



CNR: KAHC010244832026

NC: 2026:KHC:43139-DB
WA No. 1088 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 1088 OF 2026 (KLR-RES)

BETWEEN:

1. SMT P L PUTTALAKSHAMMA
W/O. SRI. K.R. SUBBARAYAPPA,
AGED ABOUT 58 YEARS,
KALLUDI GRAMA, KASABA HOBLI,
GAURIBIDANUR TALUK,
CHIKKABALLAPURA DISTRICT 561 208

...APPELLANT

(BY SRI. NAGENDRA KUMAR K., ADVOCATE)

AND:

Digitally
signed by
VASANTHA
KUMARY B K
Location:
HIGH
COURT OF
KARNATAKA

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
M.S. BUILDING,
BENGALURU - 560 001
2. THE ASSISTANT COMMISSIONER
CHIKKABALLPURA SUB DIVISION,
CHIKKABALLAPURA - 562 101.



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3. DEPUTY COMMISSIONER,
CHIKKABALLPURA,
CHIKKABALLAPURA DISTRICT - 562 101.
4. SMT. GANGALAKSMAMMA
W/O. K.G. GANGAPPA,
AGED ABOUT 70 YEARS,
R/AT KALLUDI GRAMA,
KASABA HOBLI,
GAURIBIDANUR TALUK,
CHIKKABALLAPURA DISTRICT - 561 208.
5. THE TAHASILDAR
GAURIBIDANUR TALUK.
CHIKKABALLAPUR DISTRICT - 561 208.

...RESPONDENTS

(BY SRI. B.RAVINDRANATH, AGA FOR R1 TO R3 & R5;
SRI. A.V.GANGADHARAPPA, ADVOCATE FOR R4)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET-ASIDE THE IMPUGNED ORDER DATED 10/06/2025 IN WP NO.5811/2025 PASSED BY THE LEARNED SINGLE JUDGE, HON'BLE HIGH COURT OF KARNATAKA, AT BENGALURU AND ALLOW THE WRIT PETITION FILED BY THE APPELLANT, ETC.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN



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ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present intra Court appeal has been filed impugning the judgment and order dated 10.06.2025 passed by the writ Court in W.P.No.5811/2025 (KLR-RES) as well as the order dated 11.12.2025 passed in R.P.No.288/2025, instituted by the appellant herein.

2. The parties are referred to as per their ranking before the writ Court for the sake of convenience.

3. Petitioner claims to be the owner of the land in Survey No.134/12B measuring 33 guntas situated at Kalludi Grama, Kasaba Hobli, Gauribidanur Taluk, Chikkaballapura District. The total area of Survey No.134/12 before division in 134/12A and 134/12B was 1 acre 23 guntas.

4. The petitioner claims right over the land on the basis of succession. However, respondent No.4



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appears to have been in possession of the land in Survey No.134/12B and on the basis of that possession, her name was entered in the revenue record.

5. The petitioner applied for mutation of her name before the Tahsildar in Case No.55/2006-07 and the Tahsildar vide order dated 18.08.2006 directed for mutation of the petitioner's name in respect of the land in Survey No.134/12B in RRT CR(K)55/06-07 and deletion of the name of the respondent - K. G. Gangappa.

6. From the records it is also clear that the name of Mr. K. G. Gangappa came to be recorded vide MR No.15/1989-1990 in respect 33 guntas of the land in Survey No.134/12B.



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7. As K.G. Gangappa-respondent, was not the party before the Tahsildar, he filed an appeal before the Assistant Commissioner, Chikkaballapur Sub-Division Chikkaballapur. The Assistant Commissioner vide order dated 03.03.2023 set aside the order passed by the Tahsildar and directed to take necessary steps to effect khata in respect of the land in Survey No.134/12B in name of respondent No.4, who is the wife of late K. G. Gangappa as K.G. Gangappa had executed a gift deed in the name of his wife/respondent No.4. Being aggrieved by the said order passed by the Assistant Commissioner, the petitioner filed a revision petition being RA No.15/2023-24 before the Deputy Commissioner in Chikkaballapur. The Deputy Commissioner vide order dated 24.01.2025, dismissed the Revision petition on the ground that the Tahsildar had passed the order without respondent No. 4 or her husband being



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impleaded and there was no error in the order passed by the Assistant Commissioner. This Order dated 24.01.2025 came to be challenged by the appellant by filing writ petition. The writ Court has dismissed the writ petition only on the ground that a Civil Suit in OS No.95/2022 was pending consideration before the competent civil court and the disputed question of fact were involved with regard to title, which could be decided only in appropriate civil proceedings.

8. Mr.A.V. Gangadharappa, learned counsel appearing for respondent No.4 submits that the civil suit has nothing to do with the inter se dispute between the appellant and respondent No.4 in respect of the revenue entries.

9. We therefore, find that the reasoning of learned Single Judge while dismissing the writ petition is



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unsustainable. When the civil suit has nothing to do with the inter se dispute between the appellant and respondent No.4, dismissal of the writ petition on the ground of pendency of the civil suit filed by some third party is totally unsustainable and therefore, we **allow** the appeal and set aside the order dated 03.03.2023 passed by the Assistant Commissioner as well as the order dated 24.01.2025 passed by the Deputy Commissioner.

10. However, we are of the view that the Assistant Commissioner and the Deputy Commissioner have set aside the order passed by the Tahsildar for effecting the name of the appellant in the revenue entry on the ground that respondent No.4 or her husband were not party and not heard. In the fitness of things, the Assistant Commissioner and the Deputy Commissioner ought to have remanded the matter back to the



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Tahsildar to hear the appellant and the respondent No.4 afresh and thereafter, take a decision. We therefore, remand the matter back to the Tahsildar to decide the case afresh after giving opportunity to the appellant/petitioner as well as respondent No.4.

11. We make it clear that all issues and contentions are left open to be contended by the parties before Tahsildar. However, till Tahsildar decides the issue finally, name of respondent No.4 shall remain in the revenue records.

12. Pending interlocutory applications, if any, stand disposed of.

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

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**