



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO.911 OF 2026 (KLR-RES)

BETWEEN:

SMT. VALSAMMA N.S.,
W/O A.H. NIZZAM,
AGED ABOUT 67 YEARS,
R/AT NAKAMATTATHIL HOSUE,
POST:PAYANA EDOOR INDI,
VIAL KANNU DISTRICT,
KERALA STATE - 670 307.
REP. BY GPA HOLDER
SRI. K.S. CHACKO,
AGED ABOUT 65 YEARS,
S/O MR K.C. JOHN,
ARAMBAGH ARD SOUZA ROAD,
BENDOORWELL,
KANKANADY MANGALORE - 575 002.
D.K. DISTRICT.

...APPELLANT

(BY SRI. K. CHANDRANATH ARIGA, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
DAKSHINA KANNADA DISTRICT,
MANGALURU D.K. - 575 001.
2. ASSISTANT COMMISSIONER,
MANGALURU SUB-DIVISION,
MANGALURU,
D.K. DISTRICT - 575 001.



3. THE THASILDAR,
MANGALURU TALUK,
MANGALURU,
D.K. DISTRICT - 575 001.
4. SMT. SHAILAJA P. ALVA,
W/O PRABHAKAR ALVA,
AGED ABOUT 66 YEARS,
R/AT NITHYANADA NAGARA,
BELMA VILLAGE - 574 199.
MANGALURU TALUK,
D.K. DISTRICT.
5. DEVAKI RAI,
W/O LATE VISHWANATHA RAI
AGED 97 YEARS
R/AT BELMA VILLAGE
DERALAKATTE-574199
MANGALURU TALUK
D.K. DISTRICT.

[NOTE:SIENCE DECEASED BY LRS
RESPONDENT NO.6 TO 14 ARE
ALREADY ON RECORD]

6. RAMESHA RAI,
S/O LATE VISHWANATHA RAI,
AGED ABOUT 79 YEARS,
R/AT BELMA VILLAGE,
DERALAKATTE - 574 199.
MANGALURU TALUK,
D.K. DISTRICT.
7. SHRESHA RAI,
S/O LATE VISHWANATHA RAI,
AGED ABOUT 70 YEARS,
R/AT BELMA VILLAGE,
DERALAKATTE - 574 199.
MANGALURU TALUK,
D.K. DISTRICT.



8. SHAKUNATHALA RAI,
W/O SATHYAPAL RAI,
AGED ABOUT 72 YEARS,
R/AT BELMA VILLAGE,
DERALAKATTE - 574 199.
MANGALURU TALUK,
D.K. DISTRICT.
9. SHUKLA RAI,
S/O SATHYAPAL RAI,
AGED ABOUT 53 YEARS,
R/AT BELMA VILLAGE,
DERALAKATTE - 574 199.
MANGALURU TALUK,
D.K. DISTRICT.
10. SWATHI RAI,
D/O SATHYAPAL RAI,
AGED ABOUT 48 YEARS,
R/AT BELMA VILLAGE,
DERALAKATTE - 574 199.
MANGALURU TALUK,
D.K. DISTRICT.
11. SHARAVANA RAI,
S/O SATHYAPAL RAI,
AGED ABOUT 47 YEARS,
R/AT BELMA VILLAGE,
DERALAKATTE - 574 199.
MANGALURU TALUK,
D.K. DISTRICT.
12. SHOBHA RAI,
W/O PRAKASH SHETTY,
AGED ABOUT 64 YEARS,
R/AT BELMA VILLAGE,
DERALAKATTE - 574 199.
MANGALURU TALUK,
D.K. DISTRICT.



13. VISHWARAJ SHETTY,
S/O PRAKASH SHETTY,
AGED ABOUT 39 YEARS,
R/AT BELMA VILLAGE,
DERALAKATTE - 574 199.
MANGALURU TALUK,
D.K. DISTRICT.
14. RAJESHWARI SHETTY,
D/O PRAKASH SHETTY,
AGED ABOUT 34 YEARS,
R/AT BELMA VILLAGE,
DERALAKATTE - 574 199.
MANGALURU TALUK,
D.K. DISTRICT.

...RESPONDENTS

(BY SRI.B. RAVINDRANATH, AGA FOR R1 TO R3,
SRI. G. RAVISHANKAR SHASTRY, ADVOCATE FOR R4,
VIDE ORDER DATED 23.03.2026 NOTICE TO R6 TO R14
ARE DISPENSED WITH)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE
THE ORDER PASSED BY THE LEARNED SINGLE JUDGE
DATED:28.11.2026 IN WP No.1429/2022(KLR-RES) AND
DISMISS THE WP No.1429/2022 (KLR-RES) BY CONFIRMING
THE ORDER DATED:26.10.2021 PASSED BY THE RESPONDENT
No. 1 AND THE ORDER DATED 10.03.2015 PASSED BY THE
RESPONDENT No. 2 AND ETC.,

THIS APPEAL, COMING ON FOR FINAL HEARING, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

The respondent No.4 in W.P.No.1429/2022 is before us in this intra-court appeal filed under Section 4 of the Karnataka High Court Act, 1961, assailing the order dated 28.01.2026 passed by the Writ Court. The Writ Court under the impugned order allowed the Writ Petition filed by the petitioner (respondent No.4 herein in this appeal), set aside the order 10.03.2015 passed by the Assistant Commissioner, Bangalore Sub-Division (Annexure-B) and the order dated 26.10.2021 passed by the Deputy Commissioner, Dakshina Kannada District (Annexure-A).

2. Parties are referred to as per their ranking before the Writ Court.

3. Facts germane to file the present appeal are as under:

It is the case of petitioners that one Smt.Devaki Rai and others acquired 42 cents of land in Sy.No.69/2 of



Belma Village, Mangaluru Taluk, Dakshina Kannada District in a family partition, which had taken place in the year 1963. Smt. Devaki Rai and others under registered Sale Deed dated 09.07.1987, conveyed 10 cents of the eastern middle portion of vacant land in favour of appellant herein.

3.1 It is the case of the petitioner that she has purchased 10 cents of land in Sy.No.69/2 from Smt.Devaki Rai and others under a registered Sale Deed dated 31.03.1997. Subsequent thereafter, the petitioner got entered her name in the revenue records by virtue of M.R.No.7/1997-98.

3.2 The respondent No.4 filed an appeal before the Assistant Commissioner in RRT/SR/110/2007-2008, calling in question the mutation entry made in favour of the petitioner in terms of M.R.No.7/1997-98. The Assistant Commissioner after hearing the respondent No.4 and the petitioner, passed the impugned order canceling the mutation entry in M.R.No.7/1997-98 dated 30.06.1997.



In the said order, the Assistant Commissioner directed the respondent No.3/Tahsildar to enter the name of respondent No.4 in the revenue records pursuant to the registered Sale Deed dated 09.07.1987.

3.3 The petitioner assailed the order passed by the Assistant Commissioner by filing a revision petition before the Deputy Commissioner under Section 136(3) of Karnataka Land Revenue Act, 1964¹. The said revision petition came to be dismissed by the Deputy Commissioner by confirming the order of the Assistant Commissioner.

3.4 Assailing both the orders, the petitioner was before the Writ Court.

4. It was the contention of the petitioner before the Writ Court that, both the Authorities have held that the respondent No.4 purchased the property in question from Smt.Devaki Rai and others in 1987 and as such, the

¹ for short 'the Act of 1964'



name of respondent No.4 should have been entered in the revenue records. The petitioner has contended that, the disputed questions of title ought not to have been gone into by the Revenue Authorities, which they are not entitled as it is only the exclusive jurisdiction of the Civil Court.

4.1 It was further contended by the petitioner that, the Revenue Authorities have no jurisdiction to dwell upon whether the property purchased by the petitioner, is the very same property or not, which was earlier purchased by respondent No.4. Further it was submitted that, since there is a dispute of title, the Revenue Authorities ought not to have ventured into deciding the title of the parties. The order passed by the Deputy Commissioner clearly shows that the Deputy Commissioner has given a finding on the title of the property purchased by the petitioner stating that, the second sale in favour of the petitioner is illegal and fraudulent, this jurisdiction is not available with the Revenue Authorities. Therefore, on both the counts,



the order passed by the Revenue Authorities requires to be set aside.

4.2 Further it was contended that M.R.No.7/1997-98 made in the year 1997, called in question after 10 years, in the appeal before the Assistant Commissioner, without any application seeking for condonation of delay. In that view of the matter, the Assistant Commissioner has failed to consider this aspect of the matter and erroneously passed the order on merits without condoning the enormous delay in approaching the Appellate Authority.

4.3 In contrast, the respondent No.4 has contended that she has never raised the question of title before the Revenue Authorities. All that the respondent No.4 had sought before the Revenue Authorities was that, she has purchased the property in the year 1987 and the very same property has been conveyed in favour of the petitioner.



4.4 It was further submitted that under Rule 63 and 64 of the Karnataka Land Revenue Rules, 1966², the Revenue Authorities are bound to enter the name of the respondent No.4 in the revenue records the moment there is a registered Sale Deed and J-Form issued to that effect. Since there is a failure on the part of the Revenue Authorities, the name of respondent No.4 was not entered and the name of the petitioner came to be entered by means of subsequent Sale Deed, that has been considered by the Revenue Authorities and the mistake which has crept in the entry, been corrected and it is not disputed question of title, which has been decided by the Revenue Authorities.

5. To buttress her arguments, the respondent No.4 relied on the judgment of the Supreme Court in the case of **GANPATBHAI MAHIJIBHAI SOLANKI vs.**

² for short 'KLR Rules'



STATE OF GUJARAT & OTHERS³ to contend that the fraud vitiates everything.

6. Further relied on the judgment of this Court in the case of **SMT.DANALAXMI vs. DEPUTY COMMISSIONER AND OTHERS⁴**, to contend that in terms of Rule 63 and 64 of KLR Rules, the name of the respondent No.4 should have been entered in the revenue records immediately after the J-slip was received by the Tahsildar from the Office of the Sub-Registrar and sought to dismiss the writ petition confirming the order of the Revenue Authorities.

7. The Writ Court after hearing the rival submissions, relying on the judgment of Full Bench of this Court in the case of **SMT.JAYAMMA vs. STATE OF KARNATAKA AND OTHERS⁵**, wherein it has been declared that the Revenue Authorities viz., the Tahsildar, Assistant Commissioner and Deputy Commissioner have

³ (2008) 12 SCC 353

⁴ In W.P.No.203043/2014 Dated 06.01.2021

⁵ AIR 2020 (NOC) 862 (KAR)



no jurisdiction to decide the title dispute between the parties in respect of immovable property/properties, as it is the exclusive domain of the competent Civil Court to adjudicate upon the disputes/title in respect of the immovable property/properties and ultimately, if the decree is passed by the competent Civil Court, the Revenue Authorities are bound by the decree, formed an opinion that both the Revenue Authorities have ventured to enter upon the title disputes of the property. In that view of the matter, the orders passed by the Revenue Authorities are not sustainable in law.

8. The Writ Court further relegated the respondent No.4 to Civil Court to get a declaration and if such a declaration is obtained by the respondent No.4, the Revenue Authorities shall be bound by such declaration. In that view of the matter, allowed the writ petition and quashed the order passed by the both the Authorities. It is this order passed by the learned Single Judge, is called in question in the present Writ Appeal.



9. Heard, Sri.K.Chandranath Ariga, learned counsel for the appellant, Sri.B.Ravindranath, learned Additional Government Advocate for respondent Nos.1 to 3, Ms.Pooja Parvathi U, learned counsel appearing for Sri.G.Ravishankar Shastry, learned counsel for respondent No.4.

10. Sri. Chandranath Ariga, learned counsel for the appellant referring to his statement of objections filed before the Writ Court, submits that, the respondent No.4 has clearly stated regarding the land available in Sy.No.69/2B at Paragraph No.3 Clause (h). He further submits that it is not in dispute that Smt.Devaki Rai and others have got only 42 cents of land in Sy.No.69/2B in the family partition deed dated 19.12.1963. He further submits that by the year 1991, the entire 42 cents of land has been disposed of either by way of Sale Deed or acquisition. He further submits that an extent of 9 cents of land was acquired for the purpose of public road. In the



year 1978, Smt.Devaki Rai and others i.e., vendor of both the petitioner and respondent No.4, sold 20 cents of land in favour of Mr.Mahabala Shetty. In the year 1987, 10 cents of land was sold to respondent No.4 and in the year 1991, remaining 3 cents of land out of 42 cents, was sold to one Mr.Bhujanga Vasu Shetty. As such, no land was available in Sy.No.69/2B with Smt.Devaki Rai and others to further convey 10 cents of land in favour of the petitioner.

11. Sri.Chandranath Ariga further submits that he has taken the very same contention before the Assistant Commissioner as well as Deputy Commissioner. Both the Assistant Commissioner and the Deputy Commissioner after considering these aspects of the matter on record, have held that no property is available with Smt.Devaki Rai and others to execute the Sale Deed further to convey in favour of the petitioner. In that view of the matter, the entries made in favour of the petitioner is not sustainable, as the same is against the provisions of the Act of 1964,



which prescribes to claim a right to enter the name in the revenue records, the acquisition of properties must be shown.

12. Further he submits that as per Section 136(2) of the Act of 1964, the language used manifestly indicate that 60 days time limit provided for appeal against the order must be construed from the date of communication of the order or the knowledge. The respondent No.4, admittedly, was not a party before the Tahsildar, who has entered the name of the petitioner in the revenue records. As such, the respondent No.4 was neither having knowledge of the order nor communicated with the order, since he was not a party to the proceedings. He came to know regarding the order in the year 1997 and immediately within 60 days thereof he has preferred the appeal, as such there is no need of filing application seeking condonation as contended by the petitioner.



13. He further submits that the learned Single Judge has failed to consider these aspects of the matter and held that the Revenue Authorities are not enjoying with the power to state anything on the title of the property and quashed the orders. The case of the petitioner has been though made clear before the learned Single Judge that they never raised question of title before the Revenue Authorities, but it is only on the basis of the acquisition of right as contemplated under the provisions of the Act of 1964. Accordingly, he sought to allow the appeal by setting aside the judgment of the learned Single Judge and dismiss the petition.

14. Ms.Pooja Parvathi, learned counsel appearing on behalf of Sri.G.Ravishankar Shastry for the respondent No.4, with all vehemence submits that both the Revenue Authorities have dwell upon the legality of title deed and even have gone to the extent of stating that the Sale Deed executed in favour of the petitioner was fraudulent, that power is not enjoyed with the Revenue Authorities. The



said jurisdiction is always with the Civil Court, as the same refers to disputed civil rights and required to be adjudicated by the competent Civil Court.

15. The contentions raised are disputed contentions, as such, the respondent No.4 ought to have approached the Civil Court seeking her right on the basis of the Sale Deed, which has rightly been considered by the Writ Court by relegating the respondent No.4 to get her right to claim adjudicated before the competent Civil Court, in that event the Revenue Authorities are bound by the order of the Civil Court. Accordingly, sought to dismiss the appeal and confirm the order of the Writ Court.

16. Learned AGA argued in support of the order of the writ court.

17. Having considered the rival submissions, we have perused the entire writ appeal papers.



18. What transpires from the records and the respective case of the parties are:

- (i) It is undisputed that Smt. Devaki Rai and others i.e., vendors of both petitioner as well as respondent No.4, have got 42 cents of land in Sy.No.69/2B in a family partition dated 19.12.1963;
- (ii) It is also not disputed that respondent No.4 purchased 10 cents of eastern middle portion of land in the very same survey number from Smt. Devaki Rai and others under a registered Sale Deed dated 09.07.1987;
- (iii) It is also on record that the petitioner herein purchased 10 cents of land in Sy.No.69/2B from Smt.Devaki Rai and others under a registered Sale Deed dated 31.03.1997 along with some other properties.

19. As per the contentions of respondent No.4, out of 42 cents of land, 9 cents had already been acquired by the State for the formation of road and 20 cents was sold



in favour of Mr.Mahabala Shetty in the year 1978-79 and 10 cents sold to respondent No.4 in the year 1987 and remaining last 3 cents of land was sold in favour of one Mr.Bhujanga Vasu Shetty in the year 1991. In that view of the matter, no land is available with Smt.Devaki Rai and others to further convey in favour of the petitioner. Merely because the respondent No.4 has not got the mutation in her favour, cannot be a reason for Devaki Rai and others to convey the property in favour of the petitioner.

20. As per the contention of the respondent No.4, the Revenue Authorities are required to enter the names of the purchasers once there is J-Form issued, which they have failed to adhere to. In that circumstances, the entries made on the subsequent Sale Deed in respect of the very same property, is not sustainable in law, inasmuch as, the provisions speaks about the acquisition of land, the basis on which the revenue entries are required to be entered. As no land is available with Devaki



Rai and others, the entries made on the basis of the Sale Deed are even against the provisions of Act of 1964 in respect of the acquisition of rights.

21. Per contra, the contention of the learned counsel for the petitioner is that the respondent - Authorities have no jurisdiction to dwell upon the title of the parties. It is the exclusive jurisdiction of the competent Civil Court. The observations made in the order of the Deputy Commissioner as well as Assistant Commissioner stating that the Sale Deed itself is a fraudulent, is beyond the jurisdiction conferred on the Revenue Authorities.

22. The learned Single Judge proceeded to allow the Writ Petition on the premise that the Authorities have dwelled upon the title deeds, which they are not entitled under the law. Further on the premise that the claim made after 10 years from the date of entry, it was impermissible for the Assistant Commissioner to entertain



the appeal. The Writ Court having considered the observations of the Deputy Commissioner as well as Assistant Commissioner, that the Sale Deed executed in favour of the writ petitioner is fraudulent and illegal, amounts to assuming the jurisdiction of the Civil Court, which the Revenue Authorities are not enjoyed.

23. It is no doubt true that the Revenue Authorities cannot dwell upon the title of the parties, either it is obtained by means of fraud, illegal or otherwise. However, what emerges from the records is that undisputedly the entire extent of property i.e., 42 cents in Sy.No.69/2B came to the share of Smt.Devaki Rai and others under a partition deed dated 19.12.1963 within the family in the year 1963.

24. The land has been conveyed to three (3) parties by Smt. Devaki and others under three (3) different registered Sale Deeds, including the respondent No.4 earlier to 1991 and an extent of 9 cents has been acquired



by the State for the purpose of formation of public road. In that view of the matter, no further land is available with the vendor. In that view of the matter, the Sale Deed in favour of the petitioner by Smt.Devaki and others, required to be considered in terms of provisions of the Act of 1964. In that view of the matter, since the Sale Deed has been executed in favour of the petitioner subsequent to the Sale Deed in favour of respondent No.4, it is for the petitioner to establish her rights independently before the Civil Court on the basis of Sale Deed taking all contentions available under law. This disputed fact, as per the petitioner, required to be decided by the Civil Court. In that view of the matter, the Authorities have properly considered the case of the respondent No.4 on the basis of the earlier Sale Deed, however with the observations, which are not called for.

25. It is for the petitioner to prove her title on the Sale Deed, subsequent to the Sale Deed of the respondent No.4 in the year 1997, independently before the



competent Civil Court. The Civil Court shall decide and adjudicate upon the title of the petitioner without being influenced by any observations made by the Revenue Authorities i.e., Assistant Commissioner and Deputy Commissioner as well as this Court, in the event any suit is filed.

26. With this observation the appeal stands ***allowed***, by setting aside the order of the Writ Court, consequently dismissing the Writ Petition.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

DR
List No.: 1 Sl No.: 13
ct-vn