IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 10544 OF 2024 (KLR-RES)

BETWEEN:

1. SRI ANDANAPPA
   S/O. LATE CHENNIGAPPA
   AGED ABOUT 63 YEARS
   R/AT NO. 128
   MACHOHALLI VILLAGE
   BAPAGRAMA POST
   DASANAPURA HOBLI
   BENGALURU-560 091

2. SRI. VEERACHANNAIAH
   S/O. LATE CHENNIGAPPA
   AGED ABOUT 62 YEARS
   R/AT NO. 140
   MACHOHALLI VILLAGE
   BAPAGRAMA POST
   DASANAPURA HOBLI
   BENGALURU-560 091

...PETITIONERS

(BY SRI.D.R.RAVISHANKAR, SR. COUNSEL FOR
SRI.S.SARAVANA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   DEPARTMENT OF REVENUE
   VIDHANA SOUDHA
   BENGALURU - 560 001

Digitally signed by VIJAYA P
Location: HIGH COURT OF KARNATAKA

REP. BY ITS SECRETARY

2. THE DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT
BENGALURU - 560 009.

3. THE ASSISTANT COMMISSIONER
BENGALURU NORTH SUB-DIVISION
BENGALURU - 560 009.

4. THE TAHSILDAR
BENGALURU NORTH SUB-DIVISION
KANDAYA BHAVAN
K.G. ROAD
BENGALURU - 560 009.

5. SMT. SIDDAMMA
W/O LATE GANGAPPA
AGED ABOUT 84 YEARS

6. SMT. JAYALAKSHMAMMA
W/O LATE GANGAPPA
AGED ABOUT 65 YEARS

RESPONDENT NO.5 AND 6
R/AT NO.37, MACHOHALLI VILLAGE
BAPAGRAMA POST
DASANAPURA HOBLI
BENGALURU - 560 091.

7. SMT. HEMAVATHI
W/O K NAGARAJU
AGED ABOUT 55 YEARS
R/AT CMC NO.4, 7TH CROSS
KAMMAGONDANAHALLI
KALA ROAD, K.G. HALLI
JALAHALLI NORTH
BENGALURU - 560 091.

8. SMT. MANJULA
W/O NARASIMHAMURTHY
AGED ABOUT 49 YEARS
R/AT NO.442, 6TH CROSS, 5TH MAIN,
NEAR KALIKAMBA TEMPLE ROAD
KAMAKSHIPALYA
RANGANATHPURA
BENGALURU - 560 091.

9. SMT. YASHODHA
W/O NARASIMHAMURTHY
AGED ABOUT 47 YEARS
R/AT 'SHALINI' NO.3,
VEERANNAPALYA
SREEGANDHADA KAVALU
VISHWANEEDAM POST
BENGALURU - 560 091.

10. SRI M. G. HANUMANTHARAJU
S/O LATE GANGAPPA
AGED ABOUT 45 YEARS

11. SRI M.G. CHENNAKESHAVA
S/O LATE GANGAPPA
AGED ABOUT 43 YEARS

12. SRI M.G. NARASINHAMURTHY
S/O LATE GANGAPPA
AGED ABOUT 36 YEARS

RESPONDENT NOS.10 TO 12 ARE
R/OF MACHOHALLI GRAMA
BAPAGRAMA POST

DASANAPURA HOBLI
BENGALURU - 560 091.

... RESPONDENTS

(BY SRI SPOORTHY HEGDE, HCGP FOR R1 TO R4;
SRI H.C. SHIVARAMU, ADVOCATE FOR R5 TO R12)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT IN THE NATURE OF CERTIORARI AND QUASH THE ORDER DATED 26.02.2024 IN R.P. NO.178/2018 PASSED BY THE RESPONDENT NO.2 - THE DEPUTY COMMISSIONER, BENGALURU URBAN DISTRICT, BENGALURU AND THE ORDER DATED 11.04.2017 IN R.A. (BN) 267/2015-16 PASSED BY THE RESPONDENT NO.3, ASSISTANT COMMISSIONER, BENGALURU NORTH SUB-DIVISION, BENGALURU VIDE ANNEXURE-E AND F RESPECTIVELY AND ETC.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED ON 03.12.2025 AND COMING ON FOR PRONOUNCEMENT OF ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

C.A.V. ORDER

(PER: HON'BLE MR JUSTICE S SUNIL DUTT YADAV)

The present petition has been filed by the children of Late Chennigappa assailing the order dated 26.02.2024 in R.P.No. 178/2018 passed by the Deputy Commissioner, Bangalore Urban District, Bangalore. Petitioner has also challenged the order of the Assistant Commissioner dated 11.04.2017.

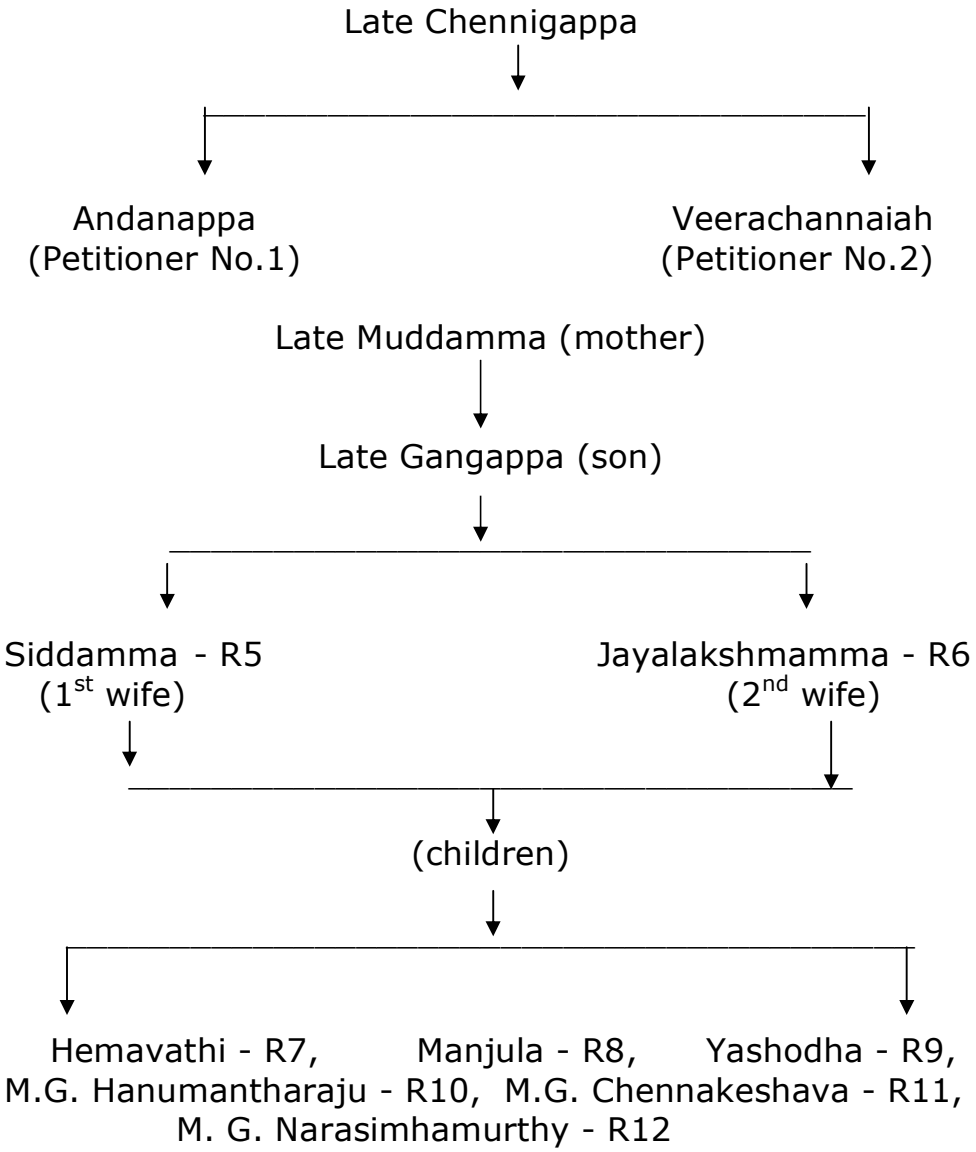
2. Smt. Siddamma (Wife of Late Gangappa) and others who are arrayed as private respondents herein had challenged mutation M.R.75/2007-08 and M.R.25/2010-11 and had sought for effecting mutation in their names in respect of property in Sy. No. 52/2 measuring 26 guntas situated at Machohalli Village, Dasanapura Hobli, Bangalore North Taluk.

3. The Assistant Commissioner by order dated 11.04.2017 had set aside M.R.75/2007-08, M.R.25/2010-11 and had directed the Tahsildar, Bangalore North Taluk,

to restore the name of Gangappa, in terms of M.R.No.21/55-56 in respect of 26 guntas in Sy. No. 52/2A of Machohalli Village, Dasanapura Hobli, Bangalore North Taluk, with a further direction to effect mutation and transfer katha jointly in the names of all the legal representatives of family members of Gangappa. Insofar as Sy. No. 52/2, there was a direction to retain the names of Andanappa S/o. Late Chennigappa and Veerachennaiah S/o. Late Chennigappa, who are the petitioners herein as regards an extent of 2 acres 37 guntas of Machohalli Village, Dasanapura Hobli, Bangalore North Taluk.

4. The Deputy Commissioner confirmed the order of the Assistant Commissioner by order dated 26.02.2024 and it is such order that has been called in question before this Court.

5. The parties are referred to by their ranks in the writ proceedings for the purpose of convenience. The relationship between the parties is depicted as below:



6. Sy. No. 52/2 measures an extent of 4 acres 37 guntas along with karab of 7 guntas. It is stated that Chennigappa was the owner of the said extent who

executed a sale deed dated 01.05.1956 with respect to an extent of 2 acres in favour of Gangappa and Muddamma. Thereafter, the said Gangappa and Muddamma are stated to have sold an extent of 1 acre 14 guntas out of the extent of 2 acres in favour of Sri. Umapathi on 16.09.1988.

7. It is their contention that Gangappa and Muddamma had retained the extent of 26 guntas out of 2 acres sold by Chennigappa and contend that the revenue entries including mutation ought to reflect this extent of 26 guntas in their names. It is submitted that this extent of 26 guntas is wrongly shown in the revenue records in the names of the legal representatives of Chennigappa, which ought to be rectified.

8. The legal representatives of Chennigappa on the other hand would contend that the sale deed executed by Gangappa and Muddamma in favour of Sri. Umapathi in effect transferred the entire extent that they had

purchased and what was available in the said survey number (separately assigned as 52/2B) was only 1 acre 14 guntas. Accordingly, it is submitted that the extent of 26 guntas in original survey number 52/2 was retained by the family of Chennigappa.

9. It is further submitted that the proceedings before the Assistant Commissioner were initiated only in the year 2015 as regards mutation entries which stood in the names of petitioners as regards the extent of 26 guntas after much delay. It is further contended that entries in existence over a long period of time ought not to be altered and the parties ought to have been relegated to the Civil Court.

10. The Assistant Commissioner while narrating the facts has reiterated that Sy. No. 52/2 consisted 5 acres 4 guntas along with karab of 7 guntas and effectively land available for transfer was 4 acres 37 guntas.

11. It is noticed that Chennigappa who was the owner of the said extent sold an extent of 2 acres in favour of Gangappa and Muddamma and after such sale, had retained an extent of 2 acres 37 guntas in Sy. No. 52/2. It is stated that Gangappa had further sold an extent of 1 acre 14 guntas in Sy.No. 52/2B in favour of Umapathi and accordingly, the remaining extent of 26 guntas were stated to have been retained by Gangappa.

12. Noticing the RTC extracts, it is observed that new Sy. No. 52/2B has been assigned to property measuring 2 acres and if that were to be so, new Sy. No. 52/2A has to be assigned to the remaining 2 acres 37 guntas retained by Chennigappa in Sy. No. 52/2, however the extent of 26 guntas has been included in Sy. No. 52/2A. This mistake, it is stated has crept-in when there was digitization of survey records. Accordingly, it is observed that showing the extent of 3 acres 23 guntas in the name of Chennigappa instead of 2 acres 37 guntas appears to be a mistake.

13. Accordingly, the mutation entries have been set aside and the Tahsildar, Bangalore North, was directed rectification of M.R.No. 21/55-56 in Column No. 9 and 12(2) of the RTC in respect of 26 guntas in Sy. No. 52/2A. The Assistant Commissioner has further directed transfer of katha jointly in the names of Gangappa's legal heirs with a further direction that the remaining extent of 2 acres 37 guntas were to be shown jointly in the names of respondents - Andanappa and Veerachannaiah, children of Late Chennigappa. This order has been upheld by the Deputy Commissioner affirming the reasoning of the Assistant Commissioner.

14. At the outset, it must be observed that the facts are not in dispute as noticed in the narration of facts by the Assistant Commissioner in his order.

15. The legal obligation in the event of acquisition of rights is that a report has to be made under Section 128 of the Karnataka Land Revenue Act, 1964 (for short 'the

Act'), of acquisition of rights and under Section 129, the Prescribed Officer is required to enter in the Register of Mutations, the report made to him under Sub-Section (1) of Section 128 or received by him under sub-section (2) or sub-section (4) of the said section. In the event of any objections, the case would be entered in the Register of Disputed Cases and thereafter the entries would be made in the Register of Mutations once disputes are resolved.

16. It is to be noticed that under Section 133 of the Act, there is a presumption regarding entries to be true until contrary is proved once an entry is made in the record of rights and register of mutations. In fact, under Section 135 of the Act, there is a bar of suits against the State Government or officer of the State Government in respect of a claim to have an entry made in the record and in the event of any grievance, the substantive remedy is to institute a suit against a person denying title or right. It is only upon any declaration made by the Courts that the revenue entries in the records could be amended in terms

of such declaration. There is a further procedure of appeal and revision under Section 136 of the Act. It is further to be noticed that in the event of any boundary dispute, the Tahsildar in terms of Section 140(2) of the Act may record a dispute.

17. The scheme of the Karnataka Land Revenue Act, 1964 would provide for effecting measurements, mapping of sub-divisions and apportioning of assessment in respect of sub-divisions resulting from such mutations under Rule 72 of the Karnataka Land Revenue Rules, 1966. Rule 72 reads as follows:

> ***"72. After disposal of such disputes as might come up for decision under Rule 67, or after disposal of an appeal under Rule 69*** *- After mutation entries are certified under Rule 66 and after disposal of such disputes as might come up for decision under Rule 67, or after disposal of an appeal under Rule 69, the relevant records shall be sent by the Tahsildar to the Assistant Superintendent of Land Records, for effecting measurements, mapping of sub-divisions, and apportioning of assessment in respect of sub-divisions resulting from mutation.*

Rules 47 to 57 both inclusive, shall apply mutatis mutandis to such cases."

18. Amongst the hierarchy of documents and records, in the order of priority the following could be inferred:-

a. Documents of title as referred to under the provisions of Transfer of Property Act.

b. Mutation entry recorded in terms of report of acquisition of rights as contemplated under Section 128 of the Act.

c. Survey documents, plotting measurements relating to Phodi, Durast etc.

19. It is to be noticed that Chennigappa was the owner of an extent of 4 acres 37 guntas of Machohalli Village in Sy. No.52/2. Chennigappa executed a sale deed in favour of Gangappa and Muddamma for an extent of 2 acres in Sy. No.52/2.

20. In effect, Chennigappa in law could have retained out of 4 acres 37 guntas, 2 acres 37 guntas.

21. Out of 2 acres purchased by Gangappa and Muddamma, what was sold to Umapathi through registered sale deed dated 16.09.1988 was only 1 acre 14 guntas.

22. Though Sri. D. R. Ravishankar, learned Senior Counsel appearing for the petitioners would contend that the sale deed would indicate that the entire extent purchased by Gangappa which was in his possession was sold which would mean that the extent of 1 acre 14 guntas was the only extent that was available and which was transferred to Umapathi. Such construction and interpretation cannot be made while adjudication in exercise of writ jurisdiction. This would also be the legal position as the revenue authorities themselves could not have interpreted that the sale deed in favour of Umapathi to be construed as transferring all the land purchased from Chennigappa by Gangappa. The Revenue Authorities cannot enter into such adjudication by way of interpretation and if that were to be so, the Court

exercising power of judicial review over an order passed by Revenue Authority cannot arrogate to itself the power of adjudication which power is vested only with the Civil Courts. If that were to be so, the mutations would have to be brought in conjunction with documents of title. The delay in approaching the Assistants Commissioner is condonable as the mutation entries must be effected in terms of the documents of title and delay cannot defeat such rights.

23. Accordingly, the mutation relating to property held by the branch of Chennigappa as regards Sy. No. 52/2 will have to be shown for an extent of 2 acres 37 guntas. The mutation in M.R.No.21/55-56 as regards 52/2A must be shown as regards the extent of 26 guntas. Such conclusion arrived at by the Assistant Commissioner and affirmed by the Deputy Commissioner needs to be concurred with and this Court in exercise of writ jurisdiction ought not to interfere with an order regarding which there are no grounds of perversity.

24. Accordingly, the orders of the Assistant Commissioner and the Deputy Commissioner are affirmed. The writ petition is ***dismissed***.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

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