HC-KAR
CNR: KAHC010773432026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 35190 OF 2026 (GM-ST/RN)

BETWEEN:

1. SMT NAGARATHNA
   W/O JAYARAM,
   AGED ABOUT 62 YEARS,

2. SMT. SHANTHAMMA
   W/O VENKATESHAPPA,
   AGED ABOUT 56 YEARS,

3. SMT. JAYAMMA.@ VIJAYALAKSHMI
   W/O LATE YALLAPPA
   AGED ABOUT 46 YEARS,

   ALL ARE RESIDING AT NO.1661,
   GOUTHAM NAGAR, BANGARPET,
   KOLAR DISTRICT-563 114.

...PETITIONERS

(BY SRI. SHIRALLI DILDAR JAINUSAB.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   REP. BY ITS SECRETARY TO GOVERNMENT,
   DEPARTMENT OF REVENUE,
   VIDHANA SOUDHA,
   DR. B.R. AMBEDKAR VEEDHI,
   BENGALURU - 560 001.

2. THE SUB-REGISTRAR,

DEPARTMENT OF REGISTRATION AND STAMPS,
SUB-REGISTRAR OFFICE,
MINI VIDHANA SOUDHA CAMPUS,
BANGARPET,
KOLAR DISTRICT - 563 114.

3. THE TAHSILDAR,
BANGARPET TALUK,
KOLAR DISTRICT - 563 114.

…RESPONDENTS

(BY SRI. A.S. HARISHA, AGA)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE R2 AND 3 TO CONSIDER THE REPRESENTATIONS DATED 18.10.2024 AND 04.01.2025 VIDE ANNX-E AND G AND ETC.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

The present writ petition is filed seeking for the following reliefs:

" a) Issue a Writ of Mandamus or any other appropriate writ, order or direction, directing the Respondent Nos. 2 & 3 to consider the representations dated 18-10-2024& 04.01.2025 vide Annexure-E & G.

B) Issue a Writ of Mandamus directing the 3rd Respondent - Tahsildar to implement his order dated 21.05.2003 vide Annexure-C by taking action for eviction of unauthorized occupants and for issuance of Saguvali Chit in favour of petitioners;

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C) Grant such other reliefs as this Hon'ble Court deems fit in the facts and circumstances of the case, including cost of this petition, in the interest of justice and equity."

2. The petitioners claiming to be the legal heirs of grantee have filed the present petition contending that the re-grant proceedings and eviction orders were assailed by the petitioners in writ petitions in W.P.Nos.9749/1991 to 9751/1991, which were dismissed by a Co-ordinate Bench of this Court by order dated 30.09.1991. Being aggrieved, Writ Appeal in W.A.Nos.1612/1992 1614/1992 were filed. A Division Bench of this Court by Order dated 18.11.1992 partly allowed the said appeals. The relevant portion of the said order reads as under:

" Under the above circumstances, the Tahsildar was first required to consider the regrant proceedings and decide as to whether the applicants therein were entitled for regrant of the lands. Without considering their application, he should not have first taken up eviction proceedings. This aspect of the matter appears to have missed the attention of the learned Single Judge.

Accordingly, we allow these appeals and modify the order of the learned Single Judge. The order dated 2-1-1989 passed by the Tahsildar, Bangarpet in No.IANA115/86-87 in so far as it directs postponement of consideration of application for regrant filed in respect of the lands bearing Survey Nos.32, 45, 57 and 61 of Bangarpet Village until the eviction of the alleged unauthorised occupants is quashed. In all other respects, the order is not disturbed.

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The order dated 22-4-1989 passed by the Tahsildar in No.INA 115/88-89 produced at Annexure 'C' in the writ petitions is also quashed. The Tahsildar is directed to first consider the regrant proceedings in relation to the lands bearing Survey Nos.32, 45, 57 and 61 of Bangarpet Village and decide the same in accordance with law. The question as to whether in the event of the regrant order is passed in favour of the applicants therein, the petitioners-appellants herein will be entitled to the benefit of the same and to have the alienations relugularised, is left open."

3. Consequent to the orders passed by the Division Bench, respondent No.3-Tahsildar noticed that the lands in question were alienated by registered sale deeds and are in possession of third parties. It was ordered that the alienations shall be regularized subject to payment of 15 times of the assessment in terms of the Order of this Court.

4. It is the contention on behalf of the petitioners that the purchasers have failed to pay the said amount and hence the sale deeds are liable to be declared as null and void. The petitioners have filed a representation for the respondent No.3-Tahsildar to take requisite action for cancellation of said sale deeds.

5. That the petitioner filed an application before the respondent No.2-Sub-Registrar seeking for cancellation of sale

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deeds. The respondent No.2 by endorsement dated 18.10.2024, rejected the said request made on behalf of the petitioners by an endorsement dated 18.10.2024 (Annexure-F to the writ petition). Subsequently, petitioners have made a representation dated 04.02.2025 (Annexure-G to the writ petition) to the respondent No.3-Tahsildar for cancellation of the said sale deeds. The said representations not having been considered, the present writ petition is filed seeking for the aforementioned reliefs.

6. It is forthcoming from the aforementioned that consequent to execution of the sale deeds, right, title and interest in respect of the immovable property has been conveyed to various third parties. The petitioner vide the aforesaid representation submitted to the respondent No.3-Tahsildar sought for cancellation of said sale deeds. A mandamus is sought for consideration of the said representation.

7. Although the reliefs sought for in the present repetition is couched as an innocuous relief of mandamus, it is clear that any order that is passed would have an effect of interdicting the

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right, title and interest that is asserted by the purchasers under the said sale deeds.

8. In view of the same, the contentions putforth by the petitioners herein are required to be adjudicated in a substantive proceedings, wherein the purchasers of the said sale deeds are also parties to the same. No further orders are required to be passed in the present petition. Accordingly, the present writ petition is ***dismissed.***

9. This order will not preclude the petitioners from availing substantive remedies in accordance with law.

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(C.M. POONACHA)
JUDGE

RL
List No.: 1 Sl No.: 23