



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 35240 OF 2024 (KLR-RES)

BETWEEN:

SMT. VIJAYALAKSHMI
W/O LATE VASANTHAPPA,
AGED ABOUT 66 YEARS,
R/A KOLALA VILLAGE,
KOLALA HOBLI, KORATAGERE TALUK,
TUMKUR DISTRICT- 572140

...PETITIONER

(BY SRI. KISHAN G S., ADVOCATE)

AND:

1. THE KARNATAKA STATE,
REP. BY ITS PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
VIDHANA SOUDHA,
BANGALORE-560 001.
2. DEPUTY COMMISSIONER,
TUMKUR DISTRICT,
MINI VIDHANA SOUDHA,
OPPOSITE TO COURT COMPLEX,
TUMAKURU CITY- 572 101.
3. THE ASSISTANT COMMISSIONER,
MADHUGIRI SUB-DIVISION,

Digitally signed
by JUANITA
THEJESWINI
Location: HIGH
COURT OF
KARNATAKA



MADHUGIRI,
TUMAKURU DISTRICT- 572 132.

4. TAHASHILDAR,
KORATAGERE TALUK,
KORATAGERE 572 129.
5. TALUK SURVEYOR,
KORATAGERE TALUK,
KORATAGERE,
TUMKUR DISTRICT-572129.
6. CHIKKAMMA
W/O LATE BYLAPPA
AGED ABOUT 66 YEARS
7. PRASANNA B
S/O LATE BYLAPPA
AGED ABOUT 39 YEARS
8. DEVARAJU B
S/O LATE BYLAPPA
AGED ABOUT 38 YEARS
9. NAVEENA B
S/O LATE BYLAPPA
AGED ABOUT 36 YEARS

R6 TO R9 ARE R/A
BANDREHALLI VILLAGE,
MAVATHURU POST,
HOLAVANAHALLI HOBLI,
KORATAGERE TALUK.,
TUMAKURU DISTRICT - 572 129



10. VIJAYALAKSHMI
D/O LATE NARASAMMA
W/O SIDDAGANGAIAH B.S.
AGED ABOUT 46 YEARS,
RESIDING AT LAVANYASREE NILAYA,
HOUSE NO. 27, SUBHASH NAGAR,
NEAR MILK DAIRY,
BEHIND BASAVA BHAVAN,
DODDABALLAPURA TOWN AND TALUK
BENGALURU RURAL DISTRICT - 561 203.
11. NAGAMMA
W/O LATE LAKSHMINARASIAH
AGED ABOUT 56 YEARS
12. SARITHA
D/O LATE LAKSHMINARASIAH
W/O DARSHANTH AGED ABOUT 36 YEARS
13. GIRISH B.L.
S/O LATE LAKSHMINARASIAH
AGED ABOUT 34 YEARS
14. GOVARDHAN
S/O LATE LAKSHMINARASIAH
AGED ABOUT 31 YEARS
15. NARASIMHAIAH,
S/O LATE. KADARAPPA,
AGED ABOUT 64 YEARS,
16. RATHNAMMA
D/O LATE KADARAPPA
AGED ABOUT 61 YEARS



RESPONDENTS NO.11 TO 16 ARE
R/A BANDREHALLI VILLAGE,
MAVATHURU POST,
HOLAVANAHALLI HOBLI,
KORATAGERE TALUK.,
TUMAKURU DISTRICT - 572 129

...RESPONDENTS

(BY SRI.SHAMANTH NAIK., HCGP FOR R1 TO R5
SRI. NARASIMHARAJU., ADVOCATE FOR R6 TO R9,
R11 TO R14 & R16
R10 & R15 SERVED)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASHING THE ORDER
PASSED BY THE R-2 IN REVISION PETITION NO.226/2022 DTD
27.11.2024 PRODUCED HEREIN ANNEX-A AND QUASHING THE
ORDER PASSED BY THE R-3 IN RRT(A)(K) NO.131/2019-20
DTD 21.09.2022 PRODUCED HEREIN AS ANNEX-B AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE R DEVDAS

ORAL ORDER

The petitioner is aggrieved of the impugned orders at
Annexures 'A' and 'B' passed by the second respondent-
Deputy Commissioner, Tumakuru District and third
respondent-Assistant Commissioner, Madhugiri Sub-
Division dated 27.11.2024 and 21.09.2022 respectively.



Annexure 'B' is the proceedings initiated at the behest of respondent-Tahsildar, Koratagere Taluk before the Assistant Commissioner, Madhugiri Sub-Division, Madhugiri, where the petitioner herein is shown as respondent No.2(a) while respondent No.2 is shown as Sri. Vasanthappa, who is the husband of the petitioner herein. The other parties are private respondents herein. Learned Counsel for the petitioner submits that it is not known as to how the Tahsildar prefers an appeal before the Assistant Commissioner, taking up the cause of the private respondents herein.

2. Learned Counsel submits that a plain reading of the order passed by the Assistant Commissioner clearly shows that the petitioner has not appeared before the Assistant Commissioner and at best, the order passed by the Assistant Commissioner should be held as an *exparte* order.

3. Learned Counsel submits while pointing to Annexure 'H' series that the name of the petitioner's



husband Sri Vasanthappa S/o Kadarappa stood in the RTC even in the year 2009-10 and in Column No.10 is the mutation order by virtue of which, the name of Sri Vasanthappa was entered in the revenue records. It is seen that in Column No.10, M.R.No.1/1984 and M.R.No.12/71-72 is reflected whereby the name of Sri Vasanthappa was entered in the RTC pursuant to him purchasing the lands in question under registered sale deeds.

4. Learned Counsel submits that Sri Vasanthappa purchased 2 acres and 32 guntas of land in Sy.No.102/3 under registered sale deed dated 08.01.1969 and 2 acres and 20 guntas in Sy.No.105/6 by registered sale deed dated 05.07.1971. The subject matter of the *lis* brought before this Court is pertaining to the two survey numbers and it cannot be disputed that after the death of Sri Vasanthappa, the petitioner gave a representation to the Tahsildar to enter her name in the revenue records on the basis of succession and accordingly a mutation order was



passed in M.R.No.H 51/2018-19 dated 29.04.2019. Such being the position, the Assistant Commissioner could not have passed the impugned order at Annexure 'B', directing the Tasildar to enter the name of all the persons who got a share in the property in terms of an unregistered partition deed dated 25.02.1985. The Deputy Commissioner has also not considered the grievance of the petitioner in a proper perspective.

5. Learned counsel submits that mutation order in M.R.No.13/1984-85 is a fictitious entry and the petitioner was forced to raise a challenge to the said mutation entry which was totally unnecessary, having regard to the revenue entries found in the RTCs. Learned counsel would further submit that respondent No.16 Smt.Rathnamma has filed O.S. No.41/2011 on the file of the learned Civil Judge and JMFC at Korategere, seeking partition and separate possession of all the joint family properties including the two items of property which are the subject matter of this litigation.



6. Learned counsel would therefore submit that if at all the rights of the private respondents herein are proved and it is declared by the Civil Court that the parties have acquired rights in terms of the unregistered partition deed of the year 1985, only then the private respondents will have a right to have their names entered in the revenue records. Until such a declaration is made by a competent Civil Court, the private respondents cannot seek to have their names entered in the revenue records on the strength of an unregistered partition deed.

7. Learned counsel for the private respondents would however submit that the claim of the petitioner is exposed, having regard to the admitted fact that the petitioner filed an appeal before the Assistant Commissioner in RRT(A)(K) 64/2020-21 raising a challenge to mutation order in M.R.No.13/1984-85. The petitioner also cannot dispute the fact that the appeal was dismissed by the Assistant Commissioner by order dated 21.09.2022. The revision petition filed by the petitioner



before the Deputy Commissioner in R.P.No.242/2022 was also dismissed by the Deputy Commissioner by order dated 07.04.2025.

8. Learned Counsel further submits that it is true that the members of the joint family divided the ancestral properties in the year 1985 and the petitioner's husband was allotted three other properties under Schedule 'B' to the partition deed dated 25.02.1985 and whereas the properties which are subject matter of this writ petition were allotted to the share of the other private respondents.

9. Learned counsel would therefore submit that the Tahsildar accepted such a contention and passed a mutation order in M.R. No.13/1984-85 entering the name of the family member in whose favour the properties in question were allotted. It is submitted during the lifetime of Sri Vasanthappa, the husband of the petitioner, he never raised any contention in respect of the mutation entry in M.R.No.13/1984-85.



10. In that view of the matter, learned Counsel submits that having regard to the admitted facts that the challenge raised by the petitioner M.R.No.13/1984-85 being negated at the hands of the Assistant Commissioner and the Deputy Commissioner, the petitioner cannot contend that there is any infirmity in the impugned orders passed by the Assistant Commissioner and the Deputy Commissioner.

11. Having heard the learned counsel for the petitioner, the contesting respondents, the learned High Court Government Pleader and on perusing the petition papers, this Court is of the considered opinion that having regard to the copies of the RTCs produced along with the writ petition at Annexure 'H' series and the copy of the mutation order at Annexure 'K' dated 08.02.2019 in M.R.No.H51/2018-19 and the RTCs at Annexure 'L' series, it is clear that there is no reference to M.RNo.13/1984-85 in any of the RTCs.



12. On the other hand, the RTCs at Annexure 'H' series clearly reflect the name of Sri Vasanthappa, the husband of the petitioner herein even in the year 2009-10, which belies the entry or mutation order in MR No.13/1984-85. Further by virtue of the mutation order in MR No.H 51/2018-19 dated 08.02.2019 the name of the petitioner has been entered in the revenue records on the basis of succession to her husband's estate. Thereafter the name of the petitioner is reflected in the latest RTCs at Annexure 'L' series.

13. Learned counsel for the petitioner is also right in contending that it was impermissible for the Tahsildar to have either filed an appeal or referred the matter to the Assistant Commissioner at the instance of the private respondents herein. It is not for the Tahsildar to take up the cause of the private respondents herein.

14. This Court is also of the considered opinion that such disputed questions of title could not have been gone into by the Assistant Commissioner or the Deputy



Commissioner. Moreover one of the parties herein has already filed a suit seeking partition and separate possession of all the joint family properties including the two items of property which are the subject matter of this litigation.

15. Ultimately, the rights of the parties are to be decided by the competent Civil Court. The petitioner also appears to have filed suit in O.S.No.165/2010 on the file of the learned Civil Judge, Junior Division, Koratagere, seeking declaration of title in respect of the two items of property which are the subject matter of this writ petition. The declaration that could be made by the Civil Court will ultimately bind the parties and the revenue authorities also.

16. Accordingly, the writ petition is ***allowed*** while setting aside the impugned orders dated 27.11.2024 and 21.09.2022 at Annexures 'A' and 'B' passed by the second respondent-Deputy Commissioner, Tumkur District and the third respondent-Assistant Commissioner, Madhugiri Sub-



Division. If revenue entries are disturbed pursuant to the impugned orders, the same shall be restored as it was prior to the passing of the impugned orders, as expeditiously as possible and at any rate, within a period of six weeks from the date of receipt of a copy of this order.

Pending I.A.s, if any stand disposed of accordingly.

Sd/-
(R DEVDAS)
JUDGE

JT/-
CT: JL