



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 09TH DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO.3302 OF 2023 (KLR-RES)

BETWEEN:

1. MARKU MACHADO
S/O LATE FRANCIS MACHDO,
AGED ABOUT 68 YEARS,
RESIDING AT KIREHALLY VILLAGE,
SUNDAKERE POST,
SAKALESH PURA TALUK,
HASSAN DISTRICT - 573127.

...PETITIONER

(BY SRI. RAJA SUBRAHMANYA BHAT B., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
VIDHANA SOUDHA,
DR.B.R.AMBEDKAR VEEDI,
BENGALURU - 560001.
2. THE DEPUTY COMMISSIONER
HASSAN DISTRICT,
HASSAN - 573127.

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



3. THE ASSISTANT COMMISSIONER
SAKALESHPURA TALUK,
SAKALESHPURA,
HASSAN DISTRICT - 573 127.
4. THE TAHSILDAR
SAKALESHPURA TALUK,
HASSAN DISTRICT - 573 127.
5. SHALINI MACHADO
W/O MARSHAL PINTO,
AGED ABOUT 65 YEARS,
SUNDEKERE VILLAGE,
SAKALESHPURA TALUK,
HASSAN DISTRICT - 573127.

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE N., HCGP FOR R1 TO R4;

SRI. RAJENDRA DESAI, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 15.10.2015 IN R.A.NO.29/2012-13 PASSED BY THE ASSISTANT COMMISSIONER AT SAKALESHPURA VIDE ANNEXURE-D AND CONSEQUENTLY THE ORDER DATED 12.07.2022 IN R.P.NO.37/2015-16 PASSED BY THE DEPUTY COMMISSIONER AT HASSAN VIDE ANNEXURE-E.

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

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



ORAL ORDER

In this writ petition, the petitioner is assailing the order dated 15.10.2015 in RA NO.29 of 2012-13 passed by the Assistant Commissioner, Sakaleshpura, vide Annexure- D and order dated 12.07.2022 passed by the Deputy Commissioner in RP No.37/2015-16 vide Annexure-E.

2. Heard Sri. Raja Subramanya Bhat B., learned counsel for the petitioner; Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for the respondent Nos.1 to 4 and Sri. Rajendra Desai, learned counsel for the respondent No.5.

3. Sri. Raja Subramanya Bhat B., learned counsel appearing for the petitioner, referred to the findings recorded by both the respondent-authorities and contended that the petitioner's father died leaving



behind a registered Will dated 27.08.1986, whereby the property in question was bequeathed in favour of his daughter, late Flavia Machado, who was mentally challenged. He further submitted that the Will contained a stipulation that, upon the demise of Flavia Machado, the property should devolve upon her caretaker. It is his contention that Flavia Machado died on 17.02.2025 and that the petitioner had been taking care of late Flavio Machado throughout her lifetime. Accordingly, he sought interference by this Court with the impugned orders.

4. Sri. Rajendra Desai, learned counsel for the respondent No.5, submitted that late Francis had ten children and that the dispute essentially pertains to the proof and enforcement of the Will dated 27.08.1986. He contended that the matter is of civil in



nature and, therefore, sought to justify the impugned orders passed by the respondents.

5. Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for the respondent-State, supported the impugned orders passed by the respondent-authorities.

6. In the light of the submissions made by the learned counsel appearing for the parties, and upon careful consideration of the findings recorded by both the respondent-authorities, it is evident that the land in question originally belonged to one late Francis Machdo, who died leaving behind a registered Will dated 27.08.1986 bequeathing the property in favour of Flavia Machado, a mentally challenged daughter. The said Will also contains certain conditions regarding the devolution of the property after the lifetime of the legatee. In that view of the matter, I am of the



considered opinion that both the respondent-authorities were justified in directing the parties to approach the competent Civil Court for resolution of their dispute and to establish their respective rights in the manner known to law.

Accordingly, I find no ground to interfere with the impugned orders in exercise of the writ jurisdiction of this Court. Hence, the writ petition stands ***dismissed***.

**SD/-
(E.S.INDIRESH)
JUDGE**

SB
List No.: 1 Sl No.: 2