



CNR: KAHC010453502023

NC: 2026:KHC:44828-DB
WA No. 1028 of 2023

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 19TH DAY OF AUGUST, 2026**

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

WRIT APPEAL NO.1028 OF 2023 (KLR-RR/SUR)

BETWEEN:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY,
DEPARTMENT OF REVENUE,
M.S. BUILDING,
DR. B.R. AMBEKDAR VEEDHI,
BENGALURU-560001.
2. THE DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT
K.G ROAD,
BENGALURU-560009.
3. THE ASSISTANT COMMISSIONER
BENGALURU SOUTH TALUK,
KANDAYA BHAVAN,
K.G ROAD,
BENGALURU-560009.
4. THE TAHASILDAR
BENGALURU SOUTH TALUK,
KANDAYA BHAVAN,
K.G ROAD,

Digitally
signed by
PAVITHRA N

Location:
High Court
of Karnataka



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BENGALURU-560009.

...APPELLANTS

(BY SRI. VIKAS ROJIPURA, AGA)

AND:

SRI.RAMAIHAH
S/O LATE ABBAIAH,
AGED ABOUT 72 YEARS,
R/AT NO. 137/A,
NEAR MARAMMA TEMPLE,
PATTANAGERE,
RAJARAJESHWARINAGAR,
BENGALURU-560098.

...RESPONDENT

(BY SRI. KAMARAJU, ADVOCATE)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT, 1961 PRAYING TO SET ASIDE THE ORDER
DATED 20.01.2023 PASSED BY THE LEARNED SINGLE JUDGE
IN W.P. No. 17131 OF 2021 (KLR-RR/SUR) AND ETC.

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

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE T.P.VIVEKANANDA



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ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

This appeal is preferred being aggrieved by the Order dated 20.01.2023 passed by the learned Single Judge in W.P.No.17131/2021 (KLR-RR/SUR).

2. We have heard the learned counsel appearing on either side.

3. This Court, considering the writ petition, filed seeking conduct of phodi and durasth in respect of 2 acres of agricultural land in Sy.No.11 of Pattanagere Village, Kasaba Hobli, Bangalore South Taluk, in favour of the writ petitioner had considered the contentions advanced and found that O.S.No.94/2003 which was filed by the writ petitioner seeking a declaration that he had perfected his title and ownership and also seeking a decree of permanent injunction against the defendants who were the State and the revenue authorities had been decreed in favour of the writ petitioner on 29.08.2003. The writ petitioner had thereafter filed W.P.No.16990/2008 and this Court by Order dated 26.06.2009 had directed the revenue



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authorities to enter the name of the writ petitioner in the land records.

4. Thereafter, it is submitted that the name of the writ petitioner was entered in the land records. However, phodi and durasth were not conducted. W.P.No.5380/2010 was filed seeking conduct of the phodi and durasth which was disposed of on 05.03.2010 directing conduct of the phodi within a period of two months. However, when no steps were taken pursuant to the notice issued on 21.10.2010, the writ petitioner again approached this court filing W.P.No.16827/2018, which was also disposed of on 26.04.2018.

5. Though the said judgment was taken an appeal in W.A.No.3255/2018, the Division Bench of this Court had permitted the writ petitioner to file necessary application with all relevant documents before the revenue authorities. Thereafter, an impugned endorsement dated 27/30.04.2021 was issued declining to conduct phodi and durasth which was under challenge before this Court in W.P.No.17131/2021.



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6. After considering the facts mentioned above and after hearing the learned High Court Government Pleader appearing for the respondents as well, the learned Single Judge held that it is for the respondent - State and the Tahasildar who were unsuccessful in the suit and the Regular Appeal to honour the decree and to conduct the phodi and durasth work in respect of the land in question within a period of two months from the date of receipt of a copy of the order.

7. However, the said order was not complied with and CCC No.501/2023 was filed by the writ petitioner. Thereafter, this writ appeal has also been preferred contending that the order in the Regular Appeal against the decree in O.S.No.94/2003 was pending in RSA and that the directions issued during the pendency of the RSA were not proper.

8. However, it is now not in dispute that the RSA has also been dismissed on 28.10.2025. It was thereafter contended by the learned Additional Government Advocate who appeared for the appellants that a review petition has been filed. This Court by order dated 25.06.2026 had granted three



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weeks' time, as a last opportunity, to comply with the directions issued by the learned Single Judge in W.P.No.17131/2021, however, even thereafter, no steps were taken, orders were passed on 28.07.2026 directing that an affidavit shall be placed on record showing the action initiated by the Government.

9. We notice that an affidavit has been placed on record in W.A.No.1028/2023, wherein it is stated as follows:-

"2. I state that against the exparte judgment and decree passed by Addl. II Civil Judge (Jr.Dn.), Bangalore(R) District. in O.S. No.94/2003 dated 29.08.2002, a Miscellaneous Petition was filed in Miscellaneous No.26/2009 and the said miscellaneous petition was dismissed for non-prosecution on 30.10.2013 and against the said dismissal of miscellaneous application, Regular Appeal No.84/2013 was filed and the same was dismissed on 09.12.2022. Against the said order, the Regular Second Appeal was filed in RSA No.1401/2023 and the said RSA was dismissed on 28.10.2025. In the meanwhile, when the RSA was pending consideration before this Hon'ble Court, a Joint Departmental Enquiry was ordered under Rule 13 of the Karnataka Civil Services (Classification, Control and Appeal) Rules - 1957, read with Rule 11 and 11A of the said Rules, against the officials Government Order No.E-



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*DPAR 228 EV 2025, Bangalore, dated 06.10.2025. The said order is produced herewith and marked as **DOCUMENT NO.1** and against the officers who have retired to initiate the recovery proceedings for the monetary loss if any caused to the State, the Government of Karnataka issued a Order dated 21.07.2026 vide No.E-Kaml 231 BMM 2025. The said order is produced herewith and marked as **DOCUMENT NO.2.** Therefore, sincere efforts are made to take necessary action against the officer's concerned. Further, in order to challenge the order passed in Regular Second Appeal No.1401/2023, a letter was addressed to Deputy Commissioner, Bangalore Urban District on 21.07.2026, wherein, a permission was sought to file SLP against the judgment passed by the Hon'ble Court in RSA No.1401/2023. The said letter is produced herewith and marked as **DOCUMENT NO.3.** In reply to the said Letter thereof, the Deputy Commissioner has written a letter dated 13.08.2026 requesting the Principal Secretary, Revenue Department to issue G.O. to file SLP before the Hon'ble Supreme.*

3. I state that in order to protect the interest of the State, I have taken all necessary steps to challenge the Order passed in RSA No.1401/2023 and the letter with respect to granting permission for filing SLP before the Hon'ble Supreme Court is pending consideration before the Principal Secretary, Department of Revenue. In the meanwhile, a Review Petition is also filed before this Hon'ble Court in RP No.435/2026 which is pending consideration."



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10. We notice that apart from stating that the order in Regular Appeal No. 84/2013 is pending in an RSA and narrating the facts, no sustainable grounds have been made out in this writ appeal as against the order passed by the learned Single Judge.

11. In the facts and circumstances of the instant case and in the light of the narration of facts, we are clearly of the view that the direction issued by the learned Single Judge was just and proper and is not liable to be interfered with in this *intra-court* appeal under Section 4 of the Karnataka High Court Act.

12. In the above view of the matter, the writ appeal fails and the same is accordingly ***dismissed***.

Consequently, three weeks' time is granted to the respondents to comply with the directions issued by the learned Single Judge in full. In case, the directions are not complied with, the respondents shall be present in person to face the charges.



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All pending interlocutory applications shall stand disposed
of.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(T.P.VIVEKANANDA)
JUDGE**

RAK
List No.: 1 Sl No.: 14