



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO.23224 OF 2021 (KLR-RES)

BETWEEN:

KEMPANARASIAH
SINCE DECEASED, BY HIS LRS.

1. SMT. LAKSHMAMMA
W/O LATE KEMPANARASIAH,
AGED ABOUT 90 YEARS.
2. LAKSHMINARASIAH
SINCE DECEASED, BY HIS LRS.
- 2(a). SMT. JAYAMMA
W/O LATE LAKSHMINARASIAH,
AGED ABOUT 65 YEARS.
- 2(b). SRI. DINESH KUMAR
S/O LATE LAKSHMINARASIAH,
AGED ABOUT 48 YEARS.
- 2(c). SRI. SHIVAKUMAR
S/O LATE LAKSHMINARASIAH,
AGED ABOUT 45 YEARS.
3. SMT. RANGAMMA
W/O CHIKKANNA,
D/O LATE KEMPANARASIAH,
AGED ABOUT 70 YEARS.
4. SRI. SHIVANNA
S/O LATE KEMPANARASIAH,
AGED ABOUT 67 YEARS.
5. SMT. RATHNAMMA
D/O LATE KEMPANARASIAH,

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



W/O LATE HANUMANTHAIAH,
AGED ABOUT 60 YEARS.

6. SMT. KEMPAMMA
D/O LATE KEMPANARASIAH,
W/O HANUMANTHAIAH,
AGED ABOUT 62 YEARS.

PETITIONERS 1 TO 6 ARE
R/AT KUNCHANGI VILLAGE,
KORA HOBLI, TUMAKURU TALUK,
TUMAKURU DISTRICT - 572 128.

7. SRI. H.N. NARASIMHARAJU
S/O NARASIYAPPA,
AGED ABOUT 50 YEARS,
R/O HIRETHOTLUKERE VILLAGE,
KORA HOBLI, TUMAKURU TALUK,
TUMAKURU DISTRICT - 572 128.

...PETITIONERS

(BY SRI. K.R. RAMESH, ADVOCATE FOR
P1, P2(a) TO P2(c) AND P3 TO P6;
SRI. PRATHEEP K.C., ADVOCATE FOR P7)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS SECRETARY,
REVENUE DEPARTMENT,
M.S. BUILDINGS,
BENGALURU - 560 001.
2. THE DEPUTY COMMISSIONER
TUMAKURU DISTRICT,
TUMAKURU - 572 101.
3. THE ASSISTANT COMMISSIONER
TUMAKURU SUB-DIVISION,
TUMAKURU - 572 101.
4. THE TAHSILDAR
TUMAKURU TALUK,
TUMKURU - 572 101.



5. THE REVENUE INSPECTOR
KORA HOBLI,
TUMAKURU TALUK,
TUMAKURU DISTRICT - 572 101.
6. THE VILLAGE ACCOUNTANT
ARAKERE CIRCLE, ARAKERE,
TUMAKURU TALUK,
TUMAKURU DISTRICT - 572 106.
7. SRI. K.R. RANGASWAMY
S/O LATE RANGAPPA,
AGED ABOUT 69 YEARS,
R/AT KUCHANGI PALYA VILLAGE,
KASABA HOBLI, TUMAKURU TALUK,
TUMAKURU DISTRICT - 572 106.

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE N., HCGP FOR R1 TO R6;
SRI. HANUMANTHAPPA B. HARAVI GOWDAR, ADVOCATE FOR R7)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 28TH JULY, 2021 PASSED BY THE RESPONDENT NO.2 IN CASE NO.RP-83/2009-10 VIDE ANNEXURE-A, CONFIRMING THE ORDER PASSED BY THE RESPONDENT NO.3- ASSISTANT COMMISSIONER, TUMAKURU DATED 20TH JANUARY, 2010 VIDE ANNEXURE-F AND THEREBY DISMISS THE PETITION FILED BY THE RESPONDENT NO.7 IN CASE NO.RRT.CR.48/2008-09 BEFORE THE RESPONDENT NO.3; DIRECT THE RESPONDENTS 4 AND 5 TO ENTER THE NAME OF THE PETITIONER NO.7 IN COLUMN NO.9 AND 12 OF THE RTC RELATING TO THE SCHEDULE PROPERTY PURSUANT TO THE REGISTERED SALE DEED DATED 31ST OCTOBER, 2007 VIDE ANNEXURE-D; AND ETC.

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

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



ORAL ORDER

In this petition, petitioners are challenging the order dated 28th July, 2021 (Annexure-A) passed by the respondent No.2-Deputy Commissioner in Case No.RP-83/2009-10, wherein the order dated 20th January, 2010 (Annexure-F) passed by the respondent No.3-Assistant Commissioner in Case No.RRT.C.R.48/2008-09 was confirmed; *inter alia* sought for a direction to the respondents 4 and 5 to enter the name of the petitioner No.7 in Column No.9 and 12 of the RTC relating to the schedule property in terms of registered Sale Deed dated 31st October, 2007 (Annexure-D).

2. The relevant facts for adjudication of this petition are that, one Kempanarasaiah, husband of the petitioner No.1 and father of petitioners 2 to 6 was cultivating the schedule property bearing Survey No.74/3 (Old Sy.No.74) of Kuchangi Village, Kasaba Hobli, Tumakuru Taluk to an extent of 4 acres including 20 guntas of Karab land. It is stated in the petition that the respondent-Authorities have granted the schedule property in favour of late Kempanarasaiah under the Dharkast, regularising his unauthorised cultivation and revenue entries were mutated in the name of Kempanarasaiah, by issuing a



Saguvali Chit. The Land Grant Register Extract obtained from the office of the respondent No.4 under the Right to Information Act is produced at Annexure-C.

3. It is the case of petitioners that the legal representatives of the deceased original grantee, Kempanarasaiah, had sold the schedule property in favour of the petitioner No.7 under the registered Sale Deed dated 31st October, 2007 (Annexure-D). In the meanwhile, the respondent No.7 had interfered with the possession over the schedule property alleging that the schedule property is Government Land and as such, late Kempanarasaiah and the petitioner No.7-H.N. Narasimharaju have filed Original Suit No.43/2010 before the Civil Judge (Sr.Dn.), Tumakuru, seeking relief of declaration with consequential relief of permanent injunction over the schedule property. Thereafter, the said matter was transferred to the Karnataka Land Grabbing Prohibition Special Court, which was renumbered as LGC(T) No.1151/2017 and is pending consideration. It is further stated that the respondent No.7 had filed appeal under Section 136(2) of the Karnataka Land Revenue Act before the respondent No.3-Assistant Commissioner in Case No.RRT.CR.48/2008-09



alleging that the said late Kempanarasaiah had illegally entered his name in the RTC extracts in respect of the schedule property and on the basis of said illegal entry, he sold the schedule property in favour of the petitioner No.7. The respondent No.3-Assistant Commissioner, by order dated 20th January, 2010 (Annexure-F), passed the order for removing the name of Kempanarasaiah and to show the entry 'Phada' in the RTC extract in respect of the schedule property. Being aggrieved by the same, the legal representatives of the deceased Kempanarasaiah preferred a Revision Petition before the respondent No.2-Deputy Commissioner in Case No.RP-83/2009-10, wherein the respondent No.2, by order dated 28th July, 2021 (Annexure-A) dismissed the revision petition and confirmed the order dated 20th January, 2010 (Annexure-F) passed by the respondent No.3 in Case No.RRT.CR.48/2008-09. Hence, the legal representatives of the deceased Kempanarasaiah and the petitioner No.7 have presented this petition.

4. Heard Sri. K.R. Ramesh, learned counsel appearing for petitioners 1, 2(a) to 2(c) and 3 to 6; Sri. Pratheep K.C., learned counsel appearing for the petitioner No.7; Sri. Spoorthy



Hegde N., learned High Court Government Pleader appearing for respondents 1 to 6; and Sri. Hanumanthappa B. Haravi Goudar, learned counsel appearing for the respondent No.7.

5. Sri. Pratheep K.C., learned counsel appearing for the petitioner No.7 invited the attention of the Court to the Register of Dharkast entries particularly with regard to Sl.No.787 and contended that the land to an extent of 3 acres was granted in favour of Kempanarasaiah (vendor of the petitioner No.7). Learned counsel appearing for the petitioner No.7 further submits that the revenue entries in respect of the schedule property stand in the name of Kempanarasaiah pursuant to the order of grant made by competent authority.

6. Learned counsel appearing for the petitioner No.7 further argued that the petitioner No.7 had purchased the schedule property from the legal representatives of original grantee Kempanarasaiah under the registered Sale Deed dated 31st October, 2007 (Annexure-D). In this regard, learned counsel submits that the respondent No.7 herein and others have filed the Original Suit No.691/1989 against the Kempanarasaiah and respondent-Authorities, seeking relief of



declaration with consequential relief of permanent injunction in respect of schedule property and the suit came to be dismissed, by judgment and decree dated 21st February, 1995. Thereafter, the Regular Appeal No.352/2004 was filed, which came to be dismissed on 05th March, 2005 before the First Appellate Court. Learned counsel appearing for the petitioner No.7 also places reliance on the judgment of Division Bench of this Court passed in Writ Petition No.22092 of 2019 disposed of on 23rd February, 2022, wherein, the grant made in favour of the vendors of the petitioner No.7 has been confirmed. Accordingly, he sought for interference of this Court.

7. Per contra, Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for respondents 1 to 6 submits that the grant made in favour of the vendor of the petitioner No.7 itself is based on the documents which are not available in the office of the respondent No.4-Tahsildar. Accordingly, he sought for dismissal of the petition.

8. Sri. Hanumanthappa B. Haravi Goudar, learned counsel appearing for the respondent No.7 argued for dismissal of the petition.



9. In the light of submission made by learned counsel appearing for the parties, on careful consideration of the writ papers, it is forthcoming that the schedule property to an extent of 3 acres in Survey No.74/3 of Kuchangi Village, Tumakuru Taluk was granted in favour of one Kempanarasaiah (*vendor of the petitioner No.7*) on 18th June, 1962 as per Annexure-C. It is also stated that the revenue records stand in the name of the vendors of the petitioner No.7. It is also forthcoming from the writ petition that the petitioner No.7 had purchased the schedule property from the legal heirs of original grantee Kempanarasaiah under the registered Sale Deed dated 31st October, 2007 (Annexure-D). Having heard the learned counsel appearing for the parties, it is not in dispute that, at the instance of some of the villagers, proceedings have been initiated against the vendor of the petitioner No.7 so also, the Original Suit No.691 of 1989 was filed against the vendor of the petitioner No.7 and the respondent-Authorities, seeking relief of declaration with consequential relief of permanent injunction. The said suit came to be dismissed in respect of the schedule property, by judgment and decree dated 21st February, 1995 and same is confirmed in Regular Appeal No.352 of 2004 before



the First Appellate Court, by judgment and decree dated 05th March, 2005. It is also to be noted that the said judgment and decree passed by the Courts below has reached finality as the same is not challenged before this Court in the appropriate appeal.

10. Taking into consideration the fact that the respondent-Authorities were also parties in the aforementioned proceedings, I find force in the submission made by learned counsel appearing for the petitioner No.7 as this Court in Writ Petition No.22092 of 2019 filed by the petitioner No.7 herein, confirmed the order of grant made in favour Kempanarasaiah (vendor of the petitioner No.7). Since, the Division Bench of this Court in Writ Petition No.22092 of 2019 disposed of on 23rd February, 2022 had an occasion to look into the records and arrived at a conclusion that the schedule property has been granted in favour of Kempanarasaiah (vendor of the petitioner No.7), I am of the considered opinion that the impugned order dated 28th July, 2021 (Annexure-A) passed by the respondent No.2-Deputy Commissioner in Case No.RP-83/2009-10 and order dated 20th January, 2010 (Annexure-F) passed by the respondent No.3-Assistant Commissioner in Case



No.RRT.CR.48/2008-09 are required to be quashed.

Accordingly, I pass the following:

ORDER

- (i) Writ Petition ***allowed;***
- (ii) Order dated 28th July, 2021 (Annexure-A) passed by the respondent No.2-Deputy Commissioner in Case No.RP-83/2009-10 and order dated 20th January, 2010 (Annexure-F) passed by the respondent No.3-Assistant Commissioner in Case No.RRT.CR.48/2008-09 are hereby set-aside;
- (iii) The respondent No.4-Tahisildar is directed to enter the name of the petitioner No.7 in the revenue records in respect of the schedule property in terms of registered Sale Deed dated 31st October, 2007 (Annexure-D).

**SD/-
(E.S. INDIRESH)
JUDGE**

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List No.: 1 Sl No.: 55