



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 26TH DAY OF FEBRUARY, 2026
PRESENT
THE HON'BLE MRS. JUSTICE ANU SIVARAMAN
AND
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT APPEAL NO.745/2023 (KLR-RR/SUR)

BETWEEN:

R. SRINIVAS
S/O V. RAMANAND
AGED 45 YEARS
R/AT. NO.13, SWWC LAYOUT
BEHIND KEB POWER STATION
4TH PHASE, YELAHANKA NEW TOWN
BENGALURU 560054.

...APPELLANT

(BY SRI. MAHENDRA S.S. ADV.,)

AND:

1. SANJEEVAPPA
S/O LATE ANJINAPPA
AGED ABOUT 67 YEARS
R/AT. MYLAPPANAHALLI VILLAGE
HESARAGHATTA HOBLI
BENGALURU NORTH TALUK 560089.
2. THE ASSISTANT COMMISSIONER
BENGALURU NORTH DIVISION (ADDL)
KANDAYA BHAVAN
BENGALURU 560009.





3. THE TAHSILDAR
BENGALURU NORTH TALUK (ADDL)
OPP. CANARA BANK
YELAHANKA NEW TOWN
BENGALURU 560064.
4. THE DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT
KANDAYA BHAVAN
BENGALURU 560009.

...RESPONDENTS

(BY SRI. K.N. NITISH, ADV., FOR
SMT. VANITHA DEVI V, ADV., FOR R1
SMT. PRAMODHINI KISHAN, AGA FOR R2 TO R4)

- - -

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER DATED 11.04.2023 PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION No.10152/2018 (KLR-RR/SUR) IN THE INTEREST OF JUSTICE. IT IS MOST HUMBL Y PRAYED THAT THIS HON'BLE COURT MAY BE PLEASED TO ISSUE A WRIT IN THE NATURE OF CERTIORARI AND QUASHING THE ORDER DATED 18.11.2015 PASSED BY THE 2ND RESPONDENT IN R.A. No.(BNA) 587/2014-15 PRODUCED AT ANNEXURE-K IN THE WRIT PETITION IN THE INTEREST OF JUSTICE & ETC.

THIS WRIT APPEAL HAVING BEEN HEARD AND RESERVED ON 23.02.2026, COMING ON FOR PRONOUNCEMENT OF JUDGMENT, THIS DAY **VIJAYKUMAR A. PATIL J.**, DELIVERED THE FOLLOWING:



CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL)

This appeal is filed by the appellant under Section 4 of the Karnataka High Court Act, 1961, challenging the order dated 11.04.2023 passed in W.P.No.10152/2018 (KLR-RR/SUR) by the learned Single Judge.

2. The brief facts leading to the filing of this appeal are that the appellant is the owner of land bearing Sy.No.83/2 measuring 1 acre situated at Mylappanahalli Village, Hesaraghatta Hobli, Bangalore North Taluk. The respondent No.3-Tahasildar, as per the direction of the respondent No.2 entered the name of the respondent No.1 in the revenue records in terms of the compromise decree dated 25.02.2015 in O.S.No.103/2015. The respondent No.3 altered the records as per the order of the respondent No.2 dated 18.11.2015, wherein the appellant noticed that the extent of land in his name as per the revenue records in Sy.No.83/2 was altered from 1 acre to 20 guntas. The



appellant filed a suit in O.S.No.1507/2015 seeking permanent injunction against the respondent No.1 and another. The appellant also challenged the order of the respondent No.2 dated 18.11.2015 before the respondent No.4 which was dismissed with a finding that the same would be subject to the outcome of the suit in O.S.No.1507/2015. The appellant assailed the order passed by the respondent Nos.2 and 4 before the learned Single Judge in W.P.No.10152/2018. The learned Single Judge, vide the impugned order dismissed the petition and held that *status quo* should be maintained with regard to the revenue entries of the land in question subject to the outcome of O.S.No.1507/2015. Being aggrieved, this appeal is filed.

3. Sri.Mahendra S.S, learned counsel appearing for the appellant submits that the learned Single Judge has not considered the material on record in its proper perspective. It is submitted that the compromise decree in O.S.No.103/2015 was obtained by fraudulent means and the appellant was also not a party to the same due to which the said decree could not have been the sole basis to order for



change in the revenue entries. It is further submitted that the respondent No.2 directed the respondent No.3 to change the revenue entries in terms of the compromise decree and the same was carried out without giving the appellant an opportunity to be heard. In support of his contentions, he placed reliance on the decision of this Court in the case of ***ISMAILBEE Vs. STATE OF KARNATAKA AND OTHERS***¹. Hence, he seeks to allow the appeal.

4. *Per contra*, K.N.Nitish, learned counsel for Smt.Vanitha Devi V., learned counsel appearing for the respondent No.1 supports the impugned order passed by the learned Single Judge. It is submitted that the learned Single Judge has rightly considered that the Trial Court in O.S.No.1507/2015 has passed an interim order protecting the interests of the appellant and in view of the same, *status quo* must be maintained subject to the outcome of the pending suit in O.S.No.1507/2015. It is further submitted that the appellant has filed another suit in O.S.No.1336/2018

¹ W.P.No.203889/2024 dt. 20.12.2024



seeking declaration of ownership, declaration that various instruments of conveyance are not binding, mandatory injunction, delivery of physical vacant possession and also permanent injunction along with other reliefs with regard to 20 guntas in question. It is also submitted that in the said suit, the respondent No.1 is impleaded and until the said suit is adjudicated on merits and the appellant gets the declaration, he cannot seek to restore his name in the revenue records. In support of his contentions, he placed reliance on the decision of the Full Bench of this Court in the case of **JAYAMMA AND OTHERS Vs. STATE OF KARNATAKA, REP. BY ITS SECRETARY, DEPARTMENT OF REVENUE AND OTHERS**². Hence, he seeks to dismiss the appeal.

5. Smt.Pramodhini Kishan, learned Additional Government Advocate supports the order passed by the learned Single Judge and seeks to dispose of the appeal by passing necessary orders.

² 2020 SCC Online Kar 211



6. We have heard the arguments advanced by the learned counsel appearing for the appellant, the learned counsel for respondent No.1, the learned Additional Government Advocate appearing for the respondent-State and perused the material available on record. We have given our anxious consideration to the submissions advanced on both the sides.

7. The material on record indicates that the appellant is the owner of land in Sy.No.83/2 measuring 1 acre situated at Mylappanahalli Village, Hesaraghatta Hobli, Bangalore North Taluk. It is averred that the family members of the respondent No.1 instituted a suit in O.S.No.103/2015 seeking for partition in respect of land in Sy.No.83/2 (New Survey Number 83/5) measuring 20 guntas of land situated at Myllappanahalli Village. The said suit came to be decreed vide a compromise decree dated 25.02.2015. The respondent No.1 instituted proceedings in R.A.No.(BNA)587/2014-15 before the respondent No.2 seeking transfer of khatha in the name of respondent No.1



as per the compromise decree. The respondent No.2, as per the compromise decree directed the respondent No.3 to transfer the khatha in the name of the respondent No.1. The said order was challenged before the respondent No.4 and the same was dismissed holding that the transfer of khatha would be subject to the outcome of the suit in O.S.No.1507/2015. The appellant assailed the orders of the respondent Nos.2 and 4 before the learned Single Judge in the writ petition. The learned Single Judge dismissed the petition on the ground that there was an interim order passed in O.S.No.1507/2015 protecting the interests of the appellant and in view of the same, *status quo* must be maintained subject to the outcome of the pending suit.

8. It is to be noticed that the appellant has filed O.S.No.1336/2018 against one N.Leela Ramesh and others and the respondent No.1 is impleaded in the said suit. The appellant has sought a declaration of ownership of 1 acre of land in Sy.No.83/2 based on the sale deed dated 16.12.2005, sought declaration that various instruments of conveyance are not binding, sought mandatory injunction



against the defendant No.1 therein, sought direction to the defendant No.1 to deliver the vacant possession of the 'B' Schedule property, sought for permanent injunction and other reliefs. The suit filed by the appellant is a comprehensive suit against the defendants therein as well as the respondent No.1 herein. The change of revenue records by the Authority in favour of the respondent No.1 was admittedly based on the compromise decree entered into between the respondent No.1 in O.S.No.103/2015, wherein the appellant was not a party. The revenue authorities, without notifying the appellant, in whose name the revenue records were standing, transferred the entries to the name of the respondent No.1.

9. The contention of the learned counsel for the appellant is that the respondent No.2 ordered for transfer of khata without giving the appellant an opportunity to object to the same, which is in violation of the principles of natural justice. It is trite law that for any change sought to be carried out in the revenue records, a notice has to be



issued and the principles of natural justice have to be followed. It is also important that the orders with regard to any such change in the revenue entries shall be passed only after providing an opportunity of hearing to the other party in whose name the revenue records were standing. In the instant case, it is not in dispute that on receipt of the application from the respondent No.1, the respondent No.2 neither issued a notice nor gave the appellant an opportunity to object to the said mutation of records. Therefore, the orders passed by the respondent No.2 as well as the respondent No.4 are in violation of the principles of natural justice.

10. Insofar as the reliance placed by the respondent No.1 on the decision of this Court in the case of **Jayamma and others** referred *supra* is concerned, the law laid down in the aforesaid case is not in dispute. In the case on hand, the dispute raised by the appellant is only with regard to the change in the revenue entries and not the title of the property and even the said change in revenue



entries will ultimately be subject to the outcome of the pending suits between the parties. Hence, the aforesaid case will not help the respondent No.1.

11. Hence, we are of the considered view that the order passed by the respondent No.2, the order passed by the respondent No.4 as well as the order passed by the learned Single Judge in the writ petition are to be interfered with on the ground that no opportunity of hearing was given to the appellant.

12. It is again trite law that the revenue entries would itself not confer any title on the parties and it only has a presumptive value. The finding recorded by this Court should not influence the Trial Court in deciding the civil suits pending between the parties. The change in the revenue entries will be subject to the outcome of the suits pending between the parties.

13. For the aforementioned reasons, the writ appeal is ***allowed.***



The impugned order of the learned Single Judge dated 11.04.2023 passed in W.P.No.10152/2023 is set aside. The writ petition filed by the appellant is allowed.

The orders dated 18.11.2015 and 15.12.2017 passed by the respondent Nos.2 and 4, respectively, are hereby quashed.

The respondent No.3 is directed to restore the name of the appellant in the revenue records as they stood prior to the passing of the orders of the respondent Nos.2 and 4.

The restoration of the revenue entries in favour of the appellant would be subject to the outcome of the pending suits between the parties.

No orders to costs.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE