



CNR: KAHC010101992025

NC: 2026:KHC:53862  
WP No. 5968 of 2025

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 29<sup>TH</sup> DAY OF SEPTEMBER, 2026**

**BEFORE**

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

**WRIT PETITION NO.5968 OF 2025 (KLR-RES)**

**BETWEEN:**

1. SMT. PUSHPALATA B.M.  
W/O LATE B.T. MALLIKARJUN  
AGED ABOUT 59 YEARS  
R/AT SUBBAREDY BUILDING  
1<sup>ST</sup> FLOOR, 6<sup>TH</sup> CROSS  
JCR LAYOUT  
CHITRADURGA - 570 005.
2. SRI. B.M. RAHUL  
S/O LATE MALLIKARJUN  
AGED 39 YEARS  
R/AT SUBBAREDY BUILDING  
1<sup>ST</sup> FLOOR, 6<sup>TH</sup> CROSS  
JCR LAYOUT  
CHITRADURGA - 570 005.
3. SRI. NAKUL B.M.  
S/O LATE B.T. MALLIKARJUN  
AGED 37 YEARS  
R/AT SUBBAREDY BUILDING  
1<sup>ST</sup> FLOOR, 6<sup>TH</sup> CROSS  
JCR LAYOUT,  
CHITRADURGA-570 005.

...PETITIONERS

(BY SRI. SANGAMESH R.B., ADVOCATE)

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



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**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY ITS SECRETARY  
DEPARTMENT OF REVENUE  
M S BUILDING  
BENGALURU – 560 001.
2. THE DEPUTY COMMISSIONER  
DAVANGERE DISTRICT  
DAVANAGERE – 577001.
3. THE ASSISTANT COMMISSIONER  
DAVANAGERE SUB DIVISION  
DAVANAGERE – 577001.
4. THE TAHSILDAR  
DAVANAGERE DISTRICT  
DAVANAGERE - 577 001.
5. RAVI KUMAR H.C.  
S/O H H CHANDRASHEKRAPPA  
AGED ABOUT 49 YEARS  
R/AT NITVALLI COLLEGE ROAD  
KSABA HOBLI  
DAVANAGERE TALUK-577004.
6. M.B. RAVI  
S/O VEERABHADRAPPA  
AGED 51 YEARS  
DOOR NO. 851/6  
BAKKESHWAR  
9TH CROSS  
THARLABALU BADAVANI  
DAVANAGERE 577005.

...RESPONDENTS

(BY SRI. MOHAMMED JAFFAR SHAH, AGA FOR R1 TO R4;  
SRI. KALEEMULLAH SHARIFF, ADVOCATE FOR R5;  
SRI. B.M. ARUN, ADVOCATER FOR R6)



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER DATED 21.12.2023 BEARING NUMBER RA/CR/339/2022, PASSED BY 3<sup>RD</sup> RESPONDENT HEREIN (ANNEXURE-D); AND ETC.

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

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

### **ORAL ORDER**

1. In this writ petition, the petitioners are assailing the order dated 21.12.2023 passed by respondent No.3 produced at Annexure-B, and the order dated 21.10.2024, passed by respondent No.2-Deputy Commissioner produced at Annexure-A. The petitioner *inter-alia*, sought a direction to the respondent-authorities to restore their name in respect of the subject land.

2. Heard Sri. Sangamesh R.B., learned counsel appearing for the petitioners; Sri. Mohammed Jaffar



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Shah, learned Additional Government Advocate appearing for the respondent-State; Sri. Kaleemullah Shariff, learned counsel appearing for the respondent No.5 and Sri. B.M. Arun, learned counsel appearing for the respondent No.6.

3. Sri Sangamesh R.B, learned counsel appearing for the petitioner, contended that the respondent-authorities have effected changes in the mutation entries without issuing notice to the petitioners and, therefore, the same is in violation of the principles of natural justice.

4. It is further contended by the learned counsel appearing for the petitioners that the land bearing Sy. No. 34/2A belongs to the petitioners. However, one Durgappa, whose name entered illegally in mutation register and, is stated to be a neighbouring landowner, has sold an extent of 10 guntas in favour



of respondent Nos.5 and 6 herein. It is submitted that the alleged sale deed is fraudulent and that the said aspect of the matter has not been considered by the revenue authorities. Accordingly, learned counsel seeks interference of this Court.

5. Per contra, Sri Kaleemullah Shariff, learned counsel appearing for respondent No.5, the purchaser of the land from Durgappa, submitted that the land in question has been purchased by respondent No.5 under a registered instrument. Therefore, the petitioners are required to establish their title in respect of the land in question.

6. It is further contended by the learned counsel appearing for respondent No.5 that the petitioners have already instituted suit in O.S. No.386 of 2022 on the file of the Principal Senior Civil Judge and CJM, Davanagere, seeking the relief of declaration and



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consequential relief of permanent injunction, and the said suit is pending consideration before the Civil Court. Therefore, it is submitted that the petitioners have to establish their right over the land in question before the competent Civil Court.

7. Having heard the learned counsel appearing for the parties and upon perusal of the writ papers, it is forthcoming that MRH Nos.5/2012-13 and 7/2012-13 have been effected on the basis of the registered sale deed executed in favour of respondent No.5.

8. The grievance of the parties essentially relates to the identification of the boundaries of the land in question. In that view of the matter, though the learned counsel appearing for the petitioners contend that the alleged registered sale deed is fraudulent, the said issue requires adjudication by the competent Civil Court in O.S. No.386 of 2022, wherein the petitioners



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have sought for the relief of declaration and other consequential reliefs.

9. In that view of the matter, it is not within the domain of the revenue authorities to adjudicate upon the title of the parties in respect of the land in question. Accordingly, the mutation entries have been effected in terms of Section 128 of the Karnataka Land Revenue Act, 1964.

10. In the light of the aforesaid discussion, I am of the view that no interference is called for in the present writ petition.

11. However, it is open for the petitioners to approach the competent revenue authority upon conclusion of the civil suit, in accordance with law.

12. It is further made clear that the observations made by the revenue authorities as well as by this



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Court shall not come in the way of the petitioners in establishing their right and title over the property in question before the competent Civil Court.

13. Accordingly, the writ petition stands ***disposed of.***

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

SB  
List No.: 1 Sl No.: 4