

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT APPEAL NO.30 OF 2023 (LB-RES)

BETWEEN:

1 . THE TOWN MUNICIPAL COUNCIL
DEVANAHALLI,
BANGALORE RURAL DISTRICT,
REP. BY ITS PRESIDENT,
PIN-562 110.

2 . THE CHIEF OFFICER
TOWN MUNICIPAL COUNCIL,
DEVANAHALLI-562 110,
BANGALORE RURAL DISTRICT.

...APPELLANTS

(BY SRI. NAGARAJ S. JAIN, ADV.,)

AND:

1 . SRI. H. R. JAGADISH
S/O. LATE H. C. RAMACHANDRAIAH,
AGED ABOUT 63 YEARS,

2 . SRI. H. R. SATISH
S/O. LATE H. C. RAMACHANDRAIAH,
AGED ABOUT 59 YEARS,

3 . SMT. H. R. DEVIKA
D/O. LATE H. C. RAMACHANDRAIAH,
AGED ABOUT 53 YEARS,

4 . SMT. H. R. CHANCHALA
D/O. LATE H. C. RAMACHANDRAIAH,
AGED ABOUT 51 YEARS,

5 . SMT. H. R. GEETA
D/O. LATE H. C. RAMACHANDRAIAH,
AGED ABOUT 49 YEARS,

PETITIONERS NO.1 TO 5 ARE
RESIDING AT CINEMA ROAD,
DODDABALLAPURA,
BANGALORE RURAL DISTRICT-561 203.

6 . THE STATE OF KARNATAKA
REVENUE DEPARTMENT,
REP. BY ITS REVENUE SECRETARY,
VIKASA SOUDHA,
DR. AMBEDKAR VEEDHI,
BANGALORE-560 001.

...RESPONDENTS

(BY SMT. SAVITHRAMMA, AGA., FOR R6)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT, 1961 PRAYING TO SET ASIDE THE ORDER
DATED 14.11.2022, PASSED BY THE LEARNED SINGLE JUDGE IN
W.P.NO.25583/2014 (LB-RES) AND CONSEQUENTLY DISMISS
THE SAID WRIT PETITION.

THIS WRIT APPEAL HAVING BEEN HEARD AND RESERVED
FOR JUDGMENT ON 18.03.2026 AND COMING ON FOR
PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN**
J., PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MS. JUSTICE TARA VITASTA GANJU

CAV JUDGMENT**(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)**

This appeal is filed challenging the Order dated 14.11.2022 passed by the learned Single Judge in Writ Petition No.25583/2014 (LB-RES).

2. We have heard Shri. Nagaraj S. Jain, learned counsel appearing for the appellants and Smt. Savithramma, learned Additional Government Advocate appearing for respondent No.6.

3. It is submitted by the learned counsel appearing for the appellants that Late Shri. H.C. Ramachandraiah had purchased immovable property bearing No.1387/1224 situated at Devanahalli Town, Devanahalli, Bengaluru Rural District in a public auction held on 28.11.1963 for a sum of Rs.3,000/- and the sale was confirmed and approved by the Government of Karnataka. However, no Sale Deed was executed in his favour. Shri. H.C. Ramachandraiah died on 24.05.1985, leaving behind his wife Smt. Gowramma and respondents No.1 to 5 herein as his legal heirs.

4. Smt. Gowramma and respondent No.1 herein initially filed Writ Petition No.17846/1987 seeking a direction to execute the Sale Deed, but the petition was dismissed on 20.12.1995 on the ground of delay and laches. This was challenged in Writ Appeal No.5559/1996, which was allowed by the Division Bench of this Court by judgment dated 22.06.1998, directing the respondents to execute the Sale Deed in favour of the appellants and to make consequential changes in the concerned Registers of the Municipality. As the directions were not complied with, contempt proceedings in CCC No.338/1999 (Civil) was initiated. By Order dated 30.07.2001, the contempt petition was disposed of as the respondents undertook to execute the Sale Deed within a period of four weeks. Even thereafter, no compliance was made, forcing Smt. Gowramma to revive the contempt proceedings in the year 2008.

5. By Order dated 17.09.2009, this Court recorded the undertaking of the accused to execute a registered Sale Deed in favour of Late Shri. H.C. Ramachandraiah on 19.09.2009 and directed the Deputy Commissioner of Police,

Assistant Commissioner of Police to ensure compliance. After rectification of typographical errors in the said order, a registered Sale Deed dated 26.09.2009 was executed in favour of respondents No.1 to 5 herein.

6. Thereafter, respondents No.1 to 5 herein applied for khatha of the property. As no action was taken, Writ Petition No.17593/2010 (LB-RES) was filed. The said writ petition was disposed of on 31.08.2010, directing the respondents to consider the application of the petitioners for change of khatha in accordance with law. As no action was taken, CCC No.7/2011 was initiated. The accused/Municipality stated that it was unclear whether the property belonged to the Municipality or the Revenue Department and suggested that the complainants to approach the Civil Court for adjudication of title. Consequently, the contempt petition was disposed of by Order dated 28.02.2011. An order was passed by the Municipal Office, Devanahalli to that effect on 15.02.2011.

7. The petitioners challenged the Order dated 15.02.2011 in Writ Petition No.30570/2012. By Order dated 23.10.2013, writ petition was allowed and the order dated 15.02.2011 was quashed. The respondents/Municipality was directed to consider the representation of the petitioners within a period of two months. Since the respondents/Municipality did not comply with the said order, contempt proceedings in CCC No.567/2014 was initiated.

8. During the pendency of the said contempt proceedings, the Municipality issued an endorsement dated 29.03.2014 stating that pursuant to the directions issued by this Court in Writ Petition No.30570/2012 (LB-RES) dated 23.10.2013, a meeting had been convened with members of Raitha Sangha, Devanahalli Government Junior College and the Tahasildar. It was concluded that the subject property belonged to the Revenue Department and the entries made in the records of the Municipality were illegal and that no records existed showing the property having been transferred to the Municipality by the Government. In view of the said endorsement, CCC No.567/2014 was dropped.

9. Aggrieved by the endorsement dated 29.03.2014, the petitioners filed the present Writ Petition praying to quash the Endorsement dated 29.03.2014 and No Objection Certificate dated 28.05.2011 and to direct the respondents to effect khatha in the name of the petitioners. On submission on behalf of the Municipality that the Government is a necessary party, the learned Single Judge directed the petitioners to implead the Government.

10. After considering the contentions advanced, the learned Single Judge observed that this is a case of travesty of justice, as despite multiple orders and directions issued in earlier writ petitions, writ appeal and contempt proceedings, the petitioners were still unable to enjoy the benefits of the orders and directions. Respondents No.1 and 2 had contested in the earlier proceedings conceded the petitioners rights and even provided undertakings before the Court. Pursuant to this, they executed a registered Sale Deed on 26.09.2009 in favour of the petitioners. At no prior stage had the respondents raised any objection regarding title over the property. Therefore, they were estopped from

subsequently contending that the Sale Deed was executed without authority or by mistake.

11. The contention of the learned counsel for respondents No.1 and 2 that the land belongs to the Government and that no permission had been obtained was rejected. It was found that this issue had already been considered and addressed by the Division Bench of this Court in Writ Appeal No.5559/1996, in its judgment dated 22.06.1998. Further, the learned Additional Government Advocate confirmed that the Deputy Commissioner had obtained the necessary Government permission prior to the auction sale.

12. The learned Single Judge held that having executed the Sale Deed pursuant to judicial directions and their own undertaking, the respondents, being public authorities, could not belatedly dispute their authority to do so. Upon execution and registration of the Sale Deed, valid title stood vested in the petitioners. Such vested title could only be divested by a competent Court of law, not through

unilateral action by the respondents. The learned Single Judge accordingly quashed the endorsement dated 29.03.2014 (Annexure H) and No Objection Certificate dated 28.05.2011 (Annexure L) and directed the respondents to effect khatha in favour of the petitioners based on the Sale Deed dated 26.09.2009 within a period of four weeks.

13. It is contended by the learned counsel appearing for the appellants that several contentions raised by the Municipality were not considered by the learned Single Judge. Further, the learned Single Judge did not permit the Municipality to file its statement of objections along with supporting documents in open Court. It is also contended that the impugned order was passed immediately after impleading the Government as a party, without affording an opportunity to the Government to place their contentions on record, despite the fact that the subject land belongs to the Government. The Municipality had specifically submitted that the land is recorded in Government revenue records, including RTC and index of lands and is under the occupation of various Government Departments, including the

Department of Youth Empowerment and Sports for Town Hall purposes. These aspects were not appreciated by the learned Single Judge.

14. It is further contended that the Municipality had brought to the attention of the learned Single Judge regarding the objections by the public including protests and hunger strikes by organizations such as Raitha Sangha and others, opposing the change of khata, as well as disputes regarding the identity of the land. In view of these circumstances, the Municipality asserts inability to effect khata transfer in favour of respondents No.1 to 5. However, these submissions were not considered by the learned Single Judge.

15. It is further contended that respondents No.1 to 5 had not impleaded the Government as a necessary party in earlier proceedings and had obtained orders through misrepresentation. Even in Writ Petition No.25583/2014, the Government was initially not made a party but was impleaded only upon the Municipality's submission, following

which the final order was passed immediately on 14.11.2022 without adequate consideration.

16. The learned counsel appearing for respondents No.1 to 5 contends that the appellants, after having lawfully executed and registered the Sale Deed in favour of respondents No.1 to 5 pursuant to the orders of this Court in Writ Appeal No.5559/1996 and CCC No.338/1999, cannot subsequently issue an endorsement declaring the auction sale as illegal. The legality of the auction sale had already been upheld in earlier judicial proceedings, and therefore the appellants are estopped from questioning the same at this stage. Further, under the provisions of the Karnataka Municipalities Act, 1964 once a registered Sale Deed has been executed, the appellants are legally bound to effect transfer of khatha in favour of respondents No.1 to 5.

17. It is further contended that the appellants have acted arbitrarily in claiming absence of records regarding transfer of the land from the Government, despite the fact that the Municipality itself conducted the public auction in the year 1963, which was confirmed by the Government of

Karnataka and recognized in previous writ petitions, writ appeals and contempt proceedings. Raising doubts about the property's nature and challenging the sale after more than five decades is illegal and contrary to the findings of this Court.

18. Having considered the contentions advanced, we notice that it is an admitted fact that a Sale Deed was executed by the Municipality in favour of the legal heirs of Late Shri. H.C. Ramachandraiah on 26.09.2009. This was pursuant to an undertaking given by the Municipality in Contempt of Court Case No.338/1999. After having executed such a registered Sale Deed, it was not open to the appellants to contend that they had no title over the property. It is pertinent to note that the execution of the Sale Deed was preceded by an order of a Division Bench of this Court in Writ Appeal No.5559/1996. The said judgment specifically directed as under:-

"7. Under the circumstances, the appeal is allowed by setting aside the order of the learned Single Judge in so far as it rejected the claim of the petitioners only on the ground of delay and laches. Writ Petition filed by the appellants is allowed. Rule

issued is made absolute with direction to the respondents to execute the sale deed in favour of the appellants/petitioners in respect of the schedule site sold in public auction to Sri.H.C.Ramachandraiah. The respondents are further directed to make consequential changes in the concerned Registers of Municipality with respect to the schedule site. No costs".

19. Having suffered such a judgment which has become final as against the appellants, it is not open to the appellants to now contend that they were not the owners of the property. As a matter of fact, in the contempt proceedings, the appellants had specifically undertaken that the Sale Deed would be executed. Pursuant thereto, the Sale Deed had also been executed. We further notice that the State of Karnataka was impleaded as a party in the writ petition. It is after considering the specific contentions urged by the appellants that the learned Single Judge came to the conclusion that the direction issued by the Division Bench of this Court in Writ Appeal No.5559/1996 had attained finality and that the appellants could not legally urge a contention that the property did not belong to the Municipality.

20. Having considered the contentions advanced on behalf of the appellants, we are of the opinion that in view of the clear finding of this Court in Writ Appeal No.5559/1996, which has become final, the appellants could not have taken the contention that it had no title over the property, so as to execute the Sale Deed. The fact that a sale deed had been duly executed being a fact, we are of the opinion that the conclusions reached by the learned Single Judge require no interference in this intra-Court appeal. The writ appeal therefore fails and the same is accordingly ***dismissed***.

All pending interlocutory applications shall stand *disposed of*.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(TARA VITASTA GANJU)
JUDGE**

cp*