HC-KAR

NC: 2026:KHC:61914
WP NO.34511 OF 2026

CNR: KAHC010761662026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 06TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO.34511 OF 2026 (KLR-RES)

BETWEEN:

1. SRI. RAMAMURTHY K.
   S/O LATE D. KRISHNAPPA,
   AGED ABOUT 59 YEARS,
   R/O HOSA HUDYA VILLAGE,
   NANDI HOBLI,
   CHIKKABALLAPURA TALUK,
   CHIKKABALLAPURA DISTRICT – 562 101.

2. SRI. DEVARAJ K.
   S/O LATE D. KRISHNAPPA,
   AGED ABOUT 50 YEARS,
   R/O HOSA HUDYA VILLAGE,
   NANDI HOBLI,
   CHIKKABALLAPURA TALUK,
   CHIKKABALLAPURA DISTRICT - 562 101.

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

...PETITIONERS

(BY SRI. SHIVAPRAKASH M., ADVOCATE)

AND:

1. THE PRINCIPAL SECRETARY
   DEPARTMENT OF REVENUE,
   STATE OF KARNATAKA,
   VIDHANA SOUDHA,
   BENGALURU - 560 101.

2. THE DEPUTY COMMISSIONER,
   CHIKKABALLAPURA DISTRICT,
   CHIKKABALLAPURA – 562 101.

3. THE ASSISTANT COMMISSIONER
CHIKKABALLAPURA SUB-DIVISION,
CHIKKABALLAPURA - 562 101.

4. THE TAHASILDAR
CHIKKABALLAPURA TALUK,
CHIKKABALLAPURA 562 101.

…RESPONDENTS

(BY SRI. ADITYA DIWAKARA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE NOTICE ISSUED BY THE RESPONDENT NO.4 BEARING NO.N.C.R/C.R/63/2025-26 DATED 06TH JULY, 2026 IN RESPECT OF LAND BEARING SURVEY NO.449 MEASURING TO AN EXTENT OF 1 ACRE OF HOSAUDYA VILLAGE, NANDI HOBLI, CHIKKABALLAPURA DISTRICT VIDE ANNEXURE-G; DIRECT THE RESPONDENT NO.4 TO CONDUCT PROPER ENQUIRY AS PROVIDED UNDER THE STATUTES BY CONSTITUTING THE COMMITTEE AND TO DISPOSE THE APPLICATION NO.BHM39810912EF8ED DATED 24TH MAY, 2021 VIDE ANNEXURE-F AT THE EARLIEST; AND ETC.

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

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

ORAL ORDER

Sri. Aditya Diwakara, learned Additional Government Advocate accepts notice for respondents.

2. In this petition, petitioners are challenging the Notice bearing No.N.C.R/C.R/63/2025-26 dated 06th July, 2026 (Annexure-G) issued by the respondent No.4 in respect of the

subject land; *inter alia*, sought for a direction to the respondent No.4 to conduct proper enquiry as provided under the statutes by constituting the Committee and to dispose of the Application bearing No.BHM39810912EF8ED dated 24th May, 2021 (Annexure-F).

3. Heard Sri. Shivaprakash M., learned counsel appearing for petitioners and Sri. Aditya Diwakara, learned Additional Government Advocate appearing for respondents 1 to 4.

4. Having heard the learned appearing for the parties, on perusal of the averments made in the writ petition, it is forthcoming that the petitioners are claiming right over the subject land based on the registered Partition Deed dated 03rd September, 2018 (Annexure-A). In that view of the matter, in the event, if the respondent No.4 has to arrive at a conclusion that the petitioners have encroached the subject land, the respondent No.4 ought to have conduct a survey and spot inspection of the subject land and thereafter, to take decision in the matter in accordance with law.

5. In that view of the matter, the respondent No.4 is directed to conduct survey and spot inspection with the assistance of the jurisdictional Assistant Director of Land Records in the presence of the petitioners on ***15th December, 2026 at 11.00 a.m.*** and thereafter, to take decision in the matter, to evict the petitioners in the event, if it is found that the petitioners have encroached the subject land as stated in the impugned notice.

5. It is made clear that the respondents shall not to interfere with the subject land till the respondent No.4 conducting spot survey and spot inspection. Accordingly, writ petition is ***disposed of.***

Sd/-
(E.S. INDIRESH)
JUDGE

ARK
List No.: 2 Sl No.: 1