



CNR: KAHC010126532019

NC: 2026:KHC:37113
WP No. 20810 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO.20810 OF 2019 (KLR-RES)

BETWEEN:

SMT. MUNIVENKATAMMA
DEAD BY LRS

1. SMT. NARAYANAMMA
D/O LATE MUNIGIRIYAPPA
W/O MUNISWAMY GOWDA
AGED ABOUT 57 YEARS
R/AT KAMMASANDRA VILLAGE
HASIGALA POST, SULIBELE HOBLI
HOSKOTE TALUK
BANGALORE RURAL DISTRICT-560067.
2. SRI. S.M.SRINIVASA
S/O LATE MUNIGIRIYAPPA
AGED ABOUT 55 YEARS
3. SRI.M.KRISHNAPPA
S/O LATE MUNIGIRIYAPPA
AGED ABOUT 53 YEARS
4. SRI.M.S. THIMME GOWDA
S/O LATE MUNIGIRIYAPPA
AGED ABOUT 49 YEARS
5. SRI.S.M.RAMA MURTHY
S/O LATE MUNIGIRIYAPPA,
AGED ABOUT 47 YEARS



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PETITIONER NOS.2 TO 5
ARE RESIDING AT
SAMETHANAHALLI VILLAGE
ANUGONDANAHALLI HOBLI
HOSKOTE TALUK
BANGALORE RURAL DISTRICT-560067.

6. SMT. M. RATHNAMMA
D/O LATE MUNIGIRIYAPPA,
W/O VENKATARAMANAPPA,
AGED ABOUT 51 YEARS
R/AT NO.192, 1ST SECTOR,
JALAHALLI, HMT COLONY,
BANGALORE-560013.
7. SMT. M. MAMATHA
D/O LATE MUNIGIRIYAPPA,
W/O CHANDRASHEKER,
AGED ABOUT 45 YEARS
HANADURU VILLAGE,
BANGALORE EAST TALUK,
BANGALORE-560066.

...PETITIONERS

(BY SRI. VARADARAJAN .M.S, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF REVENUE,
BY ITS REVENUE SECRETARY,
VIDHANA SOUDHA,
BENGALURU-01.
2. THE DEPUTY COMMISSIONER
BANGALORE RURAL DISTRICT,
DISTRICT ADMINISTRATIVE BHAVANA,
1ST FLOOR, BEERASANDRA VILLAGE,
KUNDANA HOBLI,
DEVANAHALLI TALUK-562110.



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3. THE ASSISTANT COMMISSIONER
DODDABALLAPUR SUB-DIVISION,
DODDABALLAPUR TALUK,
DODDABALLAPUR-561203.
4. THE THASILDAR
HOSKOTE TALUK,
HOSKOTE,
BANGALORE RURAL DISTRICT-560067.
5. SMT.K.KRISHNAMMA
W/O ANJINAPPA,
AGED ABOUT 70 YEARS
R/AT THATTANUR VILLAGE,
ANUGONDANAHALLI HOBLI,
HOSKOTE TALUK,
BANGALORE RURAL DISTRICT-560067.
6. SMT. K. GOWRAMMA
W/O NARAYANA GOWDA
AGED ABOUT 66 YEARS
R/AT BHODANAHALLI VILLAGE,
ANUGONDANAHALLI HOBLI,
HOSKOTE TALUK,
BANGALORE RURAL DISTRICT-560067.
7. SMT. K. ANITHA
W/O RAMACHANDRA,
R/AT NO.14/36A
NEAR CHIKKABANAVARA RAILWAY STATION,
KUVEMPU NAGARA,
HESARAGHATTA MAIN ROAD,
BANGALORE-560090.

...RESPONDENTS

(BY SRI/SMT. SPOORTHY HEGDE .N, HCGP FOR R1 TO R4;
SRI. ASHOK HARANAHALLI, SENIOR ADVOCATE FOR
SRI. ABHINAY .Y.T AND SRI. NISHANTH G.K., ADVOCATES
FOR R5 TO R7)



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THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE RECORDS IN REVISION PTITION NO.49/2017 ON THE FILE THE DEPUTY COMMISSIONER, BANGALORE RURAL DISTRICT, BANGALORE, QUASH THE IMPUGNED ORDER DATED 11.04.2019 AND RECTIFICATION ORDER DATED 24.04.2019 PASSED BY THE DEPUTY COMMISSIONER, BANGALORE RURAL DISTRICT, IN R.P.NO.49/2017 VIDE ANNEX-M AND M-1.

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

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

ORAL ORDER

The petitioners herein are assailing the order dated 11.04.2019 and Rectification order dated 24.04.2019 passed by respondent No.2 in R.P.No.49/2017 (Annexure-M and M-1 respectively).

2. The relevant facts for adjudication of this writ petition, as stated in the writ petition, are that the land bearing Sy.No.60 measuring 26 guntas and land bearing Sy.No.68 measuring 2 acres 16 guntas of Samethanahalli Village, Anugondanahalli Hobli, Hoskote Taluk, are the joint family properties of late Muniswamappa and late Krishnappa, who had jointly purchased the said lands as



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per the registered Sale Deed dated 09.11.1949 (Annexure-A). Thereafter, late Muniswamappa and late Krishnappa had sold the schedule property as per the registered sale deed dated 23.09.1953 (Annexure-B) and thereafter, land in question was purchased by late Krishnappa as per the registered Sale Deed dated 23.09.1953 (Annexure-C).

3. It is also stated in the petition that, 1 acre of land in Sy.No.68 was purchased in the name of Krishnappa as per the registered sale deed dated 23.09.1953 (Annexure-D). It is further stated that, late Muniswamappa and late Krishnappa were brothers and as such, joint family properties were continued to be stand in the names of the members of the joint family of late Muniswamappa and late Krishnappa. It is further stated that there was an oral partition between Muniswamappa and Krishanappa during 1968 and as such, Muniswamappa got 35 guntas in Sy.No.68/1 towards western portion and



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Krishnappa got 13 guntas in Sy. No.68/1 and 26 guntas in Sy.No.60, which were situated adjacent to each other. It is further stated in the writ petition that mutation has been made in IHC No.26/2000-01 in respect of the land in question in favour of Sonappa s/o late Krishnappa as per Annexure-E and thereafter, the RTC extracts were mutated in the name of Sonnappa. It is also stated in the writ petition that late Muniswamappa was cultivating the land in question and has planted coconut trees and was in peaceful possession of the land in question. It is also stated that the late Muniswamappa had bequeathed 35 guntas of land in Sy.No.68/1 of Samethanahalli Village in favour of his daughter - Smt.Munivenkatamma as per the Will dated 21.05.2002 (Annexure-J) and thereafter, Muniswamappa died on 03.02.2004.

4. In the meanwhile, one of the daughters of late Muniswamappa, namely Smt.Sampangamma had filed suit in O.S.No.1496/2004 seeking relief of partition and



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separate possession in respect of the suit schedule properties. The said suit came to be dismissed on 12.03.2018. Feeling aggrieved by the same, the plaintiff preferred an appeal in R.A.No.47/2018 and respondent Nos.5 to 7 herein preferred an appeal in R.A.No.44/2018. Both the appeals came to be dismissed by the First Appellate Court by separate judgments and decree dated 25.10.2024. It is the case of the petitioners that the controversy with regard to the subject land bearing Sy. No.68/1 is the joint family property of the petitioners as well as the private respondents, though the said property was purchased in the name of Krishnappa as per the registered Sale Deed dated 23.09.1953 and accordingly, sought for interference of this Court holding that respondent No.2 has committed an error in directing respondent No.4 to enter the name of the children of late Krishnappa in the revenue records in terms of the registered Sale Deed dated 23.09.1953. Accordingly, the present writ petition is filed.



5. Heard Sri.Varadarajan M.S., learned counsel appearing for the petitioners, Sri.Spoorthy Hegde N, learned High Court Government Pleader appearing for respondent Nos.1 to 4 and Sri.Ashok Haranahalli, learned Senior Counsel appearing for Sri.Abhinay Y.T., learned counsel for respondent Nos.5 to 7.

6. Sri.Varadarajan M.S., learned counsel appearing for the petitioners invited the attention of this Court to the various sale deeds produced by the parties and further submitted that, land in question is a joint family property of both Muniswamappa and Krishnappa. However, the sale deed has been made in favour of late Krishnappa as per registered Sale Deed dated 23.09.1953. It is also stated that though there was an oral partition in the family and land bearing Sy. No.68/1 measuring 36 guntas had fallen to the share of Muniswamappa and therefore, it is contended by the learned counsel for the petitioners that the findings recorded by respondent No.2 requires to be



interfered with by this Court. It is further submitted by the learned counsel appearing for the petitioners by referring to the findings recorded by the First Appellate Court in R.A.No.44/2018, more particularly, issue No.2, so also the paragraph Nos.34, 48 and 50 and argued that the private respondents herein i.e., respondent Nos.5 to 7 have suffered a Judgment and Decree in R.A.No.44/2018 and the private respondents herein have failed to prove that the land bearing Sy.No.68/1 measuring 36 guntas belonged to the family of late Krishnappa and therefore, sought for interference by this Court. Lastly, Sri.Varadarajan M.S, learned counsel appearing for the petitioners, referred to the deposition of Sonnappa s/o Krishnappa as per Annexure-K, and submitted that deposition made by Sonnappa before the Trial Court in O.S.No.1496/2004 is to be accepted. Accordingly, sought for interference of this Court.

7. Sri.Ashok Haranahalli, learned Senior Counsel appearing for respondent Nos.5 to 7 submitted that suit in



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O.S.No.1496/2004 was instituted by one of the daughters of Muniswamappa seeking relief of partition and separate possession and in the said suit, respondent Nos.5 to 7 herein were not parties before the Trial Court. It is further argued by the learned Senior Counsel by referring to the Judgment and Decree passed in R.A.No.44/2018 that though the said appeal has been filed by respondent Nos.5 to 7 herein, the First Appellate Court has dismissed the appeal while confirming the Judgment and Decree in O.S.No.1496/2004 dated 12.03.2018, which was filed by Smt.Sampangamma - daughter of Muniswamappa. Therefore, it is contended by the learned Senior Counsel that as the land in question bearing Sy.No.68/1 was purchased by Krishnappa as per registered Sale Deed dated 23.09.1953 and therefore, sought to defend the impugned order at Annexures-M and M.1 respectively.

8. Learned HCGP sought to justify the impugned orders.



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9. In the light of the submissions made by the learned counsel appearing for the parties and on careful consideration of the writ papers would indicate that originally, the land was purchased jointly by late Muniswamappa and late Krishnappa as per the registered Sale Deed dated 09.11.1949 (Annexure-A). Thereafter, both the purchasers have reconveyed the same as per the registered Sale Deed dated 23.09.1953 (Annexure-B). Subsequently, the land in question was purchased by late Krishnappa as per registered Sale Deed dated 23.09.1953 (Annexure-C). In the backdrop of these aspects, it is evident that the land in question was purchased exclusively by Krishnappa as per the registered Sale Deed dated 25.09.1953. Though the learned counsel appearing for the petitioners referred to the family arrangement/oral partition in the family of Muniswamappa and Krishnappa, so also the deposition of the son-in-law of Krishnappa in O.S.No.1496/2004 (Annexure-K), it is relevant to note that the said suit was filed by one of the daughters of



Muniswamappa namely Smt.Sampangamma seeking relief of partition and separate possession in respect of the subject land, including the suit schedule properties. The said suit came to be dismissed by the Civil Court by Judgment and Decree dated 12.03.2018. Feeling aggrieved by the same, the plaintiff - Smt.Sampangamma had filed R.A.No.47/2018, which came to be dismissed by the First Appellate Court. However, it is pertinent to note that respondent Nos.5 to 7 herein have also filed R.A.No.44/2018 challenging the Judgment and Decree dated 12.03.2018 in O.S.No.1496/2004. It is relevant to note that respondent Nos.5 to 7 herein were not parties before the Trial Court. However, they have challenged the very same judgment and decree passed by the Trial Court in R.A.No.44/2018.

10. I have carefully examined the issues framed in O.S.No.1496/2004 as well as points for consideration before the First Appellate Court in R.A.No.44/2018. On careful consideration of the same, it is evident that



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there is no finding recorded either by the Trial Court or First Appellate Court as to the registered Sale Deed dated 23.09.1953 (Annexure-B), under which late Krishnappa had independently purchased the schedule property. It is also to be noted from the findings recorded by the First Appellate Court, as contended by the learned counsel appearing for the petitioners, particularly in paragraph Nos.34, 40, 49 and 50, that the registered Sale Deed dated 23.09.1953 was not directly questioned before the Civil Court. In that view of the matter, respondent Nos.5 to 7, though not parties to the suit in O.S.No.1496/2004, have challenged the same in R.A.No.44/2018. The findings recorded by the First Appellate Court do not affect the rights of respondent Nos.5 to 7 herein to claim their right over the property in question based on the registered Sale Deed dated 23.09.1953, wherein father of respondent Nos.5 to 7 herein had independently purchased the said property. In that view of the matter, I am of the view that the findings recorded by respondent No.2 is just and



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proper and as such, I do not find any grounds for interference by this Court.

Accordingly, the writ petition is ***dismissed.***

However, it is open for the petitioners herein to establish their right over the property in question in the civil proceedings independently and therefore, I am of the view that no interference is called for in this petition.

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