HC-KAR

NC: 2026:KHC:59366
WP No. 32119 of 2024

CNR: KAHC010620922024

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 27TH DAY OF OCTOBER, 2026**

**BEFORE**

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

**WRIT PETITION NO. 32119 OF 2024 (KLR-RES)**

**BETWEEN:**

1. SRI KRISHNAPPA
   S/O BASAPPA
   AGED ABOUT 62 YEARS.

2. SRI NARAYANASWAMY
   S/O BASAPPA
   AGED ABOUT 58 YEARS.

   BOTH ARE RESIDING AT
   POLANAHALLI VILLAGE,
   CHANNARAYAPATNA HOBLI,
   DEVANAHALLI TALUK
   BENGALURU RURAL DISTRICT-562110.

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

...PETITIONERS

(BY SRI. BOPAIAH A G, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA
   DEPARTMENT OF REVENUE
   REP BY ITS SECRETARY,
   VIDHANA SOUDHA
   BENGALURU-560001.

2. DEPUTY COMMISSIONER
   DISTRICT ADMINISTRATIVE BHAVAN

1ST FLOOR, BEERASANDRA VILLAGE
KUNDANA HOBLI,
DODDABALALPURA TALUK
BANGALORE RURAL DISTRICT-561203.

3. THE ASST COMMISSIONER
DODDABALALPURA SUB DIVISION
DODDABALALPURA TALUK
DODDABALALPURA
BANGALORE RURAL DISTRICT
DODDABALALPURA-561203.

4. THE TAHSILDAR
DEVANAHALLI TALUK
DEVANAHALLI
BANGALORE RURAL DISTRICT-562114.

5. SRI CHIKKAREDDAPPA
S/O LATE MUNIVENKATAPPA
MAJOR IN AGE
SULIBELE HOBLI,
HOSKOTE TALUK
BANGALORE RURAL DISTRICT-562114.

6. SRI MANJUANTHA
S/O KRISHNAPPA
AGED ABOUT 35 YEARS
RESIDENT OF POLANAHALLI VILLAGE
CHANNARAYAPATNA HOBLI
DEVANAHALLI TALUK
BANGALORE RURAL DISTRICT-562114.

…RESPONDENTS

(BY SRI ADITYA DIWAKARA, AGA, FOR R1 TO R4
SRI G M SRINIVAS REDDY, ADVOCATE FOR R5,
R6 - SD. BUT UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL

FOR THE RECORDS IN RA NO. (D) 605/2022 ON THE FILE OF R3 AND ALSO CALL FOR RECORDS IN REVISION PETITION NO. 97/2023 ON THE FILE OF THE R2 AND DIRECTION OF SIMILAR NATURE DISMISSING THE APPEAL IN RA NO. (D) 605/2022 FILED BY THE R5 ON THE FILE OF R3, VIDE ANN-Q, DTD. 16/06/2023 TO THE WP AND TO SET ASIDE THE ORDER OF THE R2 DTD. 01/10/2024 PASSED IN RP NO. 97/2023 PASSED BY THE R2 VIDE ANN-A TO THE WP.

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

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

**ORAL ORDER**

In this writ petition, petitioners are assailing the order dated 16.06.2023 (Annexure - Q) passed by the respondent No.3 and the order dated 01.10.2024 (Annexure - A) passed by the respondent No.2.

2. Heard Sri A G Bopaiah, learned counsel for the petitioners, Sri G M Srinivas Reddy, learned counsel appearing for respondent No.5 and Sri Aditya Diwakara, learned Additional Government Advocate appearing for respondent Nos.1 to 4.

3. Sri A. G. Bopaiah, learned counsel appearing for the petitioners contended that, the respondent No.5 is

claiming right over the land based on the registered sale deed dated 13.09.1946 said to have been made in favour of the grand-father of respondent No.5, and therefore, learned counsel contended that, as the private respondents herein are claiming right over the land after lapse of more than five decades, both the respondent - authorities have committed an error in interfering with the mutation made in favour of the petitioners herein, and accordingly, sought for interference of this Court. In this regard learned counsel appearing for the petitioners has referred to the judgment of this Court in the case of **Smt.Sundrabai and others vs Deputy Commissioner and others** reported in **ILR 2012 KAR. 2358**, and the order passed by the Division Bench of this Court in the case of **The Bangalore Development Authority, Rep. by its Commissioner vs Smt.Sumitradevi** reported in **ILR 2004 Kar 1386** and contended that, as the private respondents herein are claiming right over the land based on registered sale deed, which was executed on

13.09.1946, and therefore, the respondent - Authorities ought not to have interfered with the mutation entry made in favour of the petitioners herein. Accordingly, sought for interference of this Court.

4. *Per contra*, Sri G M Srinivas Reddy, learned counsel appearing for the respondent No.5, sought to defend the impugned order passed by the respondent - Authorities and submitted that, the grandfather of respondent No.5 had purchased the land in question as per the registered sale deed 13.09.1946, and therefore, in terms of Section 128 of the Karnataka Land Revenue Act, 1964, the respondent - Authorities have rightly made the entry in favour of the respondent No.5. In this regard, learned counsel appearing for respondent No.5 places reliance on the judgment of this Court in WP No.2913/2025 disposed of on 28.02.2025, and therefore contended that, the inordinate delay in initiating mutation proceedings should not be treated as an absolute bar

insofar as the ownership is concerned. Therefore, sought for dismissal of the writ petition.

5. Sri Aditya Diwakara, learned Additional Government Advocate appearing for respondent - State sought to justify the impugned orders.

6. In the light of the submissions made by the learned counsel appearing for the parties, and on careful consideration of the impugned orders would indicate that the respondent No.5 is claiming right over the land based on the registered sale deed 13.09.1946. It is required to be considered that, after the execution of the aforementioned registered sale deed, mutation entry has not been changed in respect of the land in question. On the contrary, the respondent - Authorities have erroneously interfered with the existing mutation entry based, on the registered sale deed dated 13.09.1946, which has been made after lapse of six decades.

7. In that view of the matter, though the learned counsel appearing for the respondent No.5 contended that, the respondent No.5 is claiming right over the property based on the registered sale deed said to have been registered on 13.09.1946 wherein the grandfather of the respondent No.5 has purchased the schedule land, however, taking into consideration the inordinate delay in changing the mutation entry made in favour of respondent No.5, I am of the view that, both the respondent - Authorities have committed an error in changing the mutation in favour of the respondent No.5.

8. In this regard, this Court in the case of **Smt.Sundrabai and others vs Deputy Commissioner and others** reported in **ILR 2012 KAR. 2358** held that, it is the duty of the Authorities to consider the documents placed by the respective parties while changing the mutation register. If there is any inordinate delay of more than three to four decades, it is the duty of the respondent

- Authorities to relegate the parties to approach the Civil Court to establish the right over the land in question.

9. In that view of the matter, following the declaration of law made by this Court in the aforementioned judgment, I am of the view that, the respondent - Authorities have committed an error in changing the mutation in favour of the private respondents herein.

In that view of the matter, I pass the following:

**ORDER**

i) The writ petition is allowed.

ii) The order dated 16.06.2023 (Annexure-Q) passed by the respondent No.3 and the order dated 01.10.2024 (Annexure-A) passed by the respondent No.2 is accordingly set aside.

iii) The respondent No.4 is directed to restore the mutation in favour of the petitioners forthwith, if any change has been effected.

However, it is open for respondent No.5 to establish the right over the land in question before the competent civil court and thereafter approach the revenue authorities for change of mutation, if need arises.

**SD/-**
**(E.S.INDIRESH)**
**JUDGE**

BKM
List No.: 1 Sl No.: 12