



CNR: KAHC010432222026

NC: 2026:KHC:49836
WP No. 19475 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 19475 OF 2026 (GM-ST/RN)

BETWEEN:

SRI YOGESH N
S/O SRI. P. NAGARAJACHAR,
AGED ABOUT 44 YEARS,
RESIDING AT NO. 149,
KARNATAKA LAYOUT, 1ST CROSS,
WEST OF CHORD ROAD, 2ND STAGE,
MAHALAKSHMIPURAM,
BENGALURU-560086

...PETITIONER

(BY SRI. GIRISH M.K, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP BY ITS SECRETARY,
DEPARTMENT OF REVENUE,
M.S.BUILDING,
BENGALURU-01
2. THE DIRECTOR AND INSPECTOR
GENERAL OF STAMPS, 8TH FLOOR,
KANDAYA BHAVANA, K.G. ROAD,
BENGALURU -560009.
3. THE SENIOR SUB-REGISTRAR,
BOMMANAHALLI, B.D.A. COMPLEX,
2ND FLOOR, 3RD BLOCK, 7TH CROSS,
KORAMANGALA, BENGALURU 560034.
4. THE ASSISTANT COMMISSIONER,
BENGALURU NORTH SUB-DIVISION AND
TRIBUNAL FOR MAINTENANCE AND
WELFARE OF PARENTS AND SENIOR CITIZENS,





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KANDAYA BHAVANA,
KEMPEGOWDA ROAD,
BENGALURU-560009.

...RESPONDENTS

(BY SRI. HARISHA A S, AGA)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED LETTER/ENDORSEMENT DATED 04.06.2026 ISSUED BY THE 2ND RESPONDENT, ISSUE A WRIT IN THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION DIRECTING THE 3RD RESPONDENT TO GIVE EFFECT TO THE COMMON ORDER DATED 27.05.2025 VIDE ANNEXRUE-E PASSED BY THIS HONBLE COURT IN W.P. NO.11886/2021 C/W W.P. NO.4280/2024 AND CONSEQUENTLY TO CANCEL/REMOVE THE ADVERSE CANCELLATION/ENCUMBRANCE ENTRY MADE ON THE BASIS OF THE ORDER DATED 29.01.2020 VIDE ANNEXURE-C IN MSC.CR.106/2018-19.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

The present writ petition is filed seeking for the following reliefs:

" i. Issue a writ in the nature of certiorari or any other appropriate writ, order or direction quashing the impugned letter/endorsement dated 04.06.2026 issued by the 3rd respondent vide Annexure-G bearing No. ಉನ್ನೋಕ(ಬೋ)/ಆರ್‌ಜಿಎನ್/93/26-27

ii. Issue a writ in the nature of mandamus or any other appropriate writ, order or direction directing the 3rd respondent to give effect to the common order dated 27.05.2025 vide Annexrue-E passed by

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this Honble Court in W.P. No.11886/2021 c/w W.P.No.4280/2024 and consequently to cancel/remove the adverse cancellation/encumbrance entry made on the basis of the order dated 29.01.2020 vide Annexure-C in MSC.CR.106/2018-19;

- iii. Issue a writ in the nature of mandamus or any other appropriate writ, order or direction directing the 3rd respondent to enter and reflect the name of the petitioner, Sri. Yogesh N, in column No.9 vide Annexure-D and in all relevant registration/encumbrance records pertaining to the schedule property bearing site No.988, formed by BDA in Hosur Sarjapura road layout, sector-7, Bengaluru, measuring east to west 9.14 meters and north to south 12.19 meters, in all measuring 111.41 square meters;*
- iv. Issue such further writ, order or direction directing the respondents to treat the gift deed dated 18.03.2006 vide Annexure-A registered as document No. BAS-1-20055/2005-06, book-i, stored in CD NO. BASD228, as subsisting and operative for all registration purposes in view of the order dated 27.05.2025 of this Hon'ble Court vide Annexure-E in W.P. 11886/21 c/w W.P. 4280/24;*
- v) Pass such other order or orders as this Hon'ble Court deems fit in the facts and circumstance of the case, in the interest of justice and equity, including costs of this petition."*

2. It is the case of the petitioner that the property bearing site No.988 in Hosur Sarjapura Road Layout, Sector-7, Bengaluru, measuring 111.41 square meters¹ was gifted to him vide Gift Deed dated 18.03.2006 (Annexure-A to the writ

¹ Hereinafter referred as to 'said property'



petition), consequent to which he was the absolute owner of the said property. Subsequently, proceedings were initiated under provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007² and the Assistant Commissioner vide order dated 29.01.2020 (Annexure-C to the writ petition) declared that the said Gift Deed dated 18.03.2006 is null and void. The said order dated 29.01.2020 passed by the Assistant Commissioner was the subject matter of challenge before this Court. Vide order dated 27.05.2025 (Annexure-E to the writ petition) passed in WP.No.4280/2024 c/w WP.No.11886/2021, this Court as *inter-alia*, set aside the order dated 29.01.2020 passed by the Assistant Commissioner, whereunder the Gift Deed dated 18.03.2006 was declared to be null and void.

3. Having regard to the said order dated 27.05.2025, it is clear that the said Gift Deed dated 18.03.2006 is valid and subsisting as on date.

4. Leaned counsel for the petitioner further submits that pursuant to the order dated 27.05.2025 passed by this Court no civil proceedings have been initiated and there is no

² Hereinafter referred as to 'Act'



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order passed by any Court, wherein the said Gift Deed dated 18.03.2006 has been set aside or impugned in any matter.

5. Consequent, to the order of the Assistant Commissioner dated 29.01.2020, whereunder the Gift Deed dated 18.03.2006 was declared to be null and void, the same was entered in the requisite records. Pursuant to the order dated 27.05.2025 passed by this Court, the petitioner made an application to the Sub-Registrar for removing of the entry regarding the order dated 29.01.2020 passed by the Assistant Commissioner and for showing of the Gift Deed dated 18.03.2006 is valid. The said application dated 28.04.2026 (Annexure-F to the writ petition) was rejected vide the endorsement dated 04.06.2026 (Annexure-G to the writ petition) issued by respondent No.3 / Sub-Registrar.

6. Learned counsel for the petitioner in support his contentions relies on the judgment of the Co-ordinate Bench of this Court in the case of **Mr. Antony Samy K V.s The State of Karnataka and others³**, whereunder, this Court considering a

³ NC:2026: KHC:17065



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similar fact situation, allowed the writ petition and granted the reliefs. The operative portion of the said order reads as under:

"ORDER

- (i) *The writ petition is allowed;*
- (ii) *The endorsement dated 02.02.2026 issued by the respondent No.2/Sub-Registrar vide Annexure-E is quashed;*
- (iii) *The jurisdictional Sub-Registrar is directed to record the cancellation of the registered Joint Development Agreement dated 22.07.2024 and the registered General Power of Attorney executed on the same day, in terms of the decree passed in Com.O.S.No.1020/2025 dated 09.10.2025.*
- (iv) *Necessary entries shall be made in the relevant register, Index No.II and Encumbrance records strictly in accordance with Rule 123 of the Karnataka Registration Rules, within four weeks from the date of receipt of a certified copy of this order;*
- (v) *The guidelines issued in paragraphs 22 and 23 above shall be followed by all civil courts and registering authorities in the State."*

7. It is forthcoming that this Court in the case of **Mr. Antony Samy K³** had issued guidelines at paragraph Nos.22 and 23 of the said order which was to be circulated to all the registering authorities in the State. The said guidelines has set out in paragraph Nos.22 and 23 are as under:

"22. In suits where a registered document is declared void, cancelled, or terminated, all civil courts and commercial courts in the State shall ensure the following:

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a) Whenever a decree is passed cancelling or declaring void a registered instrument relating to immovable property, the Court shall direct the office to transmit a copy of the decree to the jurisdictional Sub-Registrar in whose office the document was registered.

b) The communication shall ordinarily be sent within four weeks from the date of decree.

c) The communication shall clearly mention the document number, the date of registration, the book and volume, and the nature of the document cancelled.

d) The decree transmitted shall be accompanied by a covering communication requesting the Sub-Registrar to make necessary entries in the relevant register and indexes in terms of Section 31(2) of the Act, 1963 and Rule 123 of the 1965 Rules.

23. All Sub-Registrars in the State shall adhere to the following directions:

a) Whenever a decree cancelling a registered document is communicated by a civil court, the Sub-Registrar shall make the required entries in the relevant register and indexes within four weeks of receipt of such communication.

b) Even in cases where no formal communication is received from the Court, if a party produces a certified copy of the judgment and decree declaring the registered instrument as cancelled or void, the Sub-Registrar shall not refuse to act upon the decree.

c) In such cases, the Sub-Registrar shall verify the authenticity of the certified copy and thereafter record the cancellation in the relevant registers and indexes in accordance with the Rule 123 of the 1965 Rules.

d) The registering authority shall not insist upon separate orders of the High Court or any other authority once a competent civil court has declared the document to be void or cancelled.

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e) The role of the Sub-Registrar in such cases being ministerial, the authority shall not adjudicate upon the correctness or validity of the decree."

8. Despite the orders passed by this Court, the concerned Revenue Authorities have refused to take note of the setting aside of the order of the Assistant Commissioner dated 29.01.2020.

9. It is clear that the despite directions given by this Court which were required to be followed by the concerned authorities, the same is repeatedly not being done. Hence, in addition to setting aside the impugned endorsement dated 04.06.2026, the present case is a classic case for imposition of exemplary cost. However, at the request made by the learned AGA imposition of costs is not ordered in the present petition making it clear that if there is re-occurrence of such instances, suitable orders would be passed. In the result the following:

ORDER

- i) The writ petition is ***partly-allowed***;
- ii) The Communication/Endorsement dated 04.06.2026 issued by respondent No.3

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(Annexure-G to the writ petition) is hereby quashed;

- ii) A direction is issued to respondent No.3 to give effect to the order dated 27.05.2025 passed in WP.No.4280/2024 c/w WP.No.11886/2021 as is sought for by the application of the petitioner dated 28.04.2026. Needful to be done forthwith in any event not later than one week from the date of receipt of copy of this order.
- iii) The necessary changes shall be made in all the relevant Register, in index No.II, encumbrance records in accordance with Rule 123 of the Karnataka Registration Rules, 1965.

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(C.M. POONACHA)
JUDGE