HC-KAR

NC: 2026:KHC:59813-DB
WA No. 738 of 2026

CNR: KAHC010156952026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 738 OF 2026 (LB-RES)

BETWEEN:

1. SRI CHIKKA THAMMAIAH
   S/O LATE CHENNEGOWDA
   AGED 62 YEARS
   R/AT HALAGUR VILLAGE,
   MALAVALLI TALUK
   MANDYA DISTRICT-571430

2. SMT SUSHEELAMMA
   W/O CHIKKA THAMMAIAH
   AGED ABOUT 50 YEARS
   R/AT HALAGUR VILLAGE,
   MALAVALLI TALUK
   MANDYA DISTRICT-571430

...APPELLANTS

(BY SRI. V RAVI PRAKASH., ADVOCATE)

Digitally signed by VASANTHA KUMARY B K
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA
   REP. BY THE PRINCIPAL SECRETARY
   TO THE DEPARTMENT OF
   PANCHAYATH AND RURAL DEVELOPMENT,
   VIDHANASOUDHA,
   BANGALORE-560 001.

2. THE EXECUTIVE OFFICER
   TALUK PANCHAYATH

MALAVALLI TALUK,
MANDYA DISTRICT-571430

3. THE PANCHAYATH DEVELOPMENT OFFICER
HALAGURU GRAMA PANCHAYATH
MALAVALLI TALUK,
MANDYA DISTRICT-571430.

4. SRL. H. C. NAGARAJU
S/O. LATE CHENNEGOWDA
AGED ABOUT 58 YEARS
R/AT HALAGUR VILLAGE.
MALAVALLI TALUK.
MANDYA DISTRICT
PRESENTLY R/AT 263,
6TH CROSS NEW KAVIKA LAYOUT,
BAPUJI NAGAR,
MYSORE ROAD
BENGALURU-560 026

…RESPONDENTS

(BY SRI. S.H.RAGHAVENDRA, AGA FOR R1;
SRI. M.S.DEVARAJU, ADVOCATE FOR R2 & R3;
SRI. PRAKASH M.H., ADVOCATE FOR R4)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER OF THE LEARNED SINGLE JUDGE IN WP No. 25753/2022 (LB-RES) DATED 14.07.2025 BY ALLOWING THIS APPEAL AND CONSEQUENTLY DISMISS THE WRIT PETITION FILED BY THE PETITIONER/2ND RESPONDENT IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present intra Court has been filed impugning the judgment and order dated 14.07.2025 passed by the writ Court in W.P.No.25753/2022 (LB-RES) filed by the respondent No.4 herein, who happens to be the brother of the appellant.

2. The dispute is in respect of the residential property measuring 12.5 yards x 45 yards in Khata No.201 situated at Halaguru Village, Malavalli Taluk, Mandya District. This property was jointly purchased under the registered sale deed dated 21.06.1988 by the appellant and his brother/respondent No.4. In the year 1999, partition was effected in respect of the said property with the consent of other siblings and half portion of the said property was allotted to the appellant's share and half to respondent No.4. The consent affidavits were executed by other siblings and on the basis of the said partition and consent affidavits of the other siblings, the names of parties

stood in the katha in respect of the property in question to the extent of half share to each the appellant and respondent No.4, till 2018.

3. The appellant on the basis of the alleged consent letter written on Rs.100/- non judicial stamp paper asserted that the schedule property was conveyed to him by respondent No.4 and relying on this unregistered document, the Panchayath Development Officer, Halaguru Grama Panchayath passed a resolution and ordered the change of katha of the respondent No.4 to the name of the appellant. The said resolution came to be challenged by the respondent No.4 before the Executive Officer, Taluk Panchayath.

4. However, the Executive Officer dismissed the appeal and relegated the parties to the Civil Court. The said order passed by the Executive Officer came to be challenged by the petitioner/Respondent No.4 in W.P.No.25753/2022 (LB-RES). The writ Court allowed the writ petition and set aside the order dated 30.11.2022 passed by the Executive Officer in Appeal No.5/2021-22 and directed the Grama Panchayath to restore

the name of the petitioner/respondent No.4 in the scheduled property to the extent of his share, forthwith.

5. We do not find any ground to interfere with the well reasoned impugned order dated 14.07.2025 passed by the writ Court in W.P.No.25753/2022 (LB-RES). However, if the appellant has any other remedy to assert his right, he may take recourse to such legal remedy as may be available to him in law. Accordingly, the appeal stands ***disposed*** of.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

NG
CT:SN
List No.: 1 Sl No.: 10