



CNR: KAHC010769532025

NC: 2026:KHC:54826
WP No. 36164 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO.36164 OF 2025 (KLR-RES)

BETWEEN:

1. MR. N.V. LOKESH
S/O MR.N.G.VIRUPAKSHA SHETTY
AGED ABOUT 53 YEARS.
2. MR. N.V. NAGESH
S/O MR. N.G.VIRUPAKSHA SHETTY
AGED ABOUT 50 YEARS.

PRESENTLY RESIDING AT NO.5,
OM SHANTHI BHAVANA
NELLURU VILLAGE,
KASABA HOBLI,
CHIKKAMAGALURU TALUK,
KARNATAKA-577101.

Digitally signed by
CHANDRA S A
Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI. RAJESH MAHALE, SENIOR COUNSEL FOR
SRI. GURUVA REDDY N., ADVOCATE)

AND:

1. REGIONAL JOINT DIRECTOR
OF LAND RECORDS



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MYSURU DIVISION,
MYSURU-570010.

2. DEPUTY TECHNICAL ASSISTANT
AND DEPUTY DIRECTOR OF LAND RECORDS
CHIKKAMAGALURU DISTRICT
CHIKKAMAGALURU-577101.
3. ASSISTANT DIRECTOR OF LAND RECORDS
CHIKKAMAGALURU DISTRICT
CHIKKAMAGALURU-577101.
4. THE GOVERNOR OF KARNATAKA
REP BY THE TAHSILDAR
CHIKKAMAGALURU DISTRICT
CHIKKAMAGALURU-577101.
5. I2E RETAILING LTD.
BANGALORE
REP. BY ITS DIRECTOR
MR.C.H.PRADEEP
S/O LATE MR. HANUMANTHA NAIDU
BELURU ROAD, KOTE
CHIKKAMAGALURU CITY
KARNATAKA-577101.
6. MR. MAHESH K.S.
S/O LATE MR.SHIVEGOWDA
MAJOR IN AGE
R/O KUNDURU VILLAGE
K.R.PETE POST, AMBALE HOBLI,
CHIKKAMAGALUR TALUK AND DISTRICT
KARNATAKA-577101.



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7. MRS. ASHA
W/O LATE MR.SHIVEGOWDA
MAJOR IN AGE
R/AT KUNDURU VILLAGE
K.R.PETE POST, AMBALE HOBLI
CHIKKAMAGALUR TALUK AND DISTRICT
KARNATAKA-577101.
8. MR. BHAVITH
S/O MR.CHANDREGOWDA.M.S.
MAJOR IN AGE
R/AT NO.31, GROUND FLOOR
SRI LAKSHMI DEVAMMA NILAYA
3RD MAIN, 1ST CROSS, 5TH STAGE,
BEML LAYOUT, RAJESHWARI NAGAR,
BENGALURU -560098.
9. MS. BHAGYA N.M.
W/O MR. P.M.SATHISH
MAJOR IN AGE
R/O YAGATIPURA,
YAGATI POST, YAGATI HOBLI,
KADURU DISTRICT,
CHIKKAMAGALURU DISTRICT,
KARNATAKA-577101.
10. MR.SIDDESH G.R.
S/O MR. K.M.RAJASHEKARIAH
MAJOR IN AGE
R/O NELLURU VILLAGE,
KASABA HOBLI,
CHIKKAMAGALURU TALUK AND DISTRICT
KARNATAKA-577101.



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11. MR. SATHISH B.
S/O BASAPPA SHETTY N.G.
MAJOR IN AGE
R/O NELLURU VILLAGE, KASABA HOBLI
CHIKKAMAGALURU TALUK
AND DISTRICT
KARNATAKA-577101.
12. MR. N.G. CHANNABASAPPA
S/O NOT KNOWN
MAJOR IN AGE
R/O NELLURU VILLAGE,
KASABA HOBLI,
CHIKKAMAGALURU TALUK AND DISTRICT
KARNATAKA-577101.
13. MS. SAROJAMMA
MAJOR IN AGE
R/O NELLURU VILLAGE,
KASABA HOBLI,
CHIKKAMAGALURU TALUK AND DISTRICT
KARNATAKA-577101.
14. MRS. MALLAMMA
W/O OF NOT KNOWN
MAJOR IN AGE
R/O NELLURU VILLAGE,
KASABA HOBLI,
CHIKKAMAGALURU TALUK AND DISTRICT
KARNATAKA-577101.
15. MR. NAGARAJ
S/O NOT KNOWN
MAJOR IN AGE



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R/O NELLURU VILLAGE,
KASABA HOBLI,
CHIKKAMAGALURU TALUK AND DISTRICT
KARNATAKA-577101.

16. MR.UDAY KUMAR.N.S.
S/O N.G.SHIVAPPA SHETTY
MAJOR IN AGE
R/O NELLURU VILLAGE,
KASABA HOBLI,
CHIKKAMAGALURU TALUK AND DISTRICT
KARNATAKA-577101.
17. MS. NAGARATHNAMMA
W/O MARALASIDDAPPA SHETTY
MAJOR IN AGE
R/O NELLURU VILLAGE,
KASABA HOBLI,
CHIKKAMAGALURU TALUK AND DISTRICT
KARNATAKA-577101.
18. MS. ALLAMMA PRABHU N.M.
D/O LATE N.S. MARALASIDDAPPA SHETTY
MAJOR IN AGE
R/O NELLURU VILLAGE,
KASABA HOBLI,
CHIKKAMAGALURU TALUK AND DISTRICT
KARNATAKA-577101.
19. MR. NAGARAJ N.M.
S/O LATE N.S.MARALASIDDAPPA SHETTY
MAJOR IN AGE
R/O NELLURU VILLAGE,
KASABA HOBLI,



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CHIKKAMAGALURU TALUK AND DISTRICT
KARNATAKA-577101.

20. MR. N.M.MURUGENDRAPPA
S/O LATE N.S. MARALASIDDAPPA SHETTY
MAJOR IN AGE
R/O NELLURU VILLAGE,
KASABA HOBLI,
CHIKKAMAGALURU TALUK AND DISTRICT
KARNATAKA-577101.
21. MR. SADANANDA N.M.
S/O LATE N.S.MARALASIDDAPPA SHETTY
MAJOR IN AGE
R/O NELLURU VILLAGE,
KASABA HOBLI,
CHIKKAMAGALURU TALUK AND DISTRICT
KARNATAKA-577101.
22. MS. N.M.GIRIJA
D/O LATE N.S.MARALASIDDAPPA SHETTY
MAJOR IN AGE
R/O NELLURU VILLAGE,
KASABA HOBLI,
CHIKKAMAGALURU TALUK AND DISTRICT
KARNATAKA-577101.
23. MS. VIMALA N.M.
D/O LATE N.S.MARALASIDDAPPA SHETTY
MAJOR IN AGE
R/O NELLURU VILLAGE,
KASABA HOBLI,
CHIKKAMAGALURU TALUK AND DISTRICT
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24. MS. BHARATHI N.M.
D/O LATE N.S.MARALASIDDAPPA SHETTY
MAJOR IN AGE
R/O NELLURU VILLAGE,
KASABA HOBLI,
CHIKKAMAGALURU TALUK AND DISTRICT
KARNATAKA-577101.
25. MS.BHANUMATHI N.M,
W/O MR. MALLIKARJUNA SWAMY.H.S.
MAJOR IN AGE
R/O NELLURU VILLAGE,
KASABA HOBLI,
CHIKKAMAGALURU TALUK AND DISTRICT
KARNATAKA-577101.
26. MR.BASAVARAJ N.S.
S/O MR.N.B.SHIVVAPPA SHETTY
MAJOR IN AGE
R/O NELLURU VILLAGE,
KASABA HOBLI,
CHIKKAMAGALURU TALUK AND DISTRICT
KARNATAKA-577101.

...RESPONDENTS

(BY SRI. ADITYA DIWAKARA, AGA FOR R1 TO R3;
SRI. G.V. CHANDRASHEKAR, SENIOR COUNSEL FOR
SRI. ABHINAY Y.T., ADVOCATE FOR R5;
R4 DELETED V/O DATED 15.12.2025;
R6 TO R26 DISPENSED WITH)



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THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 06.11.2015 PASSED BY THE RESPONDENT NO.1 IN REVISION PETITION NO. 115/2025 VIDE ANNEXURE-Y.

THIS WRIT PETITION HAVING BEEN RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, **E.S. INDIRESH J.**, MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

CAV ORDER

1. In this Writ Petition, petitioners are assailing the order dated 06.11.2025 passed by respondent No.1 in R.P.No.115/2025 (Annexure-Y), accepting the revision preferred by the respondent No.5.

2. Heard Sri. Rajesh Mahale, learned Senior Counsel appearing on behalf of Sri. Guruva Reddy N., learned counsel for the petitioners, Sri. Aditya Diwakara, learned Additional



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Government Advocate appearing for respondent Nos.1 to 3, Sri. G.V. Chandrashekar, learned Senior Counsel appearing on behalf of Sri. Abhinay Y.T., learned counsel for the respondent No.5.

3. It is contended by Sri. Rajesh Mahale, learned Senior Counsel appearing for the petitioners, that the entire extent of land measuring 14 acres 13 guntas in Sy.No.173 of Nelluru Village, Kasaba Hobli, Chikkamagalur Taluk belonged to one Siddalinga Shetty and thereafter, by a registered Partition Deed dated 18.05.1959 (Annexure-A), the land in question was divided and accordingly, respondent – authorities have conducted survey and phodi on 28.06.1971 and bifurcated Sy.No.173 into Sy.No.173/1 to 173/9 as per No.ASLRMP/207/1971-72. It is also argued that, there was a partition in the family of the petitioners and accordingly, an extent of 1 acre 32 guntas in Sy.No.173/1 and land measuring 18 guntas in Sy.No.173/7 had fallen to the share of N.G. Virupakshappa Shetty (father of the petitioners). It is also argued that, after the registered Partition Deed dated 06.10.2003 (Annexure-E), the mutation was made in



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M.R.No.26/2003-04 (Annexure-F). It is also argued that through registered Partition Deed dated 04.07.2022, survey was conducted in land measuring 1 acre 32 guntas in Sy. No.173/1 and therefore it is contended by the learned Senior Counsel for the petitioners that the revenue records have been changed in the name of the petitioners in Pakka Book (Annexure-P). It is further argued by the learned Senior Counsel for the petitioners that, the respondent No.5 had purchased an extent of 1 acre 30 guntas in Sy.No.173/2 and land measuring 26 guntas in Sy.No.173/10 of Nelluru Village. It is further argued that the respondent No.5 got conversion of the entire extent of land and therefore it is argued that, the respondent No.5 has no locus standi to make application on 07.03.2022, challenging the phodi made in respect of the land in question after five decades and therefore contended that, as the respondent No.5 has no locus standi to challenge the earlier phodi effected during 1971, after inordinate delay of five decades and therefore, submitted that the respondent No.1 has committed an error in accepting the revision preferred by respondent No.5 as per the impugned order at



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Annexure-Y. In this regard, learned Senior Counsel appearing for the petitioners refers to the Judgment of the Hon'ble Supreme Court in the case of "M.R.R SETTY (DEAD) BY LRs. Vs. GOVERNMENT OF KARNATAKA AND OTHERS" in SLP (C) Nos.23954-23955/2023 disposed of on 02.09.2026, and argued that, the interference made by respondent No.1 after delay of five decades is contrary to the Judgment referred to above and as such, sought for interference of this Court.

4. Per contra, Sri. G.V. Chandrashekar, learned Senior Counsel appearing for respondent No.5, argued by referring to the payments made to the family members of the petitioners as per Annexure-R5 and also the MoU dated 08.09.2022 as per Annexure-R6 (appended to the statement of objections filed by respondent No.5), contended that the petitioners have committed a fraud and have not disclosed the entire factual aspects on record in this Writ Petition and therefore submitted that, the Writ Petition requires to be dismissed on the ground of suppression of true facts. In this regard learned Senior Counsel appearing for respondent No.5 refers to the Judgment of the Hon'ble Supreme Court in the case of K.D.



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SHARMA Vs. STEEL AUTHORITY OF INDIA LIMITED AND OTHERS reported in (2008) 12 SCC 481 and in the case of PRESTIGE LIGHTS LTD. Vs. STATE BANK OF INDIA reported in (2007) 8 SCC 449 and contended that the petitioners cannot invoke Article 226 of the Constitution of India by withholding the true facts from this Court and therefore sought for dismissal of the Writ Petition.

5. It is further contended by the learned Senior Counsel appearing for respondent No.5, by referring to the finding recorded by the respondent No.2 as to the technical error caused at the time of conducting phodi in respect of the land bearing Sy.No.173 as per Annexure-X and accordingly submitted that, the rectification of the earlier phodi was warranted on account of the discrepancy as to the extent of land and therefore sought for dismissal of the Writ Petition.

6. Sri. Aditya Diwakara, learned Additional Government Advocate appearing for respondent Nos.1 to 3, by supporting the impugned order, sought for dismissal of the Writ Petition.



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7. Having heard the learned counsel appearing for the parties, it is not in dispute that originally the total extent of land in Sy.No.173 of Nelluru Village, Chikkamagaluru Taluk was to an extent of 14 acres 13 guntas belonging to the predecessors of the petitioners. It is not in dispute that, partition had taken place in the family of the original propositus – Siddalinga Shetty in respect of land bearing Sy.No.173 and thereby, petitioners acquired the land bearing Sy.No.173/14 as per registered Partition Deed dated 15.11.2023. Perusal of the Writ Petition would indicate that the land in question was phoded on 28.06.1971 and thereafter, only hissa phodi was conducted within the family members of the petitioners and new survey No.173/1 to 173/21 has been assigned on the basis of the registered partition deed.

8. It is pertinent to mention here that, the original phodi which was conducted on 28.06.1971, was challenged by the respondent No.5 in R.A.No.93/2024-25 before the respondent No.2, however, strangely the date of impugned order therein as to change of hissa phodi was not mentioned in the



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Memorandum of Appeal filed before the respondent No.2. It is the grievance of respondent No.5 that, even if the petitioners were entitled to an extent of 1 acre 32 guntas in Sy.No.173/1, however, the phodi stones fixed was to an extent of 1 acre 38.5 guntas in the private survey conducted by them and there was an error of one chain in the measurement, it is to be noted that the total extent of land belonging to respondent No.5 is to an extent of 5 acres 2 guntas and the entire extent of land has been converted for residential purpose on 25.09.2023(Annexure-Q&R) and on 19.09.2023(Annexure-S). The Chikkamagaluru Town Planning Authority has accorded permission to the respondent No.5 for formation of Layout, and accordingly, accepted the sketch as per Annexure-T dated 30.03.2024. The said aspect would indicate that the land in question belonging to respondent No.5 is no longer an agricultural land and has been completely converted for non agricultural purpose. In that view of the matter, as there are disputed questions of fact involved, and further, if there is any error in measurement during survey conducted thereon, and as such, same has to be adjudicated before the Civil Court as



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to identify the correct measurement and boundaries. In this regard, it is relevant to cite the Judgment of the Hon'ble Supreme Court in the case of STATE OF KERALA AND OTHERS Vs. M.K. JOSE reported in (2015) 9 SCC 433 wherein it is held that adjudication as to disputed questions of fact has to be concluded before a Civil Court. In that view of the matter, I am of the opinion that, respondent No.1 ought not to have accepted the Revision Petition preferred by respondent No.5 after lapse of fifty-three years and in this regard, the Hon'ble Supreme Court in the case of M.R.R. SETTY (supra), at paragraph Nos.15 and 16 has held as follows:

“ 15. Given this settled legal position, we may note that we are not dealing with a situation where no limitation has been prescribed. On the other hand, there is a clear mandate as to the time frame within which revisional jurisdiction is to be exercised, viz., three years. Further, not only was the land in question purchased by the predecessor-in-interest of the present appellants as long back as in the year 1929, it was also conferred the status of private property by allotting specific CTS numbers in the year 1974. Thereafter, the authorities concerned deemed it



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appropriate to grant him sanction and permission to construct a residential apartment building and also allowed the same to be occupied. Third-party interests, therefore, came into existence long prior to the issuance of the subject notice under Section 56(1) of the Act of 1964.

16. In the light of the clear embargo on exercise of such revisionary power in relation to an order, which was not appealed against, beyond the period of three years from the date of such order, the very invocation of such power by the Joint Director/Registrar of Land Records was without any mooring in the statute. The exercise being vitiated in its very inception, the Division Bench was not justified in opining that, as no adverse order had been passed yet, the learned Judge ought not to have interfered. Requiring M.R.R. Setty or his successors-in-interest to participate in such an enquiry, based on invocation of power well beyond the prescribed limitation, cannot be sustained and the learned Judge was, therefore, fully justified in interfering with the notice and in allowing the writ petitions. The Division Bench erred in holding to the contrary and the same was compounded by the other Bench by rejecting the review petition."



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9. The aforementioned Judgment of the Hon'ble Supreme Court makes it clear that, any person aggrieved by phodi conducted by respondent – authorities is required to approach the Appellate Authority within three years as per Section 56(3) of the Karnataka Land Revenue Act, 1964.

10. In that view of the matter, as the original phodi was conducted during 1971 and after inordinate delay of five decades, the respondent No.5 approached respondent No.2 for re-conducting the phodi having been converted the entire extent of land belonged to them and the same was rightly rejected by the respondent No.2, however, the respondent No.1 has committed error in interfering with the order passed by respondent No.2(Annexure-X), contrary to the Judgment of the Hon'ble Supreme Court. In that view of the matter, I am of the view that, the Judgments referred to by the learned Senior Counsel appearing for respondent No.5 cannot be made applicable to the facts on record alleging fraud, and if any technical error occurred as to the measurement of the land in question, as the same is disputed by the petitioners herein, under such circumstances, respondent No.5 has to



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establish their right in respect of the land in question before the competent Civil Court. Therefore the arguments advanced by learned Senior Counsel appearing for respondent No.5 cannot be accepted.

11. In the result, I pass the following:

ORDER

(i) The Writ Petition is allowed.

(ii) The order dated 06.11.2025 in R.P.No.115/2025 (Annexure-Y) passed by respondent No.1 is accordingly, set aside and as such, the order dated 24.01.2025 in Appeal No.R.A.93/2024-25(Annexure-X) passed by respondent No.2 is accordingly, confirmed.

(iii) In view of allowing the Writ Petition, the Tahsildar, Chikkamagaluru, is directed to restore the entries in mutation and RTC as it existed prior to passing of the order dated 06.11.2025 in R.P.No.115/2025.

SD/-
(E.S.INDIRESH)
JUDGE

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List No.: 1 Sl No.: 66