IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF APRIL, 2026

PRESENT

HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT APPEAL NO.1152 OF 2022 (KLR-RR/SUR)

C/W

WRIT APPEAL NO.1109 OF 2022 (KLR-RR/SUR)

IN WA No.1152/2022

BETWEEN:

SRI. N CHANDRA
AGED ABOUT 44 YEARS,
S/O LATE SRI. NARAYANAPPA
R/AT DANDIGANAHALLI VILLAGE & POST
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT – 573 225

...APPELLANT

(BY SRI. NISHANTH A V., ADVOCATE)

Digitally signed by SUMATHY KANNAN
Location: HIGH COURT OF KARNTAKA

AND:

1. THE SPECIAL DEPUTY COMMISSIONER
   BANGALORE DISTRICT

2. THE ASSISTANT COMMISSIONER
   BANGALORE NORTH SUB-DIVISION
   BANGALORE

3. THE TAHASILDAR
   BANGALORE NORTH (ADDL) TALUK
   BANGALORE

4. MR. B S ANJINAPPA

S/O SUBBAIAH
BAGALUR VILLAGE, JALA HOBLI
BANGALORE NORTH (ADDL) TALUK

5. MR K.N. HARIKUMAR
S/O K A NETTAKALLAPPA
AGED ABOUT 69 YEARS
R/O NO.405-406, BRIGADE TOWERS
NO.135, BRIGADE ROAD
BANGALORE – 560 025

…RESPONDENTS

(BY SMT. SAVITHRAMMA., AGA FOR R1 TO R3;
SRI. SUNIL S RAO, ADVOCATE FOR
SRI. T. SESHAGIRI RAO, ADVOCATE FOR R4;
SRI. SANTHKUMAR SHETTY, ADVOCATE FOR
SRI. K.K.VASANTH, ADVOCATE FOR R5)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 21/09/2022 PASSED IN W.P.NO.27602/2011 (KLR-RR-SUR) BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT AND DISMISS THE WRIT PETITION BEARING W.P.NO.27602/2011 (KLR-RR-SUR) FILED BY THE RESPONDENT NO.5 HEREIN AND ETC

IN WA NO.1109/2022

BETWEEN:

SRI. B S ANJINAPPA
S/O SUBBAIAH
AGED ABOUT 78 YEARS
RESIDENT OF BAGALUR VILLAGE
JALA HOBLI, BANGALORE NORTH
(ADDL) TALUK

REPRESENTED BY HIS SPA HOLDER

SRI. VINAY KUMAR R
S/O N R RANGASWAMY
AGED ABOUT 38 YEARS
RESIDING AT NO.39
3RD CROSS, WIDIA LAYOUT

CHANDRA LAYOUT MAIN ROAD
VIAJAYANAGAR
BENGALURU - 560 040

...APPELLANT

(BY SRI. SUNIL S RAO, ADVOCATE FOR
SRI. T SESHAGIRI RAO., ADVOCATE)

AND:

1. THE SPECIAL DEPUTY COMMISSIONER
BANGALORE DISTRICT
BANGALORE – 560 009

2. THE ASSISTANT COMMISSIONER
BANGALORE NORTH SUB DIVISION
BANGALORE – 560 009

3. THE TAHSILDAR
BANGALORE NORTH (ADDL) TALUK
BANGALORE – 560 064

4. SRI. K N HARIKUMAR
S/O K A NETTAKALLAPPA
AGED ABOUT 58 YEARS
RESIDING AT NO.405-406
BRIGADE TOWERS
NO.135, BRIGADE ROAD
BENGALURU - 560 025

5. SRI. N CHANDRA
AGED ABOUT 44 YEARS
S/O LATE NARAYANAPPA
RESIDENT OF DANDIGANAHALLI
VILLAGE AND TALUK
DEVANAHALLI TALUK,
BANGALORE RURAL DISTRICT – 562 110

...RESPONDENTS

(BY SMT. SAVITHRAMMA., AGA FOR R1 TO R3;
SRI. SANTHKUMAR SHETTY, ADVOCATE FOR
SRI. K.K.VASANTH, ADVOCATE FOR C/R4;
SRI. NISHANTH A V, ADVOCATE FOR R5)

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING SET ASIDE THE ORDER DATED 21/09/2022 PASSED IN W.P.NO.27602/2011 (KLR-RR-SUR) FILED BY THE RESPONDENT NO.4 HEREIN AND ETC

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

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

(PER: HON'BLE MS. JUSTICE TARA VITASTA GANJU)

1. The challenge in these appeals is of an order dated 21.09.2022 passed by a learned Single Judge of this Court in W.P.No.27602/2011 (KLR-RR/SUR).

2. This Court had, after hearing the parties, on 18.03.2026 directed as follows:

> *"The learned Additional Government Advocate submits on instructions that* ***though a thorough search has been made pursuant to the order dated 20.02.2026, the records of Case No.100/65-66, as well as Case No.31/59-60 with regard to Sy.No.99 of*** *Jodi Huvinayakanahalli Village, Jala Hobli, Devanahalli Taluk* ***are not available, either in the office of the Tahsildar nor in the offices of the Assistant Commissioner or the Deputy Commissioner.*** *His submission is placed on record…."*
>
> [Emphasis Supplied]

3. The learned Government Advocate has on 23.04.2026 placed on record an affidavit which now states that they have located the records in INA 31/1959-60. It is apposite to extract paragraphs 2, 3, 4 of this affidavit below:

> *"2. I state that pursuant to order dated: 16/06/2022 and 23/06/2022 passed in W.P.No.27602/2011(KLR), the then* ***Tahsildar Sri. K. Narasimhamurthy had filed an affidavit stating that he was unable to find the records.*** *In para 2 of the said affidavit, he had referred to case no. HOA/100-65-66 dated: 29/11/1965.* ***However, the records relating to case No HOA/100/65-66 is not related to the present case. On the other hand, the Writ Petition relates to Case No. INA 31/1959-60.***
>
> *3. I state that this Hon'ble Court vide dated: 20/02/2026 has directed the Respondent No.1 to place the original records pertaining to Case No. 100/65-66 in respect of Sy.No.99 of Jodi Huvinayakanahalli Village, Jala hobli, Devanahalli Taluk and also original records pertaining to Case No. 31/59-60 concerning the same survey Number.* ***The original file pertaining to Case No. 100/65-66 is not available and the original file pertaining to Case No. INA 31/1959-60 is available.***
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> ***4. I state that filing of the affidavit dated: 17/07/2022 by Sri K. Narasimhamurthy in relation to Case No. HOA/100/65-6 appears to be a bonafide error."***
>
> [Emphasis Supplied]

4. Learned counsel for the parties submit given this new information, the premise on which the order of the learned Single Judge was based, has now been reversed.

5. In this view of the matter, this Court deems it apposite to remand these appeals to the learned Single Judge to an examination afresh in terms of the affidavit that has now been placed on record by the learned Government Advocate.

6. These Appeals are accordingly ***disposed off.*** It is clarified that this order has been passed without prejudice to the rights and contentions of the parties, which shall be left open.

7. Pending applications, if any stand closed.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(TARA VITASTA GANJU)
JUDGE

KS, List No.: 1 Sl No.: 6