



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 01ST DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO.27113 OF 2013 (KLR-RR/SUR)

BETWEEN:

SRI. GANGADHARAPPA
S/O LATE NANJIAH,
AGED ABOUT 62 YEARS,
OCC.: AGRICULTURE,
R/AT GOTKANAPURA VILLAGE,
KASABA HOBLI,
GOWRIBIDANUR TALUK,
CHIKKABALLAPURA DISTRICT - 561 208.

...PETITIONER

(BY SRI. C.M. NAGABHUSHAN, ADVOCATE FOR
SRI. L. VIJAYA KUMAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS REVENUE SECRETARY,
VIKASA SOUDHA,
DR. AMBEDKAR VEEDHI,
BENGALURU - 560 001.
2. THE DEPUTY COMMISSIONER,
CHIKKABALLAPUR DISTRICT,
CHIKKABALLAPUR - 562 101.
3. THE ASSISTANT COMMISSIONER,
CHIKKABALLAPUR SUB-DIVISION,
CHIKKABALLAPUR - 562 101.
4. THE TAHSILDAR
GOWRIBIDANUR TALUK,

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



GOWRIBIDANUR,
CHIKKABALLAPUR - 561 208.

5. SMT. GANGAMMA
W/O LATE B. GANGADHARAPPA,
AGED ABOUT 65 YEARS,
OCC.: NIL
R/A GOTKANAPURA VILLAGE,
KASABA HOBLI,
GOWRIBIDANUR TALUK,
CHIKKABALLAPUR - 561 208.
6. SRI. B.G. MANJUNATH
S/O LATE B. GANGADHARAPPA,
AGED ABOUT 38 YEARS,
OCC.: AGRICULTURE
R/A GOTKANAPURA VILLAGE,
KASABA HOBLI,
GOWRIBIDANUR TALUK,
CHIKKABALLAPURA DISTRICT - 561 208.
7. SRI. B.G. SRIRAMAPPA
S/O LATE B. GANGADHARAPPA,
AGED ABOUT 34 YEARS,
OCC.: AGRICULTURE,
R/AT GOTKANAPURA VILLAGE,
KASABA HOBLI, GOWRIBIDANUR TALUK,
CHIKKABALLAPURA DISTRICT - 561 208.
8. SRI. B.G. CHANDRASHEKHAR
S/O LATE B. GANGADHARAPPA,
AGED ABOUT 36 YEARS,
OCC.: AGRICULTURE,
R/AT GOTKANAPURA VILLAGE,
KASABA HOBLI,
GOWRIBIDANUR TALUK,
CHIKKABALLAPURA DISTRICT - 561 208.

...RESPONDENTS

(BY SMT. B.P. RADHA, AGA FOR R1 TO R4;
SRI. VIGNESHWAR S. SHASTRY, SENIOR COUNSEL FOR
SRI. RAVI SHANKAR REDDY K.A., ADVOCATE FOR R5 TO R8)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 18TH FEBRUARY, 2013 PASSED BY THE RESPONDENT NO.2 IN CASE NO.R.A/113/2010-11 VIDE ANNEXURE-Q; DIRECT THE RESPONDENT NO.4 TO DELETE THE NAME OF RESPONDENTS 5 TO 8 ENTERED IN RTC IN RESPECT OF THE AGRICULTURAL LAND BEARING SURVEY NO.184/1 TO AN EXTENT OF 2 ACRE 6 GUNTAS SITUATE AT GOTAKANAPURA VILLAGE, KASABA HOBLI, GOWRIBIDANURU TALUK; AND ETC.

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 JUDGMENT

In this petition, the petitioner is challenging the order dated 18th February, 2013 (Annexure-Q) passed in case No.R.A/113/2010-11 by the respondent No.2; *inter alia* sought for a direction to the respondent No.4 to delete the name of the respondents 5 to 8 in the revenue records in respect of the subject land.

2. The relevant facts for adjudication of this petition are that the land bearing Survey No.184 originally measuring 4 acre 1 gunta situate at Gotkanapura Village, Gowribidanur Taluk, Chikkaballapur District belongs to Hanumanthappa S/o



Chikkanna and Doddananjundappa S/o of Mallappa. It is stated that the aforementioned land was phoded into new Survey No.184/1 measuring 2 acre 6 guntas and Survey No.184/2 measuring 1 acre 35 guntas. It is also stated that the land bearing Survey No.184/1 belongs to Chikkanna and Nanjaiah, sons of Chikkananjundappa, who is the elder uncle of the petitioner herein. The aforesaid land bearing Survey No.184/1 is the subject matter of this petition. Petitioners have produced the index of land at Annexure-C and Form No.5 at Annexure-D. It is further stated that, Chikkananjundappa had four sons namely Mallappa, Chikkanna, Nanjaiah and Nanjamma. There was a partition in the joint family on 02nd October, 1946 and the land measuring 1 acre 35 guntas out of 4 acre 1 gunta was allotted to the share of Hanumanthappa S/o Chikkanna and remaining 2 acre 6 guntas equally divided between Nanjaiah (father of the petitioner) and Chikkanna and as such, the father of the petitioner got 1 acre 3 guntas of land.

3. It is also averred in the petition that, after the death of the father of the petitioner, the petitioner is in possession of the land to an extent of 1 acre 3 guntas and



accordingly, the revenue records are mutated in favour of the petitioner. It is further stated in the writ petition that the uncle of the petitioner viz., Chikkanna had executed a registered Sale Deed dated 25th November, 1946 in respect of his extent of *one-half* share in land bearing Survey No.184/1 as per Annexure-H in favour of the Batal Nanjundappa. It is stated that the Deed of Release was executed on 23rd March, 1984 and thereafter M.R. No.32/84-85 (Annexure-G) was made by the competent authority and same was not challenged by respondents 5 to 8. Therefore, it is the case of the petitioner that, when Batal Nanjundappa himself did not obtained revenue entries in respect of the subject land on the basis of Release Deed as well as on the basis of registered Sale Deed, the respondent No.4 ought not to have entered the name of B. Gangadharappa (brother of Batal Nanjundappa). It is the further case of petitioner that the petitioner came to know that the respondents 5 to 8 have got divided the property among themselves and as such, an entry was made in M.R. No.41/2004-05 by the respondent No.4 (Annexure-M) and being aggrieved by the same, the petitioner approached the respondent No.3 in Case No.R.A(Gow)95(a)/2009-10 to rectify



the mistake committed by the respondent No.4 in respect of the land bearing Survey No.184/1 measuring 2 acre 6 guntas. The respondent No.3, by order dated 04th October, 2010 (Annexure-N), directed the respondent No.4 to change the Khata in favour of the petitioner and pursuant to the same, M.R. No.14/2010-11 (Annexure-P) came to be made by the respondent No.4. Being aggrieved by the same, respondents 5 to 8 have preferred R.A.No.113/2010-11 before the respondent No.2 and the respondent No.2, without considering the factual aspects on record has passed the impugned order dated 18th February, 2013 (Annexure-Q) and as such, the petitioner presented this petition.

4. Heard Sri. C.M. Nagabhushan, learned counsel on behalf of Sri. L. Vijaya Kumar, appearing for the petitioner; Smt. B.P. Radha, learned Additional Government Advocate appearing for respondents 1 to 4; and Sri. Vigneshwar S. Shastry, learned Senior Counsel on behalf of Sri. Ravi Shankar Reddy K.A., appearing for respondents 5 to 8.

5. Sri. C.M. Nagabhushan, learned counsel appearing for the petitioner contended that the respondent No.2 has



committed an error in interfering with the order passed by the respondent No.3 and further in view of the impugned order, respondents 5 to 8 have got right and title over and above the land purchased by their ancestors in terms of the registered Sale Deed dated 25th November, 1946. Learned counsel appearing for the petitioner, by referring to the registered Sale Deed dated 25th November, 1946 (Annexure-H), argued that the subject land was to the extent of *one-half* of the land made thereunder and accordingly, the said aspect of the matter was ignored by the respondent-Authorities.

6. It is also contended by the learned counsel appearing for petitioners that the registered partition deed dated 02nd October, 1946 clearly stated as to the part of the land belonging to the Nanjaiah and Chikkanna and the said aspect of the matter was also ignored by the respondent No.2.

7. It is also argued by learned counsel appearing for the petitioner that the entry made in M.R. No.32/84-85, M.R. No.7/89-90, M.R. No.12/1990-91 and M.R. No.41/2004-05 have no legal sanctity and contrary to the registered Sale Deed dated 25th November, 1946 (Annexure-H). Accordingly, sought



for interference of this Court.

8. Per contra, Sri. Vigneshwar S. Shastry, learned Senior Counsel appearing for respondents 5 to 6 argued that the land bearing Survey No.184/1 measuring to an extent of 2 acre 6 guntas situate at Gotkanapura Village belongs to Chikkanna was phoded and thereafter, same was purchased by Nanjundappa S/o Batal Gangappa and therefore, the respondent No.2 had rightly interfered with the order passed by the respondent No.3. Accordingly, sought for dismissal of the petition.

9. Having heard the learned counsel appearing for the parties and on perusal of the averments made in the writ petition, it is forthcoming that the respondent No.4 has modified M.R.No.41/2004-05, M.R.No.12/1991-92 and M.R.No.7/1989-90, by looking into the Partition Deed dated 02nd October, 1946 executed between and amongst the Chikka Nanjundappa and his children namely Mallappa, Chikkanna, Nanjaiah and Nanjamma. It is also to be noted that, as per the registered Sale Deed dated 25th November, 1946 (Annexure-H), Chikkanna had sold the portion of land to Nanjundappa s/o



Batal Gangappa. The crux of the matter is as to the interpretation of the registered Sale Deed dated 25th November, 1946 (Annexure-H) as to an extent of land sold therein. In the aforementioned Sale Deed, the schedule of the land sold is stated as 'half of the schedule mentioned therein'. In this regard, the question is as to whether the Khata has to be made in respect of 1 acre 3 guntas or to the total extent of 2 acre 6 guntas. The said aspect of the matter has to be proved by the petitioner herein before the competent Civil Court by filing a suit for declaration as the said aspect of the matter cannot be decided by the Revenue Court to interpret the recitals in the Sale Deed dated 25th November, 1946 (Annexure-H). Therefore, by looking into the order passed by the respondent No.3-Assitant Commissioner, it is forthcoming that the direction was issued to the respondent No.4 to enter the name of the respondents therein based on the registered Sale Deed. The said aspect was reconsidered by the respondent No.2 based on the registered Sale Deed dated 25th November, 1946 and further as it is not in dispute that the land to an extent of 2 acre 6 guntas in Survey No.184/1 was purchased by Nanjundappa S/o Batal Gangappa from Chikkanna and the said



aspect has been rightly analyzed by the respondent No.2. I have also noticed from the records that the mutation entry has been interfered with, after two decades and same has to be settled by way of Civil suit alone. Therefore, I am of the opinion that, no interference be called for in this petition. In that view of the matter, as the petitioner has to establish his right over the property in question before the competent Civil Court in terms of the observation made above, I do not find any merit in the petition. Accordingly, writ petition is ***dismissed.***

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

ARK
List No.: 1 Sl No.: 70