



CNR: KAHC010311972025

NC: 2026:KHC:39893-DB
WA No. 746 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 746 OF 2025 (KLR-RES)

BETWEEN:

1. BASAVARAJU,
S/O LATE KARIBASAVIAIAH,
AGED ABOUT 62 YEARS,
OCC: AGRICULTURE,
GEDDALAHALLI VILLAGE,
SOMPURA HOBLI,
NEALAMANGALA TALUK,
BENGALURU RURAL
DISTRICT - 560 023.
2. SRI. SHIVASHANKARAPPA,
S/O LATE RAJANNA,
AGED ABOUT 35 YEARS,
R/O BAVIKERE VILLAGE,
KASABA NELAMANGALA,
HOBLI TALUK
BANGALORE RURAL DISTRICT.
3. SRI. SOMANNA,
S/O LATE KARIBASAVIAIAH,
AGED ABOUT 73 YEARS,
R/O NO. 58/1, 3RD MAIN,



CNR: KAHC010311972025

NC: 2026:KHC:39893-DB
WA No. 746 of 2025

VRISHABAVATHI,
BANGALORE 79.
SPA HOLDER SRI.BASAVARAJU

4. SMT. RATHNAMMA,
D/O LATE RAJANNA,
AGED ABOUT YEARS,
R/O NO. 42, 8TH CROSS,
CHOLURU PALYA,
BANGALORE RURAL DISTRICT.
5. SMT. SAROJAMMA,
D/O RAJANNA,
AGED ABOUT YEARS,
KASABA NELAMANGALA,
D/O JAKKASANDRA HOBLI TALUK,
BANGALORE RURAL DISTRICT.
6. SMT. SHANTHAMMA,
D/O LATE KARIBAAVAIAH,
W/O SHIANNA,
AGED ABOUT 68 YEARS,
TURUVEKERE ALLUKERE TALUK,
TUMAKURU DISTRICT.
7. SRI. MARIYAPPA,
S/O LATE KARIBASAVAIAH,
AGED ABOUT 55 YEARS,
R/O NO.42, 3RD CROSS ROAD,
HOLURU PALYA,
BANGALORE - 560 023.
8. JAYAMMA,
D/O LATE NAGAIAH,



NC: 2026:KHC:39893-DB
WA No. 746 of 2025

CNR: KAHC010311972025

AGED ABOUT 62 YEARS,
ADI HOSAHALLI OBALAPURA,
POST THYAMAGONDLU HOBLI,
NELAMANGALA TALUK.

APPELLANT NO.1 IS THE SPA HOLDER
FOR APPELLANT NO.1 TO 8.

...APPELLANTS

(BY SRI. SHIVARAJ N ARAI., ADVOCATE)

AND:

1. THE TAHSILDAR,
NELAMANGALA,
BANGALORE - 562 123.
2. THE ASSISTANT COMMISSIONER,
DODDABALLAPURA SUB-DIVISION,
DODDABALLAPURA - 561 203.
3. THE SPECIAL DEPUTY COMMISSIONER,
BENGALURU RURAL DISTRICT,
AT BEERASANDRA - 562 110.
4. SRI. PANCHAKSHARI,
S/O LATE PUTTAIAH,
AGED ABOUT 48 YEARS,
GEDDALAHALLI SOMPUR HOBI,
NELAMANGALA TLAUK,
BENGALURU RURAL DISTRICT - 560 023.
5. SRI. KUMARA S.,
S/O LATE PUTTAIAH,
AGED ABOUT 45 YEARS,
GEDDALAHALLI,



CNR: KAHC010311972025

NC: 2026:KHC:39893-DB
WA No. 746 of 2025

SOMPUR HOBLI,
NELAMANGALA TALUK,
BENGALURU RURAL DISTRICT - 560 023.

6. SMT. SIDDAGANGAMMA,
W/O LATE PUTTAIAH,
AGED ABOUT 67 YEARS,
GEDDALAHALLI SOMPUR HOBLI,
NELAMANGALA TALUK,
BENGALURU RURAL DISTRICT - 560 023.

...RESPONDENTS

(BY SRI. B. RAVINDRANATH, AGA FOR R1 TO R3,
SRI. KALYAN, R. ADVOCATE FOR R4,
SRI. OMKARAMURTHY G., ADVOCATE FOR R5,
R6 SERVED AND UNREPRESENTED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE
THE ORDER DATED 25.03.2025 PASSED IN WP NO.28685/2023
BY THE HON'BLE SINGLE JUDGE AND ALLOW THIS WRIT
APPEAL, PASS SUCH OTHER ORDER OR DIRECTION AND ETC.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING
B' GROUP, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS
UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF



CNR: KAHC010311972025

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

This intra-Court appeal by the unsuccessful petitioners, assailing the order dated 25.03.2025, passed by the Writ Court in W.P.No.28685/2023.

2. Under the impugned order, the Writ Court dismissed the Writ Petition.

3. The parties are referred to as per their ranking before the Writ Court.

4. Facts germane to file the present appeal are as under:

4.1 The petitioners herein claims to be the children of one Karibasavaiah, who alleged to have purchased the property in dispute i.e., land in Sy.No.11 measuring 02 Acre 20 Guntas of Geddalahalli Village, Nelamangala Taluk along with one Nagaiah from one Lakkur Muddaiah on 21.05.1941. It was contended



CNR: KAHC010311972025

that the name of Karibasavaiah was not entered in the revenue records.

4.2 When the matter stood thus, one Puttaiah S/o.Basappa purchased 33 Guntas of land in Sy.No.11 vide registered Sale Deed dated 14.04.1956, who according to the petitioners has no right, title or interest in the property. The said Puttaiah under the very same sale deed, purchased two other agricultural properties in Sy.No.9/2A and 10 of Geddalahalli Village from one Puttamma W/o.Gangaiah.

4.3 According to the petitioners, the said Puttaiah sold 33 Guntas of land in favor of Sri.Shivanna S/o.Shantaveerappa by way of Sale Deed dated 03.07.1972. Thereafter, Shivanna sold the same under registered Sale Deed dated 30.04.1993 in favor of Puttaiah.



CNR: KAHC010311972025

- 4.4 The petitioners, noticing these Sale Deeds, which have no sanctity in law, opposed the claim of children of Puttaiah, which was rejected by the Tahsildar, however allowed by the Assistant Commissioner in appeal, by means of order dated 27.10.2018, directing the Tahsildar to conduct an enquiry and enter the name of appellants therein i.e., Mr.Panchakshari S/o.Puttaiah after verifying the documents.
- 4.5 Aggrieved by the order passed by the Assistant Commissioner, the petitioners were before the Writ Court. Before the Writ Court, the petitioners contended that they being the legal heirs of Karibasavaiah entitled for the property and the revenue authorities ought to have been entered their name in place of Puttaiah and his children, since Karibasavaiah had purchased the property way back in the year 1941. They further contend that this aspect of the matter has been lost sight by the



CNR: KAHC010311972025

Revenue Authorities, especially the Assistant Commissioner, who allowed the appeal and remanded the matter to the Tahsildar, directing him to hold an enquiry and enter the names of appellants therein after verifying the records.

4.6 Before the Writ Court, the contesting respondents submitted that, in the year 1962, Puttaiah purchased another extent of 33 Guntas in Sy.No.11 from Nagaiah S/o.Kariyappa. It was also contended that under the registered Sale Deed dated 30.04.1993 executed by Shivanna, Puttaiah secured back 33 Guntas of land that he had earlier sold to Shivanna and in all, Puttaiah had acquired 02 Acres 19 Guntas and his name was entered in the revenue records.

4.7 It was contended that, in the family partition, the properties were divided among the family members and one of the son of Puttaiah to whom a portion of land i.e., 33 Guntas was allotted, approached the



CNR: KAHC010311972025

Tahsildar for effecting his name, which was mistakenly left out. At this juncture, the Tahsildar declined to enter his name, which was the subject matter before the Assistant Commissioner and the Assistant Commissioner rightly allowed the appeal and directed the Tahsildar to hold an enquiry and thereafter, enter the name of son of Puttaiah i.e., Panchakshari, whose name had been mistakenly left out, as such the order passed by the Revenue Authorities are in terms of provisions contained under Section 128 of the Karnataka Land Revenue Act, 1964, regarding acquisition of rights by way of registered deed, in terms of which names of Puttaiah and his children were entered in the revenue records at the earlier point of time and sought to dismiss the Writ Petition.

4.8 The Writ Court after considering these aspects of the matter as borne out from Paragraph Nos.7 to 9 of the order of the Writ Petition, found that Puttaiah by



CNR: KAHC010311972025

means of sale deeds stated afore, acquired 02 Acres 19 Guntas of land. In that an eventuality, any adverse contention stating that the father of the petitioners purchased the property way back in the year 1941 cannot be countenanced, as the revenue authorities are not enjoined with the power to dwell upon the disputed question of facts between the parties. The Writ Court having considered the same, observed that since 1993, the names of Puttaiah appeared in the revenue entries & continued and subsequently, after partition in the family, the name of children substituted, except one son who approached the Tahsildar and there appears to be the disputed started, which has been properly attended by the Assistant Commissioner under the powers conferred under Section 136(2) of the Karnataka Land Revenue Act, 1964.

4.9 The Writ Court further observed that though there was a contention by the petitioners that their father



CNR: KAHC010311972025

purchased the property back in the year 1941, but the fact remains that neither Karibasavaiah's nor his children's name was entered in the revenue records on the basis of the said sale deed. In that view of the matter, now disputing the entries on the basis of the sale deeds contending that the entries on the basis of void documents cannot be countenanced. It was also observed that the Revenue authorities are not enjoined with the power as it is the exclusive domain of the competent Civil Court to decide in respect of adversial rights claimed.

4.10 The Writ Court further observed that the suit in O.S.No.302/2020, filed by the petitioners seeking partition in their family inter-se had been dismissed for non-prosecution and this for the Writ Court to state that, it indicates the rights of the petitioners to claim share in the property is yet to be adjudicated. Accordingly, the Writ Court was of the opinion that, the contentions of the petitioners at this point of



CNR: KAHC010311972025

time, stating the documents as void documents, cannot be countenanced. Accordingly, dismissed the Writ Petition. It is this order passed by the Writ Court, is called in question in this appeal by the unsuccessful petitioners.

5. Heard, Sri.Shivaraj N.Arali, learned counsel appearing for the appellants, Sri.B.Ravindranath, learned Additional Government Advocate appearing for the State, Sri.Kalyan.R, learned counsel appearing for respondent No.4 and Sri.Omkara Murthy.G, learned counsel appearing for respondent No.5.

6. Sri.Shivaraj N.Arali, learned counsel appearing for the appellants/ petitioners has taken altogether a different contention before this Court stating that, in the schedule at Annexure-D, the property shown in respect of Sy.No.11 is 14 Guntas and not 33 Guntas. However, to the query of this Court that, whether the petitioners had raised such contention in the Writ Petition, learned counsel



is unable to point out any averment in any paragraph of the Memorandum of Writ Petition supporting such a contention. The petitioners cannot be permitted to raise, for the first time in appeal, altogether a strange and different contention, that was neither pleaded nor urged before the Writ Court.

7. Be that as it may, the entire contention of the petitioners revolves around voidness of the document, which according to them have no sanctity in law, as there was an earlier Sale Deed in favor of their father Karibasavaiah, which in equal force denied by the contesting respondents. In view of these disputed questions of facts and since the name of contesting respondents' father was entered in the revenue records in 1993 and continued till his death, and thereafter the names of contesting respondents were mutated, such entries cannot now be sought to be altered, merely on the contention of voidness of the document. These disputed questions of facts necessarily require adjudication and be



CNR: KAHC010311972025

NC: 2026:KHC:39893-DB
WA No. 746 of 2025

decided by the competent Civil Court. That apart, no challenge has been made to the earlier entries that were made in the name of Puttaiah and thereafter, in the name of his children. In that view of the matter, we find no infirmity in the order passed by the Writ Court. The appeal sans merits, and accordingly is, ***dismissed***.

8. In view of dismissal of the Writ Appeal, pending interlocutory applications, if any, stand disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

TKN
List No.: 1 Sl No.: 22
ct-vn