



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 46427 OF 2016 (KLR-LG)

C/W

WRIT PETITION NO. 46431 OF 2016 (KLR-RES)

IN WP No. 46427/2016

BETWEEN:

SRI H SHRINIVAS
S/O LATE SHREENIVAS @
HANUMANTHAPPA AVALAHALLI,
AGED ABOUT 57 YEARS,
OCCUPATION: AGRICULTURE,
R/AT NO.93, ABHAYA ANJANEYA
DEVASTHANAM TEMPLE ROAD,
AVALAHALLI LAYOUT, MYSORE ROAD,
BENGALURU-560026

...PETITIONER

(BY SRI. MAHADESHWARAN C N., ADVOCATE)

AND:

1. THE SPECIAL DEPUTY COMMISSIONER
BANGALORE URBAN DISTRICT,
BENGALURU-560001.
2. THE TAHSILDAR
BENGALURU EAST TALUK,
BENGALURU-560001.
3. THE DIRECTOR
INSTITUTE OF NEPHRO UROLOGY,

Digitally signed
by JUANITA
THEJESWINI
Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:8052
WP No. 46427 of 2016
C/W WP No. 46431 of 2016

VICTORIA HOSPITAL PREMISES,
BENGALURU-560002.

4. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF REVENUE,
GOVERNMENT OF KARNATAKA,
M.S.BUILDING ANNEXE,
DR.B.R.AMBEDKAR VEEDHI,
BANGALORE-560001.

...RESPONDENTS

(BY SRI.V.SESHU., HCGP FOR R1, R2 & R4
SRI. K.M.PRAKASH., ADVOCATE FOR R3
SRI.G.N.JANARDHAN., ADVOCATE FOR IMPLEADING
APPLICANTS)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS ON THE FILE OF KARNATAKA APPELLATE TRIBUNAL IN APPEAL NO.423/2008 AND ALSO RECORDS PERTAINING TO OM 28.4.2008 ON THE FILE OF DEPUTY COMMISSIONER AND THE FILES RELATING TO GRANT DTD.19.8.1962 GRANTING 4 ACRES IN SY.NO.280 OF GUNJUR VILLAGE ON THE FILE OF DEPUTY COMMISSIONER AND PERUSE THEM AND SET ASIDE AND THE JUDGMENT AND ORDER VIDE ANNEX-A DTD.11.3.2016 PASSED BY THE KARNATAKA APPELLATE TRIBUNAL AND ETC.

IN WP NO. 46431/2016

BETWEEN:

SRI. VENKATASWAMY
S/O LATE VENKATASWAMY @ THIMMAIAH,
AGED ABOUT 60 YEARS,
OCCUPATION: AGRICULTURE,
R/A NO.60/3, ANCHEPANTHARAPALYA
NAYANDHALLI,
BANGALORE-560 039.

...PETITIONER

(BY SRI. MAHADESHWARAN C N., ADVOCATE)



NC: 2026:KHC:8052
WP No. 46427 of 2016
C/W WP No. 46431 of 2016

AND:

1. THE SPECIAL DEPUTY COMMISSIONER
BANGALORE URBAN DISTRICT,
BENGALURU-560 001.
2. THE TAHSILDAR
BENGALURU EAST TALUK,
BENGALURU.
3. THE DIRECTOR
INSTITUTE OF NEPHRO UROLOGY,
VICTORIA HOSPITAL PREMISES,
BENGALURU-560 002.
4. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF REVENUE,
GOVERNMENT OF KARNATAKA,
M.S. BUILDING ANNEXE,
DR. B.R. AMBEDKAR VEEDHI,
BANGALORE-560 001.

...RESPONDENTS

(BY SRI.V.SESHU., HCGP FOR R1, R2 & R4
SRI. K.M.PRAKASH., ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS ON THE FILE OF THE KARNATAKA APPELLATE TRIBUNAL IN APPEAL NO.423/2008 AND ALSO RECORDS PERTAINING TO OM 28.4.2008 ON THE FILE OF DEPUTY COMMISSIONER AND THE FILES RELATING TO GRANT DTD 19.08.1962 GRANTING 4 ACRES IN SY NO.280 OF GUNJUR VILLAGE IN NO.M2.DD.33/1957-58 ON THE FILE OF DEPUTY COMMISSIONER AND ETC.

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



CORAM: HON'BLE MR. JUSTICE R DEVDAS

ORAL ORDER

At the oral request of the learned Counsel for the petitioners, the description of the 1st respondent in the cause list is permitted to be corrected as 'The Deputy Commissioner, Bengaluru Urban District, Bengaluru', in both the petitions, forthwith.

2. Both these writ petitioners are aggrieved of the impugned order passed by the Karnataka Appellate Tribunal dated 11.03.2016, in Appeal No.423/2008 at Annexure-A and the Official Memorandum dated 28.04.2008 issued by the respondent-Deputy Commissioner, Bengaluru Urban District at Annexure-B.

3. Learned Counsel for the petitioners submits that the fathers of both the petitioners by name late Sri.Srinivasa and late Sri.Venkataswamy were granted 2.00 Acres and 4.00 Acres of land respectively in Sy.No.280 of Gunjuru village, Varthur Hobli, Bengaluru



East Taluk in the year 1962. Pursuant to the grant made in their favour Saguvali Chits were also issued in the year 1962-63. Thereafter, mutation entries were also made in the revenue records in the names of two grantees. It is contended that when both the petitioners' fathers passed away, the petitioners gave their respective representations to the respondent-Tahsildar, Bengaluru East Taluk, to enter their names in the revenue records on the basis of succession. At that point of time, the Tahsildar brought to the notice of the petitioners that the Deputy Commissioner had issued the impugned Official Memorandum on 28.04.2008, granting 8 Acres and 4 Guntas of land in Sy.No.280 and 9 Acres 19 Guntas of land in Sy.No.281 of Gunjuru village in favour of respondent No.3-The Institute of Neurology, Victoria Hospital, Bengaluru, for establishment of a hospital. Being aggrieved, the petitioners immediately filed an appeal before the Karnataka Appellate Tribunal in Appeal No.423/2008. The Tribunal has dismissed the appeal. Therefore, the



petitioners are before this Court calling in question the orders passed by the Tribunal and the Official Memorandum issued by the Deputy Commissioner.

4. Learned Counsel for the petitioners submits that the Deputy Commissioner has fallen in error in granting the lands belonging to the petitioners to respondent No.3-Institution. Both the Deputy Commissioner as well as the Tribunal have erred in not securing the original Grant Register, Saguvali Chit Issue Register and Mutation Register to verify the fact whether the claim of the petitioners is genuine or not. On the other hand, the Deputy Commissioner and the Tribunal have simply gone by the report submitted by the Tahsildar.

5. During the course of these proceedings, this Court directed the respondent-Tahsildar to place before this Court the original Grant Register and the Mutation Register. Accordingly, on 03.02.2026, the original Grant Register was placed before this Court and this Court found



from the original Grant Register at page No.88 which is written in red ink, that there is an entry showing No.17/62-63 that the grant is made under the GMF 42/54-55, where Sri.Srinivasa is granted 4.00 Acres of land and Sri.Venkateswamy is granted 2.00 Acres of land in Sy.No.280. The order is confirmed by the Deputy Commissioner vide Order No.M2.DD.33/1957-58 dated 19.08.1962 at Rs.25/- per acre and it is noted that Saguvali Chit is issued on 27.09.1962.

6. That being the position, it is clear that the Deputy Commissioner as well as the Tribunal have fallen in error in not calling for the original Grant Register, Saguvali Chit Issue Register and Mutation Register to find out the truth of the matter. Now since this Court has looked into the original records in the presence of the learned Counsels on both the sides and the learned High Court Government Pleader and has found that there is such an entry in the original Grant Register, the petitioners have to succeed.



7. This Court has come across several such instances where though the entries are found in the original Grant Register, the Tahsildars are giving a report that there is no such record or that there is interpolation in the entry. Although such an entry is found and for such other reasons, the original grantees or their legal heirs are put into great harassment by removing their names from the revenue records without prior notice. In the instant case too, there is no information placed before this Court or which was called for at the hands of the Tribunal to say as to when the names of the original grantees were removed from the revenue records. Since it is clear that the original Grant Register finds an entry regarding the grants made in favour of Sri.Srinivasa and Sri.Venkataswamy in respect of 2.00 Acres and 4.00 Acres respectively, the writ petitions have to succeed.

8. At this juncture, learned Counsel for respondent No.3 submits that the Institution has paid a sum of Rs.2,73,63,710/- for grant of 15 acres of land in



Sy.Nos.280 and 281 of Gunjuru Village. Learned Counsel would therefore submit that even if the 6.00 Acres of land as claimed by the petitioners is removed from the 15 Acres that were granted in favour of respondent No.3, appropriate directions may be issued to enable respondent No.3 to continue the construction in the remaining extent of land and necessary directions should also be issued to the Deputy Commissioner either to grant similar extent of alternative land in the adjacent survey numbers to enable respondent No.3 to continue with its activities.

9. Having heard the learned Counsel for petitioners, learned Counsel for respondent No.3 and the learned High Court Government Pleader and on perusing the petition papers, this Court is of the considered opinion that there is substance in the submissions made by the learned Counsel for petitioners since this Court has verified the original Grant Register and has found the entries as stated hereinabove, this Court has to come to the conclusion that the information provided by the Tahsildar to the Deputy



Commissioner regarding the grant which was sought at the hands of respondent No.3 is incorrect and not in accordance with the entries found in the original Grant Register. Since such an entry has been found, this Court should hold that the lands belonging to the petitioners to an extent of 6.00 Acres could not have been granted to respondent No.3-Institution. Consequently, this Court proceeds to pass the following:

ORDER

- (1) The writ petitions are allowed.
- (2) The impugned order dated 11.03.2016, in Appeal No.423/2008 at Annexure-A passed by the Karnataka Appellate Tribunal is hereby quashed and set aside.
- (3) Further, the impugned Official Memorandum dated 28.04.2008 at Annexure-B issued by the respondent-Deputy Commissioner, Bengaluru Urban District, in proceedings bearing No.LND/(E)CR-267/2006-7, to the



extent of 6.00 Acres belonging to the petitioners herein in Sy.No.280 situated at Gunjuru Village, Varthur Hobli, Bengaluru East Taluk is also quashed and set aside.

- (4) The remaining extent of 9.00 Acres of land in terms of the impugned Official Memorandum shall continue to be in possession with respondent No.3-Institution.
- (5) The respondent-Tahsildar, Bengaluru East Taluk, is hereby directed to restore the names of the original grantees viz., Sri.Srinivasa and Sri.Venkataswamy in the revenue records to the extent of grants as noticed hereinabove.
- (6) Thereafter, the Tahsildar shall conduct an enquiry to find out as to who are the legal heirs of late Sri.Srinivasa and Sri.Venkataswamy and enter their names in the revenue records. The entire exercise shall be completed as expeditiously as possible and



at any rate within a period of 2 months from the date of receipt of a copy of this order.

- (7) Possession in respect of the said 6.00 Acres of land shall be handed over to the petitioners immediately after their names are restored in the revenue records, phodi and durusth be conducted.
- (8) The respondent-Deputy Commissioner, Bengaluru Urban District is hereby directed to grant an alternative land measuring 6.00 Acres in favour of respondent No.3-Institution, in the immediate neighbourhood of the lands that are already granted in favour of respondent No.3 to enable respondent No.3 to continue with its activities.
- (9) The respondents/Deputy Commissioner and the Tahsildar are hereby directed to ensure that respondent No.3 is put in possession in respect of the remaining 9.00 Acres of land to



enable respondent No.3 to continue with its activities for the purpose for which the grant is made as expeditiously as possible and at any rate within a period of 2 months from the date of receipt of a copy of the solder.

- (10) Identification and grant of the alternative lands to an extent of 6.00 Acres shall also be made in favour of respondent No.3 as expeditiously as possible and at any rate within a period of 6 months from the date of receipt of a copy of this order.

10. In view of the disposal of the main writ petitions, all pending interlocutory applications, do not survive for consideration and are accordingly ***disposed of.***

Sd/-
(R DEVDAS)
JUDGE

DL
CT: JL