



CNR: KAHC010428512026

NC: 2026:KHC:44672-DB
WA No. 1638 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 1638 OF 2026 (LB-RES)

BETWEEN:

A M BARISA BIBI
W/O K H MIRAN MOHIDDIN,
AGED ABOUT 62 YEARS,
R/AT MAJOR, TAPCMS ROAD,
HUNSUR ROAD – 571 105.
REPRESENTED BY ITS GPA HOLDER,
HIFZUR RAHMAN SHARIF,
S/O LATE ILLYAS SHARIF,
AGED ABOUT 43 YEARS,
R/AT NO. 148, SHABBIR NAGAR,
HUNSUR TOWN, MYSORE DISTRICT – 571 105.

...APPELLANT

(BY SRI. TAHIR, ADVOCATE)

AND:

MUNICIPAL COMMISSIONER
TOWN MUNICIPAL COUNCIL
HUNSUR TALUK,
MYSORE DISTRICT – 571 105.

...RESPONDENT

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO ALLOW THE APPEAL, BY
SETTING ASIDE THE ORDER DATED 18/03/2026 IN REVIEW
PETITION NO.53/2025 ARISING OUT OF WP NO.8048/2022
DATED 04/11/2024 BY THE LEARNED SINGLE JUDGE AND
GRANT THE PRAYERS AS PRAYED IN THE WRIT PETITION
NO.8048/2022.

Digitally
signed by
MALA K N
Location:
High Court
of Karnataka



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THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
AND
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN)

The present appeal has been filed by the petitioner, impugning the judgment and order dated 18.03.2026 passed by the learned Single Judge of this Court in Review Petition No.53/2025 arising out of W.P.No.8048/2022 dated 04.11.2024.

2. Parties shall be referred to as per their ranking before the learned Single Judge.

3. The petitioner, A.M.Barisa Bibi, claims ownership over approximately 4 guntas of land in Survey No.10 of Dodda Hunsur Grama, Kasaba Hobli, Hunsur Taluk, Mysore District. According to the petitioner, a portion of this property, measuring about 3 to 4 guntas, has been utilised by the authorities for formation of a road



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and construction of an autorickshaw stand, leaving the petitioner in possession of only about 1 gunta. She relied upon the sale deeds, revenue records, the conversion order dated 17.07.1980 and a survey sketch prepared by the Surveyor pursuant to an earlier order of the High Court.

4. The petitioner, therefore, approached this Court seeking directions to the Hunsur City Municipal Council to issue E-Khata in respect of the 1 gunta which, according to her, remains in her possession. In respect of the remaining 3 to 4 guntas allegedly utilised for the road and autorickshaw stand, she sought compensation or return of the land. Her specific grievance was that the Municipal Council could not insist upon production of an approved layout plan when the conversion itself was only for 4 guntas and portions of the property had allegedly been utilised for public purposes.



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5. The Hunsur City Municipal Council disputed the petitioner's claim, contending that the title deed relied upon by her did not relate to the property for which E-Khata was sought. The Council further submitted that, under the Government guidelines governing issuance of E-Khata, the petitioner was required to produce the necessary documents, including an approved layout plan, before the municipal authority could consider issuing the Khata.

6. With regard to the petitioner's claim for compensation, the Court noted that the authorities did not dispute that portions of the property had, at some point in the past, been utilised for formation of a road and construction of an autorickshaw stand. However, the respondent's stand effectively required the petitioner first to establish that the land so utilised actually belonged to her. The Court, therefore, held that the question of title could not appropriately be decided in the writ proceedings



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merely on the basis of the documents and sketch relied upon by the petitioner.

7. The Court took the view that the petitioner's claim for compensation in respect of the 3 to 4 guntas allegedly utilised for the road and autorickshaw stand could arise only after she established her title to that extent in duly instituted proceedings. Accordingly, W.P.No.16724/2022 was disposed of, granting liberty to the petitioner to seek appropriate vindication of her title in respect of the said land.

8. As regards the claim for E-Khata for 1 gunta, the Court directed the concerned officer of the Hunsur CMC to examine the relevant records, inspect the property and communicate the Council's decision to the petitioner. Importantly, the Court held that since the conversion order was only for 4 guntas, the authorities could not insist upon an approved layout plan if the petitioner otherwise satisfied the applicable requirements. The



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petitioner was permitted to submit a representation along with a certified copy of the order within four weeks, and the Commissioner was directed to communicate the decision, including reasons for refusal if E-Khata was not granted, within three months.

9. The petitioner filed the present review petitions seeking review of the order dated 04.11.2024 passed in W.P.No.8048/2022 c/w W.P.No.16724/2022. In the earlier writ petitions, the petitioner had claimed rights over property in Survey No.10 of Dodda Hunsur Grama, Kasaba Hobli, Hunsur Taluk and had sought E-Khata in respect of the property as well as compensation for the portion allegedly utilised for formation of a road and construction of an autorickshaw stand. The earlier order had granted her liberty to establish her title in respect of the portion allegedly used for the road and autorickshaw stand and had directed the municipal authority to consider her request concerning the remaining one gunta.



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10. In the review petitions, the petitioner contended that the earlier order proceeded on an incorrect understanding of the survey sketch. According to her, the latest sketch prepared by the jurisdictional Survey Authorities demonstrated that she was in possession of about 9 guntas in Sy.No.10/1 of Dodda Hunsur Village. She, therefore, sought deletion of the observation in the earlier order concerning the extent of land and requested that the matter be reconsidered on the basis of the latest survey sketch. Pursuant to the review proceedings, the Court directed the revenue authorities to inspect the property and submit a report regarding its location, measurement and nature.

11. The report dated 02.03.2026, along with the sketch, was thereafter placed before the Court. Relying upon the report, the petitioner contended that the property included about 5,545 sq. ft. of open land and that there were possibilities of shifting the electricity poles and water pipes. On that basis, she requested the Court to



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review the earlier order and direct the Hunsur CMC to issue E-Khata in respect of the said extent.

12. The respondents, particularly the Hunsur City Municipal Council, disputed the basis of the petitioner's claim. The Council relied upon the latest sketch and a communication dated 17.11.2025 from the Karnataka Water Supply and Sewage Board, pointing out that water pipes had been laid through the property identified in the sketch. The Council's contention was that the identification of the property in the survey exercise did not, by itself, establish that the property actually belonged to the petitioner or that it corresponded with the property described in her sale deed, Khata or other title documents.

13. The respondent's position was, therefore, that the survey and identification of the property could not be treated as proof of the petitioner's title. The Court also took note of the fact that the property contained civil/public utility facilities, including the water pipelines



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and other infrastructure. In such circumstances, the municipal authority could not simply be directed in writ proceedings to issue E-Khata without the petitioner's title and the competing claims being properly adjudicated.

14. The Court ultimately declined to grant the relief sought for in the review petitions. It is observed that the inspection and survey report had been prepared in compliance with the directions issued during the review proceedings, but the report did not resolve the fundamental question of the petitioner's title and entitlement to the property. More importantly, the Court found that the property claimed by the petitioner contained civil/public utility facilities and, in such circumstances, no direction could be issued for grant of E-Khata in the writ or review jurisdiction.

15. Accordingly, the review petitions were disposed of, leaving all questions open to be decided in a properly instituted civil suit. The petitioner was given liberty to seek



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exclusion of the period spent in prosecuting the writ and review proceedings while pursuing such remedy. Thus, the Court did not finally decide the petitioner's title, possession or entitlement to E-Khata; those issues were expressly left open for determination by the competent civil court.

16. Aggrieved by the said order passed in Review Petition No.53/2025, the petitioner has preferred the present intra-court appeal, seeking interference with the order passed by the learned Single Judge.

17. We have heard the arguments of Sri.Tahir, learned counsel appearing for the petitioner and perused the material available on record.

18. The only question that arises for our consideration is,

"Whether the order passed by the learned Single Judge in Review Petition calls for interference by this Court in the present intra-court appeal?"



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19. Having heard the learned counsel appearing for the petitioner and having carefully gone through the order passed by the learned Single Judge, we are of the considered view that the petitioner has not made out any ground warranting interference. The learned Single Judge has considered the material placed before the Court and has arrived at a conclusion which is a possible and reasonable view on the facts of the case. We do not find any error in the appreciation of the material or any illegality in the reasoning which would call for interference in an intra-court appeal.

20. It is well settled that the appellate jurisdiction is not required to be exercised merely because another view of the matter is possible. Unless the order of the learned Single Judge is shown to be perverse, contrary to the material on record or suffers from an error of law, interference would not be justified. In the present case, the petitioner has not been able to demonstrate any such infirmity. The contentions urged before us are



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substantially the same as those considered by the learned Single Judge and do not persuade us to take a different view.

21. We are also conscious that the learned Single Judge has exercised discretionary jurisdiction after considering the facts and circumstances of the case. There is no material before us to show that such discretion has been exercised either arbitrarily or contrary to settled principles of law. Merely because the petitioner seeks a different conclusion, that cannot, by itself, be a ground to interfere with the order under appeal.

22. A further registry has also raised objection regarding the maintainability of the present writ appeal. The petitioner has chosen to challenge only the order passed in the review petition, without assailing the original order passed in the writ petition. It is well settled that a party cannot seek to challenge the review order in isolation without questioning the original order which is



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the subject matter of the review. Unless the original order is itself challenged, the petitioner cannot seek any effective relief merely by calling in question the order passed in review.

23. In the present case, the prayer made in the writ appeal itself makes the position clear. The petitioner has not expressed any grievance against the original order passed in the writ petition and has confined the challenge only to the order passed in the review petition. In such circumstances, even if the appeal were to be considered on its merits, no effective relief could be granted to the petitioner in the absence of a challenge to the original order. The review order, being consequential to and dependent upon the original order, cannot be independently assailed in the manner sought for by the petitioner.

24. We are, therefore, of the considered view that the present writ appeal is also not maintainable. Since the



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appeal fails on the ground of maintainability itself, it is unnecessary for us to examine the merits of the controversy or express any opinion on the factual or legal issues arising in the matter. The petitioner, having failed to challenge the original order passed in the writ petition, cannot seek to indirectly reopen the same by questioning only the order passed in review.

25. For the aforesaid reasons, we find no merit in the present writ appeal. Accordingly, the appeal is dismissed as not maintainable, without entering into the merits of the case. The order passed by the learned Single Judge does not suffer from any infirmity warranting interference by this Court.

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

**Sd/-
(H.SHANTHI BHUSHAN)
JUDGE**

KNM
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