



CNR: KAHC010263582019

NC: 2026:KHC:42032
WP No. 40503 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

BEFORE

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

WRIT PETITION NO.40503 OF 2019 (KLR-RES)

BETWEEN:

1. S. GOPALASWAMY
AGEDA BOUT 58 YEARS
S/O LATE SRINIVASAIAH
R/OF GONUR GATE FARM HOUSE
GOLLAHALLI
VIJAYAPURA HOBLI
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT-562135.

...PETITIONER

(BY SRI. R. CHANDRANNA, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
& DISTRICT MAGISTRATE
BENGALURU RURAL DISTRICT
DISTRICT BHAVAN
1ST FLOOR, BEERASANDRA VILLAGE
KUNDANA HOLBI
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT-562 110.
2. THE ASSISTANT COMMISSIONER
DODDABALLAPURA SUB-DIVISION
DODDABALLAPUR
BENGALURU RURAL DISTRICT-561203.

Digitally signed by
CHAYA S A

Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010263582019

3. THE THASILDAR
DEVANAHALLI TALUK
DEVANAHALLI
BENGALURU RURAL DISTRICT-562110.
4. ANANTHAPADMANABHACHAR
S/O LATE R. RAMAIAH
SINCE DECEASED BY HIS LRS.
- 4(a). SMT. SHARADAMMA
W/O LATE ANANTHAPADMANABHACHAR
AGED ABOUT 70 YEARS
- 4(b). RAJENDRA KUMAR
S/O LATE ANANTHAPADMANABHACHAR
AGED ABOUT 70 YEARS
- 4(c). SATHENDRA KUMAR
S/O LATE ANANTHAPADMANABHACHAR
SINCE DECEASED REP. BY LRS.
- 4(c)(i). SMT. PADMALATHA
W/O LATE SATHENDRA KUMAR
AGED ABOUT 44 YEARS.
- 4(c)(ii). AKSHAY
S/O LATE SATHENDRA KUMAR
AGED ABOUT 19 YEARS
BOTH 4(c)(i)& 4(c)(ii)
ARE RESIDING AT NO. 366
1ST MAIN ROAD
PANCHASHEELANAGAR
NAGARABHAVI POST
BENGALURU-560072.
- 4(d). SRIDHAR
S/O LATE ANANTHAPADMANABHACHAR
AGED ABOUT 39 YEARS



CNR: KAHC010263582019

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WP No. 40503 of 2019

RESPONDENTS NO.4(a) 4(b) & 4(d) ARE
RESIDING AT NO.364, 365 AND 370
1ST MAIN ROAD
PANCHASHEELANAGAR
NAGARABHAVI POST
BENGALURU-560072

5. SMT. BHAGYALAKSHMI
AGED ABOUT 55 YEARS
D/O LATE R. SRINIVASAIAH
RESIDING AT NO.13
DODDABASTHI
KENGARI HOBLI
BENGALURU NORTH TALUK
BENGALURU CITY DISTRICT.

...RESPONDENTS

(BY SMT. B.P. RADHA, AGA FOR R1 TO R3;
SRI. S.G. PARTHASARTHY, ADVOCATE FOR R4(b), R4(c)(i) &
R4(c)(ii);
V/O DATED 03.12.2025 NOTICE TO R4(d) HELD SUFFICIENT)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER
DATED 11.04.2019 MADE IN R.P.NOs.170/2005-06 AND RP
NO.32/2006-2007 ANNEXURE-A PASSED BY THE RESPONDENT
NO.1, ORDER DATED 23.01.2006 IN APPEALS NOs. RA(DE)31,
32/2004-2005 ANNEXURE-B, PASSED BY THE RESPONDENT
NO.2 AND ALSO THE ORDER DATED 12.11.2003 (ANNEXURE-
C) BY THE RESPONDENT NO.3.

THIS PETITION, COMING ON FOR DICTATING ORDERS,
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



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WP No. 40503 of 2019**

CNR: KAHC010263582019

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

ORAL ORDER

In this writ petition, the petitioner has assailed the order dated 11.04.2019 (Annexure-A) passed by respondent No.1 in R.P. No.170/2005-06 connected with R.P. No.32/2006-07, the order dated 23.01.2006 (Annexure-B) passed by respondent No.2, and the order dated 12.11.2003 (Annexure-C) passed by respondent No.3.

2. The brief facts necessary for adjudication of the writ petition are that the land bearing Sy. No.64 measuring 24 guntas and Sy.No.42 measuring 3 acres 30 guntas, situated at Gollahalli Village, Devanahalli Taluk, are Devadaya Inam lands endowed to Sri Chennakeshwara Swamy Temple, Gollahalli Village. It is the case of the petitioner that his father and



CNR: KAHC010263582019

NC: 2026:KHC:42032
WP No. 40503 of 2019

ancestors were the Archaks of the said temple and were cultivating the lands in question.

3. Pursuant to the promulgation of the Karnataka (Religious and Charitable) Inams Abolition Act, occupancy rights in respect of the aforesaid lands were granted in favour of the petitioner's father by the Special Deputy Commissioner for Inams Abolition, Bengaluru, as per order dated 31.01.1976 (Annexure-E). It is further stated that the petitioner's uncle, late Sheshachar, executed a registered Will in favour of the petitioner. Consequently, the petitioner continued in possession and cultivation of the lands.

4. It is further stated that respondent No.4 instituted O.S. No.185 of 2002 before the Principal Civil Judge (Senior Division), Bengaluru Rural District, seeking declaration in respect of the lands granted in



CNR: KAHC010263582019

**NC: 2026:KHC:42032
WP No. 40503 of 2019**

favour of the petitioner, which was subsequently renumbered as O.S. No.2065 of 2006.

5. It is also stated that respondent No.4 filed an application before respondent No.3 seeking mutation of the khata in his favour. Based on an Endorsement dated 03.08.1995, respondent No.3 effected mutation and entered the name of respondent No.4 in the RTC extracts.

6. Aggrieved thereby, the petitioner and Smt. Kanakamma, wife of late Sheshachar, preferred R.A. No.31/2004-05 before respondent No.2. Simultaneously, respondent No.4 filed R.A. No.32/2004-05 challenging the revenue entries standing in the name of the petitioner. Respondent No.2, after considering the material on record, allowed R.A. No.32/2004-05 filed by respondent No.4 and dismissed R.A. No.31/2004-05 filed by the petitioner.



CNR: KAHC010263582019

7. Being aggrieved by the said order, the petitioner and Smt. R. Kanakamma (wife of late Sheshachar) preferred R.P. No.170/2005-06 and R.P. No.32/2006-07 before respondent No.1. Respondent No.1, by the impugned common order dated 11.04.2019, dismissed both the revision petitions. Aggrieved thereby, the petitioner has presented this writ petition.

8. I have heard Sri R. Chandranna, learned counsel appearing for the petitioner; Smt. B.P. Radha, learned Additional Government Advocate appearing for the respondent-State; and Sri S.G. Parthasarathy, learned counsel appearing for the legal representatives of respondent No.4.

9. Learned counsel for the petitioner contended that the petitioner's father and his ancestors had been cultivating the lands in question for several decades



CNR: KAHC010263582019

**NC: 2026:KHC:42032
WP No. 40503 of 2019**

and that occupancy rights in respect of Sy. No.42 measuring 3 acres 30 guntas and Sy. No.64 measuring 24 guntas were granted in favour of the petitioner's father under the order of the competent authority. He further submitted that the revenue records have consistently stood in the name of the petitioner's father and thereafter in the name of the petitioner. It is also contended that under the Panchayat Palupatti dated 15.05.1976, the lands in question were allotted to the share of the petitioner's father. Learned counsel further submitted that respondent No.4 had earlier instituted O.S. No.588 of 1995 against Smt. Kanakalakshamma, which came to be dismissed. Therefore, according to him, the respondent-authorities have failed to consider the material evidence on record while interfering with the revenue entries standing in the petitioner's name, and consequently sought interference by this Court.



10. Per contra, Sri S.G. Parthasarathy, learned counsel appearing for respondent No.4, sought to justify the impugned orders by contending that late Anantha Padmanabhachar was in lawful cultivation and possession of the lands in question and, therefore, the authorities were justified in directing mutation in favour of respondent No.4. Accordingly, he sought dismissal of the writ petition.

11. Learned Additional Government Advocate also supported the impugned orders passed by the respondent-authorities.

12. Having considered the submissions made by the learned counsel appearing for the parties and upon perusal of the material on record, it is not in dispute that the lands in question are Devadaya Inam lands and that occupancy rights were granted in favour of the petitioner's father under the order dated



CNR: KAHC010263582019

NC: 2026:KHC:42032
WP No. 40503 of 2019

31.01.1976 (Annexure-E) passed by the Special Deputy Commissioner for Inams Abolition, Bengaluru, in respect of Sy. No.42 measuring 3 acres 30 guntas and Sy. No.64 measuring 24 guntas situated at Gollahalli Village.

13. It is also evident from the records that a partition was effected among the members of the family under a Panchayat Palupatti dated 15.05.1976 (Annexure-L), wherein the lands in question were allotted to the share of late R. Srinivasaiah, the petitioner's father. Pursuant thereto, the revenue entries came to be effected in his favour.

14. The records further disclose that O.S. No.588 of 1995 instituted by respondent No.4 against Smt. Kanakalakshmamma came to be dismissed by judgment and decree dated 26.11.1998. It is also forthcoming from the material on record that



respondent No.4 suffered a judgment and decree dated 02.08.2021 in O.S. No.2065 of 2006 on the file of the Principal Senior Civil Judge, Devanahalli, in respect of the very same property. The said judgment and decree have been confirmed by the First Appellate Court in R.A. No.15040 of 2021 on the file of the V Additional District and Sessions Judge, Bengaluru Rural, sitting at Devanahalli.

15. In view of these undisputed facts, respondent No.1 has committed an error in dismissing R.P. No.170/2005-06 and R.P. No.32/2006-07 by the impugned order dated 11.04.2019. The findings recorded by respondent No.1 are contrary to the material available on record. More importantly, respondent No.1 has failed to take note of the judgment and decree passed by the competent Civil Court in respect of the subject property. The



CNR: KAHC010263582019

NC: 2026:KHC:42032
WP No. 40503 of 2019

impugned order thus suffers from non-application of mind and cannot be sustained in law.

16. Accordingly, I find considerable force in the submissions made by the learned counsel for the petitioner. Hence, the following:

ORDER

(i) The writ petition is ***allowed***.

(ii) The order dated 11.04.2019 passed by respondent No.1 in R.P. No.170/2005-06 connected with R.P. No.32/2006-07 and all further proceedings thereto, are hereby quashed.

(iii) Respondent No.3 is directed to restore and enter the name of the petitioner in the revenue records in respect of Sy. No.42



CNR: KAHC010263582019

NC: 2026:KHC:42032
WP No. 40503 of 2019

measuring 3 acres 30 guntas and Sy. No.64
measuring 24 guntas situated at Gollahalli
Village, Devanahalli Taluk, within a period of
four (4) weeks from the date of receipt of a
certified copy of this order.

(iv) Ordered accordingly.

SD/-
(E.S.INDIRESH)
JUDGE

SB
List No.: 1 Sl No.: 69