



CNR: KAHC010681712024

NC: 2026:KHC:36142-DB
CCC No. 1266 of 2024
C/W WA No. 344 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CIVIL CONTEMPT PETITION NO. 1266 OF 2024

C/W

WRIT APPEAL NO. 344 OF 2025 (KLR-RES)

IN CCC No. 1266/2024

BETWEEN:

SHRI JAGADGURU SHANKARACHARYA

MAHASAMSTHANAM

DAKSHINAMNAYA SHARADA

PEETHAM,

SRINGERI -577 139.

BY HIS HOLINESS JAGADGURU SRI

SRI BHARATHI THEERTHA MAHASWAMIJI,

REPRESENTED BY

GPA HOLDER K.G.RAGHU.

...COMPLAINANT

(BY SRI. H. S. SANTHOSH, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY TO
REVENUE DEPARTMENT,

Digitally
signed by
PANTHRA N

Location:
High Court
of Karnataka



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VIDHANA SOUDHA,
BANGALORE - 560 001.

...PROFOMRA RESPONDENT

2. V.S.RAJEEV,
AGED MAJOR,
THE TAHSILDAR,
SHIMOGA TALUK,
SHIMOGA-577201.
3. GURUDATTA HEGDE
AGED MAJOR,
THE DEPUTY COMMISSIONER,
SHIMOGA TALUK,
SHIMOGA-577 201.

...ACCUSED

(BY SRI. KHAMROZ KHAN, AGA)

THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE
CONTEMPT OF COURTS ACT, 1971, PRAYING TO PUNISH THE
ACCUSED NO.1 AND 2 PERSONS FOR THEIR DELIBERATE AND
WILLFUL DISOBEDIENCE OF THE ORDER DATED 11.07.2024
PASSED BY THE LEARNED SINGLE JUDGE OF THIS COURT IN
WRIT PETITION NO.18246/2024 (KLR-RES) VIDE ANNEXURE-A.



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IN WA NO. 344/2025

BETWEEN:

SRI CHAND BASHA
S/O LATE ABDUL SATTAR
AGED ABOUT 65 YEARS
R/O BASAVANAGUDI 1ST MAIN
NEAR VINAYAKA PARK
SHIVAMOGGA 577201

...APPELLANT

(BY SRI. SHOWRI H R., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP BY ITS PRINCIPAL SECRETARIAT
TO REVENUE DEPARTMENT
VIDHANSOUDHA
BENGALURU 560 001
2. DEPUTY COMMISSIONER
SHIVAMOGGA DISTRICT
SHIVAMOGGA - 577 201
3. THE ASSISTANT COMMISSIONER
SHIVAMOGGA SUB-DIVISION
SHIVAMOGGA - 577 201
4. THE TAHSILDAR
SHIVAMOGGA TALUK
SHIVAMOGGA 577 201



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5. SRI.JAGADGURU SHANKARACHARYA
MAHASAMSTANAM
DAKSHINAMNAYA SHARADA PEETAM
SRINGERI 577139
REP BY HIS HOLINESS JAGADGURU
SRI SRI SHARATHI THEERTHA MAHASWAMI
...RESPONDENTS

(BY SRI. KHAMROZ KHAN, AGA FOR R1 TO R4;
R5-SD AND UN-REPRESENTED)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER
PASSED BY THE LEARNED SINGLE JUDGE IN WP
NO.18246/2024 DATED 11/07/2024 AND CONSEQUENTLY
ALLOW THIS WRIT APPEAL.

THESE CCC AND WRIT APPEAL, COMING ON FOR
ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS
UNDER:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VENKATESH NAIK T



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ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

This Writ Appeal is filed challenging the Order dated 11.07.2024 passed by the learned Single Judge in Writ Petition No.18246/2024 (KLR-RES). The Contempt of Court Case is filed alleging willful disobedience of the same Order.

2. We heard the learned counsel appearing for the appellant in the writ appeal as well as the learned Additional Government Advocate appearing for the State as also the learned counsel appearing for the respondent, who was the writ petitioner.

3. It is submitted by the learned counsel appearing for the appellant that the judgment has been rendered in the writ petition without making the appellant a party and without hearing him. It is submitted that as on 17.02.2023, the RTC in respect of the subject property stood in the name of the appellant herein. It is submitted that orders were passed by the Tahsildar on 17.02.2023 as is evident from document No.3 produced along with IA No.3/2025, canceling the name of the



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appellant and registering the khatha and RTC in respect of land bearing Sy.No.133/1-3.20 A/G, Sy.No.133/2-0.32 A/G and Sy.No.133/6-0.31 A/G of Urgaduru Village in the name of the Sringeri Mutt. The said order was taken in appeal before the Assistant Commissioner. The Assistant Commissioner, by order dated 06.06.2023, remanded the matter to the Tahsildar for fresh enquiry and orders. The appellant had filed R.A. No.20/2023 before the Deputy Commissioner, who passed the order dated 15.10.2023, allowing the appeal in part. The order of the Tahasildar dated 17.02.2023 and the order of the Assistant Commissioner dated 06.06.2023 were set aside and the matter was remanded to the Tahsildar for re-verification.

4. It is submitted that the writ petitioner in the present writ petition, that is, the Mutt had approached this Court by filing W.P.No.26385/2023 aggrieved by the Order passed by respondent No.2 - Deputy Commissioner, Shivamogga, dated 05.10.2023. The appellant herein was respondent No.5 in the said writ petition. The matter was heard in detail and the contentions of the parties were considered. Ultimately, it was found that since there were title disputes with



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respect to the properties in question, the matter is in the exclusive domain of the competent Civil Court and that the Revenue Authorities cannot decide the question of title. The Order of the Deputy Commissioner which was under challenge was set aside. Further, the Orders at Annexure-M and Annexure-P to W.P.No.26385/2023, that is, the order of the Tahsildar dated 17.02.2023 as well as the Assistant Commissioner dated 06.06.2023 were also set aside and the aggrieved parties were left at liberty to approach the competent Civil Court, to secure a declaration and to seek entry of names in the land records on the basis of such declaration. However, apparently this has not been done.

5. It is submitted by the learned counsel for the appellant that the property was sold by the Mutt in favour of one Abdul Saleem A., who filed a further writ petition as W.P.No.10306/2024. The appellant got himself impleaded as respondent No.4 in the said writ petition and brought the facts to the notice of the Court. This Court held as follows;

"8. Perusal of the above would indicate that change of entry to be made in so far as land in question



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by the second and third respondents herein have been quashed by this Court which were impugned along with R.A. No.20/2023 in W.P. No.26385/2023 and therefore, as the orders passed by the respondent authorities have been quashed by this Court and also it is held that the parties have to approach Civil Court seeking declaration in respect of the subject matter, I am of the view that, learned Additional Government Advocate has rightly submitted that the third respondent herein has misconstrued the order passed by this Court in W.P.No.26385/2023. It is made clear that, the parties have to establish their right over the schedule property before making any changes in the revenue entry.

9. Accordingly, I am of the view that, writ of mandamus cannot be issued as a matter of right as the petitioner herein has no legal right to seek a direction to the second respondent to send details by login as claimed by the Tahsildar contrary to the order passed by this Court in W.P. No.26385/2023."

6. It is submitted that it is thereafter that the present writ petition has been filed with a seemingly innocuous prayer to direct respondent No.2 to consider Annexure-A representation dated 28.06.2024.

7. We notice that the prayer in the representation is to effect the mutation entries in the name of the Mutt as ordered in the impugned order in the earlier writ petition.



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8. Learned Additional Government Advocate would contend that pursuant to the impugned orders, khatha has been restored in the name of the Mutt.

9. Having considered the contentions advanced, we notice that the question with regard to change of khatha has been considered by this Court in Annexure-B judgment and it has been held that where there is a dispute as to title, the revenue authorities cannot consider the same and that the change of khatha on the basis of a finding by the revenue authorities is not legal or valid. The orders changing the khatha from the name of the appellant herein as well as respondent No.5 in the earlier proceedings was therefore set at naught and the khatha as it stood prior to the orders passed by the Tahsildar on 17.02.2023, was directed to be restored. The parties were left at liberty to agitate matters before the Civil Court. Thereafter, W.P.No.10306/2024 has also been filed by the said Abdul Saleem A., which has also been rejected by judgment dated 28.05.2024. It is thereafter that the present writ petition has been filed with a prayer to consider the representation to restore the khatha in the name of the Mutt.



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10. We are of the clear opinion that the directions obtained without making the appellant herein a party to the proceedings were completely misconceived and amounted to abuse of process of Court. We are of the opinion that in the facts and circumstances of this case, the writ petition filed without making the appellant a party was itself a misconceived exercise.

11. In the result, we are of the opinion that the appeal is liable to succeed.

Accordingly:-

- (i) The appeal is **allowed**.
- (ii) The Order dated 11.07.2024 passed by the learned Single Judge in Writ Petition No.18246/2024, is set aside.
- (iii) Writ Petition No.18246/2024 is dismissed.
- (iv) All actions taken in terms of the impugned judgment in W.P. No.18246/2024 shall also stand cancelled. The khatha shall be restored as directed in W.P. No.26385/2023.



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The contempt proceedings are ***dropped***. Notice issued to the accused shall stand ***discharged***.

All pending interlocutory applications shall stand disposed of.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(VENKATESH NAIK T)
JUDGE

PN
List No.: 3 Sl No.: 6