



CNR: KAHC010672812025

NC: 2026:KHC:40098-DB
WA No. 1716 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST 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. 1716 OF 2025 (KLR-RR/SUR)

BETWEEN:

1. RUDRANAIAK
S/O LATE THAKRYA NAIK,
AGED ABOUT 61 YEARS,
R/O EACHAGHATTA VILLAGE,
MAYAKONDA HOBLI,
DAVANAGERE-TQ-577534,
DAVANAGERE-DISTRICT,

...APPELLANT

(BY SRI. S.B.HALLI., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
DAVANAGERE- DISTRICT,
DAVANAGERE-577001
2. THE ASSISTANT COMMISSIONER,
DAVANAGERE-SUB-DIVISION,
DAVANAGERE-577001
3. THE TAHASILDAR
DAVANAGERE,
DAVANAGERE-TALUKA-577001
4. H.G. JAGADISH,
S/O LATE SADASHIVAPPA,
AGED ABOUT 57 YEARS,

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



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R/O HANUMANAHALLI VILLAGE,
DAVANAGERE-TQ-577224,
DAVANAGERE-DISTRICT

5. H.G. MALLIKARAJUNA,
S/O LATE SADASHIVAPPA,
AGED ABOUT 57 YEARS,
R/O HANUMANAHALLI VILLAGE,
DAVANAGERE-TQ-577224,
DAVANAGERE-DISTRICT

...RESPONDENTS

(BY SRI. B.RAVINDRANATH, AGA FOR R1, R2 & R3)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET-ASIDE THE IMPUGNED
ORDER PASSED BY THE LEARNED SINGLE JUDGE OF THIS
HON'BLE COURT IN WP NO.35124/2024 DATED 12/08/2025,
ETC.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING,
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)

This intra Court appeal is by the petitioner in
W.P.No.35124/2024 assailing the order dated 12.08.2025
passed by the writ Court. The writ Court under the impugned
order disposed of the writ petition reserving liberty to the
appellant to approach the competent Civil Court to get a



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declaration of right/declaration of title in respect of the property in dispute.

2. Heard Sri. Halli Shantappa Basappa, learned counsel appearing for the appellant and Sri. B. Ravindranath learned Additional Government Advocate appearing for the respondent Nos.1 to 3.

3. Sri. Halli Shantappa Basappa, learned counsel appearing for the appellant submits that the predecessor-in-title of the respondents executed a registered sale deed in favour of the father of the appellant on 05.08.1971 in respect of the land in dispute. However, no revenue entries were changed pursuant to the said registered sale deed. Thereafter, the respondents herein under a registered family partition partitioned the properties, including the property in dispute amongst them and presented the same before the revenue authorities and got effected the khata in respect of the property in dispute.

4. Assailing the same, the appellant was earlier before the Assistant Commissioner. The Assistant Commissioner



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rejected his appeal against which a revision was filed before the Deputy Commissioner. The Deputy Commissioner thereafter remanded the matter to the Assistant Commissioner.

5. In the interregnum, a suit was filed by the respondents for permanent injunction in O.S.No.705/2024 and the same is pending for consideration before the Senior Civil Judge and JMFC, Davanagere.

6. Upon remand, the Assistant Commissioner, taking note of the pendency of the suit, rejected the appeal which is called in question in the writ petition by the appellant. The appellant before the Writ Court reiterated the very same submissions which he has taken before this Court. The Writ Court, having considered the submissions, was of the opinion that though there was a registered sale deed in the year 1971, nevertheless there are no entries found in the revenue records. The challenge was made after lapse of 45 years. In the interregnum, the revenue entries changed in the name of the respondents on the basis of partition deed. As the revenue authorities are not competent/entitled to adjudicate upon the disputed questions relating to title and possession, the Writ



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Court disposed of the writ petition reserving liberty to the appellant/petitioner to approach the competent Civil Court for declaration of title.

7. We have perused the entire order passed by the Writ Court along with the writ appeal papers.

8. We find no infirmity in the order passed by the Writ Court. In that view, the appeal lacks merit and accordingly is dismissed. However, the delay of 22 days in filing the appeal is condoned.

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

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

RKA
List No.: 2 Sl No.: 2