



CNR: KAHC010642892025

NC: 2026:KHC:39304
WP No. 29964 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO.29964 OF 2025 (KLR-RES)

BETWEEN:

1. ROHITH K.
S/O LATE C. KRISHNARAJU
AGED ABOUT 35 YEARS
R/AT DOOR NO.26, GROUND FLOOR
2ND MAIN ROAD, 2ND CROSS,
NEAR SHELL PETROL BUNK,
J.P.NAGAR 7TH PHASE,
BENGALURU -560078.

...PETITIONER

(BY SRI. RAJESH MAHALE, SENIOR ADVOCATE FOR
SRI. JAYARAMA BHATT S., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY
DEPARTMENT OF REVENUE
M.S. BUILDING
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU-560 001.
2. THE SPECIAL DEPUTY COMMISSIONER (3),
BENGALURU URBAN DISTRICT,

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



CNR: KAHC010642892025

NC: 2026:KHC:39304
WP No. 29964 of 2025

K.G. ROAD
BENGALURU-560 001.

3. THE DEPUTY CONSERVATOR OF FOREST
BENGALURU, BENGALURU- 560 003.

4. THE TAHASILDHAR
BENGALURU SOUTH
KHANDAYA BHAVAN,
K.G. ROAD, BENGALURU-560009.

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE N., HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 25.03.2025 PASSED BY THE RESPONDENT NO.2 IN PROCEEDINGS NO.RRT(2)(S)CR.05/2021-2022 PRODUCED AS PER ANNEXURE-J TO THE WRIT PETITION.

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

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

ORAL ORDER

In this writ petition, the petitioner is assailing the order dated 25.03.2025 (Annexure-J) passed by respondent No.2.



2. The relevant facts necessary for the adjudication of this writ petition are that, land bearing Sy. No.158 of Bilekahalli Village, Bengaluru South Taluk, measuring 5 acres out of a total extent of 12 acres 19 guntas, was granted in favour of the petitioner's grandfather vide grant order dated 09.09.1942 (Annexure-A).

3. It is stated that the petitioner's grandfather died in the year 1972, and thereafter his children continued to cultivate the land in question. The mutation records reflecting the same have been produced as Annexure-A1.

4. It is further stated that the family members of the original grantee instituted O.S. No.1096/1978 before the Additional Senior Munsiff, Bengaluru, seeking the relief of permanent injunction against the Forest Department. The Trial Court, after considering



the material placed on record, by order dated 05.10.1979 (Annexure-B), passed an order on **I.A.** No.6, holding that the land had been granted in favour of the petitioner's grandfather and consequently restrained the respondent-authorities permanently from interfering with the suit schedule property.

5. It is further stated that inspite the said order passed by the Trial Court, the officials of Forest interfered with the peaceful possession and hence, the son of the original grantee, Sri C. Krishnaraju, instituted O.S. No.3424/1980 before the II Additional City Civil and Sessions Judge, Bengaluru, seeking the relief of injunction and possession in respect of the land in question. The Trial Court, by judgment and decree dated 27.02.1982 (Annexure-C), decreed the suit in favour of the plaintiffs. The said judgment and decree was challenged before this Court in RFA



CNR: KAHC010642892025

No.380/1982. This Court, by judgment and decree dated 30.09.1991 (Annexure-D), dismissed the appeal preferred by the respondents therein.

6. It is further stated that the revenue entries thereafter stood in the name of the petitioner. In the meanwhile, the petitioner approached the respondent-authorities seeking transfer of khata in to his name. Subsequently, respondent No.4 addressed a communication dated 20.02.2021 (Annexure-H) to respondent No.2 requesting initiation of proceedings under Section 136(3) of the Karnataka Land Revenue Act, 1964. Thereafter, respondent No.2, by order dated 25.03.2025 (Annexure-J), passed the impugned order. It is further stated that the respondent-authorities, without considering the aforesaid facts and judicial findings, modified the mutation entries in the revenue records pursuant to the proceedings



CNR: KAHC010642892025

NC: 2026:KHC:39304
WP No. 29964 of 2025

dated 25.03.2025 (Annexure-J). Being aggrieved by the same, the petitioner has filed the present writ petition.

7. Heard Sri. Rajesh Mahale, learned Senior Counsel appearing on behalf of learned counsel, Sri. Jayarama Bhatt. S, for the petitioner, and Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for the respondent-State.

8. Sri. Rajesh Mahale, learned Senior Counsel appearing for the petitioner, by drawing the attention of this Court to the grant certificate produced at Annexure-A and the subsequent revenue records standing in the name of the petitioner's grandfather, contended that the Trial Court in O.S. No.1096/1978, by order dated 05.10.1979 (Annexure-B), had categorically recorded a finding regarding the grant made in favour of the petitioner's grandfather. It was



further submitted that the said suit had been instituted against the State and, therefore, the findings recorded therein are binding upon the respondent-authorities. Accordingly, it was contended that interference by this Court is called for to set aside the impugned order.

9. The learned Senior Counsel further referred to the judgment and decree dated 27.02.1982 passed in O.S. No.3424/1980, wherein the defendants were the respondent-State. The suit was decreed in favour of the son of the original grantee, Sri C. Krishnaraju, and the said decree was confirmed by this Court in RFA No.380/1982 (Annexure-D). By inviting the attention of this Court to paragraphs 6 and 7 of the judgment in Annexure-D, it was contended that the claim of the respondent-authorities that the land in question formed part of the Doresanipalya Reserve



CNR: KAHC010642892025

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WP No. 29964 of 2025**

Forest had already been rejected by this Court, and the said finding has attained finality. Therefore, it was submitted that the impugned order deserves to be set aside.

10. The learned Senior Counsel also referred to the notification dated 24.11.1977 relied upon by the respondent-State and submitted that the said notification merely proposed the area to be declared as a Timber Reserve Forest. Since no final notification has been issued in accordance with law, the said notification cannot be treated as conclusive proof that the land forms part of the Reserve Forest. Accordingly, interference by this Court was sought.

11. Per contra, Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for the respondent-State sought to justify the impugned order passed by respondent No.2. It was submitted that, in



CNR: KAHC010642892025

NC: 2026:KHC:39304
WP No. 29964 of 2025

view of the notification dated 24.11.1977 issued by His Highness the Maharaja of Mysore declaring the land in question as part of the Timber Reserve Area, no interference is called for in the present writ petition. It was further submitted, by referring to the statement of objections, that the respondent-authorities conducted a detailed enquiry after affording an opportunity of hearing to all the parties and, therefore, the writ petition deserves to be dismissed.

12. In the light of the submissions made by the learned counsel appearing for the parties, upon careful consideration of the material on record, Annexure-A clearly indicates that an extent of 5 acres of land was granted in favour of the petitioner's grandfather for an upset price of Rs.22 and 8 annas under the grant order dated 09.09.1942. It is evident that the



petitioner's grandfather was in possession of the land, and thereafter, the revenue records continued to stand in his name.

13. It is also forthcoming from the findings recorded by the Trial Court in the order passed on I.A. No.6 in O.S. No.1096/1978 dated 05.10.1979 (Annexure-B) that the grant made in favour of the petitioner's grandfather stood established on the basis of documentary evidence.

14. It is further evident from the records that the son of the original grantee, Sri C. Krishnaraju, instituted O.S. No.3424/1980 before the II Additional City Civil and Sessions Judge, Bengaluru, seeking injunction and possession, and the suit came to be decreed in favour of the grantee. Paragraphs 14 and 15 of the judgment clearly indicates that the respondent-authorities had failed to produce any



material to establish that the land in question formed part of a reserve forest.

15. The judgment and decree passed by the Trial Court was confirmed by this Court in RFA No.380/1982 by judgment dated 13.09.1991 (Annexure-D). This Court, while considering the very same notification relied upon by the learned High Court Government Pleader in the present proceedings, recorded findings in paragraphs 6 and 7 that the notification was only a proposal to constitute a Timber Reserve Forest and had not attained finality by issuance of a final notification in accordance with law.

16. In view of the fact that the judgment rendered by this Court in RFA No.380/1982, wherein the appellant was the State of Karnataka represented by its Secretary and Commissioner for Forest Department to Government, has attained finality, and



CNR: KAHC010642892025

**NC: 2026:KHC:39304
WP No. 29964 of 2025**

having regard to the findings recorded in paragraphs 6 and 7 thereof, I am of the considered opinion that the findings recorded by respondent No.2 in Annexure-J, rejecting the petitioner's claim for restoration of their names in the revenue records, are contrary to law and the material available on record.

17. It is also to be noted that the findings recorded by respondent No.2 in Annexure-J are contrary to the findings recorded by this Court in RFA No.380/1982. Therefore, I find considerable force in the submissions advanced by the learned Senior Counsel appearing for the petitioner that the Government Order/Notification dated 24.11.1927, relied upon by the respondent-authorities, cannot be treated as conclusive proof to hold that the land in question forms part of the Doresanipalya Reserve Forest.



CNR: KAHC010642892025

NC: 2026:KHC:39304
WP No. 29964 of 2025

Accordingly, the following order is passed:

ORDER

(i) The writ petition is ***allowed***.

(ii) The order dated 25.03.2025 passed by respondent No.2 (Annexure-J) is hereby set aside.

(iii) The respondent-authorities are directed to restore and enter the name of the petitioner in the relevant revenue records within an outer limit of two months from the date of receipt of a certified copy of this order.

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

SB
List No.: 1 Sl No.: 71