



CNR: KAHC010532452024

NC: 2026:KHC:45576
WP No. 25906 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

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

WRIT PETITION NO. 25906 OF 2024 (KLR-RES)

BETWEEN:

1. SRI. V. N. PARAMESH
S/O LATE NAGANAYAKA,
AGED ABOUT 52 YEARS,
R/AT VASTARE,
VASTARE VILLAGE,
CHIKAMAGALURU - 577101.

...PETITIONER

(BY SRI. A. MADHUSUDHANA RAO, ADVOCATE)

AND:

1. THE JOINT DIRECTOR OF LAND RECORDS
MYSURU DIVISION,
MYSURU -570 001.
2. THE DEPUTY DIRECTOR OF LAND RECORDS
CHIKKAMAGALUR DISTRICT
CHIKKAMAGALUR - 577101.
3. THE ASSISTANT DIRECTOR OF LAND RECORDS
CHIKKAMAGALUR TALUK,
CHIKKAMAGALUR - 577101.
4. THE TAHSILDAR
CHIKKAMAGALUR SUB DIVISION,

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



CNR: KAHC010532452024

NC: 2026:KHC:45576
WP No. 25906 of 2024

CHIKKAMAGALUR - 577101.

5. SMT. PUSHPAVATHI
W/O SRI CHANDRASHEKAR H R,
AGED ABOUT 80 YEARS,
R/AT VASTHARE AT POST,
CHIKKAMAGALUR TALUK - 577101.

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE N., HCGP FOR R1 TO R4;
SRI. SRINIVAS B.S., ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER PASSED BY RESPONDENT NO.1 IN Bhu.Jum.Ni.R.P.NO.61/2022-23 DATED 28.12.2023 FOUND AT ANNEXURE-N IN SO FAR AS PETITIONER IS CONCERNED ALLOW THIS WRIT PETITION WITH COSTS, AND GRANT SUCH OTHER RELIEFS AS THIS HON'BLE COURT DEEMS FIT TO GRANT IN THE CIRCUMSTANCES OF THE CASE.

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



CNR: KAHC010532452024

NC: 2026:KHC:45576
WP No. 25906 of 2024

ORAL ORDER

In this writ petition, the petitioner is assailing the order dated 28.12.2023, vide Annexure-N, passed by respondent No.1.

2. Heard Sri. A. Madhusudhana Rao, learned counsel appearing for the petitioner; Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for the respondent-State and Sri. Srinivas B. S., learned counsel appearing for the respondent No.5.

3. Sri. A. Madhusudhana Rao, learned counsel appearing for the petitioner, contended that the petitioner herein was granted with land measuring 2 acres 13 guntas in Sy. No.738, as per Annexure-B. He further contended that an extent of 1 acre was acquired by the petitioner in the family partition, and the mutation extract in that regard has been produced.

4. Learned counsel appearing for the petitioner further contended that one Parvathamma had sold an extent of 1 acre 20 guntas in favour of the petitioner. Therefore, the petitioner



CNR: KAHC010532452024

claims to be the owner of land measuring 2 acres 13 guntas, 1 acre and another extent of 1 acre 20 guntas in Sy. No.738. Accordingly, he referred to the sketch produced at Annexure-K to the writ petition and submitted that the land measuring 5 guntas claimed by respondent No.5 is situated in Sy. No.765, as per Annexure-T.

5. It was therefore contended that respondent No.1 committed an error in remanding the matter for fresh phodi in respect of the land in question. Learned counsel further contended that conducting fresh phodi and durasth in respect of Sy. Nos.738/1 and 738/2 would cause considerable hardship to the petitioner, particularly when the petitioner has already developed the land in question. Learned counsel for petitioner further submitted that, if the phodi is conducted in accordance with the claim and submissions of the respective parties, the dispute with regard to the land in question would be resolved. Accordingly, he sought interference by this Court.

6. Per contra, Sri. Srinivas B.S., learned counsel appearing for respondent No.5 and Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for the



CNR: KAHC010532452024

respondent-State sought to justify the impugned order passed by respondent No.1, vide Annexure-N. They contended that respondent No.1 has remanded the matter to respondent Nos.2 to 4 for conducting fresh phodi in respect of the land in question and that the same would resolve the dispute between the parties. Accordingly, they sought dismissal of the writ petition.

7. The learned Additional Government Advocate produced the relevant records.

8. In the light of the arguments advanced by the learned counsel appearing for the parties and upon careful consideration of the same, the sketch produced at Annexure-K indicates that an extent of 10 acres of land in Sy. No.738 is spread across six landholders, wherein an extent of 1 acre is shown in the name of the petitioner and an extent of 5 guntas is shown in the name of respondent No.5.

9. It is not in dispute that an extent of 2 acres 13 guntas was granted in favour of the petitioner, as per Annexure-B to the writ petition. It is also to be noted that the



CNR: KAHC010532452024

**NC: 2026:KHC:45576
WP No. 25906 of 2024**

petitioner claims an extent of 1 acre of land as having been acquired by virtue of a partition in the joint family properties.

10. In that view of the matter, though learned counsel appearing for the petitioner contended that the land belonging to respondent No.5 is situated in Sy. No.765, as per Annexure-T, the said contention can be conclusively determined only after fresh phodi is conducted in respect of the land in question.

11. Therefore, having regard to the finding recorded by respondent No.1 directing fresh phodi to be conducted by respondent Nos.2 to 4, I am of the opinion that the impugned order does not call for interference by this Court.

12. Needless to say, respondent No.4-Tahsildar, along with respondent No.3-ADLR shall conduct the phodi and durasth proceedings by taking into consideration the respective claims and the acquisition of the property by the parties. It is also open to the parties to produce all relevant documents before respondent No.4-Tahsildar at the time of conducting the phodi and durasth proceedings in respect of the land in question.



CNR: KAHC010532452024

NC: 2026:KHC:45576
WP No. 25906 of 2024

Accordingly, the writ petition stands ***disposed of*** with the above observations.

SD/-
(E.S.INDIRESH)
JUDGE

SB
List No.: 1 Sl No.: 64