



CNR: KAHC010356262026

NC: 2026:KHC:43331
WP No. 16646 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO.16646 OF 2026 (GM-CPC)

BETWEEN:

M. MUNIRAJU,
SINCE DEAD BY HIS LRS

1. SMT. SHANTHAMMA
W/O LATE M. MUNIRAJU,
AGED ABOUT 59 YEARS
2. SMT. KAVITHA
D/O LATE M. MUNIRAJU
AGED ABOUT 46 YEARS
3. SMT. LAKSHMI
D/O LATE M. MUNIRAJU
AGED ABOUT 41 YEARS
4. SMT. SHOBHA
D/O LATE M. MUNIRAJU
AGED ABOUT 36 YEARS,
5. SRI. MURTHY
S/O LATE M. MUNIRAJU
AGED ABOUT 39 YEARS

ALL ARE R/AT NO.1008,
KAVALBYRASANDRA,
AMC MAIN ROAD,
RT NAGAR,
BENGALURU – 560 032.

...PETITIONERS

(BY SRI. P.B. RAJU., ADVOCATE)

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by SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA



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AND:

1. M/S ARCJ DEVELOPERS,
PARTNERSHIP FIRM,
HAVING ITS OFFICE AT 145,
GROUND FLOOR, 12TH CROSS,
4TH MAIN, OPP HANUMANTHAN TEMPLE,
BEML LAYOUT, THUBARAHALLI,
BENGALURU – 560 066
REPRESENTED BY ITS PARTNER
MR. BEERAM RAMA JAYAVARDHAN REDDY
2. RINKU DESHPANDE
W/O NILESH DESHPANDE
R/AT FLAT NO.123, TOWER-4,
PEBBLE BAY, 1ST MAIN,
RMV 2ND STAGE, DOLLARS COLONY,
BENGALURU – 560 094
3. U. RAJASH KARANTH
S/O NARASIMHA KARANTH,
AGED ABOUT 47 YEARS,
R/AT NO.1/50, ANANTH NILAYA,
NEAR GOPAL KRISHNA TEMPLE,
UPPINAKUDRU
UDUPI – 576 230
4. MRS. BOREDDY SOWJANYA
W/O MR. BALAKRISHNA REDDY
REPRESENTED BY HER GPA HOLDER
MR. BOREDDY RAMA CHANDRADDY
S/O LATE BOREDDY RAMIREDDY
R/AT NO.16/1, VIVEKANANDA LAYOUT,
NEAR LADIES PG, MARATHAHALLI,
BENGALURU – 560 037
5. MR. V. KARTHIK
S/O V. MANOHAR,



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AGED ABOUT 60 YEARS,
R/AT THIMMAIAH PALLE,
CHITTOOR,
ANDHRA PRADESH – 517 403

6. MR. KONKALA RAGHAVA REDDY
S/O MR. SURYA REDDY KONKALA,
AGED ABOUT 35 YEARS,
R/AT 672, FLAT NO.104,
CANDALE MANOR,
1ST MAIN, C BLOCK, AECS LAYOUT,
BROOKEFIELD, MARATHAHALLI,
BENGALURU – 560 066
7. SATHISH
S/O BABU,
AGED ABOUT 30 YEARS,
R/AT 15/8, VPC 8TH STREET,
ANNAI SATHYA NAGAR,
S.M. NAGAR POST,
THIRUMULLAIVOYAL,
TIRUVALLUR,
POONAMALLEE, CHENNAI,
TAMIL NADU – 600 062
8. MR. SANDEEP REDDIVARI
S/O R. JAYACHANDRA REDDY,
REPRESENTED BY GPA HOLDER
MR. D. HARI PRAKASH REDDY
S/O D. NARAYAN REDDY
R/AT NO. 2-142/A,
CHERLOPALLE, CHITTOOR,
ANDHRA PRADESH – 517 305
9. ANKI REDDY
S/O MADHIREDDY,
AGED ABOUT 51 YEARS
R/AT NO. HAMLET LAYOUT,
CHIKKTIRUPATHI MAIN ROAD,
SY NO.115, CHANNASANDRA,



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BEHIND MVJ ENGINEERING COLLEGE,
KADUGODI POST,
BENGALURU – 560 067

...RESPONDENTS

(BY SRI. RAKESH B BHATT, ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE IMPUGNED ORDER DATED 10/4/2025 PASSED ON I.A NO.2 FILED UNDER ORDER VII RULE 11(b), (c) AND (d) OF CPC, IN O.S NO.1250/2025, ON THE FILE OF THE IV ADDITIONAL SENIOR CIVIL JUDGE, BENGALURU DISTRICT, AT BENGALURU VIDE ANNEXURE-A AND ETC

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 10.04.2025 passed in I.A.No.2 in O.S.No.1250/2025 by the IV Additional Senior Civil Judge, Bengaluru District, the petitioners/plaintiffs are before this Court.

2. The petitioners herein, who are the plaintiffs, had filed O.S. No. 1250/2025 seeking declaration and injunction. In the suit, defendant No. 11 had filed an application dated



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14.08.2025 under Order 7 Rule 11 (b), (c), and (d) of the CPC. The trial Court, by the impugned order, allowed the application.

3. While allowing the application, the trial Court directed the plaintiff to value the suit at the market value of the suit schedule property and pay the Court fee on ad valorem basis by filing a fresh valuation slip within four weeks from the date of this order. In default, the plaint shall stand rejected. The trial Court observed that the RTC and mutation of the suit-schedule property are in the name of the plaintiff. The present suit was filed in the year 2025. As of the date of filing of the suit, Channasandra Village, where the suit schedule property is situated is coming under the limits of BBMP, Bengalurur from the year 2007 itself. As per the observation made by the High Court, whether agricultural or otherwise, the property is located within the municipal limits of a city corporation.

4. It is further observed that, for the purpose of Court fee, the market value must be taken into consideration, even if the land remains agricultural in the official records and the revenue tax, rather than the municipal tax otherwise payable thereon, is applicable. Hence, although the suit schedule



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property appears in the RTC extract as payable under revenue assessment and is situated within the jurisdiction of BBMP, its market value must be considered for the purpose of the Court fee. However, the plaintiff has paid the court fee based on the revenue assessment, which is incorrect and improper. The plaint cannot be rejected without giving the plaintiff an opportunity to value the suit schedule property and pay the court fee on the market value. Accordingly, the trial Court allowed the application.

5. Learned counsel appearing for the petitioners/ plaintiffs submits that the petitioner is not aggrieved as far as payment of the Court fee is concerned, if any. However, the trial Court had given a finding that it has to be considered as non-agricultural land, even though the property used by the petitioner is agricultural land, and he is also paying the tax in respect of the same. It cannot be considered as a non-agricultural land and that finding of the trial Court is not correct. Learned counsel has relied on a judgment of the Division Bench of this Court in the case of ***J.M.Narayana and***



Others Vs. Corporation of the City of Bangalore¹,
paragraph No.6 reads as follows:

"6. There is another angle from which the issue can be viewed. Section 7 of the Karnataka Court Fees and Suits Valuation Act, 1958 creates a legal fiction regarding the market value of lands that form an entire estate or a definite share of an estate are concerned. A closer reading of Section 7(2)(b) would show that not only should the land be an entire estate or a definite share of an estate, but it must be paying annual revenue to the Government. The expression "paying annual revenue to the Government" in Section 7(2)(b) is significant and in our opinion implies that the liability to pay land revenue must be clear and subsisting one. In cases where such liability ceases to exist on account of incorporation of the area within the limits of a Municipal Corporation, the land cannot be said to be paying annual revenue to the Government. That is because the liability to pay any such revenue must be deemed to have ceased from the moment the land is included in the extended Corporation limits."

6. Relying on this, it is submitted that the property remains agricultural land and has not lost its character. Hence, the value must be considered as agricultural land, and the order needs to be modified as far as that issue is concerned.

7. In response to that, learned counsel appearing for the respondents/defendants submits that this issue is no more res integra as the full bench of this Court in the case of ***Elfreeda Winnifred D'Souza Vs. Robin D'Souza and Others*** arising

¹ ILR 2005 KAR 60



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out of **WP.No.40157/2014 dated 10.12.2021** has decided this aspect and has held that once a property falls within the corporation limits, it has to be considered as non-agricultural land. He had relied on the following paragraphs:

"(f) What emerges from the above observations of the Division Bench is that where the land, be it agricultural or otherwise, is situate within the municipal limits of a city corporation, for the purpose of court fee, its market value has to be taken into consideration, even if the land continues to be agricultural in the official records and the land revenue instead of municipal tax otherwise payable thereon. The decision of the learned Single Judge in Smt.Vijayalakshmi supra accords with this view and therefore, reflects the correct position of law. However, the decision of another learned Single Judge in R.Ananda supra runs counter to the view now we have taken and therefore, it has been rendered a destitute of precedential value.

(g) There is yet another aspect which came to light during the course of hearing. Clause (d) of sub-section (2) of section 7 of the Act to the extent it related to agricultural land has been struck down by a learned Single Judge of this court in MAHADEV AND ANOTHER VS. STATE OF KARNATAKA BY IT'S SECRETARY, REVENUE DEPARTMENT AND ANOTHER, ILR 2003 KAR 1724. This decision being challenged in W.A.No.3181/2002 between STATE OF KARNATAKA VS. MAHADEV disposed off on 30.1.2003 has been affirmed by the Division Bench. There being no further challenge thereto, section 7(2)(d) only to that extent is no longer on the statute book. Learned trial Judge in the impugned order inter alia referred to this provision since the suit land is non- agricultural. Thus, striking down of the said part of the provision does not come to the aid of petitioner even in the least.

In the above circumstances, we answer the Reference as under:

(a) The legal position as to the valuation of the land and payment of court fee in a suit for declaration of



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title, as delineated by the Division Bench decision of this Court in J.NARAYANA & ORS. vs. CORPORATION OF CITY OF BANGALORE, ILR 2005 KAR 60 reflects the correct position of law and that its precedential value is not affected by the striking down a part of section 7(2)(d) of the Karnataka Court Fees and Suits Valuation Act, 1958.

(b) The legal position in regard to suit valuation and payment of court fee as stated in the decision of the learned Single Judge in SMT.VIJAYALAKSHMI VS. SMT. UGAMA BAI, (2015) 4 KCCR 3947 accords with that in J.Narayana supra and therefore, is correct. However, the decision of the other learned Single Judge in R.ANANDA VS. NANJUNDASWAMY, 2006 SCC ONLINE KAR 557 being repugnant to the ratio laid down by the Division Bench in J.Narayana supra, does not reflect the correct position of law and therefore, lacks precedential value."

8. Relying on this judgment, it is submitted that the trial Court has rightly considered the case and passed the order, and no interference is called for.

9. Having heard the learned counsel on either side, perused the entire material on record. The only issue that falls for consideration before this Court is whether the Court fee is liable to be paid as per the order of the Court for considering it as an agricultural land or a non-agricultural land. In the light of the judgment of the Full Bench of this Court in ***Elfreeda Winnifred D'Souza's*** case referred supra, no further consideration on that aspect is required to be gone into. The



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trial Court had rightly applied the law and rightly passed an order and this Court is not able to appreciate the submission of the learned counsel for the petitioner that in ***J.M.Narayana's*** case referred supra, the distinction that the petitioner seeks to draw cannot be appreciated, and this Court finds no reason to interfere. Hence, this Court is passing the following order:

ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. All I.As. in this petition shall stand closed.

**SD/-
(LALITHA KANNEGANTI)
JUDGE**

MEG
List No.: 1 Sl No.: 35