



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 38675 OF 2025 (KLR-RES)

BETWEEN:

1. SRI. H. N. BARATHEESH
S/O. SRI. H.P. NARAYANAPPA,
AGED ABOUT 43 YEARS,
R/AT HEGGONDANAHALLI VILLAGE,
VIA VARTHUR, GUNJUR POST,
BENGALURU - 560 087.

2. SRI. H.N. JAGADEESH
S/O. SRI. H.P. NARAYANAPPA
AGED ABOUT 47 YEARS,
R/AT HEGGONDANAHALLI VILLAGE,
VIA VARTHUR, GUNJUR POST,
BENGALURU - 560 087

...PETITIONERS

(BY SRI. GANAPATHI NARAYANA BHAT, ADVOCATE)

AND:

1. THE SPECIAL ASSISTANT COMMISSIONER
BENGALURU SOUTH SUB-DIVISION,
BENGALURU SOUTH, K.G. ROAD,
BENGALURU - 560 001.

2. THE TAHSILDAR
ANEKAL TALUK,
ANEKAL-562 106



3. SMT. AMMAYYA
W/O. LATE RAMAPPA,
AGED ABOUT 68 YEARS,
R/AT. HEGGONDANAHALLI VILLAGE,
VIA VARTHUR, GUNJUR POST,
BENGALURU - 560 087.
4. SRI. H.C. RAMAPPA
S/O. LATE PILLAPPA,
AGED ABOUT 70 YEARS,
R/AT. HEGGONDANAHALLI VILLAGE,
VIA VARTHUR, GUNJUR POST,
BENGALURU - 560 087.
5. SMT. CHANNAMMA
W/O. LATE BACHAPPA,
AGED ABOUT 98 YEARS,
R/AT.NO.108, 4TH MAIN,
G.M. PALYA,
NEW THIPPASANDRA POST,
BENGALURU - 560 075.
6. SRI. H.V. MUNISHAMAPPA
S/O. SRI. VENKATAPPA,
AGED ABOUT 80 YEARS,
R/AT. HEGGONDANAHALLI VILLAGE,
VIA VARTHUR, GUNJUR POST,
BENGALURU - 560 087.
7. SRI. H.V. NARAYANAPPA
S/O. SRI. VENKATAPPA,
AGED ABOUT 77 YEARS,
R/AT. HEGGONDANAHALLI VILLAGE,
VIA VARTHUR, GUNJUR POST,
BENGALURU - 560 087



8. SMT. AKKALAMMA
D/O. LATE VENKATAPPA,
AGED ABOUT 65 YEARS,
R/AT. MARASANDAHALLI VILLAGE,
NANDAGUDI HOBLI, KORATI POST,
HOSAKOTE - 562 122.

9. SMT. JAYAMMA
D/O. LATE VENKATAPPA,
W/O. SRI. MAGAPPA,
AGED ABOUT 63 YEARS,
R/AT.MARASANDAHALLI VILLAGE,
NANDAGUDI HOBLI, KORATI POST,
HOSAKOTE - 562 122.

10. SMT. MUNIRATHNAMMA
D/O. LATE VENKATAPPA,
W/O. SRI. MUNIYAPPA,
AGED ABOUT 61 YEARS,
R/AT. MARASANDAHALLI VILLAGE,
NANDAGUDI HOBLI, KORATI POST,
HOSAKOTE - 562 122.

11. SMT. GOWRAMMA
D/O. LATE VENKATAPPA,
AGED ABOUT 60 YEARS,
R/AT. MARASANDAHALLI VILLAGE,
NANDAGUDI HOBLI, KORATI POST,
HOSAKOTE - 562 122.

12. SRI. MANJUNATH
S/O. SRI. H.T. PAPANNA
AGED ABOUT 58 YEARS,
R/AT. HEGGONDANAHALLI VILLAGE,
VIA VARTHUR, GUNJUR POST,
BENGALURU - 560 087.



13. SRI. H.T. VENKATARAJU
S/O. SRI. H.T. PAPANNA,
AGED ABOUT 56 YEARS,
R/AT. HEGGONDANAHALLI VILLAGE,
VIA VARTHUR, GUNJUR POST,
BENGALURU - 560 087.

...RESPONDENTS

(BY SMT. NAVYA SHEKHAR, AGA FOR R1 & 2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 18.03.2025 IN R.A (A) NO.202/2018-19, PASSED BY THE RESPONDENT NO.1, AS PER ANNEXURE-AA AND CONSEQUENTLY, QUASH THE MUTATION ENTRY IN M.R. NO.T86/2024-25, ISSUED BY THE RESPONDENT NO.2, AS PER ANNEXURE-AB AND RTC IN RESPECT OF SY. NO.76/3 FOR THE YEAR OF 2025-26, ISSUED BY THE RESPONDENT NO.2 IN THE NAME OF THE GOVERNMENT, AS PER ANNEXURE-AC, IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE R DEVDAS



ORAL ORDER

The learned Additional Government Advocate accepts notice for respondent Nos.1 and 2.

2. Though the matter is listed for Preliminary Hearing, with the consent of the learned counsel appearing for the petitioners and the learned Additional Government Advocate, the writ petition is taken up for final disposal.

3. The grievance of the petitioners is that the Assistant Commissioner, Bangalore South Sub-Division, who had no authority in law, has passed the impugned order at Annexure-AA in proceedings bearing No.RA (A) No.202/2018-19, by invoking powers under Section 136 (2) Karnataka Land Revenue Act, 1964 (for short, the 'Act'). By the said order, the Assistant Commissioner has directed for deletion of the name of the petitioner from the revenue records and enter the name of the Government in Columns No.9 and 12(2) of the RTC.



4. Learned counsel appearing for the petitioners submits that firstly, there is no such power vested with the Assistant Commissioner which can be invoked under Section 136(2) of the Act to delete the names of the petitioners, at the instance of the Tahsildar, Anekal Taluk. A plain reading of the impugned order clearly shows that despite the revenue records being maintained in the name of the petitioners, their forefathers or predecessors in title, it is contended by the Tahsildar that the original entry made in the revenue records in favour of grantees is a wrong entry, there being no such grants made in favour of those persons.

5. Learned counsel appearing for the petitioners further submits that such orders could not have been passed by the Assistant Commissioner that too without issuing notice to the petitioners. Moreover, merely because the Tahsildar, contends that original grant records are not available to show the entry of the name of the original grantees in the revenue records is pursuant to a



grant, it does not vest power with the Tahsildar, or Assistant Commissioner to invoke Section 136(2) of the Act to delete the names of the petitioners from the RTCs/Revenue records and to enter the name of the Government. It is submitted that, if such powers, if at all are relatable to Section 136(3) of the Act, which empowers the Deputy Commissioner, who may, on his own motion or on application filed by the party, call for and examine any records made under Section 127 and Section 129 of the Act and pass such orders as he may deem fit, provided that no order shall be passed except after hearing the party, who would be adversely effected by such orders. No such *suo-motu* powers are vested with the Assistant Commissioner under Section 136(2) of the Act.

6. Learned counsel appearing for the petitioners further submits that in respect of the powers exercisable by the Deputy Commissioner under Section 136(3) of the Act, this court has consistently held that such powers



cannot be invoked as and when liked by the Deputy Commissioner. The power to cancel a grant or to take action to remove the names from the revenue records, which have been maintained for decades together, though permissible, such action is required to be taken within reasonable time. In support of this contention, reliance is placed on the judgment of this Court in **Smt. Pyari Ma and Others vs. State of Karnataka and Others**, in **W.P.No.22426 of 2021**, disposed of on **12.01.2022**.

7. Per contra, learned Additional Government Advocate appearing for respondent Nos.1 and 2, while pointing out to the impugned orders, submits that one of the parties before this Court, has filed objections before the Assistant Commissioner, which means opportunity of hearing was given to the petitioners.

8. Having heard learned counsel appearing for the petitioners and learned Additional Government Advocate and on perusing the writ papers, this Court is of the



considered opinion that, Assistant Commissioner has no authority in law to have considered such appeals filed at the instance of the Thasildar, under Section 136(2) of the Act. As rightly pointed out by the learned counsel appearing for the petitioners, *suo-motu* powers as found under Section 136(3) of the Act are exercisable only by the Deputy Commissioner and not by the Assistant Commissioner. Learned counsel appearing for the petitioners are also right in their submission that the material available on record, clearly show that mutation entries have been maintained in the revenue records for more than five decades. Such being the case, it does not empower the revenue authorities including Deputy Commissioner to invoke *suo-motu* powers exercisable under Section 136(3) of the Act to set at naught the revenue entries which are maintained in the revenue records for decades. Unless appropriate action is taken in accordance with law to cancel the grant made or to consider the fact that entries are made in the revenue



records without any basis and the competent authority considers the claim of both the sides, such orders cannot be passed to set at naught long-standing entries in the revenue records i.e. more than five decades.

9. Consequently, the writ petition is ***allowed***, setting aside the impugned order at Annexure-AA in the writ petition. The concerned Tahsildar is directed to restore the revenue entries as they stood prior to the passing of the impugned orders. The said Action shall be taken as expeditiously as possible and at any rate, within a period of four weeks from the date of receipt of a certified copy of this order to restore the names in the revenue records as it stood prior to the impugned order dated 18.03.2025 passed by the first respondent-Special Assistant Commissioner.

Sd/-
(R DEVDAS)
JUDGE

KA
List No.: 1 Sl No.: 19