

Sri Puttaiah vs the State of Karnataka

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Court : Karnataka

Decided On : Jul-15-2025

Judge : E.S.Indires

Appeal No. : WP/10315/2024

Appellant : Sri Puttaiah

Respondent : The State of Karnataka

Judgement :

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2025 BEFORE THE HON'BLE
MR. JUSTICE E.S.INDIRESH WRIT PETITION NO. 10315 OF 2024
(KLR-RES) BETWEEN:

1. SRI. PUTTAIAH

S/O LATE MUNIYAPPA, AGED ABOUT 70 YEARS, R/AT HOSAPALYA
KENGARI HOBLI, BENGALURU SOUTH TALUK. PETITIONER (BY
SMT. SUSHEELA S., SENIOR ADVOCATE FOR SRI. PRADEEP H.S.,
ADVOCATE) AND:

1. THE STATE OF KARNATAKA Digitally signed REVENUE DEPARTMENT, by SHARMA M S BUILDING ANAND CHAYA Location: HIGH BENGALURU - 560001 COURT OF REPRESENTED BY ITS SECRETARY. KARNATAKA
2. THE DEPUTY COMMISSIONER BENGALURU URBAN DISTRICT K G ROAD, BENGALURU - 560009.
3. THE ASSISTANT COMMISSIONER BENGALURU SOUTH TALUK, KANDHAYA BHAVANA, K G ROAD BENGALURU - 560009. -2-
4. THE TAHSILDAR BENGALURU SOUTH TALUK, D C COMPOUND BUILDING K G ROAD BENGALURU - 560009.
5. SRI MARAPPA S/OLATE ARASAPPA AGED ABOUT 69 YEARS R/AT NO.3431/D, 7TH MAIN ROAD, BEHIND BMTG GARAGE SUBBANNA GARDEN VIJAYANAGAR BENGALURU - 560040. KRISHNAPPA DEAD BY LRS
6. SMT. BHAGYAMMA W/O LATE KRISHNAPPA AGED ABOUT 59 YEARS
7. SRI. LAKKANNA S/O LATE KRISHNAPPA AGED ABOUT 49 YEARS
8. SMT. NAGARATHNAMMA W/O KRISHNAMURTHY D/O LATE KRISHNAPPA AGED ABOUT 46 YEARS RESPONDENTS NO.6 TO 8 ARE R/AT NO.10/3, HOSAGUDDAHALLI, F CROSS, MYSORE ROAD, BENGALURU - 560026.
9. SMT. VENKATALAKSHMI @ LAKSHMI W/O VENKATESH D/O LATE KRISHNAPPA AGED ABOUT 43 YEARS -3-
10. SMT. ARASAMMA @ YASHODA W/O MUNIRAJ D/O LATE KRISHNAPPA AGED ABOUT 40 YEARS HINDU RESPONDENTS NO. 9 & 10 ARE R/AT SANJEEVANAGAR BENGALURU - 560094.

11. SRI. HARISHA S/O LATE KRISHNAPPA AGED ABOUT 38 YEARS
HINDU

12. SRI. DHANANJAYA S/O LATE KRISHNAPPA AGED ABOUT 35
YEARS HINDU RESPONDETS NO. 11 & 12 ARE R/AT NO.10/3
HOSAGUDDAHALLI, F CROSS, MYSORE ROAD, BENGALURU -
560026. RESPONDENTS (BY SRI. SIDDHARTH BABURAO, AGA FOR
R1 TO R4; SRI. T.C. SATHISH KUMAR, ADVOCATE FOR R5 TO R12)
THIS WRIT PETITION IS FILED UNDER ARTICLES 226

AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH
THE IMPUGNED ORDER DATED 07/03/2024 PASSED BY THE
RESPONDENT NO.2 / THE DEPUTY COMMISSIONER, BENGALURU
IN RP NO.311/2014-15 AT ANNEXURE-A. CONSEQUENTLY
CONFIRM THE ORDER DATED PASSED BY THE RESPONDENT
NO.3 / THE ASSISTANT COMMISSIONER, BENGALURU SOUTH
TALUK, BENGALURU IN RA NO. RA(S)56/2013-14 (ANNEXURE-N).
DATED 28.10.2024. THIS PETITION, COMING ON FOR ORDERS,
THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

1. Heard learned counsel appearing for the parties.
2. In this writ petition, petitioner is assailing the order dated 07.03.2024 in R.P.No.311/2014-15 (Annexure-A) passed by respondent No.2, consequently seeking confirmation of the

order dated 28.10.2014 passed by respondent No.3 in

R.A.(S)No.56/2013-14 (Annexure-N).

3. Smt. S. Susheela, learned Senior Counsel appearing on

behalf of the petitioner invited the attention of the Court to the partition said to have been effected in the family of the original propositus Sri. Balaiah, under which the subject land bearing Sy.No.173/1 has fallen to the share of Sri. Muniyappa (father of the petitioner herein) and which is the subject matter of this writ petition. It is further contended by learned Senior Counsel by referring to the family tree at Annexure-E that all the children of Balaiah are entitled for 31 guntas each, in respect of the total extent of land belonging to Balaiah and therefore, the respondents have no right in respect of the 31 guntas of land -5- which has fallen to the share of father of the petitioner herein, and therefore, submitted that respondent No.2 without considering the subject matter of the land bearing Sy.No.173/1A, has interfered with the order passed by respondent No.3 and accordingly, sought for interference of this Court.

4. It is also contended by the learned Senior Counsel by

referring to the proceedings in O.S.No.814/2024 wherein the declaration suit is pending consideration before the Trial Court and therefore, sought for interference of this Court.

5. Per contra, Sri. T.C. Sathish Kumar, learned counsel

representing respondent Nos.5 to 12, submitted that the land in question in the present writ petition has been claimed by the petitioner based on a compromise decree between the petitioner and Smt. Arasamma before respondent No.4 and therefore, he contended that, irrespective of the alienation made by said Arasamma in favour of the petitioner herein, unless the execution of the registered release deed has been made to that effect, the petitioner cannot claim any right over -6- the property and accordingly, he submitted that the matter is of civil nature.

6. Learned Additional Government Advocate sought to justify the impugned orders at Annexures - A and N to the Writ Petition.

7. In the light of the submissions made by the learned

counsel appearing for the parties, on careful examination of the partition deed produced at Annexure-D and also by looking into Annexure-F2, wherein the land bearing Sy.No.173/1 to an extent of 32 guntas has been allotted in favour of Puttaiah, S/o Muniyappa. In the backdrop of these aspects, on careful examination of the order passed by respondent No.3 at Annexure-N would indicate that since the land has been allotted in favour of said Muniyappa, the mutation entry has to be made in favour of said Puttaiah pursuant to the partition deed referred to at Annexure-D. In that view of the matter, on careful consideration of the order passed by respondent No.2 would make it clear that nothing has been discussed by respondent No.2 with regard to Sy.No.173/1 in the impugned

order by giving reasons.

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9. In that view of the matter, I find force in the submission

made by learned Senior Counsel for the petitioner that Annexure-A dated 07.03.2024 issued by respondent No.2 is required to be set aside and order passed by respondent No.3 at Annexure-N has to be confirmed. However, taking into consideration that rights of the parties is yet to be considered in O.S. No.814/2024 pending on the file of Prl. Senior Civil Judge, Bengaluru Rural Court, I am of the view that, parties are required to await the judgment and decree that may be passed by the Trial Court, therein.

10. In view of the above, order dated 07.03.2024 in

R.P.No.311/2014-15 (Annexure-A) passed by respondent No.2, is hereby set aside and the order dated 28.10.2014 passed by respondent No.3 in R.A.(S)No.56/2013-14 (Annexure-N), is hereby confirmed.

11. Accordingly, the Writ Petition stands allowed. I.A.1/2024 does not survive for consideration. SD/- (E.S.INDIRESH) JUDGE sac List No.: 1 SI No.: 27

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