



CNR: KAHC010366532022

NC: 2026:KHC:51449
WP No. 16258 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF SEPTEMBER, 2026

BEFORE

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

WRIT PETITION NO. 16258 OF 2022 (KLR-RES)

BETWEEN:

LOKESH G.R.
S/O LATE RUDRAPPA
AGED ABOUT 46 YEARS
CHUKKI, 2ND CROSS,
3RD PARALLEL ROAD,
JAYANAGARA
SHIVAMOGGA - 577 201

...PETITIONER

(BY SRI. D.R. RAVISHANKAR, SENIOR COUNSEL FOR
SRI. LEELESH KRISHNA, ADVOCATE)

AND:

1. STATE OF KARNATAKA BY
ITS PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE
MS BUIDLING, KR CIRCLE
BENGALURU - 560 001.
2. DEPUTY COMMISSIOENR
DAVANAGERE DISTRICT
KARUR INDUSTRIAL AREA,
DAVANAGERE - 577 006.
3. SUB-DIVISIONAL OFFICER
(ASSISTANT COMMISSIONER)

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



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DAVANAGERE SUB-DIVISION
DAVANAGERE - 577 002.

4. DEPUTY TAHSILDAR
TALUK OFFICE
GOVINAKOVI, NYAMATHI TALUK
DAVANAGERE DISTRICT - 577 230.
5. LOKAPPA
S/O MAHADEVAPPA
R/AT GOVINAKOVI VILLAGE
NYAMATHI TALUK
DAVANAGERE DISTRICT - 577 223.

...RESPONDENTS

(BY SRI. SHAMANTH NAIK, AGA FOR R1 TO R4
SRI. G. RAVISHANKAR SHASTRY, ADVOCATE FOR R5)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER NO.RA/CR-65/2019-20 DATED 04.03.2022 PASSED BY THE R2 (ANNEXURE-A) AND IMPUGNED ORDER BEARING NO.RA.CR/251/18-19 DATED 12.02.2020, PASSED BY THE R-3 (ANNEXURE-B) ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



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

ORAL ORDER

In this petition, the petitioner is assailing the order dated 04.03.2022 (Annexure-A), passed in RA/CR-65/2019-20, by the respondent No.2, and the order dated 12.02.2020 (Annexure-B), passed in RA.CR/351/18-19, by the respondent No.3, *inter alia* sought for a direction to the respondent-authorities to restore and continue the name of the petitioner as per the order dated 14.12.2018 (Annexure-C).

2. Heard the learned counsel appearing for both the parties.

3. Sri D.R.Ravishankar, learned Senior Counsel appearing on behalf of Sri Leelesh Krishna, learned counsel for the petitioner, submitted that the MR.H 37/2018-19 stood in the name of the petitioner based on the inheritance as the father of the petitioner Rudrappa was the owner in possession of the land in question and the mutation was continued from MR.No.56/1985-86, and thereafter, without considering the factual aspects on record, respondent Nos.2 and 3 have



entered the name of respondent No.5 and therefore, sought for interference of this Court.

4. It is also contended by the learned Senior Counsel by referring to the suit proceedings in O.S.No.64/2019, filed by the respondent No.5 herein, which came to be dismissed for non-prosecution on 04.06.2026 and therefore, the finding recorded by both the authorities required to be set aside and thereby restore the mutation in the name of the petitioner in MR.H 37/2018-19.

5. Per contra, Sri G.Ravishankar Shasrty, learned counsel appearing for respondent No.5, sought to justify the impugned orders passed by the respondent-authorities and submitted that, Rudrappa has inherited the property from his father Murugeppa - paternal uncle of respondent No.5 and therefore, the land in question claimed by the petitioner herein through Rudrappa is the joint family property of Murugeppa and therefore, sought for dismissal of the petition.

6. Learned Addl.Government Advocate also sought to justify the impugned orders.



7. In the light of the submission made by the learned counsel for the parties and on consideration of Annexure-H, would indicate that, mutation has been made in favour of the father of the petitioner-Rudrappa in MR No.56/85-86, and on his demise, the mutation was changed into the name of the petitioner in MR.H 37/2018-19. In that view of the matter, if the respondent No.5 is having any grievance as to the title is concerned, the respondent No.5 ought to have established his right over the land in question in a manner known to law.

8. That apart, it is forthcoming from the impugned order, wherein reference has been made to O.S.No.64/2019, filed by the respondent No.5 herein, however, the learned counsel appearing for the petitioner has filed a memo along with the order sheet in O.S.No.64/2019, on the file of Senior Civil Judge at Harihara and Itinerary Court at Honnali, wherein the said suit came to be dismissed for non-prosecution on 04.06.2026.

9. In that view of the matter, the finding recorded by both the authorities is contrary to the records and interference



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has been made in MR.H 37/2018-19, which is on erroneous assumption of facts and law.

10. In the result, I proceed to pass the following :

ORDER

(i) The writ petition is ***allowed***.

(ii) The Order dated 04.03.2022 (Annexure A) passed in RA/CR-65/2019-20, by the respondent No.2, and the order dated 12.02.2020 (Annexure-B), passed in RA.CR/351/18-19, by the respondent No.3, are hereby set aside and the respondent No.4 is directed to restore the MR.H 37/2018-19 in the name of the petitioner within a period of two months from the date of receipt of copy of this order. However, it is open for respondent No.5 to establish his right over the land in question in a manner known to law.

SD/-
(E.S.INDIRESH)
JUDGE

bk/ List No.: 1 Sl No.: 49