HC-KAR
CNR: KAHC010033122023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 1392 OF 2023 (LB-BMP)

BETWEEN:

SRI P HANUMANTHAPPA
S/O LATE POOJAPPA
AGED ABOUT 69 YEARS,
R/AT NO.10,
UTTARAHALLI MAIN ROAD,
CHANNASANDRA VILLAGE,
BANGALORE SOUTH TALUK
BANGALORE-560098.

...PETITIONER

(BY SRI. CHOKKAREDDY., ADVOCATE)

Digitally signed by VANAMALA N
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA
REPTS BY PRINCIPAL SECRETARY,
URBAN DEPARTMENT,
M S BUILDING
AMBEDKAR VEEDHI
BANGALORE-560001.

2. JOINT COMMISSIONER
WARD NO.160, BBMP
RAJARAJESHWARI NAGAR ZONE
BANGALORE-560098.

3. ASSISTANT REVENUE OFFICER
WARD NO.160, BBMP
RAJARAJESHWARI NAGAR ZONE
BANGALORE-560098.

4. REVENUE INSPECTOR
WARD NO.160, BBMP
RAJARAJESHWARI NAGAR
CHANNASANDRA VILLAGE ZONE
BANGALORE-560098.

5. SMT. CHANDRAKALA M.
AGED 45 YEARS,
NO. 11 CHANNASANDRA VILLAGE,
RAJARAJESHWARINAGARA,
BBMP, BANGALORE 560098.

...RESPONDENTS

(BY SRI.RAJAYOGA K., HCGP FOR R1;
SRI. B.S. KARTHIKEYAN., ADVOCATE FOR R2 TO R4;
SRI. NAGARAJA KUMBLE., ADVOCATE FOR R5)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING ANNEXURE-A DATED 05/02/2022 PASSED BY RESPONDENT NO.3 IN DA/W160/KTR/1222/2021-22 IN FAVOUR OF 5TH RESPONDENT AND ISSUED UTHARA PATHRA DATED 07/02/2022 - ANNEXURE - B IN RESPECT OF SITE NO.360/1, SITE NO. 11, SITE NO. 25/354, SITUATED CHANNASANDA VILLAGE, WARD NO.160, RAJARAJESHWARI NAGAR, MEASURING 360 X

68, 27 X 35 AND 30 X 30 FEET, TRANSFERRED IN FAVOUR OF 5TH RESPONDENT.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

The petitioner and Sri. Puttaiah are parties to the original suit in O.S. No.3535/2013 which is pending on the file of a civil Court in Bengaluru. Sri. Puttaiah had the benefit of revenue entries for three sites bearing Nos. 360/1, 11, 25/354 of Channasandra Village, Rajarajeshwari Nagar, BBMP Ward No.160, Bengaluru *[the subject sites]*. Sri. Puttaiah died on 30.07.2018 and the revenue entries for these sites now stand mutated in favour of the fifth respondent.

2. The petitioner's grievance is with the decision to mutate the revenue entries for the subject sites in favour of the fifth respondent. The petitioner

asserts that the third and fourth respondents rejected the fifth respondent's application for mutation of revenue entries for the subject sites issuing Endorsement dated 25.10.2021 and notwithstanding this Endorsement, another decision is taken on 07.02.2022 *[Annexure-B]* to mutate the revenue entries in favour of the fifth respondent.

3. This Court, on 30.03.2023, has stayed the operation of the decision to mutate the revenue entries in favour of the fifth respondent calling upon the respondent-Greater Bengaluru Authority [GBA] to place on record if there is any system in place which locks the decision taken on an application. Sri. B.S. Karthikeyan, the learned standing counsel for the second to fourth respondents, submits that there is no digital system in place to monitor the decision but in the present case the third respondent has decided because the legal representatives of Sri. Puttaiah have placed on record his death certificate, a

genealogical tree and an affidavit stating that the revenue entries could be mutated in favour of the fifth respondent who is one of his daughters.

4. Sri. B.S. Karthikeyan submits that these documents, more specifically, the affidavit by the other legal representatives, was not part of the record. Responding to these assertions, Sri. Chokkareddy, the learned counsel for the petitioner, submits that the circumstances now placed on record do not undermine the petitioner's case that the third respondent, after having taken a decision to reject the *Katha*, could not have taken another decision to issue *Katha* and that this later decision amounts to a review, a power that is not conferred under the statute in the third respondent. Sri Rajayoga K., a learned High Court Government Pleader, who appears for the first respondent, is heard in the light of these submissions.

5. This Court could indeed take exception with the third respondent revisiting the decision to refuse *Katha* based on certain additional documents, examining whether this revisit amounts to a review and whether such power would be available if it is not expressly conferred under the Statute, but this Court must consider whether the petitioner can assert a right that is infringed with the mutation of revenue entries in favour of the fifth respondent when the suit is pending.

6. At this stage, the petitioner cannot assert an interest in the subject sites because whether the petitioner can assert an interest in the subject sites must be decided in the pending suit in O.S. No.3535/2013. If there is an adjudication declaring any interest in the subject sites in favour of the petitioner undoubtedly, the consequences must follow. These circumstances and the fact that Sri. Puttaiah is the undisputed *Kathedar* of the subject

sites as of the date of his demise persuades this Court to opine that no interference is called for in this petition except to observe that the fifth respondent's right in the subject sites and the right to the revenue entries for the subject sites shall be subject to any orders that could be in his favour in the suit in O.S. No.3535/2013.

The petition stands disposed of accordingly.

Sd/-
(B M SHYAM PRASAD)
JUDGE

AN/-