



CNR: KAHC010546822023

NC: 2026:KHC:53233
WP No. 23109 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF SEPTEMBER, 2026

BEFORE

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

WRIT PETITION NO. 23109 OF 2023 (KLR-RES)

BETWEEN:

1. SRI DODDACHINNAPPA
S/O LATE MUNIYELLAPPA
AND LATE NAREMMA,
AGED ABOUT 75 YEARS.
2. SMT.THIMMAKKA
D/O LATE MUNIYELLAPPA AND
LATE NAREMMA,
AGED ABOUT 70 YEARS

BOTH ARE RESIDING AT
ANCHARAHALLI VILLAGE,
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK,
BENGALURU - 560 049.

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

...PETITIONERS

(BY SRI. PRAKASH TIMMANNA HEBBAR.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REVENUE DEPARTMENT
M.S. BUILDING, 5TH FLOOR,
DR. AMBEDKAR ROAD



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BENGALURU - 560 001
REP. BY ITS PRINCIPAL SECRETARY.

2. THE DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT,
K.G. ROAD,
BENGALURU - 560009.
3. THE ASSISTANT COMMISSIONER
BENGALURU NORTH SUB-DIVISION,
KANDAYA BHAVAN,
K.G. ROAD,
BENGALURU - 560 009.
4. TAHSILDAR
BENGALURU EAST TALUK,
K.R. PURAM
BENGALURU - 560036.
5. SRI SOMASHEKARAIHAH
S/O LATE THIMMAIAH,
AGED ABOUT 65 YEARS
R/AT ACHARAHALLI VILLAGE,
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK
BENGALURU 560 049.
6. SRI K V RAJAGOPAL REDDY
S/O LATE VENGALAL REDDY,
AGED ABOUT 60 YEARAS
R/AT NO.1, BHAGAVATHI PANATHURU ROAD,
BELANDUR TANK,
YAMALURU POST,
YAMALURU,
BENGALURU - 560 037.
7. SRI A SRINIVASULU
S/O LATE A KRISHNAIAH
AGED ABOUT 71 YEARS
R/AT NO. 24/19, 2ND STREET



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LAKSHMINAGARA COLONY,
CHITTOOR TOWN,
ANDHRA PRADESH - 517001.

...RESPONDENTS

(BY SRI ADITYA DIWAKARA, AGA, FOR R1 - R4,
SRI MAHADESHWARAN C N., ADVOCATE FOR R5,
SRI VIJAY KRISHNA M BHAT, ADVOCATE FOR R6
SRI SANDESH KUMAR M, ADVOCATE FOR R7)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE ENTIRE RECORDS FROM THE FILE OF THE R2 DEPUTY COMMISSIONER IN R.P. NO. 61/2021, PERSUE THE SAME, HEAR THE PARTIES AND FURTHER BE PLEASED. QUASH THE ORDER DATED 28/06/2023 PASSED BY THE R2-SPECIAL DEPUTY COMMISSIONER IN R.P. 61/2021 AS PER ANNEXURE-A AND CONFIRM THE ORDER DATED 17/12/2021 PASSED BY THE R3 IN RA(BE)223/2018.

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 writ petition, petitioners are assailing the order dated 28.06.2023 (Annexure - A) passed by the respondent No.2.

2. It is contended by Sri Prakash Timmanna Hebbar, learned counsel appearing for the petitioners that,



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the mother of the petitioners herein - Naremma, had purchased the land in question as per the registered sale deed dated 01.10.1965 and therefore, it is contended by the learned counsel appearing for the petitioners by referring to the cause title in impugned order at Annexure-A, wherein the appellant therein - A.Srinivasulu has no right to maintain the Revision Petition before the competent Authority since A.Srinivasulu, had acquired the property in question based on the registered sale dated 08.01.2010 from the respondent No.5 herein and also the learned counsel appearing for the petitioners refers to the suit proceedings in OS No.164/2017 wherein the sale deed dated 08.04.2010, in which the respondent No.7 herein is claiming right, is questioned before the competent Civil Court, and therefore, submitted that, the Revision Petitioner before respondent No.2 has no right to challenge the order passed by respondent No.3, and accordingly sought for interference of this Court.



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3. *Per contra*, Sri Mahadeshwaran C.N, learned counsel appearing for the respondent No.5 submitted that, the proceedings in OS No.164/2017 is between his son (Thimmaraju), respondent Nos.5 and 7 and the petitioners herein have no locus standi in respect of the land in question and in this regard, learned counsel appearing for respondent No.5 referred to the encumbrance certificate from the year 1945 to 1986 and submitted that, the perusal of the encumbrance certificate would indicate that, no right has been conferred to the petitioners herein, and therefore, submitted that, the claim made by the petitioners cannot be accepted.

4. *Per contra*, Sri Sandesh Kumar, learned counsel appearing for the respondent No.7, submitted that, he had acquired the property as per the registered sale deed dated 08.04.2010, and therefore, submitted that, the respondent No.7 is having a right to prefer the Revision before the respondent No.2 and accordingly, sought for dismissal of the writ petition.



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5. Sri Vijay Krishna M Bhat, learned counsel appearing for the respondent No.6, submitted that, there is a discrepancy insofar as the land in which the petitioners have purchased, and there is disputed question of facts involved. Therefore, he submitted that, the writ petition requires to be dismissed.

6. Sri Aditya Diwakara, learned Additional Government Advocate appearing for the respondent - State sought to justify the impugned order.

7. In the light of the submissions made by the learned counsel appearing for the parties, the Revision Petitioner before the respondent No.2 is A.Sreenivasulu, who was arrayed as the defendant No.2 in OS No.164/2017 filed by one Thimmaraju (son of the respondent no.5) and in the said suit, the sale deed dated 08.04.2010, made in favour of respondent No.7 by respondent No.5 was challenged. It is also forthcoming from the Annexure - L that, the compromise decree has



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been made in respect of the subject land. In that view of the matter, the sale deed dated 08.04.2010 itself was questioned in OS No.164/2017. However, the perusal of the decree would indicate that, certain amount has to be paid by the defendant No.2 (respondent No.7 herein) to the plaintiff therein (son of the respondent No.5).

8. In that view of the matter, as there is cloud in respect of the acquisition of the property by respondent No.7 as per the registered sale deed dated 08.04.2010 and therefore, I am of the view that, the respondent No.7 ought not to have preferred revision before the respondent No.2 in R P No.61/2022 in view of the judgment and decree in OS No.164/2017. In this regard, on careful consideration of the order dated 17.12.2021 (Annexure-B) passed by respondent No.3 would indicate that, the mutation has been changed based on the registered sale deed dated 01.10.1965. In that view of the matter, the respondent No.3 has rightly passed an order, in favour of the petitioners herein. However, the respondent No.2,



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without considering the factual aspects on record, particularly, the judgment and decree in OS No.164/2017 (Annexure-L), has passed an erroneous order and therefore, I find force in the submission made by the learned counsel for the petitioners.

Accordingly, I pass the following:

ORDER

i) The writ petition is allowed.

ii) The order dated 28.06.2023 (Annexure-A) passed by respondent No.2 is accordingly set aside and order dated 17.12.2021 (Annexure-B) passed by respondent No.3 is accordingly restored on file.

It is also made clear that, it is open for the private respondents herein to establish their right over the land in question in a manner known to law, and thereafter approach the competent revenue authorities for change of khata, if need arises.

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

BKM

List No.: 1 Sl No.: 43