



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 6206 OF 2026 (LB-RES)

BETWEEN:

1. SWAMY B
S/O LATE BETTE GOWDA,
AGED ABOUT 54 YEARS
R/AT KALYA, KASABA HOBLI,
MAGADI TALUK, RAMANAGARA - 562 120

...PETITIONER

(BY SRI. SUBRAMANYA R., ADVOCATE)

AND:

1. GRAM PANCHAYAT KALYA
REP. BY ITS PRESIDENT,
KALYA, KASABA HOBLI,
MAGADI TALUK,
RAMANAGARA - 562 120
2. PANCHAYAT DEVELOPMENT OFFICER,
GRAM PANCHAYAT, KALYA
KALYA, KASABA HOBLI,
MAGADI TALUK,
RAMANAGARA - 562 120

...RESPONDENTS

(BY SRI.DEVARAJU., ADVOCATE FOR R1 AND R2)

THIS WP IS FILED PRAYING TO I. ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENTS TO ENTER THE NAME OF THE PETITIONER IN THE KHATA IN RESPECT OF THE PROPERTY MEASURING EAST TO WEST 20 FT, NORTH TO





SOUTH 40 FT., SITUATED ADJACENT TO THE PROPERTY BEARING KHATA NO.175/196/22, KALYA VILLAGE, KASABA HOBLI, MAGADI TALUK AND/OR IN THE ALTERNATIVE DIRECTING THE RESPONDENTS TO CONSIDER THE REPRESENTATION MADE BY THE PETITIONER DATED 26.06.2024 VIDE ANNEXURE - A FOR EFFECTING KHATA IN THE NAME OF THE PETITIONER, WITHIN A TIME FRAME THAT MAY BE PRESCRIBED BY THIS HON'BLE COURT.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Sri M.S. Devaraju accepts notice for respondents No.1 and 2.
2. Petitioner is before this court seeking for the following reliefs:

"WHEREFORE, it is prayed that this Hon'ble Court may be pleased to

i. Issue a Writ of Mandamus directing the Respondents to enter the name of the Petitioner in the Khata in respect of the property measuring East to West 20 Ft, North to South 40 Ft., situated adjacent to the property bearing Khata No.175/196/22, Kalya Village, Kasaba Hobli, Magadi Taluk; and/or

IN THE ALTERNATIVE



ii. Issue a Writ of Mandamus directing the Respondents to consider the representation made by the Petitioner dated 26.06.2024 vide Annexure - A for effecting Khata in the name of the Petitioner, within a time frame that may be prescribed by this Hon'ble Court; and/or

iii. Issue any Writ/Order/Direction which this Hon'ble as this Hon'ble Court may deems fit in the interest of justice and equity".

3. The petitioner claims to have purchased land bearing Khata No. 152900301600600177 situated at Kalya Village, Magadi Taluk, from one Sri Basavaraju under a registered sale deed dated 07.08.2020. The petitioner further asserts that he has entered into an agreement of sale dated 24.03.2021 in respect of an adjacent property belonging to Smt. Lakshminarasamma, Madhusudan K., and V. Krishnamurthy. On the basis of the registered sale deed and the agreement of sale, the petitioner submitted a consolidated application seeking transfer of khata in respect of both properties.
4. It is not in dispute that khata has been transferred in favour of the petitioner in respect of the property covered under the registered sale deed dated 07.08.2020.



However, insofar as the adjacent property is concerned, the respondents have not effected khata transfer. The petitioner thereafter submitted representations dated 22.04.2025 and 13.05.2025 (Annexure-F series) requesting consideration of the same. Alleging inaction, the present writ petition is filed seeking a writ of mandamus directing consideration of the representations.

5. The material facts are not in dispute. The petitioner holds a registered sale deed only in respect of the property purchased from Sri Basavaraju. In respect of the adjacent property, the petitioner relies solely upon an agreement of sale dated 24.03.2021. An agreement of sale does not, by itself, convey title. Under the scheme of the Transfer of Property Act, 1882, and the Registration Act, 1908, transfer of ownership in immovable property of the nature in question can be effected only through a duly executed and registered instrument of conveyance. An agreement of sale merely creates a contractual right to seek specific performance; it does not create or extinguish title.



6. Khata entries, though primarily maintained for fiscal purposes, are nonetheless reflective of possession and title for municipal administration. Transfer of khata presupposes lawful acquisition of title. Municipal authorities are neither required nor empowered to recognise an agreement holder as owner in the absence of a registered conveyance. To direct transfer of khata in favour of a person who has not acquired title under a registered instrument would amount to compelling the authority to act contrary to statutory principles governing transfer of immovable property.
7. The writ of mandamus lies to compel performance of a statutory duty. It cannot be issued to direct an authority to act in violation of law or to recognise a legal status which has not crystallised. Since the petitioner, in respect of the adjacent property, is only an agreement holder and not a transferee under a registered sale deed, he cannot claim khata mutation as a matter of right.
8. The respondents, therefore, cannot be faulted for not transferring khata in respect of the property covered only



by an agreement of sale. The representations seeking such mutation do not give rise to any enforceable statutory duty in the absence of title.

9. In view of the above, reserving liberty to the petitioner to obtain a registered sale deed in respect of the adjacent property in accordance with law and thereafter approach the respondents for transfer of khata, the writ petition stands ***disposed of***.

SD/-
(SURAJ GOVINDARAJ)
JUDGE

RJ
List No.: 2 SI No.: 4