



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO. 13586 OF 2024 (KLR-RR/SUR)

BETWEEN:

1. SMT DEEVERAMMA
W/O DODDEGOWDA
AGED ABOUT 80 YEARS.
2. SRI YOGEGOWDA
S/O DODDEGOWDA
AGED ABOUT 60 YEARS

BOTH ARE R/AT IBBEEDU VILLAGE
MADIHALLI HOBLI, BELUR TALUK
HASSAN DISTRICT
KARNATAKA-573216.

...PETITIONERS

(BY SMT. AISHWARYA R, ADVOCATE FOR
SRI. RAJESWARA P N., ADVOCATE)

Digitally signed by
DHANALAKSHMI
MURTHY
Location: HIGH
COURT OF
KARNATAKA

AND:

1. SPECIAL DEPUTY COMMISSIONER
HASSAN DISTRICT
HASSAN-573201.
2. ASSISTANT COMMISSIONER
SAKLESH PURA SUB-DIVISION
SAKLESH PURA-573134.



3. TAHSILDAR
BELUR TALUK
BELUR-573115.
4. J D LOKESH
AGED ABOUT 62 YEARS
NO. 404, SRI BALAJI RESIDENCY
OPPOSITE VITALS HOSPITALS
WHITE CITY LAYOUT, 1ST MAIN ROAD
1ST BLOCK BASAVAPURA, WARD NO.53
VIRGONAGAR POST, K R PURAM
SEEGEHALLI,
BANGALORE-560049.

...RESPONDENTS

(BY SRI.SPOORTHY HEGDE N, HCGP FOR R1 TO R3:
SRI. CHOKKAREDDY, ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE ORDER DATED: 26.09.2023 PASSED BY THE R1 IN
R.P.NO.04/2023-24 AT ANNEXURE-A AND QUASH THE ORDER
DATED:15.03.2023 PASSED BY THE R2 IN R.A.NO.90/2022-23
AT ANNEXURE-B AND ETC.

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

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

ORAL ORDER

1. In this petition, the petitioners are assailing the order
dated 26.09.2023 (Annexure-A) passed by respondent
No.1 and order dated 15.03.2023 (Annexure-B) passed by



respondent No.2, *inter alia*, seeking direction to respondent Nos.1 to 3 to restore the katha in the name of the petitioners in respect of the scheduled land.

2. Smt.Aishwarya R, learned counsel appearing for the petitioners submitted that the respondent-authorities have failed to consider the judgment and decree dated 19.08.2010 in O.S.No.100/2008 on the file of the Senior Civil Judge, Belur (Annexure-J), which has reached finality by virtue of the judgment and decree dated 02.08.2022 in RSA No.2168/2012 (Annexure-L) passed by this Court, that apart, learned counsel appearing for the petitioners refers to the suit in O.S.No.16/2018 filed by the private parties (brother and sisters of respondent No.4 herein) before the Senior Civil Judge and JMFC at Belur, which came to be dismissed and therefore, it is argued by the learned counsel appearing for the petitioners that the impugned orders passed by the respondents-authorities require to be set aside in the present writ petition.



3. Per contra, Sri. Chokkareddy, learned counsel appearing for the respondent No.4, refers to the judgment and decree passed in O.S.No.100/2008, wherein the suit for declaration of title and permanent injunction has been filed based on the Will said to have been executed by deceased Doddegowda during 1998, which came to be dismissed by the Civil Court and same came to be confirmed by this Court in RSA No.2168/2012 (Annexure-L). He further contended, by referring to the proceedings in O.S.No.16/2018, that the suit for partition came to be dismissed for default and not on merits of the case is concerned. Accordingly, he submitted that since the petitioners and the private respondents have a common lineage in the family, the observation made by the authorities in Annexures-A and B require to be confirmed.

4. In the light of the submissions made by the learned counsel for the parties, on careful consideration of the judgment and decree passed in O.S.No.100/2008 (Annexure-J) by the competent civil court, wherein in a



suit for the declaration based on the Will said to have been executed by deceased Doddegowda, the Trial Court dismissed the claim made by the plaintiffs/legatees. The same came to be confirmed by this Court in RSA No.2168/2012 dated 02.08.2022 (Annexure-L).

5. It is also to be noted that the suit in O.S.No.16/2018 filed by brother and sisters of respondent No.4 herein seeking relief of partition and separate possession in respect of the subject land, which came to be dismissed for default as is evident from the order sheet produced at Annexure-N to the writ petition. In this regard, the rights of the parties, are yet to be decided by the Civil Court in appropriate proceedings since the suit in O.S.No.16/2018 came to be dismissed for default.

6. In that view of the matter, as the petitioners and the respondent No.4 are claiming right over the property through a common lineage, I am of the view that the finding recorded by both the authorities relegating the parties to approach the competent Civil Court to establish



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their rights in an appropriate manner does not warrant interference. Accordingly, no interference is called for in this petition.

7. Accordingly, the writ petition is dismissed.

Sd/-
(E.S.INDIRESH)
JUDGE

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List No.: 1 Sl No.: 54