HC-KAR

NC: 2026:KHC:59755
WP NO.24981 OF 2019

CNR: KAHC010162212019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO.24981 OF 2019 (KLR-RES)

BETWEEN:

MALLIKARJUNA SWAMY @ ANJINAPPA
SINCE DEAD BY HIS LR.

SRI. JAYAMALLAIAH
S/O LATE CHANNAMALLAIAH,
AGED ABOUT 69 YEARS,
R/AT NO.26, BRAMARAMBA NILAYA,
2ND MAIN, 4TH CROSS,
OLD BINNY MILL ROAD,
GANGENAHALLI,
BENGALURU – 560 032.

…PETITIONER

(BY SRI. NARAYANA SWAMY P.M., ADVOCATE)

AND:

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

1. THE DEPUTY COMMISSIONER
   BENGALURU URBAN DISTRICT,
   BENGALURU – 530 068.

2. THE ASSISTANT COMMISSIONER
   BENGALURU SOUTH SUB-DIVISION,
   BENGALURU – 560 002.

3. THE SPECIAL TAHSILDAR
   BENGALURU SOUTH TALUK,
   BENGALURU – 560 001.

4. SRI. C.K. KRISHNAPPA
   S/O KALAPPA,

AGED ABOUT 69 YEARS,
R/AT KURUBARAHALLI VILLAGE,
TAVAREKERE HOBLI,
BENGALURU SOUTH TALUK – 586 123.

5. SRI. T.R. BENGALURAIAH
S/O LATE REVANNA
AGED ABOUT 56 YEARS
R/AT KALAPPASWAMY MATADA ROAD
TAVAREKERE VILLAGE
TAVAREKERE HOBLI
BENGALURU SOUTH TALUK-586123.

6. SRI. MALLAIAH
S/O REVANNA SIDDAPPA,
AGED ABOUT 49 YEARS,
R/AT HALUBHAVIPALYA,
TAVAREKERE HOBLI , RAMOHALLI POST,
BENGALURU SOUTH TALUK – 586 123.

…RESPONDENTS

(BY SRI. ADITYA DIWAKARA, AGA FOR R1 TO R3;
SRI. C.T. PARAMESHWARAPPA, ADVOCATE FOR R4 TO R6)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 14TH DECEMBER, 2018 PASSED BY THE RESPONDENT NO.1 IN REVISION PETITION NO.374/2015-16 VIDE ANNEXURE-A; AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

In this petition, the petitioner is challenging the order dated 14th December, 2018 (Annexure-A) passed by the

respondent No.1-Deputy Commissioner in Revision Petition No.374/2015-16 and order dated 05th August, 2015 (Annexure-J) passed by the respondent No.2-Assistant Commissioner in Case No.RA(S)530/2014-15; *inter alia* sought for a direction to the respondent No.3-Tahsildar to effect revenue entries in favour of the petitioner in respect of the land bearing Survey No.80/4 measuring 5 guntas, Survey No.85/2 measuring 2 acre 26 guntas, Survey No.85/4 measuring 2 acre 6 guntas and Survey No.114/2 measuring 2 acre 16 guntas, all situate at Tavarekere Village, Tavarekere Hobli, Benglauru South Taluk.

2. Heard Sri. Narayana Swamy P.M., learned counsel appearing for the petitioner; Sri. Aditya Diwakara, learned Additional Government Advocate appearing for respondents 1 to 3; and Sri. C.T. Parameshwarappa, learned counsel appearing for respondents 4 to 6.

3. Having heard the learned counsel appearing for the parties, on careful perusal of the impugned order dated 05th August, 2015 (Annexure-J) passed by the respondent No.2-Assistant Commissioner in Case No.RA(S)530/2014-15, it is forthcoming that the respondents 4 to 6 herein have challenged

the mutation in IHC No.6/1983-84 dated 25th October, 1983 made in favour of the petitioner herein in respect of the subject land, after a lapse of thirty two years. In that view of the matter, I am of the view that the respondents 1 and 2 ought not to have interfered with the mutation made in favour of the petitioner in IHC No.6/1983-84, after an inordinate delay of more than three decades.

4. On perusal of the impugned order dated 05th August, 2015 (Annexure-J) passed by the respondent No.2-Assistant Commissioner in Case No.RA(S)530/2014-15, the same would indicate that the respondent No.2 has not provided a fair opportunity to the petitioner herein. Therefore, following the law declared by this Court in the case of ***SMT. SUNDRABAI AND OTHERS vs. DEPUTY COMMISSIONER AND OTHERS*** reported in *ILR 2012 KAR 2358,* I am of the view that the mutation entries cannot be challenged after an inordinate delay. In that view of the matter, I am of the considered opinion that the impugned orders passed by the respondents 1 and 2 are contrary to law declared by this Court

in the case of ***SMT. SUNDRABAI*** (supra). Therefore, I pass the following:

O R D E R

(i) Writ Petition ***allowed;***

(ii) Order dated order dated 14th December, 2018 (Annexure-A) passed by the respondent No.1-Deputy Commissioner in Revision Petition No.374/2015-16 and order dated 05th August, 2015 (Annexure-J) passed by the respondent No.2-Assistant Commissioner in Case No.RA(S)530/2014-15 are hereby set-aside;

(iii) The respondent No.3 is directed to mutate the name of the petitioner in the revenue records in respect of the subject land as per IHC No.6/1983-84 forthwith;

(iv) It is made clear that, the respondents 4 to 6 herein have to establish their right over the subject land before the competent Civil Court and thereafter, to approach the revenue authorities in accordance with law.

SD/-
(E.S.INDIRESH)
JUDGE

ARK
List No.: 1 Sl No.: 36