



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 915 OF 2025 (KLR-RES)

C/W

WRIT APPEAL NO. 942 OF 2025 (KLR-RES)

IN WA No. 915/2025

BETWEEN:

SMT.RUKMINI .V.
W/O. PRAKASH KUMAR. M,
AGED ABOUT 47 YEARS,
R/AT NO. 1482, OPPOSITE,
J.P.N. PARK, PIPELINE ROAD,
VIJAYANAGAR,
BENGALURU - 560 040.

...APPELLANT

(BY SRI. ASHOKA HARANAHALLI SR.ADVOCATE FOR
SRI. PRASANNA B.R., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
VIKASA SOUDHA,
DR. B. R. AMBEDKAR VEEDHI,
BENGALURU - 560 001.





2. THE DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT,
KANDAYA BHAVANA, K.G. ROAD,
BENGALURU - 560 009.
3. THE ASSISTANT COMMISSIONER,
BENGALURU SOUTH SUB-DIVISION,
KANDAYA BHAVANA, K.G. ROAD,
BENGALURU - 560 009.
4. THE TAHSILDAR,
BENGALURU SOUTH TALUK,
KANDAYA BHAVANA,
K.G. ROAD,
BENGALURU - 560 009.
5. SMT. MAHADEVAMMA,
W/O. SIDDAPPA,
AGED ABOUT 72 YEARS,
R/AT BASAVANAPALYA VILLAGE,
THAVAREKERE POST AND HOBLI,
BENGALURU SOUTH TALUK - 562 130.
6. SMT. SHIVAMMA,
W/O. SHANKARAPPA,
AGED ABOUT 65 YEARS,
R/AT KACHIGUPPA VILLAGE,
HAROHALLI HOBLI,
KALAGANAHALLI POST,
KANAKAPURA TALUK - 562 112.
7. SRI. MALLIKARJUNA,
S/O. LATE GANGAPPA,
AGED ABOUT 53 YEARS,
8. SRI. JAYANNA,
S/O. SHIVARUDRAPPA,
AGED ABOUT 42 YEARS,



9. SRI. RAJAPPA,
S/O. LATE GANGAPPA,
AGED ABOUT 54 YEARS,

RESPONDENTS NO. 7 TO 9 ARE
R/AT MANAMANHALLI VILLAGE,
KASABA HOBLI,
THIMMASANDRA POST,
RAMANAGARA TALUK - 561 201.

10. SMT. NAGAMMA,
W/O. SOMANNA,
AGED ABOUT 62 YEARS,
R/AT CHANDRA LAYOUT,
BENGALURU - 560 040.

11. SMT. SHARADA,
W/O. SADASHIVAIAH,
AGED ABOUT 56 YEARS,
R/AT BYDARAHALLI VILLAGE,
THAVAREKERE POST AND HOBLI,
MAGADI TALUK - 562 130.

12. SMT. SUSHEELAMMA,
W/O. VEERANNA,
AGED ABOUT 54 YEARS,
R/AT KEMPAPURA VILLAGE,
KADUR HOBLI, BETTAHALLI POST,
MAGADI TALUK - 561 101.

13. SMT. GOWRAMMA,
W/O. SHAMANNA,
AGED ABOUT 55 YEARS,
R/AT MANAMANHALLI VILLAGE,
KASABA HOBLI,
THIMMASANDRA POST,
RAMANAGARA TALUK - 561 201.



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14. THE COMMISSIONER,
BENGALURU DEVELOPMENT AUTHORITY,
KUMARA PARK WEST
BENGALURU - 560 020.

...RESPONDENTS

(BY SRI. GIRISH .R., ADVOCATE FOR R5 TO R11,
SRI. CHANDANA N. SWAMY, ADVOCATE FOR R14,
SRI. M.N. SUDEV HEGDE, AGA FOR R1 TO R4)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT,1961, PRAYING TO SET ASIDE
THE IMPUGNED ORDER DATED:28.04.2025 IN WP
NO.6335/2023 PASSED BY THE LEARNED SINGLE JUDGE OF
THIS HON'BLE HIGH COURT AND TO ALLOW THE WRIT
PETITION AS PRAYED FOR AND ETC.,

IN WA NO. 942/2025

BETWEEN:

SMT.RUKMINI .V.
W/O. PRAKASH KUMAR. M,
AGED ABOUT 46 YEARS,
R/AT NO. 1482, OPPOSITE,
J.P.N. PARK, PIPELINE ROAD,
VIJAYANAGAR,
BENGALURU - 560 040.

...APPELLANT

(BY SRI. ASHOKA HARANAHALLI SR. ADVOCATE FOR
SRI. PRASANNA B R., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
VIKASA SOUDHA,
DR. B. R. AMBEDKAR VEEDHI,
BENGALURU - 560 001.



2. THE DEPUTY COMMISSIONER
BENGALURU URBAN DISTRICT,
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BENGALURU - 560 009.
3. THE ASSISTANT COMMISSIONER,
BENGALURU SOUTH SUB-DIVISION,
KANDAYA BHAVANA, K.G. ROAD,
BENGALURU - 560 009.
4. THE TAHSILDAR,
BENGALURU SOUTH TALUK,
KANDAYA BHAVANA,
K.G. ROAD,
BENGALURU - 560 009.
5. SMT. MAHADEVAMMA,
W/O. SIDDAPPA,
AGED ABOUT 71 YEARS,
R/AT BASAVANAPALYA VILLAGE,
THAVAREKERE POST AND HOBLI,
BENGALURU SOUTH TALUK - 562 130.
6. SMT. SHIVAMMA,
W/O. SHANKARAPPA,
AGED ABOUT 65 YEARS,
R/AT KACHIGUPPA VILLAGE,
HAROHALLI HOBLI,
KALAGANAHALLI POST,
KANAKAPURA TALUK - 562 112.
7. SRI. MALLIKARJUNA,
S/O. LATE GANGAPPA,
AGED ABOUT 52 YEARS,
8. SRI. JAYANNA,
S/O. SHIVARUDRAPPA,
AGED ABOUT 41 YEARS,



9. SRI. RAJAPPA,
S/O. LATE GANGAPPA,
AGED ABOUT 53 YEARS,

RESPONDENTS NO. 7 TO 9 ALL ARE
R/AT MANAMANHALLI VILLAGE,
KASABA HOBLI,
THIMMASANDRA POST,
RAMANAGARA TALUK - 561 201.

10. SMT. NAGAMMA,
W/O. SOMANNA,
AGED ABOUT 61 YEARS,
R/AT CHANDRA LAYOUT,
BENGALURU - 560 040.

11. SMT. SHARADA,
W/O. SADASHIVAIAH,
AGED ABOUT 55 YEARS,
R/AT BYDARAHALLI VILLAGE,
THAVAREKERE POST AND HOBLI,
MAGADI TALUK - 562 130.

12. SMT. SUSHEELAMMA,
W/O. VEERANNA,
AGED ABOUT 53 YEARS,
R/AT KEMPAPURA VILLAGE,
KADUR HOBLI, BETTAHALLI POST,
MAGADI TALUK - 561 101.

13. SMT. GOWRAMMA,
W/O. SHAMANNA,
AGED ABOUT 52 YEARS,
R/AT MANAMANHALLI VILLAGE,
KASABA HOBLI,
THIMMASANDRA POST,
RAMANAGARA TALUK - 561 201.



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14. THE COMMISSIONER,
BENGALURU DEVELOPMENT AUTHORITY,
KUMARA PARK WEST, BENGALURU - 560 020.

(AMENDED AS PER COURT ORDER DATED
10.03.2026).

...RESPONDENTS

(BY SRI. GIRISH R., ADVOCATE FOR R5 TO R 13,
SMT. MAMATHA, ADVOCATE FOR R14,
SRI. M.N. SUDEV HEGDE, AGA FOR R1 TO R4)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF
THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET
ASIDE THE IMPUGNED ORDER DATED:28.04.2025 IN WRIT
PETITION No.6500/2023 (KLR) PASSED BY THE LEARNED
SINGLE JUDGE OF THIS HON'BLE HIGH COURT AND TO
ALLOW THE WRIT PETITION AS PRAYED FOR AND ETC.,

THESE APPEALS ARE COMING ON FOR PRELIMINARY
HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS
UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present intra Court appeal has been filed against
the common judgment and order dated 28.04.2025
passed by the writ Court in WP.No.6500/2023 C/W
WP.No.6335/2023 filed by the respondent.



2. The parties are referred to as per their ranking before the writ Court for the sake of convenience.

3. The respondents claiming to be the owner in possession of schedule property i.e., land bearing Sy.No.9/2 measuring to an extent of 1 acre 25 guntas of land including 2 guntas of Kharab and Sy.No.1/5 measuring 0.31 guntas situated at Challaghatta Village, Kengeri Hobli, Bengaluru South Taluk.

4. On the basis of the judgment and decree dated 07.07.2012 passed in OS.No.1549/2007 (partition suit), the respondents filed Civil Suit in OS.No.380/2017 seeking *inter alia* for declaration of sale deed dated 09.09.2015 in favour of the appellant as null and void and not binding on the plaintiffs/respondents herein. The said suit challenging the sale deed in favour of the appellant came to be withdrawn on 17.06.2022. Thereafter, the respondents filed another suit in OS.No.412/2016 praying for permanent injunction against the appellants which was withdrawn on 14.02.2023. The withdrawal memo would



suggest that the respondents-petitioners had given up their claims in respect of the said properties.

5. After withdrawing the suit, wherein the decree for declaration of the sale deed executed in favour of the appellants was not binding on the respondents, and withdrawal of the suit in OS.No.380/2017 for injunction stating that the respondents-petitioners had given up their claim over the property in question, the respondent sought mutation of the subject land i.e., 1 acre 33 guntas in Sy.No.9/2, 1 acre 0.33 guntas in Sy.No.1/5 at Chalaghatta Village, Kengeri Hobli, Bengaluru South Taluk, such mutation sought in the revenue entries was on the basis of the partition deed by ignoring the sale deed in favour of the appellant.

6. The name of the appellant was however mutated on the basis of the sale deed dated 09.09.2015 registered on 14.09.2015 in the revenue records as per MR.No.H-4/2015-16 and MR.No.H-3/2015-16. The said mutation entries, in favour of the appellants which was



challenged by respondent Nos.4 to 13 before the Assistant Commissioner, Bengaluru South Division, Bengaluru. The Assistant Commissioner, vide order dated 14.07.2020 allowed the appeals. The Deputy Commissioner, Bengaluru Urban District, Bengaluru, vide order dated 14.02.2023 affirm the order passed by the Assistant Commissioner.

7. Aggrieved by the said order passed by the Assistant Commissioner and Deputy Commissioner as mentioned above, the appellant had filed WP.No.6133/2025 (KLR-RES) before the writ Court. The writ Court vide impugned judgment and order had dismissed the writ petition on the premise that the appellant had filed suit in OS.No.2087/2022 seeking declaration that she is the owner of property on the basis of the sale deed dated 09.09.2015 and the sale deed is binding on the contesting respondents.

8. The writ Court dismissed the writ petition with the observation that the entries made in favour of the



respondents would be subject to the result of the OS.No.2087/2022.

9. Sri. Ashok Haranahalli, learned Senior Counsel appearing for Sri.Prasanna B.R, learned counsel for the appellant would submit that once the respondents had withdrawn the OS.No.380/2017, wherein they had sought a decree in respect of the sale deed dated 09.09.2015 as not binding on them, they cannot claim the right, title or interests or revenue entries on the basis of the decree passed in partition suit in OS.No.1549/2017. The respondents have given up their claim in respect of the land in question and they did not pursue the OS.No.380/2017 seeking declaration in respect of sale deed dated 09.09.2015.

10. It is further submitted that in the injunction suit in OS.No.412/2016, the respondents have specifically stated that they have given up their claim in respect of the property in question and they withdrew the suit for which they have filed the memo, stating that they had given up



their claim in respect of the property in question and the said injunction suit was dismissed as withdrawn.

11. The submission is that the revenue authorities as well as the learned Single Judge have ignored the vital aspects which would suggest that the respondents have no claim, right, title or interest over the property in question. As their specific stand had been in the civil suits filed by them that they had given up their claim with respect to the land in question, their revenue entries could not have been affected in their favour.

12. On the other hand, learned counsel for the respondents submit that the OS.No.380/2017 was withdrawn on the instance of the BDA that unless the suit Nos.380/2017 and 417/2016 were withdrawn, they would not be entitled for compensation and on the advice of the BDA, they had withdrawn the suit. However, he has no answer to the question that once they had given up their claim regarding challenge to the sale deed dated 09.09.2015 in respect of the said property in favour of the



appellant, and in the injunction suit the specific stand taken by them was that they had given up their claim in respect of suit schedule property in OS.No.412/2016, how can they seek mutation of their names in the revenue record inasmuch as they had given up their claim in respect of the said property.

13. These facts are important to decide whether the respondents are entitled for change in the revenue entry or not. Neither the Assistant Commissioner nor the Deputy Commissioner nor the learned Single Judge has taken into consideration these facts. Therefore, we allow these writ appeals and set aside the impugned judgment and order and remand the matter back to the file of the Assistant Commissioner, to re-consider the appeal filed by the respondents challenging the mutation entry in favour of the appellants.

14. Let the appeal be considered afresh in the light of the aforesaid facts as mentioned above. The parties shall be at liberty to take all grounds and make all



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submissions which may be available to them under the law before the Assistant Commissioner. In view of the aforesaid orders dated 14.07.2020 and 14.02.2023 passed by the Assistant Commissioner and Deputy Commissioner are also set aside and the Assistant Commissioner is directed to pass a fresh order in the light of what we have stated above.

The interim order dated 10.03.2026, will continue till the final decision is taken in respect of the revenue entry by the authorities concerned.

The Assistant Commissioner shall decide the case within an outer limit of three months.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

PK
List No.: 1 Sl No.: 23
ct-vn