



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 48868 OF 2014 (KLR-RR/SUR)

BETWEEN:

SMT. AMARAVATHY
W/O. VENKATESHAPPA,
AGED ABOUT 39 YEARS,
R/O URUGURKI VILLAGE,
TEKAL HOBLI, MALUR TALUK,
KOLAR DISTRICT-563 130

...PETITIONER

(BY SRI. S VISWESWARAIAH., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE,
M S BUILDING,
DR AMBEDKAR VEEDHI,
BANGALORE-560 001.
2. THE DEPUTY COMMISSIONER
KOLAR DISTRICT,
KOLAR-563 101.
3. NARAYANAPPA
S/O LATE CHIKKMADDEPPA,
AGED ABOUT 49 YEARS,





R/O URUGURKI VILLAGE,
TEKAL HOBLI, MALUR TALUK,
KOLAR DISTRICT-563130

...RESPONDENTS

(BY SRI.V.SESHU., HCGP FOR R1 & R2
SRI. S. VIJAYKUMAR., ADVOCATE., FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER PASSED BY THE R-2 IN CASE NO. R.A. 16/2010-11 DATED 01.10.2014 VIDE ANN-H AND GRANT AN INTERIM ORDER TO STAY THE OPERATION AND EXECUTION OF THE ORDER PASSED BY THE R-2 IN CASE R.A. 16/2010-11 DATED 1.10.2014 VIDE ANN-H.

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

CORAM: HON'BLE MR. JUSTICE R DEVDAS

ORAL ORDER

The petitioner is aggrieved of the impugned order dated 01.10.2014 at Annexure 'H' passed by the Deputy Commissioner, Kolar District in proceedings bearing No.RA 16/2010-11. There is an interesting story behind the present proceedings.



2. The petitioner's husband Sri Venkateshappa who acquired title over 20 guntas of land in Sy.No.26/15P of Urugurki Village, Tekal Hobli, Malur Taluk, sold the property in favour of the third respondent under a registered sale deed dated 27.08.1974. However, since there was interference at the hands of Sri Venkateshappa, the third respondent filed O.S.No.199/2004 on the file of the learned Prl. Civil Judge (Jr.Dn.) & JMFC at Malur for permanent injunction. During the course of the suit, a compromise petition was filed by the parties and in terms of the compromise petition, a judgment and decree was passed on 27.09.2004, whereby the defendant Sri Venkateshappa admitted that the plaintiff is the owner of the suit schedule property and that the defendant will not interfere in the peaceful possession of the same. Nevertheless, it appears that an application was filed under Section 152 of the CPC, at the hands of the plaintiff seeking correction of the survey number and accordingly the application was disposed of by order dated 10.12.2009



permitting the correction of the survey number as 26/P6 instead of 26/15P.

3. Pursuant thereafter the defendant Sri Venkateshappa, has executed a sale deed in favour of his wife, the petitioner herein on 05.10.2004 transferring the rights in Sy.No.26/15P measuring 20 guntas. Pursuant to the sale deed, mutation entries were made in favour of the petitioner in M.R.No.4/2004-05. However, since pursuant to the decree drawn in O.S.No.199/2004 the mutation entry was also made in favour of the third respondent in M.R.No.8/2006-07. That mutation order was challenged by the petitioner herein before the Assistant Commissioner in R.A.No.375/2009-10. The third respondent contested the said appeal and the Assistant Commissioner having noticed the subsequent amendment made to the survey number, allowed the appeal while setting aside mutation order bearing M.R.No.8/2006-07 and restoring the revenue entries in favour of the petitioner herein in terms of M.R.No.4/2004-05.



Aggrieved by the same, the third respondent filed a revision petition before the Deputy Commissioner in R.A.No.16/2010-11 and the Deputy Commissioner allowed the Revision Petition while setting the order of the Assistant Commissioner. Consequently, this writ petition has been by the petitioner challenging the order passed by the Deputy Commissioner.

4. Having heard the learned Counsel for the petitioner and the learned Counsel for respondent No.3, this Court finds that though it is true that the third respondent purchased 15 guntas of land in Sy.No.26/15P under registered sale deed dated 27.08.1974 from the husband of the petitioner, nevertheless it is also true that the order passed by the learned Prl. Civil Judge (Jr.Dn.), permitting amendment of the survey number was questioned by the third respondent by filing an application. However, the said application was rejected by the learned Prl. Civil Judge (Jr.Dn.). Thereafter the third respondent has not taken any further step to redress his grievance.



5. In the light of the above, this Court is of the considered opinion that unless the third respondent takes effective step to set aside the subsequent order passed by the learned Prl. Civil Judge (Jr.Dn.), in permitting amendment of the survey number of the suit schedule property and/or raising a challenge to the subsequent sale transaction dated 05.10.2004 which was executed by the petitioner's husband in favour of the petitioner, nothing much can be done by the revenue authorities.

6. Since the issue now revolves around disputed questions of title and in the light of the law laid down by the Full Bench of this Court in the case of ***Smt.Jayamma Vs. State of Karnataka and Others AIR 2020 (NOC 862) 278*** that revenue authorities will not be permitted to enter into disputed questions of title, the writ petition is ***allowed*** while setting aside the impugned order dated 01.10.2014 at Annexure 'H' passed by the Deputy Commissioner, Kolar District. Liberty is however reserved



**NC: 2026:KHC:16999
WP No. 48868 of 2014**

to the third respondent to pursue the remedy in
accordance with law.

**Sd/-
(R DEVDAS)
JUDGE**

JT/-
CT: JL