



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. 17682 OF 2021 (LB-RES)

BETWEEN:

SRI. S.KESHAVAMURTHY
SON OF LATE SUBBEGOWDA
AGED ABOUT 45 YEARS
RESIDING AT NO.237,
17TH MAIN, 3RD CROSS
BEL LAYOUT, MAGADI ROD,
BANGALORE - 560 091

...PETITIONER

(BY SRI. SIDDAMALLAPPA P.M., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY
DEPARTMENT OF PANCHAYATH RAJ
AND LOCAL BODY
M.S. BUILDING
BANGALORE - 560 001
2. THE CHIEF EXECUTIVE OFFICER
TALUK PANCHAYAT
KUNIGAL TLAUK
KUNIGAL
TUMKUR DISTRICT
PIN CODE - 572130
3. THE PANCHAYATH DEVELOPMENT OFFICER
KAGGERE GRAM PANCHAYATH
KAGGERE
YEDIYUR HOBLI





KUNIGAL TALUK
TUMKUR DISTRICT
PIN CODE - 572142

4. SMT. SAKAMMA
SINCE DEAD BY HER LEGAL REPRESENTATIVES
- 4(a). SRI. B.G. SRINIVAS
S/O LATE GOPALIAH AND SAKAMMA,
AGED ABOUT 55 YEARS,
RESIDING AT BASAVAMATHIKERE VILLAGE,
YEDIYUR HOBLI, KUNIGAL TALUK,
TUMKUR DISTRICT - 560070
- 4(b). SMT. SHAKUNTHALA
D/O LATE GOPALIAH AND SAKAMMA
AGED ABOUT 52 YEARS,
RESIDING AT NO.144, 1ST STAGE
SINGA MARGA,
NANDINI LAYOUT, MYSORE - 570028
- 4(c). SRI. B.G. KUMAR
S/O LATE GOPALIAH AND SAKAMMA
AGED ABOUT 50 YEARS,
RESIDING AT BASAVANAMATHIKERE VILLAGE,
YEDIYUR HOBLI, KUNIGAL TALUK,
TUMKUR DISTRICT - 560070
- 4(d). SMT. B.G. VIMALA
D/O LATE GOPALIAH AND SAKAMMA
AGED ABOUT 48 YEARS,
RESIDING AT BASAVANAMATHIKERE VILLAGE,
YEDIYUR HOBLI, KUNIGAL TALUK,
TUMKUR DISTRICT - 560070
- 4(e). SMT. B.G. SUJATHA
D/O LATE GOPALIAH AND SAKAMMA
AGED ABOUT 45 YEARS,
RESIDING AT MADESHWARANAGAR,
3RD CROSS, BANGALORE - 570091
- 4(f). SMT. HEMAVATHI
D/O LATE GOPALIAH
AGED ABOUT 40 YEARS,
MADESHWARANAGARA



3RD CROSS, BANGALORE - 570091.

...RESPONDENTS

(BY SRI.CHANDINI SINGH S. HCGP FOR RESPONDENT NO.1;
SRI. A.NAGARAJAPPA, ADVOCATE FOR R2 AND 3;
SRI. K.G.SADASHIVAIAH, ADVOCATE FOR R.4(a) AND (c);
V/O. DATED 10.06.2025 AND 23.10.2024, SERVICE OF
NOTICE IN RESPECT OF RESPONDENT NO.4(b), (d), (e)
AND (f) IS HELD SUFFICIENT.

THIS WP FILED UNDER ARTICLES 226 AND 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER AS
PER ANNEXURE-A PASSED IN THE NAME OF THE RESPONDENT
NO.4 WITH RESPECT TO THE PROPERTY BEARING JANJUR
NO.39, SL.NO.58, PROPERTY MEASURING EAST TO WEST - 20
FEET AND NORTH TO SOUTH - 30 FEET, SITUATED AT
BASAVAMATHIKERE VILLAGE, KAGGERE GRAM PANCHAYAT,
YEDIYUR HOBLI, KUNIGAL TALUK AND THE ORDER PASSED BY
THE RESPONDENT NO.2 IN VPC NO.1/2014-15 DATED
05.07.2021 AS PER ANNEXURE-C AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Petitioner is before this Court seeking for the following
reliefs:

"(i) *Issue writ of certiorari quashing the order at
Annexure - A passed in the name of the 4th
Respondent with respect to the property bearing
Janjur No.39, Sl.No.58, property measuring East
to West:20 feet and North to South:30 feet,
situated at Basavanamathikere village, Kaggere
Gram Panchayat, Yediyur Hobli, Kunigal Taluk
and the order passed by the 2nd Respondent in*



VPC. No.1/2014-15 dated:05.07.2021 as per
ANNEXURE-C.

(ii) Issue any other appropriate writ, order or direction as this Hon'ble Court deems fit to grant in the circumstances of the case, by allowing the above Writ Petition, to meet the ends of justice and equity."

2. The submission of the learned counsel for the petitioner is that the petitioner is the son and legal heir of late Subbegowda, who was the appellant in the proceedings before respondent No.2. It is submitted that upon the demise of the said Subbegowda, a memo reporting his death was filed along with an application seeking to bring his legal representatives on record on 14.11.2019. The matter was thereafter adjourned to 19.11.2019.
3. However, it is contended that thereafter the matter was adjourned on the ground that the appellant was absent and subsequently the appeal came to be dismissed without considering the application filed for bringing the legal representatives of the deceased appellant on record.
4. A perusal of the records indicates that the memo reporting the death of the appellant and the application seeking substitution of legal representatives were indeed filed prior to the dismissal of the appeal. In such circumstances, the appeal ought not to have been dismissed without first considering the application for bringing the legal heirs of the deceased appellant on



record. The order passed in the said manner has the effect of adversely affecting the rights of the petitioner, who claims to be the legal heir of the deceased appellant in the proceedings before respondent No.2.

5. Having heard the learned counsel for the petitioner and on perusal of the material placed on record, it is evident that the memo reporting the death of the appellant and the application seeking to bring the legal representatives on record had been filed prior to the dismissal of the appeal. Once such an application was filed, it was incumbent upon respondent No.2 to consider the said application and pass appropriate orders thereon before proceeding further in the matter.
6. The dismissal of the appeal without first deciding the application for bringing the legal representatives of the deceased appellant on record amounts to failure to follow the basic procedural requirements governing adjudication. Such a course of action has the effect of depriving the legal heirs of the deceased appellant of an opportunity to prosecute the appeal, thereby resulting in serious prejudice.
7. In the circumstances, the impugned order passed by respondent No.2 dismissing the appeal cannot be sustained in law and is liable to be set aside. The matter requires to be remitted back to respondent No.2 for reconsideration, after first deciding the application filed



for bringing the legal representatives of the deceased appellant on record.

8. Accordingly, I pass the following

ORDER

- (i) The petition is ***allowed***.
- (ii) A certiorari is issued, the order passed by respondent No.2 in VPC No.1 of 2014/15 dated 05.07.2021 at Annexure - C is quashed.
- (iii) The matter is remitted to respondent No.2 to consider the application filed by the petitioner to bring himself on record as a legal heir and take up the matter for consideration thereafter.
- (iv) Since this order is passed in the presence of both the counsels, they shall appear before respondent No.2 without requirement of any further notice at ***02.30 p.m. on 16.03.2026.***

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

HJ
List No.: 2 Sl No.: 19