



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO.5514 OF 2022 (KLR-RES)

BETWEEN:

SRI. K.V. SATHISH ADHIKARY
S/O LATE VASUDEVAYYA ADHIKARY,
AGED ABOUT 69 YEARS,
R/AT HOUSE NO.2/11,
'ADHIKARY HOUSE',
KOLYA, CHELLYARU VILLAGE AND POST
VIA HALEANGADI,
MANGALURU - 574 146.

...PETITIONER

(BY SRI. ANANDARAMA K., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF REVENUE,
VIDHANA SOUDHA,
BENGALURU - 575 001.
REP. BY SECRETARY TO GOVERNMENT.
2. THE DEPUTY COMMISSIONER
DAKSHINA KANNADA DISTRICT,
MANGALURU - 575 001.
3. THE ASSISTANT COMMISSIONER
MANGALURU SUB-DIVISION,
DAKSHINA KANNADA DISTRICT,
MANGALURU - 575 001.
4. THE TAHSILDAR
MANGALURU TALUK,
MANGALURU - 575 001.



5. SRI. SUBRAYA ADHIKARY
S/O LATE RAMAKRISHNA ADHIKARY,
AGED ABOUT 80 YEARS,
R/AT 'KUCHI GUDDE',
NEAR GOVERNMENT JUNIOR COLLEGE,
CHELLYARU VILLAGE VIA HALENAGADI,
MANGALURU TALUK - 574 146.

...RESPONDENTS

(BY SMT. SHARADA H.V., AGA FOR R1 TO R4;
SRI. SANATH KUMAR SHETTY, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 23RD NOVEMBER, 2021 PASSED BY THE RESPONDENT NO.2-DEPUTY COMMISSIONER VIDE ANNEXURE-F; QUASH THE ORDER DATED 21ST OCTOBER, 2014 PASSED BY THE RESPONDENT NO.3-ASSISTANT COMMISSIONER VIDE ANNEXURE-E; QUASH THE ORDER DATED 21ST JUNE, 2012 PASSED BY THE RESPONDENT NO.4-TAHSILDAR VIDE ANNEXURE-D; QUASH THE ORDER DATED 31ST JANUARY, 2011 PASSED BY THE RESPONDENT NO.3-ASSISTANT COMMISSIONER VIDE ANNEXURE-C; AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

In this petition, the petitioner is challenging the order dated 23rd November, 2021 (Annexure-F) passed by the respondent No.2; order dated 21st October, 2014 (Annexure-E) passed by the respondent No.3; order dated 21st June, 2012 (Annexure-D) passed by the respondent No.4; and order dated



31st January, 2011 (Annexure-C) passed by the respondent No.3.

2. Heard Sri. Anandarama K., learned counsel appearing for the petitioner; Smt. Sharada H.V., learned Additional Government Advocate appearing for respondents 1 to 4; And Sri. Sanath Kumar Shetty, learned counsel appearing for the respondent No.5.

3. Sri. Anandarama K., learned counsel appearing for the petitioner invited the attention of the Court to the order dated 31st January, 2011 (Annexure-C) and submitted that, though the respondent No.3-Assistant Commissioner has made an observation that the father of the petitioner *viz.*, Vasudevayya Adhikary is no more and notice issued was returned with shara 'Deceased', impugned order was passed without issuing notice to the legal heirs. Accordingly, learned counsel appearing for the petitioner submits that the entire proceedings pursuant to the order dated 31st January, 2011 (Annexure-C) requires to be set-aside in the present writ petition.



4. Per contra, Sri. Sanath Kumar Shetty, learned counsel appearing for the respondent No.5 argued in support of statement of objections filed by the respondent No.5 and sought to justify the impugned orders passed by the respondent-Authorities.

5. Having heard the learned counsel appearing for the parties and on perusal of the averments made in the writ petition, it is forthcoming that the proceedings in INH:1/1983-84 was questioned by the respondent No.5 in CDS:R.R.T:SR:121/09-10 before the respondent No.3. The respondent No.3, by order dated 31st January, 2011 (Annexure-C) made an observation that the father of the petitioner herein viz., Vasudevayya Adhikary died and the notice issued to him was returned with shara 'Deceased'. On perusal of the averments made in the writ petition and also the Death Certificate produced at Annexure-B, it is forthcoming that the said Vasudevayya Adhikary died on 18th October, 2000. However, the respondent No.3, without affording an opportunity to the legal heirs of the said Vasudevayya Adhikary, passed the impugned order dated 31st January, 2011



(Annexure-C). Therefore, following the law declared **KIRAN SINGH AND OTHERS vs. CHAMAN PASWAN AND OTHERS** reported in *AIR 1954 SC, 340*, I am of the considered opinion that the impugned order dated 31st January, 2011 (Annexure-C) passed by the respondent No.3 and all further proceedings pursuant to the said order requires to be set-aside as the same is conducted against the dead person. Accordingly, I pass the following:

ORDER

- (i) Writ Petition ***allowed***;
- (ii) Order dated 23rd November, 2021 (Annexure-F) passed by the respondent No.2; order dated 21st October, 2014 (Annexure-E) passed by the respondent No.3; order dated 21st June, 2012 (Annexure-D) passed by the respondent No.4; and order dated 31st January, 2011 (Annexure-C) passed by the respondent No.3 are hereby set-aside;
- (iii) The matter is remitted back to the respondent No.4-Tahsildar to reconsider the issue afresh and take decision in the matter, after affording an opportunity of hearing to the parties concerned;



- (iv) Since, the parties are represented by their respective learned counsels, parties are directed to appear before the respondent No.4 on 27th July, 2026 at 03.00 p.m. and the respondent No.4 shall dispose of the proceedings at the earliest;
- (v) All contentions of the parties are kept open.

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