



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 06TH DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO.16140 OF 2019 (KLR-RES)

BETWEEN:

1. MUNIYAPPA
S/O LATE CHIKKAMUNISHAMAPPA,
AGED ABOUT 70 YEARS.
2. PARVATHAMMA
D/O LATE CHIKKAMUNISHAMAPPA,
AGED ABOUT 60 YEARS.
3. BHEEMESH
S/O LATE CHIKKAMUNISHAMAPPA,
AGED ABOUT 57 YEARS.
4. NARAYANASWAMY
S/O LATE CHIKKAMUNISHAMAPPA,
AGED ABOUT 54 YEARS.
5. RAMESH
S/O LATE CHIKKAMUNISHAMAPPA,
AGED ABOUT 52 YEARS.
6. MAINIKYAMMA
D/O LATE CHIKKAMUNISHAMAPPA,
AGED ABOUT 44 YEARS.
7. SHARADAMMA
D/O LATE CHIKKAMUNISHAMAPPA,
AGED ABOUT 42 YEARS.
8. MUNIVENKATAPPA
S/O LATE CHIKKAMUNISHAMAPPA
AGED ABOUT 58 YEARS.

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



ALL ARE RESIDENTS OF
HOSHALLI VILLAGE,
CHANNARAYAPATNA HOBLI,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT - 562 110.

PETITIONERS 1 TO 7 ARE REP. BY
GENERAL POWER OF ATTORNEY HOLDER
MUNIVENKATAPPA (PETITIONER NO.8),
S/O. LATE CHIKKAMUNISHAMAPPA,
AGED ABOUT 58 YEARS.

...PETITIONERS

(BY SRI. KRISHNAMOORTHY D., ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF REVENUE,
M.S. BUILDING,
BENGALURU - 560 001.
REPRESENTED BY ITS SECRETARY.
2. THE TAHSILDAR
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT - 562 110.
3. THE DEPUTY TAHSILDAR
NADA KACHERI,
CHANNARAYAPATNA,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT - 562 110.
4. MUNIVENKATAPPA
S/O LATE MUNISHAMAPPA
AGED ABOUT 88 YEARS.
5. NAGAPPA
S/O LATE MUNISHAMAPPA
SINCE DEAD, BY LRS.



- 5(a). KEMPAMMA
D/O LATE NAGAPPA,
AGED ABOUT 62 YEARS.
- 5(b). BIYAMMA
D/O LATE NAGAPPA,
AGED ABOUT 59 YEARS.
- 5(c). MAHESH
S/O LATE NAGAPPA,
AGED ABOUT 28 YEARS.
6. EEREGOWDA
S/O MUNIVENKATAPPA,
AGED ABOUT 52 YEARS.

RESPONDENTS 4, 5(a) TO 5(c) AND 6 ARE
R/AT DODDA HOSAHALLI,
CHANNARAYAPATNA HOBLI,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT - 562 110.

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE N., HCGP FOR R1 TO 3;
SRI. S. KALYAN BASAVARAJ, ADVOCATE FOR R4,
R5(a) TO R5(c) AND R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
QUASH THE ORDER PASSED BY THE DEPUTY COMMISSIONER,
BENGALURU RURAL DISTRICT, BENGALURU DATED 31ST
DECEMBER, 2018 IN REVISION PETITION NO.103/2016-17
VIDE ANNEXRE-E; AND ETC.

THIS PETITION COMING ON FOR FURTHER HEARING,
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE E.S. INDIRESH



ORAL ORDER

In this petition, petitioners are challenging the order dated 31st December, 2018 (Annexure-E) passed by the Deputy Commissioner, Bengaluru Rural District, Bengaluru in Revision Petition No.103/2016-17.

2. The relevant facts for adjudication of this petition are that, petitioners claim to be a joint owners of the schedule property bearing Survey No.92 of Hosahalli Village, Channarayapatna Hobli, Devanahalli Taluk, Bengaluru Rural District measuring 4 acres. It is the case of petitioners that the schedule property belongs to their father Chikkamunishamappa and RTC Extracts stand in the name of father of petitioners. It is stated in the petition that the said Chikkamunishamappa was owner of the schedule property and he died on 04th March, 2014. After the death of their father Chikkamunishamappa, petitioners approached the respondent No.2-Tahsildar to transfer the Khata of the schedule property in to their names, however, the petitioners came to know that the Khata has been changed as per RI.CR.IHR No.313/1983-84 and MR No.16/1998-99 in favour of the respondents 4 and 5. Therefore, petitioners approached the Assistant Commissioner,



Doddaballapura Sub-Division by filing an appeal in Case No.RA(DE):311/2014-15. The Assistant Commissioner, Doddaballapura Sub-Division, by order dated 06th July, 2017 (Annexure-D), allowed the appeal and directed the respondent No.2-Tahsildar to make Khatha in the name of petitioners herein, who are the legal representatives of Chikkamunishamappa. Being aggrieved by the same, respondents 4 to 6 herein have filed Revision Petition No.103/2016-17 before the Deputy Commissioner, Bengaluru Rural District. The Deputy Commissioner, Bengaluru Rural District being a revisional authority, after appreciating the material on record, allowed the revision petition and quashed the order dated 06th July, 2017 (Annexure-D) passed by the Assistant Commissioner, Doddaballapura Division in Case No.RA(DE):311/2014-15. Hence, petitioners are before this Court in the present petition.

3. Heard Sri. Krishnamoorthy D., learned counsel appearing for petitioners; Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for respondents 1 to 3;



and Sri. S. Kalyan Basavaraj, learned counsel appearing for respondents 4, 5(a) to 5(c) and 6.

4. Sri. Krishnamoorthy D., learned counsel appearing for petitioners, by referring to RTC extracts produced at Annexure-A, submits that the schedule property originally belongs to the father of petitioners viz., Chikkamunishamappa. Learned counsel contended that the father of petitioners died 04th March, 2014 and after the death of their father, petitioners came to know that the Khata in respect of the schedule property was transferred in favour of respondents 4 and 5.

5. Learned counsel appearing for petitioners, by referring to Annexure-C, submits that the change of entry in favour of respondents 4 and 5 is made in respect of Survey No.92 and extent of the same is overwritten as 4 acres. In this regard, learned counsel Sri. Krishnamoorthy D., submits that the entire proceedings before the Revenue Authorities is contrary to law, as the Deputy Commissioner, Bengaluru Rural District, without there being considered the fact that the father of petitioners was alive at the time of making entry in RI.CR.IHR No.313/83-84 and MR No.16/1998-99, had passed



impugned order. Accordingly, he sought for interference of this Court.

6. Per contra, Sri. S. Kalyan Basavaraj, learned counsel appearing for respondents 4, 5(a) to 5(c) and 6 submits that the schedule property has been granted in favour father of respondents 4, 5 and 6 viz., Chikkamunishamappa, who is also called as P. Munishamappa as per the RTC extracts produced at Annexure-A series and Death Certificate produced at Annexure-R2. Accordingly, learned counsel Sri. S. Kalyan Basavaraj submits that the petitioners have to establish their right over the schedule property before the competent Civil Court.

7. Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for respondents 1 to 3 sought to justify the impugned order.

8. Having heard the learned counsel appearing for the parties and on perusal of the writ papers, it is forthcoming that the petitioners are challenging the mutation made in favour of respondents 4 and 5 in respect of schedule property in RI.CR.IHR No.313/83-84 and MR No.16/1998-99. On perusal



of Annexure-C, the same would indicate that the legal heirs of Chikkamunishamappa @ Munishamappa viz., Nagappa and Munivenkatappa have sought for transfer of Khata in their favour after the death of Chikkamunishamappa. On perusal of MR No.16/1998-99, it is forthcoming that the legal heirs of Chikkamunishamappa viz., Nagappa and Munivenkatappa also made an application as to change of mutation in their favour. The petitioners are claiming right over the schedule property as the same is their ancestral property as per the RTC extracts. On the contrary, the respondents 4 to 6 herein are claiming right over the schedule property based on the grant order produced at Annexure-R1. In that view of the matter, as the disputed question of facts are involved in the present case, I am of the view that the finding recorded by the Deputy Commissioner, Bengaluru Rural District, relegating the petitioners herein to establish their right over the schedule property before the competent Civil Court, is just and proper. It is also pertinent to mention here that the petitioners have approached the Assistant Commissioner, Doddaballapura Sub-Division, after a period of twenty years from the date of change of mutation in favour of respondents 4 and 5.



9. Under these circumstances, as the right of parties over the schedule property is required to be crystallised in an appropriate manner before the competent Civil Court, I do not find any material to interfere with the impugned order dated 31st December, 2018 (Annexure-E) passed by the Deputy Commissioner, Bengaluru Rural District in Revision Petition No.103/2016-17. Accordingly, writ petition is ***dismissed.***

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

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List No.: 1 Sl No.: 59