



CNR: KAHC010611662023

NC: 2026:KHC:46146
WP No. 26309 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF AUGUST, 2026

BEFORE

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

WRIT PETITION NO. 26309 OF 2023 (KLR-RES)

BETWEEN:

1. MR. KRISHNAPPA
S/O LATE KEMPANNA,
AGED ABOUT 72 YEARS,
RESIDING AT MUDANAYAKANAHALI VILLAGE,
BIDALUR POST, KUNDANA HOBLI, DEVANAHALLI
TALUK, BANGALORE RURAL DISTRICT-562110.

SINCE DECEASED BY HIS L.Rs.

- 1(a) SMT.SHOBHAMMA
W/O LATE KRISHNAPPA
AGED ABOUT 74 YEARS.

- 1(b) MR.CHANDRE GOWDA
S/O.LATE KRISHNAPPA
AGED ABOUT 42 YEARS.

- 1(c) MR.MANJUNATH
S/O.LATE KRISHNAPPA
AGED ABOUT 37 YEARS.

Sl.Nos.1(a) to 1(c)
ALL ARE R/A MUDHANAYAKANAHALLI VILLAGE
BIDALUR POST, KUNDANA HOBLI,
DEVANAHALLI TALUK, BENGALURU
RURAL DISTRICT-562110.
(AMENDED V/C/O DTD:24.08.2026)

...PETITIONERS

(BY SRI. R K THONTADHARYA, ADVOCATE)

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



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AND:

1. THE DEPUTY COMMISSIONER
DISTRICT ADMINISTRATIVE BUILDING,
1ST FLOOR, BIRASANDRA VILLAGE,
KUNDANA HOBLI, DEVANAHALLI TALUK,
BANGALORE RURAL -562110.
2. THE ASSISTANT COMMISSIONER
DODDABALLAPURA SUB DIVISION,
DODDABALLAPURA
BANGALORE RURAL DISTRICT-562110.
3. THE THASILDAR
MINI VIDHANA SOUDHA,
DEVANAHALLI TALUK, DEVANAHALLI,
BANGALORE RURAL DISTRICT-562110.
4. MR. P BYREGOWDA
S/O PILLAPPA @ MUNISHAMAPPA,
AGED ABOUT 49 YEARS,
RESIDING AT BYDARAHALLI VILLAGE,
KUNDANA HOBLI, DEVANAHALLI TALUK,
BANGALORE RURAL DISTRICT -562110.

...RESPONDENTS

(BY SRI. SKANDA R K RAO, AGA, FOR R1 TO R3,
SRI M. SREENIVASA, ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 31.07.2023 CASE NO. IN R.A (DH) NO.413/20221 PASSED BY THE 2ND RESPONDENT PRODUCED AS ANNEXURE-G AND ETC.,.

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

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



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ORAL ORDER

In this writ petition, the petitioners are assailing the order dated 31.07.2023 in RA No.413/2021 (Annexure-G) passed by the respondent No.2, and the order dated 07.11.2023 in R. P. No.179/2023 (Annexure-J) passed by the respondent No.1.

2. Heard Sri Thontadharya, learned counsel appearing for the petitioners, Sri M. Sreenivasa, learned counsel appearing for the respondent No.4 and the learned Additional Government Advocate appearing for the respondent Nos.1 to 3.

3. Sri Thontadharya, learned counsel appearing for the petitioners, invited the attention of the Court to the memorandum of appeal filed under Section 136(2) of the Karnataka Land Revenue Act, 1964 (hereinafter referred to as 'Act, 1964') vide Annexure-E, and submitted that the respondent No.4 herein has challenged M.R No.7/2004-05 after lapse of sixteen years without filing an



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application to condone the delay, and respondent No.2 without condoning the inordinate delay of more than sixteen years has passed the impugned order at Annexure-G, and therefore, places reliance on the judgment of this Court in the case of **Shri Dharmoji Devendra Kadabi vs The Assistant Commissioner** reported in **ILR 1998 Kar. 1030** and by referring to paragraph No.8, it is submitted by the learned counsel appearing for the petitioners that, the respondent - Authorities have committed an illegality in changing the mutation standing in the name of the father of original petitioner-Krishnappa, son of late Kempanna, and therefore, submitted that the impugned order requires to be interfered with.

4. It is also contended by the learned counsel appearing for the petitioners that, the father of the petitioners - Kempanna had acquired the land in question, as per the registered sale deed dated 21.01.1953, and



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therefore, the mutation as well as the revenue records standing in the name of late Kempanna and mutation was continued till the interference made by the respondent - Authorities at the instance of respondent No.4 by filing an appeal under Section 136(2) of the Act, 1964, and therefore, contended that, the respondent - Authorities have committed an error in interfering with the mutation entry.

5. It is also submitted by the learned counsel appearing for the petitioners that, the petitioners have filed OS No.228/2024 before the competent Civil Court, against the respondent No.4 seeking relief of declaration with consequential relief of permanent injunction against the respondent No.4, and the suit is pending consideration before the competent Civil Court, and therefore, contended that the respondent - Authorities have committed an error in interfering with the revenue records



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after a period of more than sixteen years, and therefore, sought for interference of this Court.

6. *Per contra*, Sri Sreenivas, learned counsel appearing for the respondent No.4, refers to the endorsement dated 06.09.2021 issued by the respondent No.3, and contended, that, the said respondent has informed the respondent No.4 as per the endorsement that the RTC for the year 1968 to 1993 and 1997 to 2002 is in a dilapidated condition. It is contended that, as the father of respondent No.4 had acquired the schedule property under a registered sale deed dated 14.03.1960, the revenue records stood in the name of the father of respondent No.4 and as such in view of the discrepancy insofar as the question of limitation is concerned, respondent No.4 preferred R.A. No.413/2021 before respondent No.2, as per Annexure-G, and, therefore, sought to justify the impugned order passed by respondent No.2.



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7. It is also submitted by the learned counsel appearing for respondent No.4, by inviting the attention of the Court to the judgment of this Court in the case of **Sri H. Channahanumaiah v. The State of Karnataka and others**, reported in **(2013) 3 KCCR 2539**, that, since the father of respondent No.4 had purchased the schedule property under a registered sale deed dated 14.03.1960, it is the duty of respondent No.3 to enter the name of respondent No.4 in the mutation records in terms of Section 128 of the KLR Act, 1964. Accordingly, he sought for dismissal of the petition. It is also submitted by the learned counsel appearing respondent no. 4 that, the petitioners have to establish their right in respect of the subject land in the aforementioned pending suit.

8. The learned Additional Government Advocate appearing for the respondents No.1 to 3 sought to justify the impugned orders.



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9. In the light of the submissions made by the learned counsel appearing for the parties and on careful consideration of the same would indicate that the petitioners are claiming right over the land based on the registered sale deed dated 21.11.1953 wherein the father of the original petitioner-Kempanna had acquired the property on the basis of the registered sale deed. On the contrary, the respondent No.4 is claiming right over the property based on the registered sale deed dated 14.03.1960, wherein the father of the respondent No.4 had acquired the property based on the registered sale deed.

10. It is also to be noted that, the petitioners herein have produced the RTC extracts as per Annexure-A wherein the name of Kempanna is reflected in the RTC extracts. It is also to be noted that, the respondent No.4 herein has preferred RA No.413/2021 before the respondent No.2 during 2021 and sought to challenge MR



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No.7/2004-05 after lapse of sixteen years. It is also to be borne in mind that, the name of Kempanna was reflected in the revenue records.

11. In that view of the matter, taking into consideration the parties in these proceedings claiming right over the land in question based on two registered sale deeds, however, the name of Kempanna was shown in the RTC extracts till 2004 and thereby MR No.7/2004-05 was challenged by the respondent No.4. Despite that, according to them, they acquired the property during 1960. I am of the view that respondent No.2 ought to have considered the length of delay raised by the petitioners. In that view of the matter, taking into consideration the judgments referred to by the petitioners as well as the respondent No.4 and also in the light of the provision contained under Section 128 of the Karnataka Land Revenue Act, 1964, I am of the view that, the entry made in the mutation extracts is only for the purpose of



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payment of revenue and may not determine the title in respect of land in question. The said aspect of the matter was considered by the Hon'ble Supreme Court in the case of **Balwant Singh and another vs Daulat Singh (Dead) by L.Rs and others** report in **(1997) 7 SCC 137**, wherein it is held that the mutation of property in revenue records neither creates nor extinguishes title to the property nor has it any presumptive value of title. In that view of the matter, as the name of the petitioners was shown in the RTC extracts for more than five decades and further the suit is also pending consideration before the competent Civil Court wherein the parties have to establish the right over the land in question, I am of the view that, the respondent - Authorities have committed an error in interfering with the mutation entries after sixteen years, and therefore, I find force in the submission made by the learned counsel appearing for the petitioners.

Accordingly, I pass the following:



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ORDER

- i) Writ petition is allowed.
- ii) The order dated 31.07.2023 in RA (DH) No. 413/2021 (Annexure-G) passed by respondent No.2 and order dated 07.11.2023 in RP No.179/2023 (Annexure-J) passed by respondent No.1 are hereby set aside.
- iii) The parties are directed to await the judgment and decree that may be passed by the competent Civil Court referred to above.
- iv) In the meanwhile, the revenue records has to be restored in the name of Kempanna.

SD/-
(E.S.INDIRESH)
JUDGE

BKM
List No.: 1 Sl No.: 17