



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 27240 OF 2025 (KLR-RES)

BETWEEN:

MR. R. V. NATHAN
S/O LATE V. RAJARAM,
AGED ABOUT 82 YEARS,
RESIDING AT FLAT NO. 205,
RAM-LAKSHMAN APARTMENT,
NO. 89, DIAGONAL ROAD,
V.V. PURAM, BANGALORE 560004.

...PETITIONER

(BY SRI. ABHISHEK K., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS
REVENUE SECRETARY,
M.S. BUILDING,
AMBEDKAR VEEDHI,
BANGALORE - 560001.
2. THE DISTRICT COLLECTOR,
BANGALORE URBAN DISTRICT,
KANDAYA BHAVAN,
K.G. ROAD,
BANGALORE - 560009.

Digitally
signed by
VIJAYA P
Location:
HIGH COURT
OF
KARNATAKA



3. THE SPECIAL TAHSILDAR,
BANGALORE SOUTH TALUK,
KANDAYA BHAVAN,
K.G. ROAD,
BANGALORE - 560009.
4. SMT. USHA KIRAN,
W/O LATE A.P. MAHESH,
AGED ABOUT 55 YEARS,
5. APPAJI M. ASHWINI,
D/O LATE A.P. MAHESH,
AGED ABOUT 34 YEARS,
6. ABHISHEK MAHESH APPAJI,
S/O LATE A.P. MAHESH,
AGED ABOUT 33 YEARS,

RESPONDENTS NO.4 TO 6 ARE
R/A NO. 4, NEW NO. 118,
5TH MAIN, 5TH CROSS,
N.R. COLONY,
BANGALORE 560019.

7. LAKSHMI BAI G.
W/O DEVIPRASAD,
AGED ABOUT 51 YEARS,
R/AT FLAT NO.103, F-3,
1ST FLOOR, SAI APARTMENT,
10TH CROSS ROAD, N.R. COLONY,
BENGALURU-560019.

...RESPONDENTS

(BY SRI. HARISHA A.S., AGA FOR R1 TO R3;
SRI. T. RUKMANGADACHAR, ADVOCATE FOR R7;
R4 TO R6 ARE SERVED)



THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION PRAYING TO DIRECT TO THE R-2 AND 3 THE DISTRICT COLLECTOR AND THE SPECIAL TAHSILDAR, TO ACT UPON THE FINE LEVY WARRANT ORDER DATED 13.10.2023 VIDE ANNEXURE-C IN CRL.MISC.NO.50344/2022 AND ENFORCE RECOVERY OF RS.16,70,500/- FROM THE ESTATE OF LATE A.P MAHESH WITHIN A PERIOD OF THREE (3) MONTHS, INCLUDING COERCIVE STEPS SUCH AS ATTACHMENT AND SALE OF MOVABLE/IMMOVABLE PROPERTY UNDER SECTION 190 OF THE KARNATAKA LAND REVENUE ACT.

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

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

The present petition has been filed by the petitioner seeking for issuance of writ of mandamus to respondents No.2 and 3 to act upon the Fine Levy Warrant dated 13.10.2023 and enforce the recovery of an amount of Rs.16,70,500/- from the estate of Late A.P.Mahesh.

2. It is the case made out by the petitioner that the proceedings were initiated by the petitioner under Section 138 of the Negotiable Instruments Act (for short 'NI Act') in C.C.No.53556/2016. It is submitted that in terms of the order passed in the said proceedings, accused



- A.P.Mahesh was convicted of the offence punishable under Section 138 of the NI Act and sentenced for simple imprisonment for three months. In terms of the further order of sentence, compensation of Rs.18,58,500/- was directed to be paid to the complainant. The petitioner herein was the complainant.

3. It is also a matter of record that the accused had challenged the judgment of conviction before the Sessions Court. However, during the pendency of the proceedings before the Sessions Court, the accused has died on 06.04.2022 and the criminal appeal stood abated as per order dated 01.06.2022.

4. Subsequently, petitioner had initiated proceedings for recovery of compensation under Section 421 of Cr.P.C. and during such proceedings, pursuant to the order of the Magistrate in CrI.Misc.No.50344/2022, noticing that the compensation amount could be recovered from the estate of the deceased, the Magistrate in the



criminal miscellaneous proceedings has issued an order for recovery of compensation by way of Fine Levy Warrant. At the time of execution of the said Fine Levy Warrant, the Tahsildar has made out a report at Annexure-G dated 18.03.2025 stating that it is not possible to execute the Fine Levy Warrant, noticing the contention that Sundara Bai had executed a will on 18.05.2009 relating to the property which was sought to be proceeded against for the purpose of realising the compensation.

5. Learned counsel for the petitioner would submit that in light of the report of the Tahsildar at Annexure-G dated 18.03.2025, the proceedings before the Magistrate has come to a standstill. It is further submitted that the Tahsildar has exceeded jurisdiction by recording a finding regarding validity of will and such proceedings before the Tahsildar are without notice to the petitioner. It is submitted that though the direction sought for is only in the nature of writ of mandamus, the Court may set aside



the report of the Tahsildar and direct him to proceed further.

6. Learned counsel for the petitioner would submit that the Tahsildar could not go beyond sale deed executed in favour of the deceased. It is submitted that Sundara Bai through whom the impleading applicant claims to be a legate under the will, had in fact executed a sale deed through GPA holder who is the petitioner herein on 27.05.2013. The said sale deed of 27.05.2013 was executed by Sundara Bai in favour of A.P.Mahesh though represented by GPA holder. It is submitted that the sale deed relates to apartment No.103 which is the apartment with respect to which the Fine Levy Warrant is sought to be executed.

7. Learned counsel for petitioner would further submit that the sale deed was executed through GPA holder who is the petitioner herein and was executed in the year 2013. It is further submitted that the Power of



Attorney executed in favour of the petitioner was cancelled and such cancellation was challenged before the Civil Court in O.S.No.7819/1999 and the cancellation came to be set aside by order passed in O.S.No.7819/1999 on 17.02.2011 and though the said judgment has been challenged in regular first appeal, there is no order of stay of the judgment of the trial Court till date. Accordingly, it is submitted that the sale deed of 2013 for all practical purposes stands valid as on date and the Tahsildar has ignored such aspect as noticed above.

8. It is further submitted that the Late Sundara Bai even otherwise died on 15.06.2024 and as on that date by virtue of the sale deed, there was no property for Sundara Bai to have bequeathed to the impleading applicant, as it was sold by way of sale deed dated 27.05.2013. Accordingly, it is submitted that Tahsildar has not taken note of all such facts and petitioner was not heard and accordingly, the Tahsildar may be directed to have a re-look into the matter.



9. Learned counsel for the impleading applicant on the other hand would submit that Late Sundara Bai had executed a will bequeathing the property in favour of the impleading applicant by way of a will dated 18.05.2009. It is further submitted that, katha has been entered into in the name of impleading applicant and accordingly, the Tahsildar has recorded a correct finding regarding inability to execute the Fine Levy Warrant pursuant to the order of the Magistrate.

10. It must be noticed that when proceedings are initiated for recovery of compensation which could be treated to be arrears of land revenue by virtue of Section 421 of Cr.P.C, during the process of execution of the Fine Levy Warrant by treating the compensation as arrears of land revenue, if any objection is raised, there has to be a summary finding. The summary finding under Section 167 of the Land Revenue Act has to be recorded. As on date, the right of the petitioner is on the basis of the sale deed of 2013, which according to the petitioner has legal



standing by virtue of the cancellation of GPA by Sundara Bai having been set aside. On the other hand the claim of the impleading applicant is by way of a will.

11. As on the date of death of Sundara Bai, the Tahsildar will have to record the summary finding as to in whom the legal title would stand and on such basis, a finding must be recorded and sent to the Magistrate. Though the present petition has been filed merely as a writ seeking for issuance of mandamus, however, during the course of hearing, noticing the report of the Tahsildar as being an obstruction to the Magistrate to proceed further, it would be appropriate to set aside the report of the Tahsildar at Annexure-G and direct the Tahsildar to re-look into both the contentions of both sides as noticed above. All other contentions of both sides are kept open.

12. Needless to state, the finding of the Tahsildar is only a summary finding and cannot declare title. It is also clarified that revenue entries are only reflective of title and



cannot be a substitute for legal title. The Tahsildar is to pass an appropriate order within a period of three months from today.

13. Both parties to be present before the Tahsildar without further notice on 27.01.2026 at 11.30 a.m. Needless to state, once the Tahsildar makes a summary enquiry, report to be forwarded to the Magistrate for further action.

14. In light of the facts made out, impleading application is allowed. Necessary amendment to be carried out to the causetitle.

Accordingly, the petition is ***disposed of***.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE