



CNR: KAHC010136722014

NC: 2026:KHC:46202
WP NO.13249 OF 2014

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

BEFORE

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

WRIT PETITION NO.13249 OF 2014 (KLR-RES)

BETWEEN:

1. SMT. OMKARAMMA
C/O KAVADI RAMAPPA,
AGED ABOUT 69 YEARS.
 2. SMT. GOWRAMMA
W/O LATE B.L. BHOJA,
AGED ABOUT 76 YEARS.
- BOTH ARE RESIDING AT:
TALAGUNDA VILLAGE,
SHIKARIPURA TALUK – 577 427.

...PETITIONERS

(BY SRI. BIPIN HEGDE, ADVOCATE)

AND:

1. DEPUTY COMMISSIONER AND
DEPUTY DIRECTOR OF LAND RECORDS,
SHIVAMOGGA – 577 201.
2. THE TAHSILDAR
SHIVAMOGGA TALUK,
SHIVAMOGGA – 577 201.
3. KANNAMMA
C/O GOVINDASWAMY,
DEAD, BY LR.
- 3(a). VELAYUDHA
S/O LATE R. CHINNAPPA,
AGED ABOUT 59 YEARS,
NO.178, SRIRAMPURA,
MALLIGENAHALLI,
SHIVAMOGGA - 577 416.

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



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4. SMT. VIJAYAMMA
C/O KESHAVA,
AGED ABOUT 45 YEARS.
5. SMT. YASHODAMMA
C/O RAJAPPA,
AGED ABOUT 70 YEARS.
6. THYAGARAJA
C/O GURAPPA
AGED ABOUT 42 YEARS.
7. GURAPPA
C/O GOVINDASWAMY.
SINCE DEAD, BY LRS.

BABU
C/O GURAPPA
AGED ABOUT 45 YEARS.
8. KAMALAMMA
C/O SUBRAMANI.
SINCE DEAD BY LRS.

PARADESHI
C/O SUBRAMANI,
AGED ABOUT 50 YEARS.
9. RANGASWAMY
C/O GOVINDASWAMY
SINCE DEAD, BY LRS.

JAGANNATH
C/O RANGASWAMY,
AGED ABOUT 50 YEARS.

RESPONDENTS 3 TO 9 ARE
R/AT SRIRAMPURA VILLAGE,
SHIVAMOGGA TALUK – 577 201.

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE N., HCGP FOR R1 AND R2;
SRI. S.V. PRAKASH, ADVOCATE FOR R3(a) AND R4 TO R9)



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 17TH FEBRUARY, 2014 PASSED BY THE RESPONDENT NO.1 IN REVISION NO.5/2011-12 VIDE ANNEXURE-A; 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

In this petition, petitioners are challenging the order dated 17th February, 2014 (Annexure-A) passed by the respondent No.1 in Case No.Revision.05/2011-12.

2. Heard Sri. Bipin Hegde, learned counsel appearing for petitioners; Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for respondents 1 and 2; and Sri. S.V. Prakash, learned counsel appearing for respondent No. 3(a) and respondents 4 to 9.

3. Sri. Bipin Hegde, learned counsel appearing for petitioners contended that the impugned order passed by the respondent No.1 is non-est, since the phodi made earlier has been challenged after a period of nineteen years and



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accordingly, the respondent No.1 has no jurisdiction to entertain the revision petition after a delay of nearly two decades. By referring to Sections 49 and 50 of the Karnataka Land Revenue Act (for short, hereinafter referred to as 'KLR Act'), learned counsel appearing for petitioners submits that, if the respondents 3 to 9 herein are aggrieved by the order of Assistant Director of Land Records, they shall approach the competent Authority under Section 49(f) of the KLR Act. Accordingly, he submits that the respondent No.1 has no jurisdiction to entertain the revision petition.

4. Learned counsel appearing for petitioners, by referring to the order of grant passed by the respondent-Authorities in favour of petitioners and also the letter dated 23rd May, 1989 (Annexure-M) addressed by the respondents 4 to 9 to the respondent-Tahsildar, contended that, the land alleged to have been granted in favour of respondents 3 to 9 herein falls within the purview of the land belonging to the Forest Department and therefore, the action has been taken at the behest of the respondents 3 to 9, after a period of nineteen years. Therefore, he submits that the respondent No.1 has no jurisdiction to entertain the petition as revisional jurisdiction



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under the KLR Act. Accordingly, he sought for interference of this Court.

5. By referring to the sketch at Annexures 'J' and 'L', learned counsel Sri. Bipin Hegde, appearing for petitioners submits that the finding recorded by the respondent No.1 does not tally with the actual possession of the land in question and the grant of land made in favour of respondents 3 to 9. Accordingly, he submits that the finding recorded by the respondent No.1 is incorrect.

6. Per contra, Sri. S.V. Prakash, learned counsel appearing for respondents 3(a) and respondents 4 to 9 contended that, several lands have been granted in favour of respondents 3 to 9 herein and Durasth has been made earlier without considering the actual possession in terms of the order of grant made by the respondent-Authorities. Accordingly, he sought to justify the impugned order passed by the respondent No.1.

7. Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for respondents 1 and 2 sought to justify the impugned order passed by the respondent No.1.



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8. In the light of submission made by learned counsel appearing for the parties, it is not in dispute that the order passed by the Assistant Director of Land Records in respect of Phodi of the subject land bearing Survey No.59 of Guddada Arakere Village, Shivamogga District has been questioned under Section 56 of the KLR Act before the respondent No.1. By looking into the language employed under Section 49(f) of the KLR Act, I am of the view that the respondent No.1 has no jurisdiction to entertain the revision petition under Section 56 of the KLR Act, where the order passed by the Assistant Director of Land Records was assailed. It is also forthcoming that, there is a delay of nineteen years in challenging the order passed by the Assistant Director of Land Records. In that view of the matter, I find force in the submission made by learned counsel appearing for petitioners that the respondent No.1 has no jurisdiction to entertain the revision petition.

9. Therefore, as the respondents 3 to 9 herein are claiming right over the property in question based on the order of grant and in this connection, as submitted, the petitioners and respondents 3 to 9 have filed suits seeking relief of injunction, which were concluded by the Trial Court and appeal



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is pending consideration before this Court, I am of the view that, the private respondents shall establish their right over the property in question in a manner known to law. Therefore, I pass the following:

ORDER

- (i) Writ Petition ***allowed;***
- (ii) Order dated 17th February, 2014 (Annexure-A) passed by the respondent No.1 in Case No.Revision.05/2011-12 is hereby set-aside.

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

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List No.: 1 Sl No.: 10