HC-KAR

NC: 2026:KHC:61267
WP NO.33347 OF 2025

CNR: KAHC010715392025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 04TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO.33347 OF 2025 (KLR-RES)

BETWEEN:

SRI. PILLAPPA
SO LATE THAMAPPA,
AGED ABOUT 83 YEARS,
R/AT BITTANAHALLI VILLAGE,
MASTI HOBLI,
MALUR TALUK,
KOLAR DISTRICT – 563 139.

…PETITIONER

(BY SRI. K.N. MAHABALESHWARA RAO, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
KOLAR DISTRICT,
KOLAR – 563 101.

2. THE ASSISTANT COMMISSIOENR
KOLAR SUB-DIVISION,
KOLAR - 563101.

3. THE TAHASILDAR
MALUR TALUK,
MALUR,
KOLAR DISTRICT - 563 130.

4. SMT. BHAGYAMMA
D/O NARAYANAPPA,
AGED ABOUT 55 YEARS,
R/AT BITTANAHALLI VILLAGE,

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Location: HIGH COURT OF KARNATAKA

MASTI HOBLI,
MALUR TALUK,
KOLAR DISTRICT – 563 139.

5. SRI. RAHGU
S/O LATE SAMPAGAPPA,
AGED ABOUT 50 YEARS.

6. SRI. MANJUNATH
S/O LATE SAMPAGAPPA
AGED ABOUT 45 YEARS.

RESPONDENTS 5 AND 6 ARE
R/AT NO.1052, BEERESWHWARA NILAYA,
2ND CROSS, SRINAGAR,
BENGALURU - 560 050.

7. SRI. ASWATHAPPA
S/O NANJAPPA,
AGED ABOUT 75 YEARS,
R/AT BITTANAHALLI VILLAGE,
MASTI HOBLI,
MALUR TALUK,
KOLAR DISTRICT – 563 139.

…RESPONDENTS

(BY SRI. ADITYA DIWAKARA, AGA FOR R1 TO R3;
SMT. PRATHIBHA N., ADVOCATE FOR R4;
SRI. MADHUSUDAN REDDY, ADVOCATE FOR R5 AND R6;
SRI. GANGADHARA D.C., ADVOCATE FOR R7)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DATED 01ST SEPTEMBER, 2025 PASSED BY THE RESPONDENT NO.1-DEPUTY COMMISSIONER IN CASE NO.RAP/66/2025 VIDE ANNEXURE-L CONSEQUENTLY DIRECT THE RESPONDENT NO.3-TAHSILDAR TO COMPLETE THE ENQUIRY WITHIN THE STIPULATED TIME IN TERMS OF ORDER DATED 19TH DECEMBER, 2024 PASSED BY RESPONDENT NO.2-ASSISTANT COMMISSIONER IN CASE NO. R.A.694/2022 VIDE ANNEXURE-K; 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 01st September, 2025 (Annexure-L) passed by the respondent No.1-Deputy Commissioner in Case No.RAP/66/2025; *inter alia* sought for a direction to the respondent No.3-Tahsildar to complete the enquiry in terms of the order dated 19th December, 2024(Annexure-K) passed by the respondent No.2-Assistant Commissioner in case No.R.A. 694/2022.

2. Heard Sri. K.N. Mahabaleshwara Rao, learned counsel appearing for the petitioner; Sri. Aditya Diwakara, learned Additional Government Advocate appearing for respondents 1 and 3; Sri. Prathiba N., learned counsel appearing for the respondent No.4; and Sri. Madhusudan Reddy, learned counsel appearing for respondents 5 and 6; and Sri. Gangadhara D.C., learned counsel appearing for the respondent No.7.

3. Having heard the learned counsel appearing for the parties, on perusal of the order dated 19th December, 2024 (Annexure-K) passed in Case No.R.A.694/2022, it is forthcoming that respondent No.2-Assistant Commissioner had remitted the matter to the respondent No.3-Tahsildar to reconsider the issue afresh by affording an opportunity of hearing to the all the parties. In that view of the matter, the finding recorded by the respondent No.1-Deputy Commissioner in Case No.RAP/66/2025 in the impugned order dated 01st September, 2025 (Annexure-L) is incorrect as the respondents 4 to 7 herein are claiming right over the property in question based on the Will said to have been executed by one Saraswathamma in favour of the respondents 5 and 6 herein, which requires to be established. Therefore, I pass the following:

O R D E R

(i) Writ Petition ***allowed.***

(ii) Order dated 01st September, 2025 (Annexure-L) passed by the respondent No.1 in Case No.RAP/66/2025 is hereby set-aside; and the matter is remitted to the respondent No.3-

Tahsildar to reconsider the issue afresh in the light of the order dated 19th December, 2024 (Annexure-K) passed by the respondent No.2-Assistant Commissioner in Case No.R.A.694/2022 and take decision in the matter in accordance with law;

(iii) Since the parties are represented through their learned counsels, parties are directed to appear before the respondent No.3 **on *14th December, 2026* at *03.00 pm.***

(iv) The respondent No.3 is directed to expedite the hearing and take decision in the matter at the earliest.

SD/-
(E.S.INDIRESH)
JUDGE

ARK
List No.: 1 Sl No.: 55