IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 944 OF 2025 (KLR-RES)

BETWEEN:

1. SMT S.B. RAJINI
   W/O. SRI V. SHIVAKUMAR
   SINCE DECEASED, BY HER LR/LEGATEE
   SRI S. TEJUS
   S/O SRI V. SHIVAKUMAR
   AGED ABOUT 44 YEARS
   R/AT NO.15/A, "NANDI SADANA"
   4TH MAIN, 10TH CROSS, 1ST STAGE
   R.K. LAYOUT, PADMANABHANAGAR
   BENGALURU - 560 070.

...APPELLANT

(BY SRI R.B. SADASIVAPPA, ADVOCATE)

Digitally signed by SRIDEVI S
Location: High Court of Karnataka

AND:

1. THE DEPUTY COMMISSIONER
   BENGALURU URBAN DISTRICT
   KEMPEGOWDA ROAD
   BENGALURU - 560 001

2. SRI MAHESH GURUJAPALLI
   S/O SRI G.B.S. CHARY
   AGED ABOUT 54 YEARS
   R/AT NO. 40 AND 41

YASHASHRI KRUPA
6TH CROSS, BHUVANESHWARANAGARA
DASARAHALLI, NH-7
HEBBAL, BENGALURU - 560 024

…RESPONDENTS

(BY SMT. NAMITHA MAHESH B.G., AGA FOR R-1 &
SRI SUSHAIL TIWARI, ADVOCATE FOR
SRI NISHAN G.K., ADVOCATE FOR C/R-2)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 03/04/2025 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE HIGH COURT OF KARNATAKA, BENGALURU IN W.P. NO.13263/2021 (KLR-RES) AND CONSEQUENTLY ALLOW THE APPLICATION FILED BY THE APPELLANT UNDER SECTION 25 OF THE KARNATAKA LAND REVENUE ACT R/W SECTION 151 OF THE CODE OF CIVIL PROCEDURE ON 22/06/2020 IN R.P. NO.277/2010-11 CLUBBED WITH R.P. NO.260/2016-17 AND PENDING ON THE FILE OF THE 1ST RESPONDENT HEREIN VIDE ANNEXURE-B & ETC.

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

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. For the reasons stated in the application - I.A.2/2025, the same is allowed. The delay in filing the appeal is condoned.

2. The appellant has filed the present appeal impugning an order dated 03.04.2025 [**impugned order**] passed by the learned Single Judge of this Court in WP.No.13263/2021 (KLR-RES). The appellant had filed a separate petition impugning an order dated 12.07.2021 passed by respondent No.1 (the Deputy Commissioner, Bengaluru), whereby the appellant's application seeking stay of the proceedings in Revision Petitions – RP.No.277/2010-2011 and RP.No.260/2016-2017 – which were pending before the Deputy Commissioner, was rejected. It is the appellant's case that since there was a suit, being OS.No.1134/2006, which was pending before the Civil Court involving the issue regarding the title of the subject property, the revision petition in question could not be proceeded with.

3. The learned Single Judge found no fault with the decision of the Deputy Commissioner to reject the appellant's application for staying the proceedings and therefore rejected the petition.

4. Before proceeding further, it is relevant to briefly note the context in which the controversy arises. The lands measuring 12 acres and 13 acres falling in Survey Nos. 31 and 32 of Gadenahalli Village, Jala Hobli, Bengaluru North Taluk, respectively [**subject lands**] were purchased by one Smt. S. Nagarathnamma, under a sale deed dated 19.06.1966. She was the mother of the writ petitioner Smt. S.B.Rajini, since deceased. The appellant claims to be the legal heir of Smt. S.B. Rajini.

5. The appellant claims that the purchaser (Smt. S. Nagarathnamma) had executed a will dated 04.08.2007 bequeathing life interest in the subject land to her daughter Smt. S. B. Rajani and thereafter to her grandsons Sri. V. Shivakumar and Sri. Tejus (the appellant) in the present appeal.

6. The appellant claims that since one Sri. Arasegowda and some other persons had attempted to interfere with the Smt. S. Nagarathnamma's lawful and peaceful possession of the subject

land. In view of the above, said Smt. S. Nagarathnamma had filed a civil suit being OS.No.102/2006 before the Civil Judge, Senior Division, Bengaluru Rural District, Bengaluru. The said suit was subsequently renumbered as OS.No.1134/2006. In the said action, Smt. S. Nagarathnamma had sought declaration to the effect that she is absolute owner of the subject land and had not alienated the same to any third person. She claimed that some persons had fabricated sale deeds and sought a declaration that the said sale deeds were not binding.

7. During the pendency of the civil proceeding, Smt. S. Nagarathnamma expired and Smt. S. B. Rajini was brought on record as her legatee. Smt. S. B. Rajini expired on 16.04.2024. Thereafter, appellant was brought on record in the said suit.

8. It is the appellant's case that the mutation of the entries regarding the subject land was not effected and the RTC records did not reflect the name of Smt. S. Nagarathnamma, even though she had purchased the subject lands from Sri. Arasegowda by virtue of the sale deed dated 22.04.1966, which were registered on 22.06.1966.

9. The appellant alleges that the subject land was mutated in the name of other persons on the basis of fabricated documents.

10. Smt. S. Nagarathnamma filed an appeal being RA.No.414/2005 in respect of 12 acres of subject land falling in Survey No.31 and RA.No.415/2005 in respect to 13 acres of land falling in Survey No.32, inter alia, seeking that the mutation entries in the names of the third parties, be set aside.

11. The said appeals (RA.No.414/2005 and RA.No.415/2005) were dismissed by the Assistant Commissioner by an order dated 18.04.2006. The Assistant Commissioner directed that the name of the Government [*Sarkara*] be entered in the Record of Rights with retrospective effect from 16.01.1962.

12. Smt. S. Nagarathnamma has filed a revision petition in RP.No. 116/2006-07.

13. One Sri. Mahesh Gurujapalli, (respondent No.2) also filed revision petition being RP.No.75/2006-07, assailing the said order directing the mutation entries be changed to reflect the name of

Government (Sarkara) in the Record of Rights. Both the revision petitions were clubbed.

14. The Deputy Commissioner disposed of the said revision petitions by an order dated 30.11.2007 and remanded the matter to the Assistant Commissioner for consideration afresh.

15. The Assistant Commissioner passed an order dated 14.05.2010 in RP.No.277/2010-11 confirming the earlier order dated 08.10.2006.

16. Smt. S. B. Rajini, who claims to have inherited the subject lands from her mother, Smt. S. Nagarathnamma, who had since expired, filed a revision petition, being R.P.No.260/2016-17, assailing the order dated 14.05.2010 passed by the Assistant Commissioner. Respondent No.2 had earlier filed a revision petition, being R.P.No.277/2010-11 impugning the said order. Both the revision petitions were clubbed together and are pending consideration before the Deputy Commissioner.

17. Smt. S.B. Rajini filed an application under Section 25 of the Karnataka Land Revenue Act, 1964 [**KLR Act**] seeking stay of the

proceedings pending disposal of the suit bearing OS.No.1134/2006. The Deputy Commissioner rejected the said application by an order dated 12.07.2021.

18. Smt. S.B. Rajini filed a writ petition being WP.No.1882/2019 (first writ petition) impugning the first respondent's order dated 26.06.2018, whereby the application to stay the pending revision petitions was rejected. The said writ petition was allowed by an order dated 29.05.2019 and further proceedings were stayed.

19. Respondent No.2 appealed the said order dated 29.05.2019 allowing the writ petition being WP.No.1882/2019 and staying the revision proceedings, by filing a writ appeal being WA.No.2480/2019 before the Division Bench of this Court.

20. The said writ appeal being WA.No.2480/2019 was allowed. This Court faulted the order passed by the learned Single Judge and held that revision petition arising out of mutation entries could not be stayed only on the ground of pendency of civil suit. We consider it apposite to set out the following extract from the said order.

"12. Section 127 of Chapter XI of the Act of 1964 lays down that the Record of Rights have to be prepared in a prescribed manner. It provides for the particulars which are required to be entered in the Record of Rights, such as, the name of the holders, occupants, owners, mortgagees, landlords or tenants, etc. The Record of Rights once completed in respect of any village, are required to be notified in the Official Gazette. Thereafter, if there is any acquisition of the rights in respect of the property, such acquisition is required to be reported within the time specified from the date of acquisition. Whenever, such acquisition is reported, Section 129 of the Act of 1964 provides that the Prescribed Officer shall enter in the Register of Mutations every report made about the acquisition. Such entries made under sub-Section (1) of Section 129 of the Act of 1964, are required to be published on Chavadi. A written intimation of such entry is required to be given to all persons appearing from Record of Rights or Register of Mutations to be interested in mutation in accordance with sub-Section (2), so that the persons interested could file objections. If anybody files objections, the same are required to be registered in the Register of Disputed Cases and an enquiry has to be made into such objections. The orders passed disposing of the objections, are required to be recorded in the Register of Mutation. Sub-Section (6) of Section 129 of the Act of 1964 provides that entries in the Register of Mutation are required to be tested and if found correct or after corrections, the same are required to be certified by such Officer as may be prescribed. Section 133 of the Act of 1964 creates a presumption regarding the correctness of the entries in the Record of Rights and Register of Mutations until contrary is proved. Section 135 of the Act of 1964,

incorporates a bar of suits against State Government or any Officer in respect of a claim to have an entry made in any record or register. However, proviso to the section makes it clear that if a person is aggrieved by an entry made in the Record of Rights, he could institute a suit against any person denying or interested to deny his title to such right and the entry by which he is aggrieved shall be amended in accordance with the declaration, if any, granted by the Civil Court. Sub-Section (2) of Section 136 of the Act of 1964 provides for an appeal against an order made under sub-Section (4) of Section 129 of disposal of the objections and against an entry certified

under sub-Section (6) of Section 129. Sub-Section (3) of Section 136 of the Act of 1964 confers power on the Deputy Commissioner to entertain the revision petition either on his own motion or on application of a party and call for records made under Section 127 and Section 129.

13. In the present case, the second respondent passed an order directing that the entry of the name of State Government be made in the revenue records prepared under Section 127 of the Act of 1964. Both the appellants and the sixth respondent being aggrieved by the said order, filed independent revision petitions.

14. The law on the aspect of mutation entry made in the revenue records is well settled. The said entries are made for fiscal purposes and the entries made do not decide the issue of title.

15. For example, if a mutation is made on the basis of a sale deed, which is alleged to be fraudulent and forged, an order passed under sub-Section (4) of Section 129 of the Act of 1964, will not conclude the

issue of title. Even if such entry is made, if the Civil Court holds that the sale deed is fraudulent and forged, in view of Section 135 of the Act of 1964, the entry made in the Record of Rights on the basis of the sale deed will have to be corrected in the light of the declaration granted by the Civil Court.

16. If an order is made under sub-Section (4) of Section 129 of the Act of 1964 during the pendency of the Civil suit on title, the jurisdiction of the Appellate Authority or Revisional Authority, as the case may be, is not taken away. The Authorities cannot refuse to exercise appellate or revisional jurisdiction by observing that the order under Sub-Section (4) of Section 129 will be subject to outcome of the suit. In a given case, if an order under sub-section (4) of Section 129 is made without making compliance with sub-Section (2) of Section 129, the same will have to be interfered with. In a given case, when the appellate authority or revisional authority finds that it will be improper to change mutation or entries in the Record of Rights, it may refuse to exercise the power and dismiss the appeal or revision, as the case may be. In this view of the matter, by no stretch of imagination, an appeal or a revision against an order under sub-Section 4 of Section 129 of the Act of 1964 or against an order under sub-Section 6 of Section 129 of the Act of 1964 certifying the mutation entries, could be stayed on the ground that a Civil suit is pending. The learned Single Judge has not only stayed the proceedings of the revision petition, but also directed not to entertain any proceedings with reference to revenue entries till the disposal of the suit. As observed earlier, the entries in Record of Rights are made only for fiscal purposes such as for collection of land revenue, etc. Therefore,

an order of staying revision petition or appeal arising out of mutation entries only on the ground of pendency of the civil suit, cannot be said to be legal.

17. *** *** **** ***

18. *** *** **** ***

19. Therefore, we have no manner of doubt that impugned order will have to be set aside. However, it will be for the Revenue Authorities to take a call whether interference should be made in the impugned order before it, in view of the pendency of the civil suit.

20. Hence, we pass the following order:

(i) Impugned order dated 29th May 2019 is hereby set aside. The Writ Petition No.1881 of 2019 filed by the sixth respondent is dismissed;

(ii) The first respondent shall proceed to decide the pending revision petitions filed by both the appellant and the sixth respondent in accordance with law;

(iii) As observed earlier, it is ultimately for the first respondent to decide whether to make interference with the impugned order on merits or to decline to interfere by observing that the impugned order will be subject to final out- come of the civil suit;

(iv) Appeal is accordingly partly allowed in the above terms. No order as to costs."

21. As is apparent from the above, the decision whether to interfere with the impugned order in the pending revision petitions on merits or to decline the same by observing that the said order would be subject to the final outcome of the civil suit, was left to be decided by the Deputy Commissioner.

22. It is also be relevant to note the case as set up by the second respondent, who has also filed a revision petition being RP.No.277/2010. The second respondent claims that he is the sole and absolute owner of land measuring four (04) acres and two (02) guntas, falling in Survey No.31, which includes three (03) guntas of karab land, he claims that he had purchased the said property from the following persons: i) Sri. Ramaiah @ Ramanna, ii) Sri. Chandrappa, iii) Sri. Anil Kumar, iv) Sri. Sunil Kumar, v) Sri. Rajanna, vi) Smt. Pramila, vii) Sri. Manjunatha, viii) Sri. Lakshmaiah, ix) Sri. G.L. Pramod, x) Sri. G.L. Pavithra, xi) Sri. R. Ashwathappa and xii) Smt. Thayamma @ Munilakshmamma, by virtue of registered sale dated 07.12.2005. He also claims that he has been in peaceful and uninterrupted possession of the said property.

23. According to respondent No.2, the vendors from whom he purchased the said lands, had purchased the same from one Sri. A. S. Ramamurthy, who in turn had purchased the same from one Sri. Arasegowda under a registered sale deed dated 06.11.1959. Thus, respondent No.2 traces his title in respect of the lands measuring 4 acres and 2 guntas falling in Sy no 31, to Sri. Arasegowda.

24. Sri A.S. Ramamurthy had filed a suit against Sri. Arasegowda being original suit bearing No.22/1959 for declaration and injunction. It is stated that Sri. A.S. Ramamurthy had also filed an application under Section 10 of the Karnataka Village (Personal and other Miscellaneous) Abolition Act, 1954 before the Special Deputy Commissioner of the Inams Abolition, to be declared as an occupant in respect of the said lands. However, by an order dated 19.10.1959 passed in case No.32/1959-60, the order to grant the lands has been deferred. The second respondent contends that the said decision to defer the grant, was on the ground that a status quo order was operating in the original suit bearing OS.No.22/1959 filed by Sri. A.S. Ramamurthy against Sri. Arasegowda, whereby he had sought relief of declaration and injunction on the basis of

the sale deed dated 06.11.1959. He states that the said suit was settled and a compromise decree dated 11.01.1960 was passed, whereby the title of Sri. A.S. Ramamurthy to the said lands was confirmed by his vendor by Sri. Arasegowda.

25. As noted above, the appellant traces the title to the subject property through Sri. Arasegowda, as according to the appellant, his grandmother, Smt. S. Nagarathnamma had purchased the subject lands, including land to the extent of 12 acres falling in Survey No. 31 from Sri. Arasegowda under a registered sale deed.

26. It is relevant to note that the Assistant Commissioner had passed the orders dated 18.04.2006 in RA.No.414/2005, which was subsequently confirmed by the order dated 14.05.2010 passed pursuant to the matter being remanded by the Deputy Commissioner. The said order is the subject matter of the revision petitions (RP.No.260/2016-17 and RP.No.277/2010-11) which are pending before the Deputy Commissioner.

27. It is relevant to note that the Assistant Commissioner has held that since there is no order of granting the subject lands and therefore the same continued to vest with the Government. In view

of the above, he has directed the name of Government (Sarkara) be entered in land records.

28. It is apparent from the above that the question pending before the Deputy Commissioner is not confined to whether the entries are required to be made on the basis of the sale deed dated 22.06.1966 executed by Sri. Arasegowda in favour of Smt. S. Nagarathnamma or whether the same are required to be made in favour of respondent No.2 on the basis of the sale deed dated 06.11.1950, which is stated to have been executed by Sri. Arasegowda. The question also arises regarding the source of the original title. The Assistant Commissioner has proceeded on the basis that the subject lands were Inam lands and since there is no order granting the lands, the same vests with the Government (Sarkara).

29. The learned counsel appearing for the appellant earnestly contended that respondent No.1 was bound to stay the revision petition as the dispute regarding the title was pending in a suit being OS.No.1134/2006 before the Civil Court. He referred to the decision in the case of ***Smt. Jayamma and others v. State of***

Karnataka : 2020 (1) Kar.L.R. 213 (FB), as well as the decision of the Supreme Court in ***Bajranga (Dead) by LRs. v. State of Madhya Pradesh and others : AIR 2021 SC 541***. In Jayamma (supra), the Full Bench of this Court had held that the revenue officials (Assistant Commissioner, Appellate Authority and Deputy Commissioner) cannot decide the question of title under provisions of Section 136(2) and (3) of the KLR Act. The decision of the Supreme Court in Bajranga (supra), was rendered in the context of Section 11 of the Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960. The court held that when a draft statement is being prepared and if a suit was pending, the proceedings are required to be stayed. There is no cavil with the proposition that revenue authorities cannot adjudicate the disputed questions of title, which are required to be adjudicated by Civil Courts. However, officers are charged with maintaining integrity of the revenue records. Thus, where records indicate the source of title, the revenue records must reflect the same. Since in the present case the revision petition pending before the Deputy Commissioner relates challenge to an entry made by the Assistant Commissioner, there would be no impediment in examining the said challenge.

30. We may also note that in the earlier round, that is, the proceedings in WA.No.2480/2019 (KLR-RES), this Court had briefly referred to the scheme under which the Record of Rights are to be prepared. It is also well settled that entries in the Record of Rights do not confer title. However, there is a presumption that the entries in the Record of Rights are correct.

31. In view of the above, we find no infirmity with the decision of the learned Single Judge to reject the appellant's challenge to the respondent No.1's order declining to stay the pending revision petitions.

32. The present appeal is un-merited and accordingly dismissed.

33. Pending application stands disposed of.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(C.M. POONACHA)
JUDGE

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