IN THE HIGH COURT OF KARNATAKA, BENGALURU

DATED THIS THE 21ST DAY OF DECEMBER, 2020

PRESENT

THE HON'BLE MRS. JUSTICE B.V.NAGARATHNA

AND

THE HON'BLE MR. JUSTICE NATARAJ RANGASWAMY

WRIT APPEAL No.557/2020 (KLR-RR/SUR)

BETWEEN:

1. SMT. GIRIJAMMA
   W/O. LATE RAMAIAH,
   AGED ABOUT 75 YEARS,

2. SMT. MUNIYAMMA
   W/O. LATE RAMAIAH,
   AGED ABOUT 71 YEARS,

   BOTH ARE RESIDING AT
   GHATTAHALLI VILLAGE,
   HUSKUR POST, SARJAPURA HOBLI,
   ANEKAL TALUK,
   BENGALURU URBAN DISTRICT – 560 009. ... APPELLANTS

(BY SRI ASHOK HARANAHALLI, SENIOR ADVOCATE FOR SRI.NARASIMHARAJU, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
   REVENUE DEPARTMENT,
   VIDHANA SOUDHA,
   BENGALURU – 560 001.
   REP. BY ITS REVENUE SECRETARY.

2. THE DEPUTY COMMISSIONER,
   BENGALURU URBAN DISTRICT,
   KANDAYA BHAVANA, K.G. ROAD,
   BENGALURU – 560 009.

3. THE ASSISTANT COMMISSIONER,
   BENGALURU SOUTH SUB-DIVISION,
   KANDAYA BHAVAN, K.G. ROAD,
   BENGALURU – 560 009.

4. THE TAHSILDAR,
   ANEKAL TALUK,
   ANEKAL – 562 106.

5. SMT. KAVERAMMA
   W/O. LATE RAMAIAH,
   AGED ABOUT 85 YEARS,
   R/AT GHATTAHALLI VILLAGE,
   HUSKUR POST, SARJAPURA HOBLI,
   ANEKAL TALUK,
   BENGALURU URBAN DISTRICT – 560 099. ... RESPONDENTS

(BY SRI K. VIJAYAKUMAR, ADVOCATE FOR C/R-5;
SRI T.L. KIRAN KUMAR, ADDL. GOVERNMENT ADVOCATE FOR R-1 TO R-4)

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THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET-ASIDE THE IMPUGNED ORDER PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO.11019/2020 DATED 13/10/2020 AND CONSEQUENTLY DISMISS THE WRIT PETITION FILED BY THE RESPONDENT NO.5 HEREIN AND GRANT SUCH OTHER RELIEFS.

THIS APPEAL COMING ON FOR PRELIMINARY HEARING THIS DAY, ***NAGARATHNA J.,*** DELIVERED THE FOLLOWING:

J U D G M E N T

We have heard learned senior counsel for the appellants, learned Additional Government Advocate, who has appeared on advance notice for respondent Nos.1 to 4 and learned counsel for the caveator respondent No.5.

2. The legality and correctness of the order dated 13/10/2020 passed in W.P.No.11019/2020 is assailed in this appeal.

3. Learned senior counsel appearing for the appellants drew our attention to the operative portion of the order and submitted that when respondent No.5 had opted to file a civil suit in order to establish her right, title and interest in respect of Sy.No.31/13, measuring 2 Acres 35 Guntas of Ghattahalli village, Sarjapura Hobli, Anekal Taluk, Bangaluru Urban District, it was unnecessary to have directed that her name be re-entered in the revenue records. He contended that on the basis of the said direction, respondent No.5 will take advantage of the said fact and make alienation or create encumbrances on the land in question. He submitted that respondent No.5 is a stranger to the family and cannot claim the status of the wife/widow of late Ramaiah. Therefore, appellants, who also claim to be the wives/widows of late Ramaiah, have filed this appeal.

4. *Per contra,* learned counsel for caveator respondent No.5, supported the impugned order passed by

the learned Single Judge and brought to our notice the fact that O.S.No.874/2020 has already been filed by the respondent No.5 on the file of the Senior Civil Judge and JMFC, Anekal and that there is an order of temporary injunction operating against the appellants herein. Therefore, at this stage, the impugned order may not be interfered with.

5. We find much force in the submission of the learned counsel for caveator respondent No.5 while we sustain the impugned order of the learned Single Judge. We also observe that the re-entry of the name of the respondent No.5 in the revenue records would not confer any right title or interest in respect of the land in question. Further, respondent No.5 is not entitled to make any alienation or encumbrances in respect of the land in question, pending disposal of the original suit. Further, the entries in the revenue records in the name of the respondent No.5, is subject to the result of the original suit.

6. It is needless to observe that the trial Court shall adjudicate the suit on its own merits and without

being influenced by the entry of the name of respondent No.5 in the revenue records.

7. With the aforesaid observations, the appeal stands ***disposed.***

In view of the disposal of the appeal, pending applications stand disposed.

Sd/-
JUDGE

Sd/-
JUDGE

**mvs*