



CNR: KAHC010269822024

NC: 2026:KHC:37403
WP No. 12825 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO.12825 OF 2024 (KLR-RES)

BETWEEN:

MR. MOHSIN SHARIEFF
S/O LATE DR. A.M. SHARIEFF,
AGED ABOUT 59 YEARS,
R/AT SY.NO.32/1/3/4/5,
33/2/3, SONNAPPANAHALLI VILLAGE,
JALA HOBLI,
BEHIND VIT BUS STOP,
BENGALURU - 560 057.

...PETITIONER

(BY SRI. D.R. RAVISHANKAR, SENIOR COUNSEL FOR
SRI. ANGADI SOMASHEKAR CHANNABASAPPA, ADVOCATE)

AND:

Digitally signed by
CHAYA S A
Location: HIGH
COURT OF
KARNATAKA

1. UNION OF INDIA
MINISTRY OF DEFENSE,
NEW DELHI - 110 001.
REP. BY SECRETARY.
2. AIR OFFICER COMMANDING
AIR FORCE STATION,
YELAHANKA,
BENGALURU - 560 042.
3. DEFENSE ESTATES OFFICER
KARNATAKA CIRCLE,
K. KAMARAJ ROAD,
BENGALURU - 560 042.



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4. THE TAHSILDAR
YELAHANKA TALUK,
YELAHANKA,
BENGALURU - 560 042.
5. THE ASSISTANT COMMISSIONER
DEPARTMENT OF REVENUE,
BENGALURU NORTH SUB-DIVISION,
BENGALURU NORTH,
BENGALURU - 560 001.
6. THE DEPUTY COMMISSIONER
BENGALURU URBAN CITY,
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. AJAY PRABHU M.,CGSC FOR R1 TO R3;
SMT. B.P.RADHA, AGA FOR R4 TO R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 18TH JULY, 2022 PASSED BY THE RESPONDENT NO.5 IN CASE NO.RA(BNA):425/2017-18 VIDE ANNEXURE-J AND ORDER DATED 05TH AUGUST, 2023 PASSED BY THE RESPONDENT NO.6 IN CASE NO.R.P.34/2023-24 VIDE ANNEXURE-K; AND ETC.

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

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

ORAL ORDER

In this petition, the petitioner is challenging the order dated 18th July, 2022 (Annexure-J) passed by respondent No.5- Assistant Commissioner in Case No.R.A.(BNA):425/2017-18 and order dated 05th August, 2023 (Annexure-K) passed by the



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respondent No.6-Deputy Commissioner in Case
No.R.P.34/2023-24.

2. Heard Sri. D.R. Ravishankar, learned Senior Counsel on behalf of Sri. Angadi Somashekar Channabasappa, appearing for the petitioner; Sri. Ajay Prabhu M., learned Central Government Standing Counsel appearing for respondents 1 to 3; and Smt. B.P. Radha, learned Additional Government Advocate appearing for respondents 4 to 6.

3. Sri. D.R. Ravishankar, learned Senior Counsel appearing for the petitioner submits that, as per the registered Sale Deed dated 29th January, 2015, land in question was purchased by the petitioner. Learned Senior Counsel further submits that the revenue records in respect of the land in question stands in the name of the petitioner and therefore, interference is required to set aside the impugned order passed by the respondents 5 and 6.

4. Sri D.R. Ravishankar, learned Senior Counsel appearing for the petitioner, by referring to the statement of objections filed by respondent Nos.1 to 3 submits that the



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respondents themselves contended that the notification dated 25th March, 1943 requires rectification and therefore the respondent Nos. 1 to 3 have no title no the schedule land. It is further submitted that the land in question belonged to the impleading applicant and that the petitioner has sold the said land in favour of the impleading applicant after filing of the writ petition and therefore, the applicants in I.A.3 of 2006 has to be for considerered in the present writ petition.

5. Sri. Ajay Prabhu M, learned Central Government Standing Counsel appearing for respondents 1 to 3 argued that the portion of the land has been purchased by the impleading applicant from the petitioner and therefore, the writ petition is not maintainable. He further contended that, the land in question is belonged to the respondent Nos. 1 to 3 as per the notification dated 25.03.1947 and Military Land Registrar and as such sought for dismissal of the writ petition.

6. Learned Additional Government Advocate, sought to defend the impugned orders.



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7. Having heard the learned counsel appearing for the parties and on careful consideration of judgment and decree passed in Original Suit No.606/2008 and order passed in Execution PetitionNo.13/2014 on the file of Senior Civil Judge, Devanahalli (Annexure -B1), it is forthcoming that the petitioner herein has filed suit, based on the Sale agreement dated 08th October, 1995 and the competent civil Court has decreed the suit and in pursuance of the same, registered sale deed has been executed in favour of the petitioner on 29th January, 2015 (Annexure-B1).

8. It is also not in dispute that the revenue records presently stand in the name of the petitioner. The statement of objections filed by respondents 1 to 3 indicates that respondent No. 1 to 3 seeking rectification of the notification dated 25th March, 1943, as the subject land is not find place in the said notification and are claiming relief on the basis of subsequent acts. It is made clear that, the notification dated 25.03.1943 does not pertaining to the schedule land bearing Sy No. 33.

9. In view of the judgment and decree passed by the competent Civil Court and consequential execution of the



registered Sale Deed dated 29th January, 2015 in favour of the petitioner, I am of the considered opinion that the finding recorded by both the respondent-Authorities cannot be sustained in law and same is violation of Section 128 of Karnataka Land Revenue Act, 1964 and as such warrants interference by this Court.

10. Accordingly, I pass the following:

ORDER

- i) Writ Petition ***allowed;***
- ii) Impugned order dated 18th July, 2022 (Annexure-J) passed by the respondent No.5 in Case No.RA(BNA):425/201718 and the order dated 05th August, 2023 (Annexure-K) passed by the respondent No.6 in Case No.R.P.34/2023-24 are hereby set aside.
- iii) The respondent No.4-Tahsildar is directed to enter the name of the petitioner in the revenue records in respect of the land in question, within a period of one month from the date of copy of this order.



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iv) It is made clear that, it is open for the respondent Nos. 1 to 3 to prove the title in respect of land in question before the competent Civil Court in accordance with law.

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

AG
List No.: 1 Sl No.: 5