



CNR: KAHC010538632019

NC: 2026:KHC:52045
WP No. 4171 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

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

WRIT PETITION NO. 4171 OF 2020 (KLR-RES)

BETWEEN:

1. SMT. VENKATAMMA
W/O LATE KENCHANNA
AGED ABOUT 70 YEARS,
RESIDING AT AGARA VILLAGE,
Kengeri Hobli
BENGALURU-560060
DEAD BY LR:
SRI M.K. RAVI MURTHY
S/O LATE N. KENCHANNA
FLAT VILLA NO.110
PRESTIGE OASIS,
ADDS VISHWANATHAPURA ROAD
RAJANUKUNTE
BENGALURU-560 064

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

...PETITIONER

(BY SRI. D.P.MAHESH,ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
REVENUE DEPARTMENT,
M S BUILDING, AMBEDKAR VEEDHI
BENGALURU -560001



NC: 2026:KHC:52045
WP No. 4171 of 2020

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2. THE SPECIAL DEPUTY COMMISSIONER
DEPUTY COMMISSIONER OFFICE BUILDING
K G ROAD, BENGALURU-560009
3. THE THASILDAR
BENGALURU SOUTH TALUK
KANDAYA BHAVAN
K G ROAD, BENGALURU-560009

...RESPONDENTS

(BY SRI.ADITYA DIWAKARA, AGA)

THIS WP UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA IS FILED PRAYING TO-CALL FOR THE RECORDS FROM THE R-2 RRT(2)CR10/2009-10 DATED 16.01.2010 AND RECORDS FROM R-3 IN A MUTATION PROCEEDINGS IN M.R.NO.96/2009-10 DATED 08.06.2010 IN RESPECT OF LANDS BEARING SY.NO.28 MEASURING 4 ACRE SITUATED AT AGARA VILLAGE, KENGERI HOBLI, BENGALURU SOUTH TALUK; SET ASIDE THE ORDER DATED 16.01.2010 PASSED BY THE R-2 IN CASE DATED 16.01.2010 PRODUCED AT ANENXURE-J AND TO SET ASIDE MUTATION ORDERS PASSED BY THE R-3 IN MUTATION PROCEEDINGS IN MR NO.96/2009-10 DATED 08.06.2010 IN FAVOUR OF THE GOVERNMENT ANENXURE-K AND RESTORE THE MUTATION ORDERS PASSED IN M.R.NO.43/1995-96 DATED 28.12.1995 IN THE NAME OF THE PETITIONER IN RESPECT OF LANDS BEARING SY.NO.28 MEASURING 4 ACRES SITUATED AT AGARA VILLAGE, KENGERI HOBLI, BENGALURU SOUTH TALUK AND QUASH ANNEXURE-J AND K AND DIRECT THE R-3 TO MAINTAIN ALL REVENUE RECORDS IN THE NAME OF THE PETITIONER

THIS PETITION, COMING ON FOR FINAL HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CNR: KAHC010538632019

NC: 2026:KHC:52045
WP No. 4171 of 2020

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

ORAL ORDER

In this writ petition, the petitioner is assailing the order dated 16.01.2010 in RRT(2)CR10/2009-10 (Annexure-J) and MR No.96/2009-10 dated 08.06.2010 (Annexure-K), *inter alia* sought for a direction to the respondent-authorities to restore the mutation order dated 28.12.1995 in MR No.43/1995-96 (Annexure-D).

2. Sri D.P. Mahesh, learned counsel appearing for the petitioner contended that the land bearing Sy. No.28, situated at Agara Village of Bangalore South Taluk was granted in favour of the original petitioner/Smt.Venkatamma, as per the OM dated 25.01.1980 (Annexure-A), and thereafter the respondent-authorities have issued the Saguvali Chit dated 31.08.1981 (Annexure-C) in respect of 4 acres of land in Sy. No.28, of Agara Village.



3. Pursuant to the same, MR No.43/1995-96 (Annexure-D) was made in favour of Venkatamma. The petitioner has also produced the RTC extracts as per Annexure-E series. In the meanwhile, the original petitioner has received the show cause notice dated 14.09.2009 to produce the title deeds in respect of the land in question as per Annexure-F and accordingly, the original petitioner has produced the records. However, the respondent-authorities without considering the material on record, passed impugned order dated 16.01.2010 (Annexure-J) arrived at a conclusion that the alleged grant made in favour of Venkatamma is based on fake documents and as such, directed the Tahsildar to enter the name of the Government in the revenue records.

4. In this regard, the learned counsel appearing for the petitioner submitted that, though the impugned order at Annexure-J was passed on 16.01.2010,



CNR: KAHC010538632019

**NC: 2026:KHC:52045
WP No. 4171 of 2020**

however, the same was not communicated to the petitioner nor the same was issued to the petitioner, and therefore submitted that though there is delay of 10 years, however, as the subject land has been granted in favour of the petitioner as per Annexure-A, and accordingly, has sought for interference of this court.

5. Nextly, it is contended by the learned counsel appearing for the petitioner that, the respondent authorities have granted 4 acres each in favour of K. Narayanaswamy and Sri H. S. Sampangappa as per the very same Official Memorandum dated 25.01.1980 (Annexure-A) and their grant were not cancelled by the respondent-authorities and therefore submitted that, the respondent authorities have discriminated the petitioner and therefore sought for interference of this Court.

6. Per contra, Sri Aditya Diwakara, learned Additional Government Advocate appearing for the



respondents submitted that, after issuance of the O.M., it was verified in the office of the Tahsildar, Bengaluru South Taluk, that there is no such grant recorded in their office. Therefore, sought to justify the impugned order at Annexure-J and sought for dismissal of the writ petition.

7. In the light of the submission made by the learned counsel appearing for the parties and on careful consideration of the O.M. dated 25.01.1980 (Annexure-A), wherein, 4 acres of land, each was granted in favour of K. Narayanaswamy, H. S. Sampangappa and Venkatamma (Original petitioner). Thereafter, the original petitioner/Venkatamma has paid the kimmath in respect of the land in question and pursuant to the same, the Saguvali Chit was issued as per Annexure-C to the writ petition. The name of the petitioner was mutated in the revenue records as per MR No.43/1995-96 (Annexure-D). The name of the petitioner was also



CNR: KAHC010538632019

NC: 2026:KHC:52045
WP No. 4171 of 2020

reflected in the RTC extracts (Annexure-E-series) from 1995-1996 onwards till the impugned order passed by the respondent-authorities at Annexure-J to the writ petition.

8. In that view of the matter, since the grant has been made in favour of the original petitioner as well as another two persons, namely K. Narayanaswamy and H. S. Sampangappa, however, the respondent No. 2 has issued show cause notice to the petitioner herein alone, however they have not taken any action against two other similarly placed grantees namely K. Narayanaswamy and H. S. Sampangappa and in that view of the matter, taking into consideration the fact that the saguvali chit has been issued in favour of the petitioner as per Annexure-C dated 31.08.1981 and thereafter mutation and RTC Extracts transferred in the name of the petitioner, I am of the view that the



reasons assigned by the respondent No.2 that, the grant is not genuine is not correct and cannot be accepted.

9. In that view of the matter, as the grant in favour of the original petitioner has been made as per O. M. dated 25.01.1980 (Annexure-A), respondent no. 2 has taken a decision to cancel the said grant after 30 years without an appropriate explanation as to delay in passing the impugned order, I find force in the submission made by the learned counsel appearing for the petitioner, accordingly I pass the following:

ORDER.

- i) The writ petition is allowed.
- ii) Order dated 16.01.2010 (Annexure-J) passed by the respondent no. 2 is accordingly set aside and also M.R.No.96/2009-10 dated 08.06.2010 (Annexure--K) issued by respondent No.3 is accordingly set aside and the M.R. No. 43/1995-96 dated 28.12.1995 (Annexure-D) is restored to file, in favour of the petitioner.



**NC: 2026:KHC:52045
WP No. 4171 of 2020**

CNR: KAHC010538632019

iii) The respondent No. 3 is directed to restore the name in favour of the legal representatives of the deceased Venkatamma within a period of 2 months from the date receipt of this Order.

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

HR
List No.: 1 SI No.: 38