



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 9323 OF 2026 (KLR-RES)

BETWEEN:

SRI. M. BYREGOWDA
S/O. SRI MUNIVENKATAPPA
ABOUT 63 YEARS,
RESIDING AT DODDAHOSAHALLI VILLAGE,
CHANNARAYAPATNA HOBLI, DEVANAHALLI
BENGALURU RURAL DISTRICT - 562 165.

...PETITIONER

(BY SRI. S. KALYAN BASAVARAJ, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY THE PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE AND SURVEY
M.S. BUILDINGS,
DR. AMBEDKAR ROAD
BENGALURU - 560 001.
2. THE DEPUTY COMMISSIONER
BENGALURU RURAL DISTRICT
VISHWANATHAPURA, DEVANAHALLI,
KARNATAKA - 562 110.
3. THE ASSISTANT COMMISSIONER
DODDABALLAPURA SUB-DIVISION

Digitally signed
by JUANITA
THEJESWINI
Location: HIGH
COURT OF
KARNATAKA



DODDABALLAPURA
BENGALURU RURAL DISTRICT - 561 203.

4. THE TAHSILDAR
DEVANAHALLI TALUK, DEVANAHALLI,
BENGALURU RURAL DISTRICT - 562 110.
5. THE ASSISTANT DIRECTOR OF LAND RECORDS
DEVANAHALLI TALUK, DEVANAHALLI,
BENGALURU RURAL DISTRICT - 562 110.

...RESPONDENTS

(BY SMT. B.P. RADHA, AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO 1) ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENT AUTHORITIES CONSIDER THE APPLICATIONS OF THE PETITIONER AND TO CONDUCT ATHE PAKKA PHODI AND HISSA DURAST IN RESPECT OF THE PROPERTY OF THE PETITIONER LE. SY.NO.38 MEASURING TO AN EXTENT OF 3 ACRES 32 GUNTAS SITUATED AT BOODIHALA VILLAGE, KASABA HOBLI, DEVANAHALLI TALUK, BENGALURU RURAL DISTRICT AND ETC.,

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



CORAM: HON'BLE MR. JUSTICE R DEVDAS

ORAL ORDER

Learned Additional Government Advocate takes notice for all the respondents.

2. The grievance of the petitioner is that respondent No.4-Tahsildar, Devanahalli Taluk and respondent No.5-Assistant Director of Land Records, Devanahalli Taluk, have not conducted the phodi in respect of the lands fallen to the share of the petitioner in terms of a decree drawn by the competent civil Court in O.S.No.384/1996. Learned counsel points out to Annexure-E, which is an order passed by this Court in W.P.No.28695/2025 dated 07.01.2026, which was filed by the petitioner's brother Sri. Eregowda, seeking directions to the Tahsildar to enter the name of the petitioner in the revenue records pursuant to the decree passed by the Civil Court. This Court issued directions while disposing of the writ petition dated 07.01.2026 and accordingly, the mutations have been carried out in the RTCs and the name of the petitioner is reflected in respect of 3 acres 36.08 guntas, while the name of the petitioner's brother, Sri Eregowda is reflected in respect of



2 acres 7.12 guntas in Survey No.38 of Budihal Village, Kasaba Hobli, Devanahalli Taluk. Learned counsel further submits that at the instance of the petitioner's brother, phodi was already conducted by the Tahsildar and the Assistant Director of Land Records and it was impermissible for the authorities to conduct the phodi only in respect of the property which had fallen to the share of the petitioner's brother.

3. Having regard to the rules applicable for conducting phodi, notice should have been issued to the petitioner calling upon the petitioner to say whether he has any objection for the phodi proceedings in respect of the petitioner's brother's property. At the same time, the phodi should have been conducted in respect of the property belonging to the petitioner, also having regard to the decree passed by the Civil Court.

4. Learned Additional Government Advocate submits on instructions that an endorsement has been issued to the petitioner on 26.03.2026 stating that only one application for phodi proceedings can be considered at a time and therefore



the petitioner's application has been rejected on technical grounds.

5. Having regard to the contentions raised by the petitioner, this Court is of the considered opinion that such an endorsement could not have been issued by the Tahsildar or the Assistant Director of Land Records. Here is a case where two brothers have acquired a portion of the property in a compromise decree drawn before the competent Civil Court. In all fairness, the authorities should have issued notice to the petitioner, they should have considered conducting a phodi in respect of both the properties at the same time. Even otherwise, the application of the petitioner should have been kept pending while considering the application of the petitioner's brother, if that was given at an earlier point of time.

6. Consequently, the writ petition stands disposed of with a direction to the 4th respondent-Tahsildar, Devanahalli Taluk and the 5th respondent-Assistant Director of Land Records, Devanahalli Taluk, to proceed to consider the application filed by the petitioner for conducting the phodi



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proceedings in accordance with the decree drawn by the competent civil Court in O.S.No.384/1996 as expeditiously as possible and at any rate within a period of two months from the date of receipt of a copy of this order.

Ordered accordingly.

Learned Additional Government Advocate is permitted to file memo of appearance within a period of four weeks from today.

**Sd/-
(R DEVDAS)
JUDGE**

rv