

Munivenkatappa vs the Assistant Commissioner

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Court : Karnataka Orders

Decided On : Jul-01-2025

Judge : E.S.Indiresb

Appeal No. : WP/7303/2024

Appellant : Munivenkatappa

Respondent : The Assistant Commissioner

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 01ST DAY OF JULY, 2025 BEFORE THE HON'BLE MR. JUSTICE E.S. INDIRESH WRIT PETITION NO.7303 OF 2024 (KLR-RES) BETWEEN: MUNIVENKATAPPA SINCE DEAD, REP. BY LRS.

1. SMT. TULASAMMA, W/O LATE MUNIVENKATAPPA AGED ABOUT 74 YEARS.
2. SMT. VAJRAMMA W/O SRINIVAS AGED ABOUT 50 YEARS.

3. SMT. GOWRAMMA W/O GANESH AGED ABOUT 49 YEARS.

4. SRI. YELLAPPA

S/O MUNIVENKATAPPA Digitally signed by SHARMA ANAND AGED ABOUT 47 YEARS. CHAYA Location: HIGH 5. SMT. MUNIRATHNA M. COURT OF KARNATAKA W/O VENU AGED ABOUT 43 YEARS. PETITIONERS 1 TO 5 ARE R/AT NO.188, 1ST BLOCK, 1ST MAIN, SARJAPURA ROAD, BENGALURU - 560 074.

6. SMT. MANJULA M. W/O NAGARAJ, AGED ABOUT 41 YEARS, -2- R/O HEBBAGODI, KAMMASANDRA, MUNESHWARANAGAR, BENGALURU - 560 100.

7. SMT. PADMA M. W/O MUNILAKSHMAPPA, AGED ABOUT 40 YEARS, R/O HEBBAGODI, 283, KAMMASANDRA, MUNESHWARANAGAR, BENGALURU - 560 100. PETITIONERS (BY SMT. NIVEDITHA C.S., ADVOCATE) AND:

1. THE ASSISTANT COMMISSIONER BENGALURU SOUTH SUB-DIVISION, KANDAYA BHAVAN, K.G. ROAD,

2. THE TAHSILDAR BENGALURU SOUTH TALUK, KANDAYA BHAVAN, K.G. ROAD,

3. THE ASSISTANT DIRECTOR OF LAND RECORDS DEPARTMENT OF SURVEY SETTLEMENT AND LAND RECORDS, BENGALURU SOUTH TALUK,

4. THE ASSISTANT REVENUE OFFICER BRUHAT BENGALURU MAHANAGARA PALIKE, KORAMANGALA SUB-DIVISION, BENGALURU - 560 034. -3-

5. THE JOINT COMMISSIONER BENGALURU SOUTH, JAYANAGARA SUB-DIVISION, BENGALURU - 560 011.

6. SRI. ANNAYYAPPA S/O AYYAPPA, AGED ABOUT 86 YEARS, R/O JAKKASANDRA VILLAGE, BEGUR HOBLI, BENGALURU SOUTH TALUK - 562 112. RESPONDENTS (BY SRI. SIDDHARTH BABURAO, AGA FOR R1 TO R3;

SRI. N.R. JAGADEESWARA, ADVOCATE FOR R4 AND R5; SRI. MUHAMMAD SHAMIL, ADVOCATE FOR R6) THIS WRIT PETITION IS FILED UNDER ARTICLES 226

AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE RESPONDENTS 1 TO 3 TO CONSIDER THE REPRESENTATION OF THE PETITIONERS TO GET POSSESSION OF 1/3RD PORTION (20 GUNTAS) IN SURVEY NO.8/1 AND 8/2 OF JAKKASANDRA VILLAGE FROM THE RESPONDENT NO.6 IN FAVOUR OF THE PETITIONERS, AS SOUGHT IN THEIR

REPRESENTATIONS DATED 03RD FEBRUARY, 2024 VIDE ANNEXURES 'L' AND 'M' AS HELD BY THIS HON'BLE COURT IN WRIT APPEAL NO.3965 OF 2009 VIDE ANNEXURE-B; DIRECT THE RESPONDENTS 4 AND 5 TO MUTATE THE NAMES OF THE PETITIONERS IN THE REVENUE RECORDS OF THE LAND IN SURVEY NO.8/1 AND 8/2 OF JAKKASANDRA VILLAGE AS SOUGHT IN REPRESENTATIONS 05TH APRIL, 2021 AND 12TH JULY, 2022 VIDE ANNEXURE 'G' AND 'J', RESPECTIVELY; AND ETC.

THIS PETITION COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE E.S. INDIRESH -4-

ORAL ORDER

In this writ petition, the claim made by the petitioners is with regard to issuing writ in the nature of mandamus to respondents 1 to 3 to consider the representations dated 03rd February, 2024 (Annexures 'L' and 'M') in terms of the

judgment dated 09th July, 2013 (Annexure-B) passed by the

Division Bench this Court in Writ Appeal No.3965 of 2009.

2. Heard Smt. Niveditha C.S., learned counsel

appearing for petitioners; Sri. Siddharth Baburao, learned Additional Government Advocate appearing for respondents 1 to 3; Sri. N.R. Jagadeeswara, learned counsel appearing for respondents 4 and 5; and Sri. Muhammad Shamil, learned counsel appearing for the respondent No.6.

3. Having heard the learned counsel appearing for the

parties and on perusal of the writ papers, the same would indicate that the respondents 1 to 3 have been directed to implement the judgment dated 09th July, 2013 (Annexure-B) passed in Writ Appeal No.3965 of 2009, which came to be confirmed by Hon'ble Supreme Court in Special Leave Petition (Civil) No.34862 of 2013, by order dated 08th December, 2015. -5- In that view of the matter, respondents 1 to 3 are hereby directed to implement the order dated 09th July, 2013 passed by the Division Bench of this Court in Writ Appeal No.3965 of 2009 as urged by the petitioners in their representations dated 03rd February, 2024 (Annexures 'L' and 'M'), within an outer limit of two months from the date of receipt of this order in accordance with law.

4. It is open for the respondent No.4 to mutate the

names of petitioners in the revenue records pertaining to the land in question in terms of the judgment dated 09th July, 2013 passed by the Division Bench of this Court in Writ Appeal No.3965 of 2009.

5. It is also made clear that the petitioners shall make

available the relevant documents, if any, to enable the respondent-Authorities to take decision in the matter. With these observations, writ petition stands disposed of. SD/- (E.S. INDIRESH) JUDGE ARK List No.: 1 Sl No.: 24

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