IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 1678 OF 2025 (KLR-RES)

BETWEEN:

1. THE GOVERNMENT OF KARNATAKA
DEPARTMENT OF REVENUE
M.S. BUILDING
K.R. CRICLE
VIDHANA VEEDHI
BANGALORE-560 001
REP. BY ITS PRINCIPAL SECRETARY

2. THE JOINT DIRECTOR OF LAND RECORDS
SOUTH ZONE
SURVEY OFFICE BUILDINGS
K.R. CIRCLE
BANGALORE-560 001

3. THE ENQUIRY OFFICER-1
CITY SURVEY OFFICE
K.R. CIRCLE
VIDHANA VEEDHI
BANGALORE-560 001

...APPELLANTS

(BY SRI KIRAN V. RON, AAG ALONG WITH
SMT. ANITHA N, AGA)

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

AND:

1. SRI M.C. SUNDARAMURTHY
SINCE DECEASED BY LRS

1(a) SMT. NALINI SUNDAR
AGED ABOUT 70 YEARS
W/O LATE M.C. SUNDARMURTHY
R/AT NO.85B
SOBHA EMERALD
PHASE-II, JAKKUR
BANGALORE-560 064

1(b) SRI SANJAY KUMAR
AGED ABOUT 49 YEARS
S/O LATE M.C. SUNDARMURTHY
R/AT NO.85B
SOBHA EMERALD
PHASE-II, JAKKUR
BANGALORE-560 064

1(c) SRI S. VIJAYKUMAR
AGED ABOUT 47 YEARS
S/O LATE M.C. SUNDARMURTHY
R/AT NO.176047
72, AVENUE NORTH
MALPEGROVE
MANNESOTA-55311, USA

1(d) SMT. MAHALAKSHMI SUNEETHA J
AGED ABOUT 46 YEARS
W/O JAYASHEELAN V
R/AT NO.10, 8TH CROSS
NANDA NIVAS
VAKIL GARDEN CITY EXTENSION
TALAGHATTAPURA
KANAKAPURA MAIN ROAD
BANGALORE-560 062

2. SRI M.C. SELVAKUMAR
AGED ABOUT 69 YEARS
S/O LATE M. CHINNASWAMY MUDALIAR
R/AT NO.30, 18TH CROSS
RANGANATHAPURA
MALLESHWARAM
BANGALORE-560 003

3. SMT. SHANTHAKUMARI
AGED ABOUT 75 YEARS

D/O LATE M. CHINNASWAMY MUDALIAR
R/AT NO.10
BUDDAPPA GOWNDER STREET
THIRUPATHUR
VELLORE DISTRICT
TAMILNADU
REPRESENTED IN THIS PROCEEDINGS
BY THEIR POWER OF ATTORNEY HOLDER
SELVAKUMAR

4. SMT. M.C. NIRMALA
AGED ABOUT 66 YEARS
D/O LATE M. CHINNASWAMY MUDALIAR
R/AT NO.35, SHAKTHINAPURA
THIRUPATHUR
VELLORE DISTRICT
TAMILNADU
REPRESENTED IN THIS PROCEEDINGS
BY THEIR POWER OF ATTORNEY HOLDER
SELVAKUMAR

…RESPONDENTS

(BY SRI SRINIVASA RAGHAVAN, SENIOR COUNSEL FOR
SRI S. SUBHASH, ADVOCATE FOR R-1[d], R-2, R3 & R4;
SRI ANIL KUMAR B.S., ADVOCATE FOR R1[A TO C])

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 23.06.2025 PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO.29334/2016 (KLR-RES) AND DISMISS THE WRIT PETITION BY ALLOWING THE ABOVE APPEAL.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 16.09.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, ***HON'BLE MR. JUSTICE D K SINGH*** PRONOUNCED THE FOLLOWING:

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

CAV JUDGMENT

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

I PREFACE:

1. The present intra-Court appeal has been filed impugning the judgment and order dated 23.06.2025 passed by the learned Single Judge in W.P.No.29334/2016 whereby it was held that the order dated 12.11.2014 passed by the Enquiry Officer and order dated 18.02.2016 passed by the Joint Director of Land Records rejecting the mutation of the names of the petitioners in revenue and survey records were unsustainable.

2. The parties are referred to as per their ranking before the writ Court for the sake of convenience.

II FACTS OF THE CASE:

3. The dispute in the present appeal is in respect of properties situated in Survey Nos.1 and 4 of Jodi Ranganathapura Village, Kasaba Hobli, Bengaluru North Taluk purchased by late M. Chinnaswamy Mudaliar, the father of the

petitioners. The claim of the petitioners is founded on a registered sale deed dated 24.06.1959, under which their father purchased the properties from Smt. Kannamma and her sons, Shanmugam and Kadirvelu. The property comprised land in Survey No.1 measuring 450 feet east to west, 320 feet on the eastern side and 140 feet on the western side, and a portion measuring 20 guntas in Survey No.4 of the same village.

4. After the purchase, the petitioners' father is stated to have been put in possession of the properties. The revenue entries were also mutated in his name. He thereafter intended to form a residential layout in the said properties and thus, he approached the then City Improvement Trust Board (for short, 'CITB'), seeking permission for the same. The CITB is stated to have called upon him to deposit a sum of Rs.56,680/- towards layout charges, out of which late M. Chinnaswamy Mudaliar deposited Rs.10,000/- on 27.04.1961.

5. In the meantime, the Bengaluru City Corporation (hereinafter referred to as 'Corporation') disputed the title and possession of the petitioners' father over the said properties. The Corporation contended that the properties claimed by him

did not form part of Survey Nos.1 and 4 of Jodi Ranganathapura Village, but were situated in Water Works Village and belonged to the Corporation.

6. In view of the said dispute, the petitioners' father instituted O.S.No.1367/1961, which was subsequently renumbered as O.S.No.247/1983, seeking declaration of his title and consequential reliefs in respect of the suit schedule properties. The suit was contested by the Corporation, which disputed the late M. Chinnaswamy Mudaliar's title, possession and the identity of the properties. Upon appreciation of the oral and documentary evidence, the Trial Court decreed the suit in favour of the petitioners' father, declaring him to be the absolute owner in lawful possession of the suit schedule properties and granting a permanent injunction restraining the Corporation from interfering with his possession.

7. Aggrieved by the judgment and decree passed in the suit, the Corporation preferred RFA No.464/1984 before this Court. The appeal came to be dismissed vide judgment and order dated 20.08.1986, thereby affirming the judgment and decree passed by the Trial Court. The Corporation thereafter approached the Supreme Court by filing SLP No.14864/1986

whereby the Special Leave Petition came to be dismissed on 09.07.1990.

8. In the meanwhile, the petitioners' father passed away, leaving behind the petitioners as his legal representatives who approached the City Survey authorities seeking survey and demarcation of the properties and mutation of their names in the relevant records. In the proceedings before the revenue authorities, certain other persons also claimed portions of the properties situated in Survey Nos.1 and 4. The Enquiry Officer, upon conducting an enquiry, passed an order holding that the petitioners, as legal representatives of late M. Chinnaswamy Mudaliar, were entitled to the properties and that the rival claimants had no right, title or interest therein. The said order was challenged before the Joint Director of Land Records. The Joint Director of Land Records declined to interfere with the findings recorded by the Enquiry Officer and, while affirming the petitioners' claim, directed the authorities to demarcate the extent to which the petitioners were entitled to in terms of the decree passed in O.S. No.247/1983.

9. The persons other than the petitioners who were claiming interest in the subject land challenged the orders of the

revenue authorities before the Karnataka Appellate Tribunal in Revision Petition No.230/2005. The said revision petition came to be dismissed. The order of the Tribunal was further challenged before this Court in W.P.No.14411/2005, which also came to be dismissed on merits. The appeal in W.A.No.29/2006 also came to be dismissed.

10. Thereafter, the petitioners sought implementation of the orders passed by the Joint Director of Land Records and requested the Enquiry Officer to undertake the survey and demarcation of the properties in terms of the civil court decree. However, the authorities did not proceed with the survey in the manner sought by the petitioners. Instead, a notice dated 08.01.2013 came to be issued proposing to conduct a fresh enquiry and survey in the presence of certain persons whose claims had already been rejected in the earlier proceedings.

11. Aggrieved by the proposed enquiry, the petitioners approached this Court in W.P.No.2727/2013 and connected matters. Vide order dated 11.02.2014, this Court allowed the writ petitions and directed the authorities to conduct the survey of the subject lands keeping in view the judgment passed in O.S.No.247/1983, RFA No.464/1984 and the subsequent orders

passed before the Karnataka Appellate Tribunal and this Court. This Court further directed that the survey be conducted without requiring the presence of the persons whose claims had already been rejected in the earlier proceedings.

12. Despite the aforesaid proceedings, the petitioners' request for mutation and recognition of their claim was not given effect to. The Enquiry Officer, vide order dated 12.11.2014, rejected the petitioners' claim. The said authority, *inter alia*, relied upon the survey and inspection material, the alleged discrepancy in the identification of the properties, the acquisition of lands for formation of layouts and the entries available in the City Survey records.

13. Aggrieved by the said order, the petitioners preferred a revision before the Joint Director of Land Records. The revisional authority, vide order dated 18.02.2016 passed in Case No.CTS(B) Revision 27/2014-15, dismissed the revision petition and affirmed the order passed by the Enquiry Officer.

14. The petitioners thereafter approached this Court in W.P.No.29334/2016 challenging the orders dated 12.11.2014 and 18.02.2016. The principal contention of the petitioners was that their father's title and possession over the suit schedule

properties had already been declared by a competent Civil Court, which judgment had been affirmed by this Court in appeal and had attained finality. It was therefore, contended that the revenue authorities could not reopen the question of title, possession or identity of the properties in proceedings relating to survey and mutation.

15. The respondents opposed the writ petition, contending that the properties claimed by the petitioners did not correspond to the lands situated in Survey Nos.1 and 4 of Jodi Ranganathapura Village; that portions of the lands had been acquired for formation of residential layouts; and that the survey and inspection material did not support the petitioners' claim. The respondents accordingly sought to sustain the orders passed by the Enquiry Officer and the revisional authority.

16. The learned Single Judge, upon consideration of the earlier civil court proceedings, the subsequent revenue proceedings and the material placed on record, allowed the writ petition vide order dated 23.06.2025 quashing the orders dated 12.11.2014 and 18.02.2016. The Authorities were directed to give effect to the judgment and decree passed in O.S. No.247/1983, as affirmed in RFA No.464/1984, by mutating the

names of the petitioners in the relevant revenue and survey records, including the property register/card maintained by the City Survey Department, within eight weeks. The learned Single Judge also imposed exemplary costs of Rs.1,00,000/- jointly and severally on respondent Nos.2 and 3 therein.

17. Aggrieved by the aforesaid order passed by the learned Single Judge, the State has preferred the present appeal, seeking to set aside the order dated 23.06.2025.

III <u>FINDINGS OF THE TRIAL COURT</u>:

18. The Trial Court held that the subject lands had originally been conveyed by the Jodidar, Annur Desikachar and his sons, to Krishnaswamy Pillay under the registered sale deed dated 06.02.1935, and thereafter to late M. Chinnaswamy Mudaliar under the registered sale deed dated 24.06.1959. Relying on the evidence of the vendors, the mutation entry and the kandayam receipt, the Trial Court held that the petitioner had established his title and possession over the properties.

19. The Trial Court also considered the permission granted by the City Improvement Trust Board for formation of roads in Survey Nos.1 and 4, the notice issued by the Corporation under

Section 232 of the Bangalore Corporation Act, 1949, and the newspaper notifications published in Deccan Herald and Prajavani. The Trial Court observed that none of these documents supported the Corporation's contention that the suit properties were situated in Water Works Village or belonged to the Corporation. The Court further relied upon the revenue correspondence indicating that Jodi Ranganathapura Village had not been surveyed and settled, and that Survey Nos.1 and 4 were shown in the name of Krishnacharya, the father of the vendor. It also observed that the revenue records did not disclose the existence of Water Works Village and that the presence of the Water Works Department in the vicinity did not establish its ownership over the suit properties.

20. Accordingly, the Trial Court decreed the suit, declaring late M. Chinnaswamy Mudaliar to be the absolute owner and in lawful possession of the suit schedule properties and granting a permanent injunction against the Corporation.

IV <u>FINDINGS OF THE LEARNED SINGLE JUDGE</u>:

21. The learned Single Judge noted that the dispute originated from the purchase of the land by the petitioners' father, late M. Chinnaswamy Mudaliar, under a registered sale deed dated

24.06.1959. The subsequent dispute with the Corporation regarding his title, possession and the location of the property led to the institution of O.S.No.1367/1961, which was renumbered as O.S.No.247/1983.

22. The learned Single Judge examined the judgment of this Court in RFA No.464/1984 and noted that the Civil Court had considered the earlier sale deed dated 06.02.1935, the subsequent sale deed dated 24.06.1959, mutation entries, tax receipts and the permission granted by the City Improvement Trust Board for formation of a layout in Survey Nos.1 and 4 of Jodi Ranganathapura Village. It was further noted that this Court had rejected the Corporation's contention that the property was situated in Water Works Village and held that the Corporation had failed to establish either title or possession over the same. The finding that the land had ceased to be agricultural land much prior to the coming into force of the Inams Abolition Act was also taken note of.

23. On the strength of the aforesaid judgment, and the dismissal of SLP No.14864/1986 by the Supreme Court, the learned Single Judge held that the findings concerning the title, possession and identity of the schedule property had attained

finality. The subsequent proceedings before the revenue authorities were also considered, particularly the order dated 28.03.2005 recognising the petitioners' claim and the order dated 11.02.2014 passed in W.P.No.2727/2013 and connected matters, directing the competent authority to conduct the survey having regard to the civil court decree and subsequent orders.

24. The learned Single Judge observed that, notwithstanding the aforesaid adjudication and directions, the Enquiry Officer, vide order dated 12.11.2014, rejected the petitioners' request for mutation on the ground that the property did not fall within Survey Nos.1 and 4 of Jodi Ranganathapura Village and that the said survey numbers had already been acquired for formation of Vyalikaval and Malleswaram Extensions. The learned Single Judge held that such findings amounted to reopening issues which had already been adjudicated by the competent Civil Court and affirmed by this Court. Reliance was also placed on the legal opinion obtained by the BBMP, placed on record along with the memo of documents dated 02.02.2025, wherein it was acknowledged that the Corporation had no subsisting claim over the land in question.

25. The learned Single Judge further held that the identity and location of the property had been sufficiently established in the civil proceedings, having regard to the boundaries in the plaint schedule, mutation entries, tax receipts and the permission granted by the City Improvement Trust Board. The Joint Inspection Report produced by the petitioners was also taken into consideration. The report indicated that 2 acres 18 guntas in Survey No.1 had not been acquired and that, in respect of Survey No.4, only 16 acres 21 guntas out of the total extent of 18 acres 29 guntas had been acquired for formation of Vyalikaval Layout. The report was considered negating the authorities' general assertion that the entirety of Survey Nos.1 and 4 had been acquired.

26. In view of the above, the learned Single Judge held that the order dated 12.11.2014 passed by the Enquiry Officer and the revisional order dated 18.02.2016 were unsustainable, as they were contrary to the findings recorded in the civil proceedings. Accordingly, the writ petition was allowed, the aforesaid orders were quashed and the respondents were directed to mutate the names of the petitioners in the relevant revenue and survey records, including the City Survey Property Register and property card, within eight weeks. Exemplary cost

of Rs.1,00,000/- was also imposed jointly and severally on respondent Nos.2 and 3 therein.

V <u>SUBMISSIONS ON BEHALF OF THE STATE</u>:

27. Sri. Kiran V. Ron, learned AAG along with Smt. Anitha N., learned AGA, appearing on behalf of the State, submit that the learned Single Judge has proceeded on an erroneous premise that the judgment and decree passed in O.S. No.247/1983, affirmed in RFA No.464/1984, concluded every issue relating to the identity and location of the property claimed by the petitioners. It is submitted that the civil proceedings were instituted against the Corporation, whereas the State and the authorities concerned with the survey and land records were not parties to the said proceedings. Therefore, the findings recorded therein could not have been treated as conclusive against the State or as dispensing with the requirement of establishing the identity of the property for the purpose of effecting entries in the revenue and survey records.

28. The learned AAG further submits that the Enquiry Officer, while considering the petitioners' request for mutation, undertook an exercise of survey and the available records and found that the property claimed by the petitioners did not

correspond to the lands bearing Survey Nos.1 and 4 of Jodi Ranganathapura Village. The State submits that the conclusion arrived at by the Enquiry Officer was based on the survey material and the relevant revenue and City Survey records and could not have been brushed aside merely on the strength of the decree obtained in the civil suit, particularly when the present exercise required identification and correlation of the property claimed by the petitioners with the existing survey records.

29. The learned AAG also submits that Survey Nos.1 and 4 had been acquired for the purpose of formation of residential layouts, namely Vyalikaval and Malleswaram Extensions, and that the lands had thereafter been utilised and developed. It is the specific case of the State that the petitioners' father had obtained the decree in the civil proceedings without disclosing material facts relating to the acquisition and the actual location of the property. On this premise, it is submitted that the decree could not be relied upon to seek mutation of the petitioners' names in respect of land which had already vested in the Government pursuant to acquisition proceedings.

30. The learned AAG further submits that the learned Single Judge failed to appreciate the material considered by the Enquiry Officer with respect to the acquisition and the existing entries in the City Survey records. The learned AAG further submits that the rejection of the petitioners' request was not an attempt to reopen the question of title adjudicated by the Civil Court, but was an exercise undertaken to ascertain whether the property for which mutation was sought could, in fact, be identified with the land described in the decree and whether such land was available for being entered in the petitioners' names.The learned AAG submits that the learned Single Judge was not justified in quashing the orders dated 12.11.2014 and 18.02.2016 and issuing a direction for mutation of the petitioners' names without first requiring proper identification of the schedule property with the relevant survey and acquisition records.

VI <u>SUBMISSIONS ON BEHALF OF THE PETITIONERS</u>:

31. Sri. Srinivas Raghavan, learned Senior Counsel, assisted by Sri. S. Subhas, learned counsel and Sri. Anil Kumar B.S., learned counsel appearing for the petitioners, would submit that the title and possession of the petitioners' father, late M. Chinnaswamy Mudaliar, over the schedule property had already

been conclusively adjudicated in O.S.No.247/1983. The judgment and decree declaring him to be the absolute owner in lawful possession of the property and granting permanent injunction against the Corporation were affirmed by this Court in RFA No.464/1984. The Special Leave Petition preferred by the Corporation was also dismissed by the Supreme Court. Therefore, the findings recorded therein have attained finality and cannot be reopened by the revenue authorities in mutation proceedings.

32. The learned Senior Counsel further submits that the identity and location of the property were also specifically examined in the civil proceedings, wherein the Corporation's contention that the property formed part of Water Works Village, and not of Jodi Ranganathapura Village, was rejected. Having failed to establish its claim, the Corporation cannot raise the same objection in subsequent proceedings. He further submits that the Joint Director of Land Records vide order dated 28.03.2005, had recognised the petitioners' claim in terms of the civil court decree and directed demarcation of the property. The challenge to the said order before the Karnataka Appellate Tribunal and this Court had also failed.

33. The learned Senior Counsel further submits that this Court vide order dated 11.02.2014 passed in W.P.No.2727/2013 had directed the competent authority to conduct the survey keeping in view the civil court decree and subsequent orders, without requiring the participation of persons whose claims had already been rejected. However, the Enquiry Officer, vide order dated 12.11.2014, rejected the petitioners' request for mutation on the ground that the property did not form part of Survey Nos.1 and 4 of Jodi Ranganathapura Village and that the said lands had already been acquired for formation of residential layouts. The learned Senior Counsel submits that the said findings are contrary to the earlier judicial determinations and that the revisional order dated 18.02.2016 has merely perpetuated the same error.

34. The learned Senior Counsel further submits that the Joint Inspection Report dated 30.03.2019 itself establishes that 2 acres 18 guntas in Survey No.1 had not been acquired and that, in Survey No.4, acquisition was confined to 16 acres 21 guntas out of the total extent of 18 acres 29 guntas. Thus, the contention that the entirety of Survey Nos.1 and 4 had been acquired is factually incorrect and cannot form the basis for rejecting the petitioners' claim.

35. The learned Senior Counsel also submits that the authorities have repeatedly failed to give effect to the decree and the subsequent directions issued by this Court, compelling the petitioners to initiate further proceedings despite the dispute having remained pending since 1961. It is therefore contended that the learned Single Judge was justified in quashing the orders dated 12.11.2014 and 18.02.2016 and directing mutation of the petitioners' names in the relevant revenue and survey records. Accordingly, the petitioners seek dismissal of the writ appeal.

VII <u>POINT FOR CONSIDERATION</u>:

36. Having heard the submissions on behalf of both the parties, the following point arises for our consideration:

> *Whether the judgment and order dated 23.06.2025 passed by the learned Single Judge allowing the writ petition and setting aside the orders dated 12.11.2014 and 18.02.2016 warrants interference in this intra-court appeal?*

VIII <u>ANALYSIS AND CONCLUSION</u>:

37. The dispute in this appeal essentially concerns the legality of the decision taken by the Enquiry Officer on 12.11.2014,

rejecting the petitioners' request for mutation on the ground that the property claimed by them could not be identified as forming part of Survey Nos.1 and 4 of Jodi Ranganathapura Village and that the said survey numbers had already been acquired and utilised for formation of residential layouts. The revisional authority, vide order dated 18.02.2016, affirmed the said decision. The learned Single Judge set aside both orders, holding that the authorities had failed to give effect to the adjudication made by the competent Civil Court and the subsequent proceedings. The question, therefore, is whether the learned Single Judge was justified in interfering with the orders of the authorities.

38. At the outset, it is necessary to notice that the dispute concerning the petitioners' predecessor's title and the identity of the property has its origin in the year 1961. Late M. Chinnaswamy Mudaliar claimed title under a registered sale deed dated 24.06.1959 executed by Smt. Kannamma and her sons in respect of the properties described in the schedule to the sale deed. He instituted O.S.No.1367/1961, subsequently renumbered as O.S.No.247/1983, while the Corporation disputed his title and possession. The Corporation specifically contended that the properties claimed by the petitioner were

not situated in Survey Nos.1 and 4 of Jodi Ranganathapura Village, but formed part of Water Works Village and belonged to the Corporation.

39. The nature of the defence taken by the Corporation assumes considerable importance. It was not a case where the Corporation merely denied the petitioner's title without disputing the identity of the property. Its specific defence was that the land claimed by the petitioner was situated in Water Works Village and that the Corporation was the owner thereof. The Trial Court, after considering the oral and documentary evidence, decreed the suit and declared late M. Chinnaswamy Mudaliar to be the absolute owner in lawful possession of the land in question. The Corporation carried the matter in appeal in RFA No.464/1984. The appeal was dismissed, and the findings recorded by the Trial Court were affirmed.

40. A perusal of the judgment in RFA No.464/1984, makes it clear that the appellate Court examined the Corporation's objection regarding the location and identification of the subject lands. This Court considered the earlier sale deed dated 06.02.1935, the subsequent sale deed dated 24.06.1959, the boundary descriptions, the revenue entries, the kandayam

receipts and the documents relating to the permission granted by the City Improvement Trust Board. The appellate Court also noticed that Jodi Ranganathapura Village was an unsurveyed village and that the absence of corresponding survey numbers in the earlier sale deed could not, by itself, defeat the petitioner's claim. It ultimately rejected the Corporation's contention that the suit property formed part of Water Works Village.

41. Thus, the identity and location of the property were not matters left open or incidental to the decree. They were directly connected with the Corporation's defence and were considered by this Court while affirming the title and possession of late M. Chinnaswamy Mudaliar. The Corporation thereafter carried the matter to the Supreme Court in SLP No.14864/1986, which came to be dismissed.

42. The legal consequence of the above adjudication is that the Corporation, having contested the suit and appeal on the specific ground that the property was situated in Water Works Village, cannot once again raise the same contention in subsequent proceedings as though the issue had never been decided. The principle of finality of judicial decisions is founded

on public policy and is not confined to the technical application of Section 11 of the Code of Civil Procedure, 1908. In the case of ***HOPE PLANTATIONS LTD. vs TALUK LAND BOARD, PEERMADE AND ANOTHER [(1999) 5 SCC 590]***, the Supreme Court held that the doctrine of *res judicata* is founded on public policy and that a matter which has attained finality between the parties cannot be reopened in subsequent proceedings. The principle applies not only to the matter actually decided but also to an issue which was necessary for the decision in the earlier proceedings. The relevant paragraph has been extracted hereunder:

> *"**26.** It is settled law that the principles of estoppel and res judicata are based on public policy and justice. Doctrine of res judicata is often treated as a branch of the law of estoppel though these two doctrines differ in some essential particulars. Rule of res judicata prevents the parties to a judicial determination from litigating the same question over again even though the determination may even be demonstratedly wrong. When the proceedings have attained finality, parties are bound by the judgment and are estopped from questioning it. They cannot litigate again*

on the same cause of action nor can they litigate any issue which was necessary for decision in the earlier litigation. These two aspects are "cause of action estoppel" and "issue estoppel". These two terms are of common law origin. Again, once an issue has been finally determined, parties cannot subsequently in the same suit advance arguments or adduce further evidence directed to showing that the issue was wrongly determined. Their only remedy is to approach the higher forum if available. The determination of the issue between the parties gives rise to, as noted above, an issue estoppel. It operates in any subsequent proceedings in the same suit in which the issue had been determined. It also operates in subsequent suits between the same parties in which the same issue arises. Section 11 of the Code of Civil Procedure contains provisions of res judicata but these are not exhaustive of the general doctrine of res judicata. Legal principles of estoppel and res judicata are equally applicable in proceedings before administrative authorities as they are based on public policy and justice."

43. The same principle has received further consideration in the case of ***SECURITIES AND EXCHANGE BOARD OF INDIA vs RAM KISHORI GUPTA*** **[CIVIL APPEAL NO.7941/2019 AND CONNECTED MATTERS]**, decided on 07.04.2025. The Supreme Court reiterated that the principles of *res judicata* are not confined to proceedings governed strictly by the Code of Civil Procedure and that they apply even to proceedings before administrative authorities. Referring to ***HOPE PLANTATIONS LTD.*** (*supra*), the Supreme Court held that judicial, quasi-judicial and administrative authorities cannot reopen an issue which has attained finality between the parties. The underlying principle is that repeated proceedings on the same issue cannot be permitted merely by changing the forum or the form in which the earlier dispute is raised. The relevant paragraph is extracted hereunder:

> *"**28**. In **Hope Plantations Ltd. vs. Taluk Land Board, Peermade and another [(1999) 5 SCC 590]**, a 3-Judge Bench of this Court affirmed that the principle of res judicata is based on public policy and justice. It was pointed out that the rule of res judicata prevents the parties to a judicial determination from litigating the same*

question over again, even though the determination may be demonstrably wrong. It was held that when proceedings attain finality, parties are bound by the judgment and are estopped from questioning it. They cannot litigate again on the same cause of action, nor can they litigate any issue which was necessary for decision in the earlier litigation. It was pointed out that Section 11 of the Code of Civil Procedure, 1908, contains provisions of res judicata but these are not exhaustive of the general doctrine of res judicata. It was observed that the principles of res judicata would be equally applicable in proceedings before administrative authorities. Further, in ***Amalgamated Coalfields Ltd. and another vs. Janapada Sabha Chhindwara and others (AIR 1964 SC 1013)****, a Constitution Bench observed that constructive res judicata is an artificial form of res judicata and it postulates that if a plea could have been taken by a party in a proceeding between him and his opponent, he would not be permitted to take that plea against the same party in a subsequent proceeding which is based on the same cause of action. Affirming this view in* ***Devilal Modi vs. State Tax Officer, Ratlam, and others***

> ***(AIR 1965 SC 1150)****, a Constitution Bench observed that this view is founded on the same considerations applicable to res judicata, because if the doctrine of constructive res judicata is not applied, it would be open to a party to take one proceeding after another and urge new grounds every time and that, plainly, would be inconsistent with considerations of public policy. Needless to state, these stellar principles would not only apply to the parties to a dispute but would also bind the adjudicating authorities seized of such dispute, be they judicial, quasi-judicial or administrative."*

44. The State contends that neither the State Government nor the survey authorities were parties to the civil suit and, therefore, the decree passed against the Corporation cannot be enforced against them. This contention deserves consideration as a decree is generally binding on the parties to the suit and those claiming through them. Merely because the State and the Corporation are public authorities, it cannot be presumed that they represent the same interests. In the case of ***S. TIRUPATHI RAO vs M. LINGAMAIAH, (2024 INSC 544)***, the Supreme Court held that the State could not be directed to

effect mutation on the basis of a civil court decree when the suit had been withdrawn against the State and no decree had been passed against it. The decision makes it clear that the question whether a decree binds the State has to be decided by examining the proceedings in which the decree was passed and the issues that were decided therein.

45. However, the above contention cannot be considered in isolation. The petitioners do not rely only on the decree passed in O.S. No.247/1983. They also rely on the subsequent proceedings before the revenue authorities, particularly the order dated 28.03.2005 passed by the Joint Director of Land Records. The said proceedings include revision petitions, one of which concerned the Corporation's claim over the property. The Joint Director rejected the rival claims and directed the authorities to act in accordance with the civil court decree and take necessary steps to record their rights. It is to be noted that the State and the BDA were also represented in those proceedings and that the order dated 28.03.2005 was not set aside in the subsequent proceedings before the Karnataka Appellate Tribunal or this Court.

46. The order dated 11.02.2014 passed by this Court in W.P.No.2727/2013 is also material. The said proceedings arose when the authorities initiated a fresh enquiry and called for objections from persons whose rival claims had already been rejected. This Court set aside the notice and directed the authorities to conduct the survey keeping in view the decree in O.S.No.247/1983, the judgment in RFA No.464/1984 and the subsequent proceedings. The direction further made it clear that persons whose claims had already been rejected were not required to be brought into the enquiry once again. The effect of this order was that the authorities were required to undertake the survey in aid of the earlier adjudication and not to commence a fresh adjudication of the title or to revive claims which had already been rejected.

47. The distinction between an exercise undertaken to identify and measure the property and an exercise undertaken to adjudicate title is fundamental to the present dispute. The survey authorities are competent to ascertain the location, extent and boundaries of a property by referring to the relevant survey records. They may also verify whether a particular parcel is affected by acquisition proceedings. However, such an exercise cannot be used as a means to reopen a title dispute

which has already been adjudicated by a competent Court or to disregard binding directions issued in subsequent proceedings. The authorities were required to confine themselves to the exercise of identification of the land consistently with the earlier adjudications.

48. In this context, the spot inspection conducted by the Enquiry Officer on 06.08.2014 assumes significance wherein the inspection report recorded that the land in their possession and enjoyment corresponded to the schedule property described in the civil court decree. The petitioners have placed reliance upon the local map prepared by the Survey Department in the year 1995 and the property cards relating to adjoining properties bearing CTS Nos.572, 571, 568, 641, 639, 608 and 637, to establish the location of the schedule property in Jodi Ranganathapura Village. Their further grievance is that the Enquiry Officer relied upon a superimposed sketch prepared during the enquiry without adequately establishing its basis or reconciling it with the earlier survey material.

49. These are not insignificant objections. When the authority itself undertakes a spot inspection and records findings having a bearing on the identification of the property, it is required to

consider those findings while passing the final order. If the final conclusion is contrary to the inspection report, the authority must disclose the reasons for such departure and identify the material which supports its conclusion. Similarly, where maps or survey records are relied upon, the authority must examine their source, authenticity, methodology and relevance to the schedule property. A mere assertion that the boundaries of the old village could not be traced, particularly when the area has undergone substantial urban development, cannot substitute for a reasoned examination of the available historical records.

50. The State has sought to justify the rejection of the petitioners' claim on the ground that Survey Nos.1 and 4 had been acquired for the formation of Vyalikaval and Malleswaram Extensions. We are unable to accept this contention. The Joint On-Site Investigation Report dated 30.03.2019 records that an extent of 2 acres 18 guntas in Survey No.1 had not been acquired by the BDA. Insofar as Survey No.4 is concerned, though the report states that an extent of 16 acres 21 guntas out of the total extent of 18 acres 29 guntas had been acquired under the notification dated 28.03.1949 and utilised for the formation of Vyalikaval Layout, it does not establish that the

specific extent claimed by the petitioners formed part of the acquired land. We find that the State has not been able to establish that the specific property covered by the Civil Court decree stood acquired. The acquisition of a substantial portion of Survey No.4, without establishing that the land in question formed part of the acquired extent, cannot be a ground to deny the petitioners the benefit of the declaration of title which has attained finality.

51. It is also necessary to bear in mind that mutation proceedings are not proceedings for adjudication of title. In the case of ***BALWANT SINGH AND ANOTHER vs DAULAT SINGH*** **[(1997) 7 SCC 137]** and ***BHIMABAI MAHADEO KAMBEKAR (DEAD) THROUGH LEGAL REPRESENTATIVES vs ARTHUR IMPORT AND EXPORT COMPANY AND OTHERS*** **[(2019) 3 SCC 191]**, the Supreme Court reiterated that entries in revenue records are primarily maintained for fiscal purposes and do not, by themselves, create or extinguish title. The purpose of mutation is to bring the revenue records in conformity with the rights established by the competent forum, subject to the identification of the property to which the entry

relates. The revenue authorities cannot assume the jurisdiction of a Civil Court and sit in appeal over a decree declaring title.

52. We are, therefore, of the considered view that the learned Single Judge was justified in interfering with the orders dated 12.11.2014 and 18.02.2016. The State has not been able to demonstrate that the authorities undertook a proper exercise of identification and correlation in accordance with the earlier adjudications. Their reliance on acquisition of portions of Survey Nos.1 and 4, without establishing that the specific property claimed by the respondents falls within the acquired extent, is insufficient to sustain the rejection of the mutation request.

53. For the foregoing reasons, we find no ground to interfere with the judgement and order dated 23.06.2025 passed by the learned Single Judge in W.P.No.29334/2016 in setting aside the orders dated 12.11.2014 and 18.02.2016. In view thereof, the appeal is dismissed and the judgment and order dated 23.06.2025 does not warrant any interference. However, we delete the cost of Rs.1,00,000/- imposed on the Appellant Nos.2 and 3.

54. Pending IAs if any, do not survive for consideration and are accordingly disposed of.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

RKA
CT:SN