



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 27564 OF 2023 (KLR-RES)

BETWEEN:

SRI G V SEETHARAMAIAH
S/O LATE VENKATARAMAIAH
AGED ABOUT 84 YEARS
R/AT NO 216, 2ND C MAIN ROAD,
8TH BLOCK, KORAMANGALA
BANGALORE 560095

...PETITIONER

(BY SRI. D.R.RAVISHANKAR., SR. COUNSEL FOR
SMT. SIRI RAJASHEKAR., ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
BEERASANDRA, DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT,
BENGALURU 562110.
2. ASSISTANT COMMISSIONER
DODDABALLAPURA SUB DIVISION
DODDABALLAPURA
BENGALURU URBAN DISTRICT,
BENGALURU 561203.
3. TAHSILDAR
NELAMANGALA TALUK





NELAMANGALA
BENGALURU 562123.

4. SRI RAMACHANDRAIAH
S/O LATE GANGAMMA
AGED ABOUT 57 YEARS,
R/A SAPTHAGIRI EXTENSION
KYATHASANDRA
TUMKUR 572104.
5. SRI VENKATARAMAIAH
S/O LATE GANGAMMA
AGED ABOUT 51 YEARS,
R/A KATTHALEBEELU ROAD
KYATHASANDRA
TUMKUR 572104.
6. SMT MANGALAMMA
D/O LATE GANGAMMA
W/O SRI NARAYANAPPA
R/A ANJANEYASWAMY CIRCLE
S.N.N NAGAR, KYATHASANDRA
TUMKUR 572104.
7. SRI SIDDARAMAIAH
S/O LATE GANGAMMA
AGED ABOUT 41 YEARS,
R/A KATTAHALEBEELU ROAD
KYATHASANDRA
TUMKUR 572104.
8. SMT JAYAMALA
D/O LATE GANGAMMA
W/O MANJUNATH
AGED ABOUT 38 YEARS,



R/A INDIRANAGAR 2ND CROSS,
KYATHASANDRA
TUMKUR 572104.

...RESPONDENTS

(BY SRI. K.P.YOGANNA., AGA FOR R1 TO R3
SRI.ASHOK HARANAHALLI., SR. COUNSEL FOR
SRI.YESHU MISHRA., ADVOCATE FOR R4 TO R8)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 03/11/2023 VIDE ANNEXURE-F PASSED BY THE R1 IN R.P. NO. 265/2018 AS WITHOUT APPLICATION OF MIND AND SET ASIDE THE ORDER DATED 19/09/2018 VIDE ANNEXURE-E, PASSED BY THE R2 IN R.A. (N)151/16-17 AND GRANT AN INTERIM ORDER TO STAY THE ORDER DATED 03/11/2023 IN R.P.NO.265/2018 PASSED BY THE R1 VIDE ANNEXURE-F AND ETC.,

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R DEVDAS

ORAL ORDER

The petitioner is aggrieved of the impugned orders passed by respondent No.2-Assistant Commissioner at Annexure 'E' dated 19.09.2018 and the order passed by the respondent-Deputy Commissioner-Revisional Authority at Annexure 'F' dated 03.11.2023.



2. Learned Senior Counsel Sri D. R. Ravishankar appearing for the petitioner submits that at the instance of respondents No.4 to 8, the Assistant Commissioner entertained an appeal in RA (Ne) No.151/2016-17 under Section 136 (2) of the Karnataka Land Revenue Act, to set aside a mutation entry that was made in IHC(F): 192/1985-86.

3. Learned Senior Counsel submits that the Assistant Commissioner has stated in the impugned order that an application under Section 5 of the Limitation Act, has been filed seeking condonation of delay. Although there is a sentence in the said paragraph regarding limitation that the delay is condoned, nevertheless after the said sentence the Assistant Commissioner records that notice was issued to the respondents and it is contented by the respondents therein that such an application seeking condonation of delay cannot be condoned, having regard to the huge delay of more than 30 years in filing the appeal. After recording the said objections raised at the



hands of the respondents therein, the Assistant Commissioner has not passed any order regarding condonation of delay. Moreover, when disputed questions of title are before the Assistant Commissioner, the Assistant Commissioner should have rejected the appeal while directing the appellant to approach a competent Civil Court to get a declaration of title. This observation is in fact made by the Deputy Commissioner in the Revisional Order at Annexure 'F'. However, learned Senior Counsel submits that such a direction should have been issued to the appellant by the Assistant Commissioner and not to the respondents who have suffered an order at the hands of the Assistant Commissioner who has allowed the appeal which was filed after nearly 30 years from the date of the mutation entry made in the year 1985-86.

4. Learned Senior Counsel Sri Ashok S.Haranahalli appearing for the contesting respondents however submits that insofar as Sy. No.86/1 is concerned, the property is already sold in favour of one Sri H.D.Harsha under



registered sale deed dated 09.12.2021, where the petitioner along with his family members is a consenting witness and has received a sum of Rs.20,00,000/- from the purchaser.

5. Learned Senior Counsel further submitted that the petitioner has already filed O.S.No.100/2019 before the court of Senior Civil Judge and JMFC, Nelamangala, seeking declaration of title in respect of both the survey numbers. The learned Senior Counsel would therefore submit that since the petitioner has already approached a Civil Court, let the parties await the final decision of the Court in the suit filed at the hands of the petitioner.

6. Learned Senior Counsel submits that these aspects of the matter have not been stated in the writ petition and therefore on the ground of concealing relevant material facts, the writ petition should be dismissed.

7. Insofar as the other Survey Number i.e., Sy.No.86/5 is concerned, learned Senior Counsel Sri Ashok



S.Harnahalli, submits that the Deputy Commissioner is right while directing the petitioner to approach a competent Civil Court to get a declaration of title. It is submitted that admittedly the original predecessor-in-title Sri. Srikantaiah had executed a gift deed dated 01.03.1944 in favour of Smt.Revamma and her daughter Smt.Gangamma, which fact is also stated in the recitals in the sale deed dated 09.12.2021, which cannot be denied by the petitioner. Such being the position, when admittedly Smt. Revamma had the title over the property and her name was entered in the revenue records, without notice to Smt.Revamma, the petitioner got his name entered in the revenue records in terms of IHC(F): 192/1985-86. It is for this reason that the Assistant Commissioner allowed the appeal when admittedly no notice was issued to Smt.Revamma or Smt. Gangamma before their names were removed from the revenue records and the name of the petitioner was entered in terms of IHC(F): 192/1985-86.



8. Having heard the learned Senior Counsels for the petitioner, the contesting respondents, the learned AGA for the respondent-State and its authorities and on perusing petition papers, this Court is of the considered opinion that this Court is required to consider whether the action of the Assistant Commissioner in entertaining the appeal after a lapse of nearly 30 years can be sustained.

9. A Full Bench of this Court in the case of ***Smt.Jayamma And Others Vs. State of Karnataka and Others***, ILR 2020 KAR 1449 has held that disputed questions of title cannot be gone into by the revenue authorities. In this background, when we consider the appeal filed by the private respondents herein before the Assistant Commissioner, the Assistant Commissioner should have considered the objections raised by the petitioner, who had contended that when there is a delay of more than 30 years on the part of the appellant in questioning the mutation entry made in IHC(F): 192/1985-86 and the petitioner herein is contending that



that Smt.Revamma and Smt.Gangamma did not get absolute title under the gift deed, surely there would be disputed questions of title that arose before the Assistant Commissioner. Under such circumstances, the Assistant Commissioner should have directed the appellant to approach a competent Civil Court to get a declaration of title. The discretion for condoning delay is also required to be exercised judiciously.

10. Having regard to the facts and circumstances under which the appeal was filed, the Assistant Commissioner should have rejected the appeal on the ground of delay and laches alone. On the other hand, the Revisional Authority could not have rejected the revision petition while directing the Revisional petitioner to approach the competent Civil Court to redress his grievance.

11. Having regard to the subsequent developments i.e. the sale of Sy. No.86/1, the learned Senior Counsel for the petitioner has made it clear that this writ petition is



pertaining to Sy.No.86/5 and not Sy.No.86/1, having regard to the prayer in the writ petition being restricted to R.P.No.265/2018 which concerns Sy. No.86/5 and not Sy.No.86/1.

12. Consequently, this Court proceeds to pass the following:

ORDER

- i. The writ petition is allowed while setting aside the impugned orders passed by the respondent-Assistant Commissioner at Annexure 'E' in proceedings bearing No.RA(Ne):151/2016-17 dated 19.09.2018 and quashing the order passed by the respondent-Deputy Commissioner in R.P.No.265/2018 dated 03.11.2023 at Annexure 'F'.
- ii. The first respondent-Deputy Commissioner, Bengaluru Rural District and the third respondent-Tahsildar, Nelamangala Taluk are hereby directed to restore the revenue entries as it was prior to the impugned order dated 19.09.2018.



- iii. The Deputy Commissioner and the Tahsildar are also directed to make an entry in column No.11 regarding the pendency of O.S.No.100/2019 on the file of the learned Senior Civil Judge and JMFC, Nelamangala, and the private respondents are free to make an application before the Civil Court seeking a direction to the parties not to alienate the property during the pendency of the suit.
- iv. The entire exercise shall be completed as expeditiously as possible and at any rate within a period of six weeks from the date of receipt of a copy of this order.

Sd/-
(R DEVDAS)
JUDGE

JT/-
CT: JL