HC-KAR

NC: 2026:KHC:61868
WP No. 4407 of 2023

CNR: KAHC010099632023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO. 4407 OF 2023 (KLR-RES)

BETWEEN:

1. SRI. MALLAPPA B.M.,
   S/O LATE MALLAPPA @ MALUGANNAA,
   AGED ABOUT 62 YEARS,

2. SMT. PUTTA MALLAMMA,
   D/O LATE MALLAPPA @ MALUGANNA,
   AGED ABOUT 65 YEARS,

3. SMT. MADAMMA,
   D/O LATE MALLAPPA @ MALUGANNA,
   AGED ABOUT 60 YEARS,

   ALL ARE R/AT BETTADASATHENAHALLI VILLAGE,
   BAAGIVALU POST,
   HALEKOTE HOBLI,
   HOLENARASIPURA TALUK,
   HASSAN DISTRICT - 573 211.

...PETITIONERS

(BY SRI. K.N.NITESH, ADVOCATE FOR
SRI.K.V.NARASIMHAN., ADVOCATE)

Digitally signed by
CHAYA S A
Location: HIGH
COURT OF
KARNATAKA

AND:

1. STATE OF KARNATAKA,
   REPRESENTED BY
   DEPARTMENT OF REVENUE,

M.S.BUILDING,
BENGALURU - 560 001.

2. THE DISTRICT COMMISSIONER,
HASSAN DISTRICT,
HASSAN - 573 201.

3. THE TAHSILDAR,
HOLENARASIPURA TALUK,
HASSAN - 573 211.

4. SRI. GIRIMALLESHA,
S/O LATE NINGAPPA,
AGED ABOUT 57 YEARS,
R/A BETTADASATHENAHALLI VILLAGE,
BAAGIVALU POST,
HALEKOTE HOBLI,
HOLENARASIPURA TALUK,
HASSAN DISTRICT - 573 211.

…RESPONDENTS

(BY SRI.ADITYA DIWAKARA, AGA FOR R1 TO R3;
SRI.S.RAJASHEKAR, ADVOCATE FOR R4)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ENDORSEMENT AT ANNEXURE - K DATED 2/2/2023 ISSUED BY THE R-3 BEARING NO. /22-23; GRANT AN INTERIM ORDER TO STAY THE OPERATION AND EXECUTION OF THE IMPUGNED ENDORSEMENT AT ANNEXURE-K DATED 2/2/2023 ISSUED BY THE R-3 BEARING NO. /22-23.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

Heard the learned counsel appearing for the parties.

2. In this writ petition, petitioners are assailing the endorsement dated 02.02.2023 issued by respondent No.3 (Annexure-K).

3. Sri K.V.Nithish, learned counsel on behalf of Sri K.V.Narasimhan, learned counsel appearing for the petitioners while referring to the contents in the impugned declaration made by respondent No.3 at Annexure-K submitted that in view of the pendency of the suit filed by respondent No.4 in O.S.No.36/2022. In order to facilitate the plaintiffs in the aforementioned suit, respondent No.3 has issued impugned endorsement that the plaintiffs are in possession of the land in question and therefore,

submitted that the impugned endorsement at Annexure-K requires to be set aside.

4. Per contra, Sri S.Rajashekar, learned counsel appearing for the respondent No.4 sought to justify the impugned endorsement issued by the respondent No.3 and refers to the survey sketch produced at Annexure-R2, R3 and R4 and submitted that based on the aforementioned sketch prepared by the Taluk Surveyor, the declaration at Annexure-K has been issued by respondent No.3 and accordingly, sought to justify the impugned endorsement.

5. Learned Additional Government Advocate Sri Aditya Diwakara for respondent Nos.1 to 3 sought to justify the impugned endorsement.

6. In the light of the submissions made by the learned counsel appearing for the parties, it is not in dispute that respondent No.4 herein has filed suit in O.S.

No.36/2022 seeking relief of partition and separate possession in respect of the subject land. Perusal of the order dated 01.12.2022 in O.S.No.36/2022 (Annexure-M) passed by the Trial Court, wherein the Trial Court declined to grant an interim order in favour of the plaintiffs therein, by rejecting the I.A.No.1 filed by the plaintiffs therein under Order XXXIX Rule 1 and 2 of CPC. In that view of the matter, what was refused by the Trial Court on I.A.No.1 therein has been granted by respondent No.3 by issuing impugned endorsement at Annexure-K to the writ petition. It is a well settled principle in law that the Revenue Authorities have no authority under the provisions of the Karnataka Land Revenue Act, 1964 to decide the civil rights of the parties. Therefore, I find force in the submission made by the learned counsel appearing for the petitioners.

7. Accordingly, I pass the following:

ORDER

(i) Writ petition is allowed.

(ii) Impugned endorsement dated 02.02.2023 issued by respondent No.3 at Annexure-K is accordingly set aside. However, the observation made by this Court shall not come in the way for the parties with regard to agitate their contentions in the pending suit in O.S.No.36/2022.

Sd/-
(E.S.INDIRESH)
JUDGE

PSJ
List No.: 1 Sl No.: 9