



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO. 28426 OF 2024 (KLR-RR/SUR)

BETWEEN:

SRI. MANOHAR M.K.,
S/O LATE KRISHNAPPA M,
AGED ABOUT 60 YEARS,
R/AT NO.136, MULLUR VILLAGE,
CARMELLARAM POST,
BENGALURU EAST TALUK,
BENGALURU - 560 035.

...PETITIONER

(BY SRI. M.S.BYRE REDDY, ADVOCATE FOR
SRI. ADINARAYANA M., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
BENGALURU URBAN DISTRICT,
K G ROAD,
BENGALURU - 560 001.
2. THE ASSISTANT COMMISSIONER,
BENGALURU NORTH SUB DIVISION,
KANDHAYA BHAVANA,
K.G.ROAD, BENGALURU - 560 001.
3. THE TAHSILDAR,
BENGALURU EAST TALUK,
K.R.PURAM, BENGALURU - 560 036.

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by CHAYA S A
Location: HIGH
COURT OF
KARNATAKA



4. THE SPECIAL TAHSILDAR,
BENGALURU EAST TALUK,
K.R.PURAM,
BENGALURU - 560 036.
5. M.K.NAGARAJ,
S/O LATE KRISHNAPPA M,
AGED ABOUT 60 YEARS,
R/AT NO.136, MULLUR VILLAGE,
CARMELLARAM POST,
BENGALURU EAST TALUK,
BENGALURU - 560 035.
6. M.K.RAMACHANDRA,
S/O LATE KRISHNAPPA M,
AGED ABOUT 60 YEARS,
R/AT NO.136, MULLUR VILLAGE,
CARMELLARAM POST,
BENGALURU EAST TALUK,
BENGALURU - 560 035.
7. M.K.NARAYANASWAMY,
S/O LATE KRISHNAPPA M,
AGED ABOUT 60 YEARS,
R/AT NO.136, MULLUR VILLAGE,
CARMELLARAM POST,
BENGALURU EAST TALUK,
BENGALURU - 560 035.
8. SMT. SHANTHAMMA,
W/O RAMAKRISHNAPPA,
AGED ABOUT 66 YEARS,
MULLUR VILLAGE,
CARMELLARAM POST,



BENGALURU EAST TALUK,
BENGALURU - 560 035.

...RESPONDENTS

(BY SRI.SPOORTHY HEGDE N., HCGP FOR R1 TO R4;
SRI.VIVEK S REDDY, SENIOR ADVOCATE FOR
SRI.K.N.SUBBAREDDY, ADVOCATE FOR R8;
SRI.RAJEEV BABU Y.R., ADVOCATE FOR R5;
SRI.S.DINESH, ADVOCATE FOR R7;
R6 - SERVED)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE ENTIRE RECORDS FROM THE OFFICE OF R-1 TO 4 PERTAINING TO R.P NO.116/2018 AND RA(BE)122/2016-17 AND RRT. 180/2024-25; ISSUE WRIT OF CERITORARI SETTING ASIDE THE IMPUGNED ORDERS DATED 02/01/2024 PASSED BY THE R-1 THE DEPUTY COMMISSIONER IN R.P. NO.116/2018 WHICH IS PRODUCED AT ANNEXURE A AND THE IMPUGNED MUTATION BEARING MR NO.T14/2024-25 DATED 25/07/2024, PRODUCED AT ANNEXURE-B AND ETC.,

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

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

ORAL ORDER

Heard the learned counsel appearing for the parties.

2. In this petition, petitioner is assailing the impugned Order dated 02.01.2024 in R.P. No.116/2018 (Annexure-A) and



the mutation made in MR No.T14/24-25 dated 25.07.2024 (Annexure-B), inter-alia, sought for direction to respondent No. 3 and respondent No. 4 to restore the mutation in favour of Krishnappa, S/o Munishami pertaining to the land bearing Survey No.36/11, measuring 18 guntas situated at Mullur Village, Anekal Taluk, Bangalore Urban District.

2. It is the case of the petitioner that, the father of the petitioner and Respondent No. 5 to 7,-Hagadurappa @ Krishnappa M., was the owner in possession of the land bearing Survey No. 36/7, measuring 1 acre 16 guntas of Mullur Village, Bangalore East Taluk.

3. It is also stated that, the father of the petitioner had acquired the same by virtue of the registered Sale Deed dated 16.06.1955 for valuable consideration. It is also stated that, after the registered sale deed dated 16.06.1955, the revenue record stands in the name of father of the petitioner. Further, it is stated in the writ petition that the aforementioned Hagadurappa @ Krishnappa M., had 7 children as per the genealogical tree produced at Annexure-G.



4. It is the claim of the petitioner that the mutation has been changed in favour of the contesting respondents based on the un-registered Partition Deed dated 04.07.1990, which has not been accepted by some of the siblings of the petitioner and therefore, has challenged the impugned order passed by respondent No. 1 dated 02.01.2024 (Annexure-A). Hence, this writ petition.

5. Heard Sri M.S.Byre Reddy, learned counsel appearing on behalf of Sri Adinarayana M, learned counsel for the petitioner and Sri Vivek Subbareddy, learned senior counsel appearing on behalf of Sri K.N. Subbareddy for the respondent No.8 and learned AGA for the respondents.No.1 to 4

6. It is contended by the learned counsel appearing for the petitioner by referring to the unregistered Partition Deed dated 04.07.1990 that the said Partition Deed is *non est* in the eye of law as the petitioner or his father has not signed the aforementioned document and based on the same the mutation entry has been made, which is illegal, and therefore sought for interference of this Court.



7. It is further contented that, the petitioner has filed O.S. No. 417/2026 seeking relief of declaration in respect of subject matter and the suit is pending consideration before Competent Civil Court, and therefore sought for interference of this Court.

8. Per contra, Sri Vivek Subbareddy, learned senior counsel appearing for respondent No. 8 refers to the registered Partition Deed dated 15.11.2006, wherein, the Partition has been effected amongst the children Hagadurappa @ Krishnappa M. Wherein, the petitioner has acquired certain properties. Wherein, as per the Schedule-E to the aforementioned registered Partition Deed dated 15.11.2006, the land bearing Survey No.36/7 is not a subject matter, and therefore submitted that, the petitioner has no *locus standi* to maintain the writ petition nor claiming any entries based on the registered partition dated 15.11.2006. Accordingly, sought for dismissal of the petition.

9. Learned AGA sought to justify the impugned order at Annexure-E.



10. In the light of the submissions made by the learned counsel appearing for the parties and on careful consideration of the material on record, would indicate that the respondent No.8 is claiming right over the property based on the registered Gift dated 08.02.2006 said to have been executed by one Kaverappa in favour of Shantamma (daughter-in-law).

11. The petitioner is claiming right over the property in question bearing Survey No. 36/7. Though the learned counsel appearing for the petitioner dispute the Partition Deed dated 04.07.1990, however having taken note of the items specified in the registered Partition Deed dated 15.11.2006, wherein the petitioner is claiming right over the property in question. However, the same has not been allotted in favour of the petitioner. In that view of the matter, there is no infirmity in the impugned order passed by the respondent No. 1, in respect of the subject land bearing Survey No. 36/7. It is to be noted that as since the petitioner herein had filed a suit in O.S. No. 417/2026 and in that view of the matter, it is open for the petitioner to establish his right over the property in manner



known to law, and therefore, no interference is called for in this petition.

Accordingly, the petition is dismissed.

In the event, if the petitioner succeeds in the suit in O.S.No.417/2026, and thereafter, the petitioner can approach the revenue authorities for change of Katha.

In view of the dismissal of the main petition, pending application do not survive for consideration and stands dismissed.

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

HR
List No.: 1 Sl No.: 20