



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO.13950 OF 2025 (KLR-RES)

BETWEEN:

1. SMT. INDRAMMA
W/O LATE MAHALINGAIAH,
AGED ABOUT 62 YEARS.
2. SRI. THAMANNA
S/O LATE M. NINGIAH,
AGED ABOUT 60 YEARS.
3. SRI. N. MAHADEV
S/O LATE M. NINGIAH,
AGED ABOUT 61 YEARS.
4. SRI. BANDANNA
S/O LATE M. NINGIAH,
AGED ABOUT 61 YEARS.

ALL ARE RESIDING AT:
NO.7/4 E, 2ND CROSS,
5TH MAIN, JAYANAGARA,
MYSURU - 570 014.

...PETITIONERS

(BY SRI. SHRIHARSH A. NEELOPANT, ADVOCATE)

AND:

1. DEPUTY COMMISSIONER,
MYSURU DISTRICT,
DEPUTY COMMISSIONER OFFICE,
GIRIBHOVIPALYA,



SIDDARTHA NAGARA,
MYSURU - 570 011.

2. ASSISTANT COMMISSIONER,
ROOM NO.10,
SUB-DIVISIONAL MAGISTRATE,
MYSURU - 570 075.
3. TAHSILDAR,
MYSURU TALUK,
MINI VIDHANA SOUDHA,
NAZARABAD,
MYSURU - 570 010.
4. SRI. SHASHIDHAR H.N.
S/O H.R. NEELAKANTAPPA,
AGED ABOUT 55 YEARS,
R/AT HUNASEGUDDA GRAMA,
TARIKERE TALUK,
CHIKKAMAGALURU DISTRICT - 577 228.
5. SRI. SHAILENDRA H.N.
S/O H.R. NEELAKANTAPPA
AGE: MAJOR,
R/AT SHIVADARSHINI,
BASAVANAGUDI EXTENSION,
SHIVAMOGGA TOWN - 577 201.
6. SRI. N.L. PRASAD
S/O N.S. LAKSHMINARAYANA
AGE: MAJOR,
R/AT NARASIMHA KRUPA,
1ST CROSS, BASAVANAGUDI EXTENSION,
SHIVAMOGGA - 577 201.
7. SRI. JAGADISH
AGED ABOUT 67 YEARS,
NO.952, SUNDARA VILAS,
2ND MAIN ROAD, LAKSHMIPURAM,
MYSURU - 570 004.



8. SMT. SUNEETA
AGED ABOUT 63 YEARS
NO.952, SUNDARA VILAS
2ND MAIN ROAD, LAKSHMIPURAM,
MYSURU - 570 004.
9. SRI. MANJUNATH S.L.
S/O LATE MARIGOWDA
AGE: MAJOR,
R/AT NO.628, 10TH CROSS,
4TH MAIN, 'E' AND 'F' BLOCK,
RAMAKRISHNA NAGAR,
MYSURU - 570 022.
10. SRI. P.M GURUSWAMY
S/O LATE MALAPPA
AGE: MAJOR,
R/AT NO.23/9, 'G' BLOCK,
SARVAJNA ROAD,
KUVEMPUNAGAR,
MYSURU - 570 023.
11. L. CHOUDAPPA
S/O LINGAPPA,
AGED ABOUT 49 YEARS,
NO.2373/3, 5TH MAIN,
1ST CROSS, JAYANAGAR,
MYSURU - 570 014.

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE N., HCGP FOR R1 TO R3;
SMT. PRAMILA NESARGI, SENIOR COUNSEL FOR
SRI. ABHISHEK M.R., ADVOCATE FOR R4 TO R11)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
QUASH THE ORDER DATED 04TH FEBRUARY, 2025 PASSED BY
THE RESPONDENT NO.1-DEPUTY COMMISSIONER IN CASE
NO.RP/68/2024 VIDE ANNEXURE-P AND CONSEQUENTLY
QUASH THE ORDER DATED 23RD FEBRUARY, 2024 PASSED BY
THE RESPONDENT NO.2-ASSISTANT COMMISSIONER IN CASE



NO.R.A.932/2023 VIDE ANNEXURE-L AND ORDER DATED 13TH JUNE, 2023 PASSED BY THE RESPONDENT NO.3-TAHSILDAR IN CASE NO.R.R.T(T)18/2023-24 VIDE ANNEXURE K; DIRECT THE RESPONDENT NO.3-TAHSILDAR TO REFLECT THE NAMES OF THE PETITIONERS IN THE REVENUE ENTRIES FOR AN EXTENT OF 1 ACRE 15 GUNTAS IN SURVEY NO.130/2 OF DATTAGALLI VILLAGE, KASABA HOBLI, MYSURU TALUK, MYSURU DISTRICT.

THIS WRIT PETITION HAVING BEEN RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT, THIS DAY, **E.S. INDIRESH J.**, MADE THE FOLLOWING:

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

CAV ORDER

In this petition, petitioners are challenging the order dated 04th February, 2025 (Annexure-P) passed by the respondent No.1-Deputy Commissioner in Case No.RP/68/2024; order dated 23rd February, 2024 (Annexure-L) passed by the respondent No.2-Assistant Commissioner in case No.R.A.932/2023 and order dated 13th June, 2023 (Annexure-K) passed by the respondent No.3-Tahsildar in Case No.R.R.T(T)18/2023-24; *inter alia* sought for a direction to the respondent No.3 to reflect the name of petitioners in the revenue entries in respect of the subject land.

2. The relevant facts for adjudication of this petition are that the father of petitioners *viz.*, Ningaiah claims to be



the owner of the land bearing Survey No.130/1 of Dattagalli Village, Mysuru Taluk and District. The Mysuru Urban Development Authority acquired the land in question as per the Preliminary Notification dated 19th December, 1991 (Annexure-A) and Final Notification dated 10th December, 1992 (Annexure-B). It is further stated that the Mysuru Urban Development Authority issued Notification dated 25th September, 1995 (Annexure-C), dropping the acquisition proceedings for the entire extent of land belonging to Ningaiah on the condition that an extent of 1 acre 15 guntas has to be given to the Mysuru Urban Development Authority for formation of Road. It is also stated that, in lieu of the acquisition of land of Ningaiah by the Mysuru Urban Development Authority, alternative land to an extent of 1 acre 15 guntas in land bearing Survey No.130/2 was allotted as per Notification dated 22nd January, 1997 (Annexure-E). It is further stated that the said Ningaiah had executed General Power of Attorney in favour of one Sri. B.M. Prabhakar on 13th July, 1995 and same was revoked on 04th April, 1997 (Annexure-D). The alternative land was allotted was made in favour of the General Power of Attorney Holder Sri. B.M.



Prabhakar, despite the General Power of Attorney was revoked.

3. It is also stated in the writ petition that the revenue records stand in the name of the father of petitioners viz., Ningaiah as per the RTC Extract produced at Annexure-H. The petitioners have made an application to the respondent No.3, seeking transfer of RTC in their names and the said application was rejected by the respondent No.3 on 13th June, 1993 (Annexure-K) on the ground that the Sites were formed in the land in question. Being aggrieved by the same, petitioners preferred appeal under Section 136(2) of the Karnataka Land Revenue Act (for short, hereinafter referred to as '*KLR Act*') before the respondent No.2-Assistant Commissioner in Case No.R.A.932/2023 and same came to be rejected on 23rd February, 2024 (Annexure-L). Thereafter, the petitioners preferred revision under Section 136(3) of the KLR Act before the respondent No.1-Deputy Commissioner in Case No.RP/68/2024 and the respondent No.1, dismissed the Revision Petition on the ground that the dispute is of civil in nature. Hence, this petition is filed by the petitioners.



4. Heard Sri. Sriharsh A. Neelopant, learned counsel appearing for petitioners; Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for respondents 1 to 3; Smt. Pramila Nesargi, learned Senior Counsel on behalf of Sri. Abhishek M.R., appearing for respondents 4 to 11.

5. Sri. Sriharsh A. Neelopant, learned counsel appearing for petitioners contended that the respondent No.1 failed to consider the fact that the land in question was allotted in favour of Ningaiah in lieu of the acquisition of the land belonging to him. Learned counsel for the petitioners further contended that the reason assigned by the respondent No.3-Tahsildar that the residential Sites are formed in the land in question, for rejecting the application of the petitioners is incorrect as the petitioners have produced Encumbrance Certificate at Annexure-O in the Writ Petition. It is also argued by learned counsel appearing for petitioners that, there is no material in the City Survey Sketch and Allotment Sketch as to the existence of Sites. Accordingly, he sought for interference of this Court.

6. Per contra, Smt. Pramila Nesargi, learned Senior



Counsel appearing for respondents 4 to 11, by referring to unregistered Sale Deeds produced at Annexures 'R1' to 'R4' contended that the respondents 7 and 8 had entered into an Agreement of Sale with the father of petitioners viz., Ningaiah to purchase four Sites in Survey No.130/1 of Dattagalli Village. It is also submitted by learned Senior Counsel that the petitioners have executed separate Declaration Deeds in respect of the Sites in Survey No.130/2 as per Annexures 'R23' to 'R26' and therefore, the writ petition deserves to be dismissed on the ground that the petitioners have no *locus standi* to claim the land in question. Learned Senior Counsel appearing for respondents 4 to 11, by referring to registered Sale Deed dated 01st September, 2009 (Annexure-R7) submitted that, as the registered Sale Deed has been executed in favour of the respondent No.7, the finding recorded by the respondent-authorities requires to be confirmed.

7. Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for respondents 1 to 3 sought to justify the impugned orders passed by the respondent-



Authorities.

8. In the light of the submission made by learned counsel appearing for the parties, it is not in dispute that the land in question belonged to the father of petitioners viz., Ningaiah and the same was notified for acquisition as per Preliminary Notification dated 19th December, 1991 (Annexure-A) followed by the Final Notification dated 10th December, 1992 (Annexure-B) in favour of Mysuru Urban Development Authority to an extent of 4 acre 1 gunta in Survey No.130/1 of Dattagalli Village, Mysuru Taluk. However, the competent authority has issued a Notification dated 25th September, 1995 (Annexure-C), wherein, the land to an extent of 1 acre 15 guntas out of 4 acre 1 gunta was acquired for the purpose of formation of Road. It is also forthcoming that the Power of Attorney was executed by the father of petitioners in favour of one Sri. B.M. Prabhakar and same came to be cancelled by revocation deed dated 04th January, 1997 (Annexure-D). In that view of the matter, on careful consideration of the registered Sale Deed dated 01st September, 2004 (Annexure-R7), wherein the sale



consideration has been made as Rs.5,000/- and further as there is a recital in the very same Sale Deed that the sale was made earlier to the execution of Sale Deed at Annexure-R7, the said aspect cannot be accepted on sole ground that the disputed facts are urged by the parties as to the sale made in favour of the vendors of the petitioners herein, the same has to be adjudicated before the Civil Court. It is pertinent to mention here that the revocation of Power of Attorney was made on 04th January, 1997 (Annexure-D) and the land was in the possession of the father of petitioners as per the RTC extracts.

9. It is also relevant to mention here that, as argued by learned Senior Counsel appearing for the respondents 4 to 11, Original Suit Nos.222 of 2004 and 896 of 2009 are in respect of the subject land. Since the disputed question of facts are involved in this petition and the portion of land in question has been acquired by the Mysuru Urban Development Authority and in lieu of acquisition, alternative land has been granted in favour of the petitioners, I am of the view that both the respondent 1 and 2 have arrived at a



conclusion that the matter is of civil in nature. However, the said aspect cannot be accepted as the same cannot be a basis for change of Khata. Therefore, I am of the view that, on erroneous assumption of facts, respondent-Authorities have rejected the application made by the petitioners seeking transfer of Khata of the land in question from late Ningaiah to his children viz., petitioners herein. It is undisputed fact that the land in question belonged to Ningaiah as per Annexure-C and therefore, there was no impediment for the respondent-Authorities to enter the name of the legal heirs of Ningaiah *i.e.*, petitioners herein, after the death of said Ningaiah. However, any entry in the revenue records is subject to the Civil disputes between the parties. Accordingly, I pass the following:

ORDER

- i) Writ Petition ***allowed***;
- ii) Order dated 04th February, 2025 (Annexure-P) passed by the respondent No.1-Deputy Commissioner in Case No.RP/68/2024; order dated 23rd February, 2024 (Annexure-L) passed by the respondent No.2-Assistant



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Commissioner in case No.R.A.932/2023 and order dated 13th June, 2023 (Annexure-K) passed by the respondent No.3-Tahsildar in Case No.R.R.T(T)18/2023-24;3) are hereby set-aside;

- iii) Respondent No.3-Tahsildar is directed to enter the name of petitioners in the revenue entries in respect of the land in question, within a period of one month from the date of receipt of this order.

**SD/-
(E.S. INDIRESH)
JUDGE**