.No.193/2 as "Redeemed Sagu" and with regard to Sy.No.192/1 as "Redeemed Sagu Bane" and therefore, challenged the said endorsement/communication.

5. Heard Sri. Rohan Kothari, learned counsel appearing for the petitioners and Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for the respondents.

6. Sri. Rohan Kothari, learned counsel appearing for the petitioners, invited the attention of the Court to the order dated 19.11.2015 passed by this Court in W.P.No.49686-688/2015 and connected Writ Petition which came to be disposed of as per Annexure-J and referred to para 3 therein and submitted that, the direction was issued by this Court to deposit the amount in a nationalised bank in the joint names of the petitioners as well as respondent - authority concerned, in



respect of the timber already transported and the timber to be transported, as well as the amount collected by way of auction of timber conducted by the authorities. It is also contended by the learned counsel appearing for the petitioners by referring to Section 2(20) of the Act and submitted that petitioners are the owners of the land in question and therefore, they are 'independent' under the Act. He also referred to Section 202 of the Act which provides for repeal and saving Clauses and further referred to the schedule appended to Section 202 by referring to Serial No.15 and submitted that the Coorg Land and Revenue Regulation, 1899, has been repealed by the Karnataka Land Revenue Act, 1964 and therefore, referred to Section 75 of the Act and submitted that the impugned order passed by respondent No.2 requires to be set aside.

7. It is also argued by the learned counsel appearing for the petitioners by referring to the Judgment of this Court in the case of 'NANDISH M.V. Vs. THE SPECIAL DEPUTY COMMISSIONER, BANGALORE URBAN DISTRICT, BANGALORE AND OTHERS' reported in (2013) 3 KLJ 409, that the petitioners are entitled for the entire amount in deposit made



by the respondent - authority in the Nationalised Bank and accordingly, sought for release of the amount to the petitioners.

8. Per contra, Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for the respondents opposed the Writ Petition and further submitted that the claim is made by the petitioners in respect of the subject land which is "unredeemed Sagu Jaga" and same has been considered by respondent No.2 and therefore, petitioners are not entitled for the deposit made by respondent - authority though in the joint names of the petitioners and the respondent - authority in the nationalised Bank and accordingly, sought for dismissal of the Writ Petition.

9. Learned High Court Government Pleader also invited the attention of the Court to Section 202(1)(b) of the Act and submitted that the repeal of the corresponding Act would disentitle the petitioners from claiming deposit amount made by the respondent - authority and accordingly, sought for interference of this Court.



10. In the light of the submissions made by the learned counsel appearing for the parties, it is not in dispute with regard to ownership of the land in question is concerned. Therefore, after the introduction of the Karnataka Land Revenue Act, 1964, wherein Section 202 provides for repeal and saving clauses and the Schedule appended to Section 202 of the Act, wherein, Serial No.15 provides for repeal of Coorg Land and Revenue Regulation, 1899, and further, it is not in dispute that the subject land in this Writ Petition is covered under the provisions of the erstwhile Coorg Land and Revenue Regulation, 1899. By looking into the provision contained under Section 75 of the Act read with Section of the Act, I am of the view that, whether the subject land is redeemed or unredeemed, in the light of the order passed by this Court in W.P.No.49686-688/2015 and connected Writ Petition, dated 19.11.2015 (Annexure-G) and the order passed by this Court in W.P.No.55534/2013 and connected cases disposed of on 25.07.2024 and in W.P.No.51014/2013 disposed of on 28.11.2024, though the learned counsel appearing for the petitioners has sought for an order as to release of the amount deposited in the nationalised Bank in the joint names of the



petitioners and respondent No.4, however, the said aspect has to be considered only after considering the finding recorded by respondent No.3 - Tahsildar. In that view of the matter, I am of the view that, the matter requires reconsideration by respondent No.2 under Section 49(b) of the Act.

11. In the result, I pass the following:

ORDER

(i) The Writ Petition is allowed.

(ii) The order dated 25.04.2016 (Annexure-K) issued by respondent No.2 in case No.RE.AA/REVISION/01/2013-14 is set aside and the respondent No.2 is directed to reconsider the issue and take decision in the matter within a period of three months from the date of receipt of certified copy of this order.

(iii) Since the petitioners are present before the Court and in order to avoid further delay, the petitioners are directed to appear before respondent No.2 along with the copy of this order, on 18.08.2026 at 3.00 p.m.



(iv) Needless to say that, after the appearance of the petitioners respondent No.2 shall dispose of the matter within three months thereafter.

(v) All contentions of the parties are kept open.

(vi) In the meanwhile, the joint deposit made in the nationalised Bank shall continue to remain as it is, till the conclusion of the proceedings before respondent No.2.

SD/-
(E.S.INDIRESH)
JUDGE

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