



CNR: KAHC010765802025

NC: 2026:KHC:40311
RSA No. 1862 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

REGULAR SECOND APPEAL NO. 1862 OF 2025 (INJ)

BETWEEN:

SRI. B.R. GIRISH,
S/O RAMACHANDRA,
AGED ABOUT 44 YEARS,
R/O MULUKATTE VILLAGE,
KASABA HOBLI, NAGAMANGALA TALUK,
MANDYA DISTRICT - 571401.
NOW R/AT 19/2, 1ST MAHADI,
MUNESHWARA BLOCK, AGRAHARA,
YELAHANKA HOBLI,
BENGALURU - 560 064.

...APPELLANT

(BY SRI. K.L. SREENIVAS, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY ITS CHIEF SECRETARY,
VIDHANA SOUDHA,
BENGALURU - 560 001.
2. DEPUTY COMMISSIONER,
MANDYA DISTRICT,
MANDYA - 571 401.
3. CHIEF CONSERVATOR OF FOREST,
ARANYA BHAVANA,

Digitally signed
by
SHARADAVANI
B

Location: High
Court of
Karnataka



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MALLESWARAM,
BENGALURU - 560 001.

4. DISTRICT FOREST OFFICER,
S/O LATE JA. VENKATEGOWDA,
MANDYA DISTRICT,
MANDYA - 571 401.

5. RANGE FOREST OFFICER,
OFFICE OF THE RANGE FOREST,
NAGAMANGALA - 571 432.

...RESPONDENTS

(BY SRI. SESHU V, AGA FOR R1 TO R5)

THIS RSA IS FILED UNDER SEC.100 OF CPC., AGAINST
THE JUDGMENT AND DECREE DATED 29.08.2025 PASSED IN
RA NO.10/2024 ON THE FILE OF ADDITIONAL SENIOR CIVIL
JUDGE AND JMFC, NAGAMANGALA., ALLOWING THE APPEAL
AND SETTING ASIDE THE JUDGMENT AND DECREE DATED
21.02.2024 PASSED IN OS NO.215/2020 ON THE FILE OF CIVIL
JUDGE AND JMFC, NAGAMANGALA.

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



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CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL JUDGMENT

1. Heard.

2. Unsuccessful plaintiff is the appellant in this appeal who has filed a suit in O.S.No.215/2020 for bare injunction in respect of the following property (hereinafter referred to as suit property):

“ಮಂಡ್ಯ ಜಿಲ್ಲೆ, ನಾಗಮಂಗಲ ತಾಲೂಕು, ದೇವಲಾಪುರ ಹೋಬಳಿ, ಎಚ್.ಎನ್.
ಕಾವಲ್ ಗ್ರಾಮದ ಸರ್ವೆ ನಂಬರ್ 148 (ಹಳೆ ಸರ್ವೆ ನಂಬರ್.126/ಪಿ-ಪಿ1)
ವಿಸ್ತೀರ್ಣ 4-00 ಎಕರೆ ಜಮೀನಿಗೆ ಚೆಕ್ಕುಬಂದಿ:-

ಪೂರ್ವಕ್ಕೆ : ಸರ್ವೆ ನಂಬರ್ 127/1 ರ ಮಲವಮ್ಮನವರ ಜಮೀನು

ಪಶ್ಚಿಮಕ್ಕೆ : ಸರ್ವೆ ನಂಬರ್ 126 ರ ಸರ್ಕಾರಿ ಜಮೀನು,

ಉತ್ತರಕ್ಕೆ : ಸರ್ವೆ ನಂಬರ್ 126 ರ ಸರ್ಕಾರಿ ಜಮೀನು,

ದಕ್ಷಿಣಕ್ಕೆ: ಅಮ್ಮದ್ ಪಾಷ ರವರ ಜಮೀನು”

3. Suit on contest, came to be decreed with cost.

4. Defendants being the Governmental authorities filed an appeal before the First Appellate Court in RA No.10/2024.

5. Learned Judge in the First Appellate Court after securing the records, heard the arguments of the parties in



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detail and on reappreciation of the material on record, dismissed the suit of the plaintiff.

6. Being further aggrieved by the same, plaintiff is before this Court, in this appeal.

7. Sum and substance of the case of the plaintiff is that he is the purchaser of the suit property from the vendor and vendor of the plaintiff who was the owner of the property by virtue of the grant made by the Government and from the date of grant, predecessors-in-title of the plaintiff were in possession and on the date of sale deed, plaintiff was put in possession of the property.

8. Thus he is entitled to maintain the suit for bare injunction as there was no cloud with regard to his title and sought for admitting the appeal on the following substantial questions of law:

- i. Whether the Hon'ble first appellate court erred in dismissing the suit for permanent injunction of the plaintiff-appellant, inspite of the evidence on record vide Ex.P-6, Ex.P-33-40 prove his possession over the suit property?*



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ii. Whether the Hon'ble first appellate court erred in concluding that the sale made by the grantee Samiullakhan being in violation of Section 61 of the Karnataka Land Reforms Act, is and invalid and illegal sale transaction not conferring any title on the purchaser, when the said provision is not at all applicable to the grant made in favour of the grantee Samiullakhan under darkhasth and not under the provisions of the Karnataka Land Reforms Act ?

iii. Whether the Hon'ble first appellate court erred in dismissing the suit for permanent injunction, when the grantee is put in possession in possession of the garnted land, and being sold by him the appellant being the subsequent purchaser is in possession of the suit property as on the date of the suit, that too when the Jurisdictional revenue authorities have conducted survey, effected durasth and identified the suit property, prior to the purchase of the suit land by the appellant, and the remained unchallenged by anybody muchless the respondents ?

9. Per contra, learned Additional Government Advocate for the respondents opposes the appeal grounds by contending that plaintiff has not been able to establish title to the suit property as the grant in favour of the vendor of the vendor of the plaintiff itself is incorrect and the boundaries



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mentioned in all those documents has been properly analysed by the First Appellate Court and the boundaries did not tally and therefore, question of plaintiff being in possession of the suit property would not arise at all and thus sought for dismissal of the appeal.

10. Having heard the arguments of both the parties, this Court perused the material on record meticulously.

11. On such perusal of the material on record, as could be seen from the discussion made by the First Appellate Court, there is a variance with regard to the boundaries mentioned in the grant certificate and the sale deed that has been executed in favour of the plaintiff.

12. In a matter of this nature, plaintiff has to establish that he is not in possession of the suit property from the period of predecessors-in-title.

13. Since there is a variance in the boundaries and grant is also seriously disputed by the respondents/Governmental authorities, it is always open for the



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plaintiff to file a comprehensive suit and obtain orders in the said comprehensive suit.

14. The apprehension of the learned counsel for the appellant is that dismissal of the suit for bare injunction would act as a deterrent in filing such comprehensive suit.

15. Since the grant itself is questioned by the Governmental authorities, plaintiff is entitled to file a comprehensive suit seeking appropriate relief in accordance with law and dismissal of the suit by the First Appellate Court in the impugned judgment shall not affect the rights of the plaintiff in that regard.

16. With that observation, following:

ORDER

- i. Admission is declined.
- ii. Appeal is ***dismissed***.

Sd/-
(V SRISHANANDA)
JUDGE

KAV
List No.: 1 Sl No.: 48