

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT APPEAL NO.1209/2021(KLR)

C/W

WRIT APPEAL NO.1183/2021 (SCST)

IN W.A.No.1209/2021:

BETWEEN

SRI M JAYARAM
S/O LATE VADDARA BUDDIGA,
@ K M MUNISWAMY,
AGED ABOUT 67 YEARS,
R/AT KOODLU VILLAGE,
SARJAPURA HOBLI, ANEKAL TALUK,
BENGALURU DISTRICT.

...APPELLANT

(BY SRI UDAYA HOLLA, SR. ADVOCATE FOR
SRI PRASANNA B R, ADVOCATE)

AND

- 1 . THE SPECIAL DEPUTY COMMISSIONER
BENGALURU DISTRICT,
BENGALURU.
- 2 . THE ASSISTANT COMMISSIONER
BENGALURU SOUTH SUB DIVISION,
BENGALURU.
- 3 . THE TAHASILDAR
ANEKAL TALUK, ANEKAL,
BENGALURU DISTRICT.

- 4 . SRI B S SOMASHEKAR
S/O LATE B. SIDDAIAH,
AGED ABOUT 57 YEARS,
R/AT NO.467, 12TH MAIN ROAD,
M C LAYOUT, VIJAYANAGAR,
BENGALURU-560 040
- 5 . SRI OBALA REDDY
SINCE DECEASED BY HIS LRS.,
- 5(a) PAPANNA
S/O LATE K.N. OBALA REDDY
AGED ABOUT 63 YEARS
- 5(b) LOKESH REDDY
S/O LATE K.N.OBALA REDDY
AGED ABOUT 60 YEARS
- 5(c) NAGARAJA REDDY
S/O LATE K.N.OBALA REDDY
AGED ABOUT 59 YEARS
- 5(d) RUKKAMMA
D/O LATE K.N.OBALA REDDY
AGED ABOUT 55 YEARS
- 5(e) VENKATESH REDDY
S/O LATE K.N.OBALA REDDY
AGED ABOUT 53 YEARS
- 5(f) NIRMALA
D/O LATE K.N.OBALA REDDY
AGED ABOUT 50 YEARS
- 5(g) RENUKA
D/O LATE K.N.OBALA REDDY
AGED ABOUT 53 YEARS
- ALL ARE R/AT NO.581
KUDLU VILLAGE, HARALURU ROAD
BENGALURU - 560 068

6 . SRI BEERAPPA
SINCE DECEASED BY HIS LRS.,

6(a) SRI K B MANJUNATH,
S/O LATE BEERAPPA
AGED ABOUT 67 YEARS,

6(b) SRI K B GOPAL
S/O LATE BEERAPPA
AGED ABOUT 55 YEARS,

7 . SRI RAGHURAMA REDDY
S/O OBALA REDDY,
AGED ABOUT 64 YEARS,

8 . SRI BABU REDDY
S/O OBALA REDDY,
AGED ABOUT 39 YEARS,

RESPONDENTS NO.5 TO 8 ARE RESIDING AT
KODLU VILLAGE, SARJAPURA HOBLI,
ANEKAL TALUK,
BENGALURU DISTRICT.

...RESPONDENTS

(BY SRI D.L.JAGADEESH, SR. ADVOCATE FOR
SMT.RAKSHITHA.D.J., ADVOCATE FOR C/R4;
SMT.PRAMODHINI KISHAN, ADDITIONAL GOVERNMENT
ADVOCATE FOR R1 TO R3;
R5(A), R6(A AND B), R7 AND R8 ARE SERVED;
R5(b to g) - SERVICE OF NOTICE IS HELD SUFFICIENT VIDE
COURT ORDER DATED 22.01.2025)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, PRAYING TO SET ASIDE THE
ORDER OF THE LEARNED SINGLE JUDGE PASSED IN
W.P.NO.10499/2011 (KLRT) DATED 04.10.2021.

IN W.A.No.1183/2021:**BETWEEN:**

SRI M JAYARAM
 S/O LATE VADDARA BUDDIGA,
 @ K M MUNISWAMY,
 AGED ABOUT 67 YEARS,
 R/AT KOODLU VILLAGE,
 SARJAPURA HOBLI, ANEKAL TALUK,
 BENGALURU DISTRICT.

...APPELLANT

(BY SRI UDAYA HOLLA, SR. ADVOCATE FOR
 SRI PRASANNA B R, ADVOCATE)

AND

- 1 . THE DEPUTY COMMISSIONER
 BENGALURU DISTRICT,
 BENGALURU
- 2 . THE SPECIAL DEPUTY COMMISSIONER
 BENGALURU DISTRICT,
 BENGALURU.
- 3 . THE ASSISTANT COMMISSIONER
 BENGALURU SOUTH SUB DIVISION,
 BENGALURU
- 4 . THE TAHASILDAR
 ANEKAL TALUK,
 ANEKAL,
 BENGALURU RURAL DISTRICT.
- 5 . SRI B S SOMASHEKAR
 S/O LATE B SIDDIAH,
 AGED ABOUT 47 YEARS,
 R/AT NO.467, 12TH MAIN ROAD,
 M C LAYOUT, VIJAYANAGAR,
 BENGALURU-560 040

..RESPONDENTS

(BY SRI D.L.JAGADEESH, SR. ADVOCATE FOR
SMT.RAKSHITHA.D.J, ADVOCATE FOR C/R5;
SMT.PRAMODHINI KISHAN, ADDITIONAL GOVERNMENT
ADVOCATE FOR R1 TO R4)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, PRAYING TO SET ASIDE THE
IMPUGNED ORDER DATED 04.10.2021 IN W.P.NO.13021/2011
(SC-ST) PASSED BY THE LEARNED SINGLE JUDGE OF THIS
COURT AND TO DISMISS THE WRIT PETITION.

THESE WRIT APPEALS HAVING BEEN HEARD AND
RESERVED FOR JUDGMENT ON 09.01.2026 AND COMING ON FOR
PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN
J.**, PRONOUNCED THE FOLLOWING:

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

CAV JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

Writ Appeals No.1209/2021 and 1183/2021 are filed
challenging the common order dated 04.10.2021 passed by
the learned Single Judge in Writ Petitions No.10499/2011
(KLR RR/SUR) c/w. 13021/2011 (SC-ST), respectively.

2. We have heard Shri. Udaya Holla, learned senior
counsel as instructed by Shri. Prasanna B.R, learned
advocate appearing for the appellant in both the appeals,
Shri. D.L. Jagadeesh, learned senior counsel as instructed by

Smt. Rakshitha D.J, learned advocate appearing for caveator/respondent No.4 in Writ Appeal No.1209/2021 and for caveator/respondent No.5 in Writ Appeal No.1183/2021 and Smt. Pramodhini Kishan, learned Additional Government Advocate appearing for respondents No.1 to 3 in Writ Appeal No.1209/2021 and for respondents No.1 to 4 in Writ Appeal No.1183/2021.

3. The appellant (Shri. M. Jayaram) was respondent No.4 in W.P.No.10499/2011 and respondent No.5 in W.P.No.13021/2011. In the writ petition, Shri. B.S. Somashekar, (respondent No.4 in W.A.No.1209/2021 and respondent No.5 in W.A.1183/2021), who was the writ petitioner, claimed to be the absolute owner in possession of land bearing Sy.No.215 (Old Sy.No.148) measuring 2 acres 1 gunta situated at Koodlu Village, Sarjapura Hobli, Anekal Taluk. The appellant, who was the contesting respondent claimed to be the son of Shri. Vaddara Buddiga @ K.M. Muniswamy, the grantee of the subject property.

4. Further, the appellant had made an application for permission to sell the land in question as the grant is attracted by the provisions of the Prohibition of Transfer of Certain Lands (Schedule Castes and Schedule Tribes) Act, 1978. By considering the same, the State Government has given permission as per the Order dated 16.12.2010. Subsequently, the Deputy Commissioner permitted to sell the land in question subject to certain terms and conditions according to Official Memorandum dated 01.01.2011. Aggrieved by the same, W.P.No.13021/2011 was preferred by respondent No.4 and clubbed with W.P.No.10499/2011, wherein, the Orders of the Assistant Commissioner, Special Deputy Commissioner and Deputy Commissioner were challenged.

5. The appellant contends that upon the demise of his father, he made an application before the Tahasildar for transfer of inheritance khatha with respect to the land bearing original Sy.No.148, new Sy.No.215 measuring to an extent of 2 acres 01 gunta situated at Koodlu Village, Sarjapura Hobli, Anekal Taluk. The Tahasildar through a

letter dated 24.06.2006 addressed to the Assistant Commissioner communicated that the name of one Shri. B.S. Somashekar - respondent No.4 has been mutated in the record of rights vide registered Sale Deed dated 04.05.1998 and the schedule mentioned in the Sale Deed and the actual schedule of the land in Sy.No.215 are not tallying. Further, the land in Sy.No.215 has been granted in favour of father of the appellant as per Order dated 16.08.1973 and Saguvali Chit has been issued in his name on 10.12.1980.

6. Pursuant to this report, the Assistant Commissioner registered an appeal under Section 136(2) of the Karnataka Land Revenue Act, 1964 ('KLR Act' for short). Accordingly, the Assistant Commissioner ordered to mutate the name of the appellant in respect of the land in Sy.No.215 measuring to an extent of 2 acre 01 gunta situated at Koodlu Village, Sarjapura Hobli, Anekal Taluk, through Order dated 15.12.2006. Aggrieved by this Order, respondent No.4 preferred Revision Petition No.71/2007-08

which was dismissed by the Special Deputy Commissioner as per Order dated 01.10.2009.

7. Respondent No.4 contended before the learned Single Judge that the land in Sy.No.215 was originally acquired by Shri. H.V. Ramaswamy Iyengar in 1942 under the Government's Grow More Food Scheme (GMF) and thereafter alienated the land in question in favour of Shri. Kodathi Muniyappa under a Sale Deed dated 10.06.1944. The property was subsequently alienated in favour of Shri. Vaddara Buddiga, the appellant's father, by way of registered Sale Deed dated 27.05.1946. Thereafter, the property was alienated in favour of Shri. K.N. Obala Reddy on 10.07.1967. Subsequently, the property was alienated in favour of Shri. Beerappa on 17.07.1972, following which, Shri. Beerappa sold it to Shri. Raghurama Reddy under a Sale Deed dated 14.09.1995. Shri. Raghurama Reddy and his son, Babu Reddy (Respondents No.7 and 8), ultimately sold and conveyed the property to Respondent No.4 under a Sale Deed dated 04.05.1998. The entries in the RTC were mutated in favour of respondent No.4. Long thereafter, an

Order was passed by the Assistant Commissioner directing rectification in the record of rights which was upheld by the Deputy Commissioner.

8. Respondent No.4 had further contended that the revenue authorities wrongly came to the conclusion that the land granted in favour of the father of the appellant and the land purchased by respondent No.4 are different. The sale in favour of respondent No.4 and his predecessor has not been questioned. Further, in the grant certificate there is no mention about boundaries, therefore, vitiating the orders of the Assistant Commissioner and Special Deputy Commissioner.

9. The learned Single Judge considered the issue whether Shri. Ramaswamy Iyengar and the appellant's father - Shri. Vaddara Buddiga were granted different lands. It was held that the appellant's right to revenue entries for the land in question (Sy.No.215) would involve decisions on the alleged change in the boundaries by respondent No.4's predecessors-in-title in the Sale Deed executed by them.

These questions could not have been decided by the revenue authorities. Therefore, the learned Single Judge set aside the orders of the Special Deputy Commissioner and the Assistant Commissioner, Bengaluru South Sub-Division and ordered to restore the revenue entries in the name of respondent No.4 with respect to the land in Sy.No.215 measuring 2 acres and 01 Gunta.

10. The learned senior counsel appearing for the appellant contended that the learned Single Judge concluded that the Assistant Commissioner cannot be permitted to initiate proceedings in exercise of jurisdiction under Section 136(2) of the KLR Act. It is contended that the question with regard to maintainability of the appeal under Section 136(2) of the KLR Act was not raised by respondent No.4 in the writ petition. It is therefore, contended that the finding by the learned Single Judge that the power of appeal was exercised by the Assistant Commissioner belatedly and without any application for condonation of delay was not based on the pleadings of the parties.

11. It is further contended that respondent No.4 claims his rights over the land owing to the registered Sale Deed dated 04.05.1998. However, the documents produced along with the writ petition made it evident that the land in question was leased to Shri. H.V. Ramaswamy Iyengar. Due to violations of the grant conditions, the authorities had cancelled the grant in favour of Shri. H.V. Ramaswamy Iyengar. As a result, subsequent sale deeds cannot be construed as valid documents to transfer revenue entries. Further, respondent No.4 did not dispute the grant made in favour of father of the appellant. The Tahasildar specifically stated that the property in question bearing Sy.No.215 is granted to the father of the appellant as per Order No.O.M.No.LND/CR/209/1969-70 dated 16.08.1973 and the Saguvali Chit dated 10.12.1980.

12. It is further contended that the learned Single Judge failed to appreciate that after cancellation of grant of land to H.V. Ramaswamy Iyengar, the land was granted in favour of father of the appellant. Further, the name of the grantee Shri. Vaddara Buddiga was mutated and continued

up to 1998 in the record of rights. However, owing to the 1998 sale deed respondent No.4's name was mutated in the revenue records. The material documents would clearly show that owing to cancellation of grant in favour of Shri. H.V. Ramaswamy Iyengar, subsequent sale transactions will not create a better title for respondent No.4. Therefore, the revenue entry made in the name of respondent No.4 is illegal as it is based on a void document.

13. It is further contended that under Section 136(2) of the KLR Act, the Assistant Commissioner has the power to rectify the mutation entry which has been made illegally. Further, under Section 25 of the KLR Act, the Assistant Commissioner has inherent power to make such orders as may be necessary in the ends of justice or to prevent the abuse of process of the Revenue Court.

14. It is further contended that respondent No.4 is tracing his title pursuant to the Sale Deeds dated 10.06.1944, 27.05.1946, 10.07.1967 and 04.09.1995, but it is alleged that he has suppressed the change of boundary in

the Sale Deed dated 04.09.1995. The learned Single Judge did not direct respondent No.4 to establish his title and the sketch prepared by the Taluka Surveyor confirming the possession of the appellant over the subject property was not considered as well.

15. The learned senior counsel appearing for the appellant has relied on the decision of this Court in the case of ***Sri. Suresh G. Nanwani v. State of Karnataka and Others*** passed in ***Writ Appeal No.655/2025 (KLR-RES)*** dated ***17.10.2025*** and contended that there is power in the revenue authorities to rectify clear errors in the land records when there is no supporting conveyance of rights and title.

16. Shri. D.L. Jagadeesh, the learned senior counsel appearing for respondent No.4 - Shri. B. S. Somashekar (Petitioner in W.P.No.10449/2011 c/w. W.P. No.13021/2011), submits that the exercise by the Assistant Commissioner and the Deputy Commissioner was completely unsustainable. It is submitted that though the appellant claims that his father was in possession of the property on

the basis of a grant made in the year 1973, he made an application for transfer of khata only in the year 1998. It is submitted that in the meanwhile, on the basis of the Sale Deed dated 04.05.1998, the record of rights had already been mutated in favour of respondent No.4. It is submitted that once an entry is made in the mutation register, an appeal has to be preferred under Section 136 of the KLR Act within sixty days from the date of communication of the order or the knowledge of the entry certified. It is submitted that though there is power available to the Deputy Commissioner to call for and examine the records of entries made under Section 127 and Section 129 of the KLR Act, such power also cannot be exercised *suo motu* after the expiry of long periods after the mutation entry is made.

17. It is submitted that in the instant case, the mutation entry having been made in the year 1998 the action of the official respondents in having reopened the mutation in the year 2006 and in recording the khata in favour of the appellant, was completely unjustified. It is further contended that it is a trite law that mutation of khata

does not result in transfer of title and that the question of title has to be decided in a duly constituted Civil Suit. It is submitted that in view of the fact that respondent No.4's name had been recorded in the record of rights since 1998, there was no reason why the same should be changed without a finding by a competent Civil Court.

18. The learned senior counsel has placed reliance on the following decisions:-

- ***Shri. Dharmoji Devendra Kadabi v. The Assistant Commissioner*** reported in ***ILR 1998 KAR 1030***;
- ***B. Bhadragiri Gowda v. The State of Karnataka by its Secretary Department of Revenue and Others*** reported in ***ILR 2007 KAR 110***;
- ***Smt. Beepathumma v. Deputy Commissioner, Dakshina Kannada, Mangalore and Others*** reported in ***ILR 2002 KAR 4013***;
- ***Shri. Uppar Eranna v. The Deputy Commissioner Bellary District Bellary and Others*** passed in ***Writ Petition No.10453/2007 (KLR-RR-SUR)*** dated ***07.09.2007***, and
- ***N. Vasudevaraju v. Deputy Commissioner and Others*** passed in ***Writ Petition No.28533/2010 (KLR-RES)*** dated ***22.09.2010***.

19. We have considered the contentions advanced. It is noticed that the land in question, that is, Sy.No.215 measuring to an extent of 2 acres 01 gunta situated at Koodlu Village, Sarjapura Hobli, Anekal Taluk, is the petition schedule property. It is the specific case of the appellant herein that the grant in favour of Shri. H.V. Ramaswamy Iyengar had been cancelled on 31.03.1965. A copy of the said document is produced by the appellant along with statement of objections filed by respondent No.4 to the writ petition as Annexure-R1.

20. Thereafter, it is contended that the schedule land has been granted in favour of father of the appellant as per Order dated 16.08.1973 and Saguvali Chit was issued in his name on 10.02.1980. It is contended that the said grant was reflected in the record of rights. The appellant's father passed away on 01.06.1998. It is contended that the appellant made an application for mutation of the khata on inheritance under Section 129 of the KLR Act in the year 1998. We notice that Annexure - R4 produced along with

the Statement of Objections filed by respondent No.5 (Shri. M. Jayaram) in Writ Petition No.13021/2011, shows that the appeal or application preferred by the appellant herein was admittedly in the year 2006-07. It is noticed that Tahasildar, Anekal Taluk by letter dated 24.06.2006 had reported, on a petition filed by the appellant herein, that the entry of the name of respondent No.4 in the record of rights on the basis of the registered Sale Deed of 1998 was erroneous. On the basis of the said report, Annexure-R4 was passed by the Assistant Commissioner who came to the conclusion that the mutation entry made in favour of respondent No.4 was not correctly done, since the grant in favour of Shri. H.V. Ramaswamy Iyengar stood cancelled in the year 1965 itself. Though respondent No.4 took up the matter before the Deputy Commissioner, the said finding was upheld.

21. The learned Single Judge has considered the facts of the case and has come to the clear conclusion that the proceedings had not been carried out with due notice to respondent No.4, whose name stood recorded in the RTC. It was also found that appeal under Section 136(2) of the KLR

Act could have been filed only within a period of sixty days. The power of *suo motu* revision being conferred only on the Deputy Commissioner, the Tahasildar or Assistant Commissioner could not have exercised such powers to make corrections in the RTC, that too without proper notice.

22. We find that in Annexure - R4 Order, the address of respondent No.4 herein is shown as Shri. B.S. Somashekar s/o. Late Siddaiah, Raghavanagar, Bengaluru-560 026. This is in spite of the fact that the full address of respondent No.4 at the relevant time is available in the Sale Deed of the year 1998 on the basis of which his name was recorded in the record of rights. It is clear from a reading of Annexure - R4 that respondent No.4 or his vendors had not been heard before the Order was passed. It is in the above circumstances, that the learned Single Judge held that the proper procedure for passing an order canceling entries already recorded in the RTC had been followed only in its breach in the instant case. It was also found that the power of *suo motu* revision is not available to the Assistant Commissioner and the same could have been exercised only

by the Deputy Commissioner. Though these aspects of the matter were specifically raised before the Deputy Commissioner in revision, the contentions were not considered by the Deputy Commissioner.

23. The learned senior counsel appearing for the appellant has placed reliance on the judgment of the Co-ordinate Bench of this Court in Writ Appeal No.655/2025. The Division Bench held that a mutation entry made in the records is reflective of an order passed by the Tahasildar and that an appeal against the same would be maintainable. It was also found that a *suo motu* power of revision is also available to the Deputy Tahasildar. However, we notice that in the instant case, the name of respondent No.4 had admittedly been recorded in the RTC in the year 1998, this fact is not disputed by the appellant at all. For such an entry to have been corrected there should have been an appeal which was considered in accordance with law with notice to the persons whose name so stands recorded at the relevant time. In the instant case, though an application by the appellant filed in the year 2005-06 dated 24.06.2006 is

referred to, it is clear that neither the Tahasildar nor the Assistant Commissioner considering the belated appeal filed in the year 2006-07, has actually heard either respondent No.4 or his predecessors-in-interest, before passing the Order dated 15.12.2006. Further, this Court has repeatedly held that a correction in the revenue entries on belated challenge in appeal is impermissible in the Scheme of KLR Act.

24. The question of title to a property is admittedly to be decided in a properly Constituted Suit by the competent Civil Court. The only question, which was considered by the learned Single Judge, was whether the change in the RTC was effected with proper notice and following the due process of law.

25. Having considered the contentions advanced, we notice that the learned Single Judge has considered the facts of the case in its proper perspective and held that the change of name in the RTC was not carried out with proper notice and after following due procedure. It is pertinent to

note that the question of title has not been gone into by the learned Single Judge and the direction is only to restore the entries in the RTC subject to decision in any suit to be filed by the appellant herein.

26. In the above factual situation, we are of the opinion that the findings of the learned Single Judge cannot be found fault with. The appeals fail and the same are accordingly ***dismissed***. We make it clear that this will not stand in the way of adjudication of any suit or proceeding with regard to title by a competent Civil Court in accordance with law. All questions on title are expressly left open.

All pending interlocutory applications shall stand *disposed of*.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

cp*