



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 1647 OF 2025 (KLR-RES)

BETWEEN:

1. SRI B P SANANTANA MURTHY
S/O B P SRIKANTIAH
AGED MAJOR
RESIDING AT C/O S M THIPPESWAMY
NO 714, 25TH MAIN ROAD, 17TH CROSS
6TH STAGE, JP NAGARA
BANGALORE 560078

...APPELLANT

(BY SRI. ASHOK HARANAHALLI, SENIOR ADVOCATE FOR
SRI. ANOOP HARANAHALLI., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY
REVENUE DEPARTMENT
M S BUILDING, AMBEDKAR VEEDHI,
BANGALORE 560001
2. THE DEPARTMENT OF SURVEY
SETTLEMENT AND LAND RECORDS
REPRESENTED BY ITS COMMISSIONER
K R CIRCLE, BANGALORE 560001
3. THE JOINT DIRECTOR OF LAND RECORDS
OFFICE OF THE DEPUTY COMMISSIONER
BANGALORE CITY BANGALORE
BANGALORE 560001

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signed by
VASANTHA
KUMARY B
K
Location:
HIGH
COURT OF
KARNATAKA



4. TECHNICAL ASSISTANT TO DEPUTY
COMMISSIONER AND EX OFFICIO
DEPUTY DIRECTOR OF LAND RECORDS
OFFICE OF THE DEPUTY COMMISSIONER
BANGALORE CITY DISTRICT-560008.
5. THE ASSISTANT DIRECTOR
OF LAND RECORDS
BENGALURU SOUTH TALUK
BENGALURU-560008
6. THE TAHSILDAR
BANGALORE SOUTH TALUK
BENGALURU-560008
7. THE TALUK SURVEYOR
OFFICE OF THE TAHSILDAR
BANGALORE SOUTH TALUK
BENGALURU-560008
8. GIRIJA
W/O LATE SIDDAPPA
AGED ABOUT 73 YEARS
RESIDENT OF SY NO.161/5
B M KAVAL VILLAGE
KENGARI HOBLI,
BENGALURU SOUTH TALUK
BENGALURU-560040
ALSO RESIDING AT NO.654,
5TH CROSS, 17TH MAIN, 7TH BLOCK
KORAMANGALA, BENGALURU-560034

...RESPONDENTS

(BY PROF. RAVI VARMA KUMAR, SENIOR ADVOCATE FOR
Ms. SRUTI CHAGANTI, ADVOCATE FOR C/R8;
SRI. M.N.SUDEV HEGDE, AGA FOR R1 TO R7)



THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 28.07.2025 PASSED IN WP No-18975/2022 (KLR-RES) IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M.NADAF)

The present intra Court appeal has been filed impugning the order dated 28.07.2025 passed by the writ Court in W.P.No.18975/ 2022, instituted by respondent No.8 herein.

2. The writ Court vide impugned judgment and order allowed the writ petition filed by petitioner and quashed order Annexure K passed by respondent No.4-The Technical Assistant to Deputy Commissioner and Ex-Officio Deputy Director of Land Records and the order Annexure Q passed by respondent No.6-The Tahsildar, Bangalore South Taluk.



3. The parties are referred to as per their ranking before the writ Court for the sake of convenience.

4. Heard Sri Ashok Haranahalli, learned Senior Counsel assisted by Sri. Anoop Haranahalli, learned counsel appearing for the appellant and Prof. Ravivarma Kumar, learned Senior Counsel assisted by Smt. Sruthi Chaganti, learned counsel appearing for respondent No.8 and Sri M.N. Sudev Hegde, learned AGA for respondent Nos.1 to 7.

5. On a short point, Sri Ashok Haranahalli, learned Senior Counsel, submits that, the property claimed by the appellant is Survey No.161/1A and the property of respondent No.8 herein is Survey No.161/5 situated at B.M. Kaval Village, Kengeri Hobli, Bangalore South Taluk. He further submits that both lands are distinct and different properties and there is no common boundary between the property of the appellant and respondent No.8.

6. Learned counsel for the appellant has produced a sketch along with the memo dated 14.07.2026, showing the extent of land belonging to the appellant and the land of respondent No.8



herein. Copy of the same has been furnished to the contesting respondent No.8. Learned counsel for respondent No.8 does not dispute the sketch produced along with the memo.

7. In that view of the matter, as could be seen from the sketch, there cannot be any boundary dispute between the appellant and respondent No.8/petitioner in respect of their lands. There are three lands in between the land of the appellant and respondent No.8. In other words, the lands are not adjacent to one another. Even it is noticed that towards the Eastern portion there is a road, which separates the lands of the appellant with the adjacent lands.

8. It is germane to extract paragraph No.26 of the impugned order, wherein the writ Court has held that respondent No.3, while issuing direction to respondent No.5 has failed to take cognizance of a crucial fact namely, that Sy.No.161 had already undergone phodi operations and was subdivided into Sy.Nos.161/1, 161/2, 161/3, 161/4 and 161/5 as far back as in the year 1969-1970 and further order for phodi (sub-division) was under a mistaken assumption that the original Sy.No.161 continues to exist as a whole and undivided



survey number in the revenue records. Paragraph No.26 of the impugned order reads as follows:-

"26. Upon examining the two tables annexed to the order dated 11.10.2017, it becomes evident that respondent No.3, while issuing directions to respondent No.5, has failed to take cognizance of a crucial fact namely, that Sy.No.161 had already undergone phodi operations and was subdivided into Sy.Nos.161/1, 161/2, 161/3, 161/4, and 161/5 as far back as in the year 1969-70. Despite this undisputed factual position, respondent No.3 appears to have proceeded under a mistaken assumption that the original Sy.No.161 continues to exist as a whole and undivided survey number in the revenue records. This assumption is patently erroneous and inconsistent with the actual state of the records."

9. However, submission of Sri.Ashok Haranahalli, learned Senior counsel is that, the appellant is restricting his claim only to the property in respect of land in Sy.No.161/1A, for the purpose of boundary and order thereon, which according to him has already been carried out, and he does not have any claim against the land of the petitioner/respondent in Sy.No.161/5. So far as the order passed by respondent Nos.4 and 6 in respect of the land bearing Sy.No.161, which would *inter alia* include lands in Sy.No.161/1A and 161/5 belonging to the



appellant and respondent No.8 respectively are concerned, are set aside only to that extent. The order passed by the learned Single Judge insofar as Sy.No.138/1 is set aside inasmuch as the said survey number is not in dispute between the appellant and respondent No.8 herein.

10. With this modification in the impugned judgment and order the writ appeal is ***disposed of*** and the matter is remitted back to the concerned authorities to take proper decision in respect of phodi and boundaries only in respect of land in Sy.No.161/1A, as expeditiously as possible within a period of two months from the date of receipt of a certified copy of this order without disturbing the boundaries of land in Sy.No.161/5.

11. It is needless to say that action be taken after adhering to the procedure prescribed under the provisions of Karnataka Land Revenue Act, 1964 and Rule, 1966.



**NC: 2026:KHC:35657-DB
WA No. 1647 of 2025**

12. Pending interlocutory applications, if any, stand disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

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