



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 1171 OF 2025 (KLR-RES)

C/W

WRIT APPEAL NO. 1169 OF 2025 (KLR-RES)

WRIT APPEAL NO. 1215 OF 2025 (KLR-RES)

IN WA No. 1171/2025

BETWEEN:

SRI. RAJAPPA,
S/O. LATE PUTTEGOWDA,
SINCE DECEASED BY LR
SRI PUTTARAJU,
S/O. LATE RAJAPPA,
AGED ABOUT 54 YEARS.
RESIDING AT:
MANCHEGOWDANAKOPPALU VILLAGE,
DEVARAJA MOHALLA, HEBBALU DHAKALE.
MYSURU TALUK - 560 017.

...APPELLANT

(BY SRI. Y.K. NARAYANA SHARMA., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
MYSURU DISTRICT,
MYSURU - 570 001.
2. THE ASSISTANT COMMISSIONER,
MYSURU SUB-DIVISION,
MYSURU - 570 001.



3. THE TAHSILDAR,
TALUR SUB-DIVISION,
MYSURU TALUK - 570 001.
4. THE ASSISTANT DIRECTOR,
LAND RECORDS,
TECHNICAL DIVISION,
OFFICE OF LAND RECORDS,
NAZARBAD MOHALLA,
MYSURU (NEAR OLD TALUK OFFICE).
5. SMT. SHASHIREKHA,
AGED ABOUT 46 YEARS,
D/O. LATE PUTTASWAMIGOWDA,
6. SRI. VASU,
AGED ABOUT 44 YEARS,
7. SRI. MANJUNATH,
AGED ABOUT 42 YEARS,
S/O. LATE PUTTASWAMIGOWDA,
8. SRI M.P.KRISHNAKUMAR,
AGED ABOUT 40 YEARS,
S/O. LATE PUTTASWAMIGOWDA,

RESPONDENT NO.5 TO 8 ARE RESIDING AT
MANCHEGOWDANAKOPPALU VILLAGE,
DEVARAJA MOHALLA, HEBBALU DHAKALE,
MYSURU TALUK - 560 017.

9. SRI. KESHAVANATHA RAO,
AGED ABOUT 67 YEARS,
S/O LATE NAGANATH RAO,
RESIDING AT NO.2362,
'J' BLOCK, MALLIGE ROAD,
KUVEMPUNAGAR,
MYSURU CITY - 570 023.



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10. SRI RAJKUMAR CHAUHAN,
AGED ABOUT 54 YEARS,
S/O LATE NAGANATH RAO,
RESIDING AT NO.1006,
"I" BLOCK, RAMAKRISHNANAGAR,
MYSURU CITY - 570 022.

...RESPONDENTS

(BY SRI.K.R. RAMESH, ADVOCATE FOR C/R9,
SRI. M.N. SUDEV HEGDE, AGA FOR R1 TO R4,)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO PRAYS THAT NECESSARY ORDERS TO BE PASSED AND THE ORDERS DATED 18.06.2025 PASSED IN WP No-12320/2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT AND ORDER DATED:20.04.2022 IN RP No-57/2021 BY THE RESPONDENT No.1 AND ORDER DATED:17.02.2021 PASSED IN IN RA No.73/2018 BY THE RESPONDENT No.2 AND ORDER DATED:19.03.2011 IN RRT NO.292/08-09 BY THE RESPONDENT No.2, BE SET ASIDE AND THE ABOVE APPEAL BE ALLOWED WITH COSTS THROUGHOUT OR PASS OTHER SUITABLE ORDERS AS DEEMED FIT BY THIS HON'BLE COURT UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE IN THE INTEREST OF JUSTICE.

IN WA NO. 1169/2025

BETWEEN:

1. SMT. PUTTALAKSHMAMMA,
W/O SHIVEGOWDA,
AGED ABOUT 53 YEARS,
2. SMT. VIJAYALAKSHMI ALIAS
VIJAYALAKSHMAMMA,



W/O KRISHNEGOWDA,
AGED ABOUT 51 YEARS,

3. SRI. PUTTARAJU
S/O LATE RAJAPPA,
AGED ABOUT 54 YEARS,
PETITIONERS 1 TO 3 ARE RESIDING AT
MANCHEGOWDANA KOPPALU VILLAGE,
DEVARAJA MOHALLA, HEBBALU DHAKHALE,
MYSORE - 560 017.

...APPELLANTS

(BY SRI. Y.K. NARAYANA SHARMA., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
MYSURU DISTRICT,
MYSURU - 570 001.
2. THE ASSISTANT COMMISSIONER,
MYSURU SUB-DIVISION,
MYSURU - 570 001.
3. THE TAHSILDAR,
TALUR SUB-DIVISION,
MYSURU TALUK - 570 001.
4. THE ASSISTANT DIRECTOR,
LAND RECORDS,
TECHNICAL DIVISION,
OFFICE OF LAND RECORDS,
NAZARBAD MOHALLA, MYSURU,
(NEAR OLD TALUK OFFICE) - 570 001.
5. SMT. GAYATHRI
D/O LATE PADMAMMA,
AGED ABOUT 52 YEARS,
6. SRI. RAMESH,
S/O. LATE PADMAMMA,
AGED ABOUT 49 YEARS,



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7. SMT. PRATHIMA,
D/O LATE PADMAMMA,
AGED ABOUT 44 YEARS,
8. SMT. PREMAMMA,
D/O LATE GOVINDEGOWDA,
AGED ABOUT 69 YEARS,
9. SMT. RATHNAMMA
D/O LATE GOVINDEGOWDA,
AGED ABOUT 66 YEARS,
10. SMT. YOGITHA,
D/O LATE GAYATHRI,
AGED ABOUT 36 YEARS,
11. SMT. SUNITHA,
D/O LATE GAYATHRI,
AGED ABOUT 34 YEARS,
12. SMT. LAKSHMAMMA,
D/O LATE GOVINDEGOWDA,
AGED ABOUT 55 YEARS,
13. SRI. VENKATESH,
S/O LATE GOVINDEGOWDA,
AGED ABOUT 59 YEARS,
14. SRI. RAMU,
S/O LATE GOVINDEGOWDA,
AGED ABOUT 57 YEARS,
15. SRI. KRISHNA,
S/O LATE GOVINDEGOWDA,
AGED ABOUT 53 YEARS,
16. SRI. SRINIVAS,
S/O LATE GOVINDEGOWDA,
AGED ABOUT 51 YEARS,



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17. SRI. RAJENDRA,
S/O LATE GOVINDEGOWDA,
AGED ABOUT 49 YEARS,

RESPONDENT NO.4 TO 17 ARE
RESIDING AT NO.411, 3RD CROSS, MANCHEGOWDANA
KOPPALU VILLAGE,
DEVARAJA MOHALLA, HEBBALU DHAKHALU,
MYSURU - 570 017.
18. SMT. SHASHIREKHA,
D/O LATE PUTTASWAMI GOWDA,
AGED ABOUT 46 YEARS,
19. SRI. VASU
S/O LATE PUTTASWAMI GOWDA,
AGED ABOUT 44 YEARS,
20. SRI. MANJUNATHA,
S/O LATE PUTTASWAMI GOWDA,
AGED ABOUT 42 YEARS,
21. SRI. M.P. KRISHNAKUMAR,
S/O LATE PUTTASWAMI GOWDA,
AGED ABOUT 40 YEARS,

RESPONDENTS NO. 18 TO 21 ARE
RESIDING AT NO.411, 3RD CROSS,
MANCHEGOWDANA KOPPALU VILLAGE,
MYSURU - 570 017.
22. SRI KESHAVANATHA RAO,
AGED ABOUT 67 YEARS,
S/O LATE NAGANATH RAO,
RESIDING AT NO.2362,
'J' BLOCK, MALLIGE ROAD,
KUVEMPUNAGAR,
MYSURU CITY - 570 023.
23. SRI. RAJKUMAR CHAUHAN,
AGED ABOUT 54 YEARS,



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S/O LATE NAGANATH RAO,
RESIDING AT NO. 1006,
'I' BLOCK, RAMAKRISHNANAGAR,
MYSURU CITY - 570 022.

...RESPONDENTS

(BY SRI. K.R. RAMESH, ADVOCATE FOR C/R22,
SRI. M.N. SUDEV HEGDE, AGA FOR R1 TO R4,)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYS THAT NECESSARY ORDERS TO BE PASSED AND THE ORDERS DATED:18.06.2025 PASSED IN WP No.12247/2022 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT, BE SET ASIDE AND THE ABOVE APPEAL BE ALLOWED WITH COSTS THROUGHOUT OR PASS OTHER SUITABLE ORDERS AS DEEMED FIT BY THIS HON'BLE COURT UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE IN THE INTEREST OF THE JUSTICE.

IN WA NO. 1215/2025

BETWEEN:

1. SMT. KEMPAMMA,
D/O LATE RACHEGOWDA,
AGED ABOUT 77 YEARS,
2. SRI SWAMIGOWDA ALIAS
SOMEGOWDA,
S/O LATE RACHEGOWDA,
AGED ABOUT 75 YEARS,
3. SRI. NINGEGOWDA,
S/O LATE RACHEGOWDA,
SINCE DECEASED BY LRS.,



3(a). SMT. INDIRA @ INDRAMMA,
W/O LATE NINGEGOWDA,
AGED ABOUT 57 YEARS,

3(b). SRI. MANU,
S/O LATE NINGEGOWDA,
AGED ABOUT 41 YEARS,

3(c). SMT. SHRUTHI,
D/O LATE NINGEGOWDA,
AGED ABOUT 33 YEARS,

APPELLANT NO.3(a) TO (c) ARE
R/AT MANCHEGOWDANA
KOPPALU VILLAGE,
DEVARAJA MOHALLA,
HEBBALU DHAKHALU,
MYSURU - 570 017.

4. SRI. SHANKAREGOWDA,
S/O LATE RACHEGOWDA,
AGED ABOUT 71 YEARS,

5. SRI. RAMU ALIAS RAMEGOWDA
S/O LATE RACHEGOWDA,
AGED ABOUT 69 YEARS,
ALL ARE RESIDING AT:
MANCHEGOWDANA KOPPALU VILLAGE,
DEVARAJA MOHALLA,
HEBBALU DHAKHALU,
MYSURU - 570 017.

...APPELLANTS

(BY SRI. Y.K. NARAYANA SHARMA., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
MYSURU DISTRICT,
MYSURU - 570 001.



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2. THE ASSISTANT COMMISSIONER,
MYSURU-SUB DIVISION,
MYSURU - 570 001.
3. THE TAHSILDAR,
TALUK SUB-DIVISION,
MYSURU TALUK - 570 001.
4. THE ASSISTANT DIRECTOR,
LAND RECORDS,
TECHNICAL DIVISION,
OFFICE OF LAND RECORDS,
NAZARBAD MOHALLA,
MYSURU - 570 001.
(NEAR OLD TALUK OFFICE)
5. SMT. GAYATHRI,
D/O LATE PADMAMMA,
AGED ABOUT 55 YEARS,
6. SRI. RAMESH,
S/O LATE PADMAMMA,
AGED ABOUT 52 YEARS,
7. SMT. PRATHIMA,
D/O LATE PADMAMMA,
AGED ABOUT 47 YEARS,
8. SMT. PREMAMMA,
D/O LATE GOVINDEGOWDA,
AGED ABOUT 69 YEARS,
9. SMT. RATHNAMMA,
D/O LATE GOVINDEGOWDA,
AGED ABOUT 69 YEARS,
10. SMT. YOGITHA,
D/O LATE GAYATHRI,
AGED ABOUT 39 YEARS,



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11. SMT. SUNITHA,
D/O LATE GAYATHRI,
AGED ABOUT 37 YEARS,
12. SMT. LAKSHMAMMA,
D/O LATE GOVINDEGOWDA,
AGED ABOUT 58 YEARS,
13. SRI. VENKATESH,
S/O LATE GOVINDEGOWDA,
AGED ABOUT 62 YEARS,
14. SRI. RAMU,
S/O LATE GOVINDEGOWDA,
AGED ABOUT 60 YEARS,
15. SRI. KRISHNA,
S/O LATE GOVINDEGOWDA,
AGED ABOUT 56 YEARS,
16. SRI. SRINIVAS,
S/O LATE GOVINDEGOWDA,
AGED ABOUT 54 YEARS,
17. SRI. RAJENDRA,
S/O LATE GOVINDEGOWDA,
AGED ABOUT 52 YEARS,

RESPONDENTS NO.4 TO 17 ARE
R/AT NO.411, 3RD CROSS,
MANCHEGOWDANA KOPPALU VILLAGE,
DEVARAJA MOHALLA,
HEBBALU DHAKHALU,
MYSURU - 570 017.

18. SMT. SHASHIREKHA,
D/O LATE PUTTASWAMI GOWDA,
AGED ABOUT 49 YEARS,
19. SRI. VASU,
S/O LATE PUTTASWAMI GOWDA,
AGED ABOUT 47 YEARS,



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20. SRI. MANJUNATHA,
S/O LATE PUTTASWAMI GOWDA,
AGED ABOUT 45 YEARS,

21. SRI M.P. KRISHNAKUMAR,
S/O LATE PUTTASWAMI GOWDA,
AGED ABOUT 43 YEARS,

RESPONDENT NO.18 TO 21 ARE
RESIDING AT NO.411, 3RD CROSS,
MANCHEGOWDANA KOPPALU VILLAGE,
MYSURU - 570 017.

22. SRI. KESHAVANATHA RAO,
AGED ABOUT 70 YEARS,
S/O LATE NAGANATH RAO,
R/AT NO.2362,
'J' BLOCK, MALLIGE ROAD,
KUVEMPUNAGAR,
MYSURU CITY - 570 023.

23. SRI. RAJKUMAR CHAUHAN,
AGED ABOUT 57 YEARS,
S/O LATE NAGANATH RAO,
R/AT NO.1006,'I' BLOCK,
RAMAKRISHNANAGAR,
MYSURU CITY - 570 022.

...RESPONDENTS

(BY SRI. SHIVARAMA BHAT O., ADVOCATE FOR R17,
SRI. K.R. RAMESH, ADVOCATE FOR R22,
SRI. M.N. SUDEV HEGDE, AGA FOR R1 TO R4)

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT,1961, PRAYING THAT
NECESSARY ORDERS BE PASSED AND THE ORDER
DATED:18.06.2025 PASSED IN WP NO.12248/2022 PASSED
BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT,



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AND ORDER DATED:20.04.2022 IN RP NO.59/2021 BY THE RESPONDENT NO.1 AND ORDER DATED:17.02.2021 PASSED IN RA NO.309/2015 BY THE RESPONDENT NO.2 AND ORDER DATED:19.03.2011 IN RRT NO.292/08-09 BY THE RESPONDENT NO.2, BE SET ASIDE AND THE ABOVE APPEAL BE ALLOWED WITH COSTS THROUGHOUT OR PASS OTHER SUITABLE ORDERS.

THESE APPEALS COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

These batch of intra-Court appeals are by the unsuccessful petitioners, assailing the common order dated 18.06.2025, passed by the Writ Court in Writ Petitions No.12248/2022, 12247/2022 and 12320/2022.

2. The Writ Court under the impugned order, dismissed the Writ Petitions filed by the respective appellants herein.



3. The parties are referred to as per their ranking before the Writ Court.

3.1 Writ Petition No.12320/2022 (W.A.No.1171/2025)

was filed seeking the following reliefs:

*Wherefore, it is respectfully prayed that this Hon'ble Court be pleased to pass necessary orders and issue appropriate orders and set-aside the order dated 20.04.2022 in RP No.57/2021 by the respondent No.1 as per **Annexure-L** and order dated 17-02-2021 passed in R.A.No.73/2018 by the Respondent No.2 as per **Annexure-H** or pass other suitable orders or direction as deemed fit by this Hon'ble Court under the facts and circumstances of the case by allowing this Petition with costs in the interest of justice.*

3.2 Writ Petition No.12248/2022 (W.A.No.1215/2025)

was filed seeking the following reliefs:

*Wherefore, it is respectfully prayed that this Hon'ble Court be pleased to pass necessary orders and issue appropriate orders and set-aside the order dated 20.04.2022 in RP No.59/2021 by the respondent No.1 as per **Annexure-L** and order dated 17-02-2021 passed in R.A.No.309/2015 by the Respondent No.2 as per **Annexure-H** and order dated 19-03-2011 in RRT No.292/08-09 by the respondent No.2 as per **Annexure-G** or pass other suitable orders or direction as deemed fit*



by this Hon'ble Court under the facts and circumstances of the case by allowing this Petition with costs in the interest of justice.

3.3 Writ Petition No.12247/2022 (W.A.No.1169/2025)

was filed seeking the following reliefs:

*Wherefore, it is respectfully prayed that this Hon'ble Court be pleased to pass necessary orders and issue appropriate orders and set-aside the order dated 20.04.2022 in RP No.58/2021 by the respondent No.1 as per **Annexure-L** and order dated 17-02-2021 passed in R.A.No.310/2015 by the Respondent No.2 as per **Annexure-H** or pass other suitable orders or direction as deemed fit by this Hon'ble Court under the facts and circumstances of the case by allowing this Petition with costs in the interest of justice.*

4. In all these Writ Petitions, the even order dated 17.02.2021 passed by the Assistant Commissioner in R.A.Nos.73/2018, 309/2015 and 310/2015, so also the common order dated 20.04.2022 passed by the Deputy Commissioner in R.P.Nos.57/2021, 59/2021 and 58/2021, were called in question.

5. Facts in brief leading to file the present appeals are as under:



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- 5.1 Originally, both the lands in Sy.Nos.268/1 and 268/4 belonged to one Govinde Gowda and his brother Puttaswamy. Govinde Gowda by means of registered Sale Deed at Annexure-A, sold 16½ Guntas of land in Sy.No.268/1 (mistakenly stated as Sy.No.268/4) in favor of Bomme Gowda under registered Sale Deed dated 16.02.1972. Thereafter, Govinde Gowda sold another bit of land measuring 16½ Guntas in favor of Rache Gowda under registered Sale Deed dated 20.03.1972 in Sy.No.268/1 (mistakenly stated as Sy.No.268/4).
- 5.2 Thereafter, Puttaswamy executed a registered Released Deed in favor of Rache Gowda in respect of 16½ Guntas of land in Sy.No.268/4. The children of Govinde Gowda and Puttaswamy taking advantage of their name continuing in the revenue records in respect of land in Sy.No.268/1 as the Sale Deed was executed mistakenly with respect to Sy.No.268/4, filed a suit in O.S.No.307/1987 against the ancestors of the other petitioners herein and petitioner - Rajappa. The suit after contest, came to be dismissed with categorical finding



that, it is the defendants i.e., the predecessors in title of the petitioners and petitioner Rajappa were in possession of the property and not the plaintiffs i.e., the predecessors of contesting respondents 22 and 23.

5.3 Aggrieved by the Judgment and Decree passed in the suit, an appeal was filed in R.A.No.131/1995, which was also resulted in dismissal and subject matter of R.S.A No.2050/2005. The matter after contest, was dismissed with categorical observations/ findings of this Court in Paragraph No.9 of the Judgment in RSA.

5.4 A Commissioner was appointed in respect of identification of the property. The Commissioner filed a report stating that, the land sold was in Sy.No.268/1 and not in Sy.No.268/4 which has been stated by the Trial Court in its Judgment, which is stated by this Court in RSA No.2050/2005 at Paragraph No.4, which reads as under:

"4. The trial court on appreciation of the aforesaid material on record has accepted the case of the defendants that the property which they have purchased was Sy.No.268/1 and not Sy.No.268/4 and therefore- it held that the material on record do not establish that the plaintiff is in possession of the suit



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schedule property on the date of the suit and as such the plaintiff is not entitled to the relief sought for. It also took note of the fact that the land bearing Sy.No.268/1 belonged to one Sidda bin Jogi and therefore the plaintiff was not the owner of the property on the date sale deeds were executed. Accordingly, the suit was dismissed. Aggrieved by the said judgment and decree the plaintiff preferred a regular appeal."

5.5 The petitioners thereafter, filed an appeal assailing the entries made in the revenue records in favor of the contesting respondents before the Assistant Commissioner in R.A.Nos.73/2018, 309/2015 and 310/2015. The Assistant Commissioner in his order dated 17.02.2021, after considering the rival submissions, in Paragraph Nos.4 & 5 observed as under:

"4. ಈ ಹಿಂದೆ ಅಂದರೆ ದಿ: 23-03-2006 ರಲ್ಲಿ ಪ್ರಸ್ತಾಪಿತ ಜಮೀನಿನ ಮೇಲೆ ಗೋವಿಂದೇಗೌಡರವರಿಗಾಗಿ ಇವರ ಸಹೋದರ ಪುಟ್ಟಸ್ವಾಮಿಗೌಡ ರವರಿಗಾಗಿ ಅಥವಾ ಇವರ ವಾರಸುದಾರರುಗಳಿಗೆ ಆಗಲಿ ಯಾವುದೇ ಮಾಲೀಕತ್ವ ಹಿತಾಸಕ್ತಿ ಇರಲು ಅವಕಾಶವಿಲ್ಲವೆಂದು ಹಾಗೂ ಗೋವಿಂದೇಗೌಡ ಮತ್ತು ಪುಟ್ಟಸ್ವಾಮಿಗೌಡರವರು ಪ್ರಸ್ತಾಪಿತ ಸ.ನಂ.ಜಮೀನನ್ನು ನೋಂದಾಯಿತ ಪತ್ರಗಳ ಮೂಲಕ ಮಾರಾಟ ಮಾಡಿರುವುದನ್ನು ನ್ಯಾಯಾಲಯಗಳಲ್ಲಿ ರಜುವಾತು ಮಾಡಲಾಗಿದೆ.

5. ಕ್ರಯಪತ್ರಗಳಲ್ಲಿ ನಮೂದಿಸಿರುವ ಸ್ವತ್ತು ಮೈಸೂರು ತಾಲ್ಲೂಕು ಹೆಬ್ಬಾಳು ಗ್ರಾಮದ ಸ.ನಂ.268/4 ಅಲ್ಲವೆಂತಲೂ ಅದು ಸ.ನಂ.268/1 ಎಂಬುದಾಗಿ ಸಹ ನ್ಯಾಯಾಲಯ ನೇಮಿಸಿದ್ದ ಕೋರ್ಟ್ ಕಮಿಷನರ್ ವರದಿಯಿಂದ ವ್ಯಕ್ತವಾಗಿರುವುದನ್ನು ಸಹ ಗಮನಿಸಿದೆ."

(As it is in the order passed by Assistant Commissioner)



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"4. It is already decided through Court on 23-03-2006 that neither Govinde Gowda nor his brother Puttaswamy Gowda or their legal heirs have any ownership, right or interest in the land mentioned and that Govinde Gowda and Puttaswamy Gowda have sold the subject land under registered Sale Deeds has been proved through Court.

5. It has also been observed that the report of the court commissioner appointed by the court also stated that the property mentioned in the Sale Deed is not Sy.No.268/4 but Sy.No.268/1 of Hebbalu Village, Mysore Taluk."

(Translation, as provided by the appellants)

5.6 However, in Paragraph No.6 observed that, since there is no rectification in the Sale Deed, the revenue authorities are not empowered to enter the katha as prayed for by the petitioners.

5.7 The even orders dated 17.02.2021 in the appeal stated supra were the subject matters before the Deputy Commissioner in R.P.Nos.57/2021, 58/2021 and 59/2021. The Deputy Commissioner, considering the order passed by the Assistant Commissioner, dismissed the Revision Petitions, taking note of the fact that a suit



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in O.S.No.147/2021 for bare injunction filed by one Gayathri daughter of late Venkataramane Gowda and others against Siddamma daughter of Rache gowda and others in respect of 01 Acre of land in Sy.No.268/1 of Hebbalu Village, Kasaba Hobli, Mysuru Taluk. However observed that the parties are bound by the final outcome of the suit pending before the Civil Court and disposed of the matters. Against these orders, the batch of Writ Petitions were filed.

5.8 The Writ Court after consideration of submissions, was of the opinion that the petitioners ought to have taken recourse under Section 26 of the Specific Relief Act for seeking rectification of the Sale Deeds. In the Judgment of RSA passed by this Court that, it is observed that there is mistake in describing the Survey numbers and no rectification deed was executed correcting the survey number, so far the petitioners have not opted for the same, in that view of the matter, the Writ Court dismissed the Writ Petitions. It is this common order



passed by the Writ Court, is called in question in this batch of appeals.

6. Heard, Sri.Y.K.Narayana Sharma, learned counsel appearing for the appellants/ petitioners, Sri.K.R.Ramesh, learned counsel appearing for the contesting respondent and Sri.M.N.Sudev Hegde, learned counsel appearing for the State.

7. Both learned counsel reiterated the very same submissions which they have already taken before the Writ Court.

8. It is also not in dispute that a suit is filed by Govinde Gowda against Rache Gowda, Bomme Gowda and Rajappa i.e., the predecessors of the petitioners in W.P.Nos.12248/2022, 12247/2022 and petitioner himself in W.P.No.12320/2022. In the said suit, the Court Commissioner was appointed to ascertain the lands in dispute, whether as per the boundaries, they are coming in Sy.No.268/1 or 268/4 and had clearly observed that though in the Sale Deeds the survey numbers have been recited as Sy.No.268/4, in fact the boundaries furnished in the said Sale Deeds pertaining to Sy.No.268/1 and as such, the plaintiff has sold land in



Sy.No.268/1 measuring 33 Guntas to defendants 1 to 3 and they are in possession and enjoyment of the same by constructing houses and also by making use of the same as backyard and the plaintiff has failed to prove his lawful possession over the suit schedule property on the date of the suit.

9. This finding had attained finality in view of dismissal of appeal till this Court. Even this Court has observed about the same, which we have already extracted above. The Court has disposed of the appeal observing that the suit was just a suit for bare injunction with regard to possession of the property and the findings recorded in these proceedings will not come in the way of the plaintiff in the event of his filing a suit for declaration of title and getting the reliefs on the basis of the said title being declared in the competent Civil Court. However, as per the admitted fact by both the parties, there is no such suit is filed and observations made by the Trial Court remains as it is.

10. The respondents' predecessors having parted with the properties way back in the year 1972 and put the



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petitioners in possession of the properties as per the findings of the Civil Court, now they cannot claim merely on the ground that their name continuing in the revenue records that the petitioners are not entitled for their claims to enter their names in the revenue records. Though the Revenue Authorities have considered these aspects of the matter, but failed to consider the effect of the observations of the Civil court. The suit which is pending as considered by the Deputy Commissioner is a suit for bare injunction. Though the RSA was disposed reserving some liberty to the plaintiff therein to take recourse by filing a suit for declaration way back in the year 2006, however no such attempt has been made so far. In that view of the matter, turning down the claims of the parties on the basis of registered Sale Deeds without considering the effect of the findings and postponing their claims till disposal of the bare injunction suit are against the provisions of Karnataka Land Revenue Act, 1964, in so far as acquisition of rights. The Writ Court has failed to consider this aspect of the matter.



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11. In that view of the matter, the order passed by the Revenue Authorities as well as the Writ Court requires to be set-aside. Accordingly, we pass the following:

ORDER

- (i) The Writ Appeals are ***allowed***.
- (ii) The common order dated 18.06.2025, passed by the Writ Court is set-aside. Consequently, the Writ Petitions are allowed and the orders impugned dated 17.02.2021 passed by the Assistant Commissioner in R.A.Nos.73/2018, 309/2015 and 310/2015, so also the common order dated 20.04.2022 passed by the Deputy Commissioner in R.P.Nos.57/2021, 59/2021 and 58/2021 are quashed.
- (iii) The matter stand remanded to the Assistant Commissioner to consider the case of the petitioners and dispose of the same in accordance with law, after issuing notice to both the parties and hearing them, as expeditiously as possible within an outer limit



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of six months from the receipt of certified copy of this order.

- (iv) The appellants are at liberty to produce the certified copy of his order before the concerned Assistant Commissioner for immediate action.

12. In view of disposal of the Writ Appeals, pending interlocutory applications, if any, stand disposed of. Given the facts and circumstances, no order as to costs.

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

**Sd/-
(T.M.NADAF)
JUDGE**

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