

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF OCTOBER, 2025



PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C M JOSHI

WRIT APPEAL NO. 655 OF 2025 (KLR-RES)

BETWEEN:

1. SRI SURESH G. NANWANI
S/O LATE GOPALDAS NANWANI
AGED 68 YEARS
RESIDING AT HUNSAMARANAHALLI VILLAGE
JALA HOBLI, YELAHANKA TALUK
BENGALURU URBAN DISTRICT
BENGALURU - 562 157
REPRESENTED BY HIS SPA HOLDER
ANOOP VANJANI.

...APPELLANT

(BY SRI *M.S. SHYAM SUNDAR, SENIOR ADVOCATE A/W
MS. VANDANA P.L., ADVOCATE)

AND:

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



3. THE ASSISTANT COMMISSIONER
BENGALURU URBAN DISTRICT
BENGALURU
KARNATAKA - 560 001.
4. THE TAHSILDAR OFFICE
BENGALURU NORTH TALUK
YELAHANKA
BENGALURU - 560 064.
5. LAKSHMINARAYANA SHETTY
S/O LATE VENKATARAMANA SHETTY
AGED 76 YEARS
RESIDING AT
HUNSAMARANAHALLI VILLAGE
JALA HOBLI, YELAHANKA TALUK
BENGALURU URBAN DISTRICT
BENGALURU - 562 157.
6. SRI SANTHOSH RAJ URS. B.Y.
S/O SAROJA. R
AGED ABOUT 39 YEARS
R/AT NO.318, "ARASU MANSION"
SECOND FLOOR
12TH A MAIN ROAD
6TH BLOCK, RAJAJINAGAR
BENGALURU - 560 010.
7. SMT. PRARTHANA. A.G.
D/O A.S. GURUSWAMY
AGED ABOUT 45 YEARS
R/AT NO.690/91
B.B. GARDEN ROAD
AGRAHARA, MYSURU - 570 004.
8. SRI SAINATH NAGURE
S/O ANNEPPA NAGURE
AGED ABOUT 48 YEARS
R/AT FLAT NO. FALGUNI 601
OLETY LANDMARK APARTMENT

NO.23, 3RD CROSS, 2ND MAIN
SHANKUMUTT
VAIYALIKAVALL LAYOUT
BENGALURU - 560 086.

...RESPONDENTS

(BY SRI K.S. HARISH, G.A. FOR R-1 TO 4 &
SRI DHYAN CHINNAPPA, SENIOR ADVOCATE A/W
SRI KIRAN B.Y., ADVOCATE FOR C/R-6 TO 8)

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO ISSUE A WRIT
OF CERTIORARI OR ANY OTHER WRIT OR DIRECTION OF
THE SAME NATURE AND QUASH IMPUGNED ORDER DATED
FEBRUARY 28, 2025 PASSED BY THIS HON'BLE COURT IN
W.P. NO.2913/2025 CONSEQUENTLY & ETC.

THIS WRIT APPEAL HAVING BEEN HEARD AND
RESERVED FOR JUDGMENT, COMING ON FOR
PRONOUNCEMENT THIS DAY, JUDGMENT WAS
PRONOUNCED AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C M JOSHI

CAV JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant has filed the present appeal, impugning an
order dated 28.02.2025 passed by the learned Single Judge in
W.P.No.2913/2025 (KLR-RES), whereby the said petition was
dismissed.

2. The appellant had filed the said petition impugning an order dated 24.01.2024 passed by respondent No.2 [Deputy Commissioner], rejecting the revision petition [R.P.No.478/2024] filed by the appellant under Section 136(3) of the Karnataka Land Revenue Act, 1963 [**KLR Act**] impugning an order dated 24.09.2024 passed by respondent No.3 [Assistant Commissioner] in RA (YLK)/402/2022, being an appeal preferred by respondent No.5 under Section 136(2) of the KLR Act impugning mutation entries (M.R. No.H4/2021-22) in favour of the appellant.

3. The controversy centres around a plot of land measuring 30 guntas falling in Sy.No.155/1 situated in Hunasemarenahalli, Jala Hobli, Yelahanka Taluk [**the subject land**]. Respondent Nos.6 to 8 claim title to the subject land by virtue of a sale deed dated 25.11.2024 executed by respondent No.5. However, the appellant disputes that respondent No.5 had acquired any title to the subject land. The appellant has also instituted a civil suit being, O.S.No.1293/2024 and states that the issue of title would be determined finally in the said suit. He however contends that pending adjudication of the disputes, the revenue authorities have no jurisdiction to pass orders, which according to the appellant, alter the entries in the Record of Rights [**ROR**].

4. The learned Single Judge had examined the relevant facts and had concluded that respondent No.3 was justified in condoning the delay in filing the appeal and directing that the name of respondent No.5 be entered in the Record of Rights in respect of the subject land. The learned Single Judge found orders passed by respondent Nos.2 and 3 were legally sound and did not suffer from any jurisdictional or procedural infirmity.

5. As noted above, the dispute centres around mutation entries in respect of the subject land. The appellant seeks to trace his title in respect of the land measuring 5 acres and 4 guntas falling in Sy.No.155/1 from the original title holder, one Shri Jayaramaiah. He claims that the said land – of which the subject land measuring 30 guntas is a part – was granted to Shri Jayaramaiah in terms of an order dated 06.10.1962 passed in favour of Shri Jayaramaiah in the inam proceedings.

6. Respondent No.5 relies on an order dated 31.07.1962 issued in inam proceedings No.79/1959-60 granting 30 guntas (of the subject property) out of the land of 5 acres and 4 guntas in favour of one Shri Appashetty (since deceased). Respondent No.5 claims that his grandfather late Shri Appashetty was in peaceful possession and enjoyment of a portion of land out of the land

measuring 4 acres and 10 guntas falling in Sy.No.155/1 of Hunasemarenahalli Village, Jala Hobli, Yelahanka Taluk, which was originally a Jodi Inam land. He claims that after enactment of the Inams Abolition Act, Shri Appashetty had made an application for grant of occupancy rights. In terms of an order dated 31.07.1962 passed by the Special Deputy Commissioner for Abolition of Inams in Case No.79/1959-60, an extent of 30 guntas of land out of 4 acres 10 guntas, was granted in the name of Shri Appashetty. It is further claimed that the name of Shri Appashetty was entered in the land records in terms of R.R.No.79 /1959-60.

7. Respondent No.5 claims that after the demise of Shri Appashetty, his four children succeeded to his estate. And, his mother is one of those four children who inherited the estate of the deceased Shri Appashetty. He claims that being the karta of the joint family, he has been cultivating the subject land. However, his name was not entered in the land records.

8. Respondent No.5 states that some time in November 2021, the appellant who visited the land in question, attempted to interfere with his peaceful possession of the subject land. Respondent No.5 claims that immediately thereafter, he obtained

RTC extracts and became aware that the subject land had been entered in the records in favour of the appellant.

9. Thereafter, respondent No.5 filed an appeal being R.A. (YLK) No.402/2022 impugning the mutation entries MR No.H4 / 2021-22 in favour of the appellant. It is material to note that respondent No.5 produced a copy of the order in Case No.79/1959-60 for establishing that the subject land was granted in favour of Shri Appashetty and was also mutated in his name.

10. Respondent No.5 also produced an endorsement dated 05.11.1964 directing Shri Appashetty to make the payments for the subject land in ten equal installments. Respondent No.3 examined the said documents and found that it substantiated respondent No.5's claim to the subject land. The appellant was unable to dispute the grant of the subject land measuring 30 guntas in favour of Shri Appashetty. Respondent No.3 also found that the appellant had failed to substantiate that the land falling in the entire survey number (Sy.No.155/1) to the extent of 5 acres 4 guntas was granted in favour of Jayaramaiah. Respondent No.3 noted that land only to the extent of 4 acres and 10 guntas had been re-granted in favour of Jayaramaiah in terms of an order passed in Case No.72/1959-60. In the aforesaid view, respondent No.3

passed an order allowing the appeal and setting aside the mutation entry MR No.H4 / 2021-22 and directed respondent No.4 (Tahsildar) to mutate the name of respondent No.5 in respect of the subject land – the extent of 30 guntas falling in Sy.No.155/1.

11. The appellant contends that in terms of an order dated 06.10.1962 passed in inam proceedings No.72/1959-60, land measuring 5 acres 4 guntas falling in Sy.No.155/1 was granted in favour of one Jayaramaiah. Jayaramaiah (since deceased), had made an application before the Special Tahsildar, Inams Abolition, Devanahalli, seeking grant of lands including land measuring 5 acres and 4 guntas in Sy.No.155/1. Accordingly, proceedings bearing No.72/1959-60 were initiated and Jurisdictional Special Deputy Commissioner for Abolition of Inams, Bangalore, had passed an order dated 06.10.1962 granting certain lands to Jayaramaiah including lands to the extent of 5 acres and 4 guntas in Sy.No.155/1. It is claimed on the basis of the orders so passed that the name of Jayaramaiah was reflected in the RTCs from 1973-74 onwards. The appellant claims that the land measuring 5 acres 4 guntas which included 4 guntas of kharab land falling in Sy.No.155/1 was partitioned between Jayaramaiah and his brother Ramanna on 05.12.1991 and each of the brothers thus acquired 2

acres and 20 guntas of land. After partition, lands to the aforesaid extent were recorded in the name of the two brothers in the revenue records vide MR No.20/1991-92 and MR No.21/1991-92.

12. The appellant claims that each of the two brothers Jayaramaiah and Ramanna, sold their respective shares, totaling 5 acres and 4 guntas, to Smt. Kamini R. Ramnani, by six separate registered sale deeds dated 07.01.2003. The said lands were also mutated in her name by six separate entries.

13. Smt. Kamini R. Ramnani had sold the entire land to one Smt. Asha Pardeshi by a registered sale deed dated 07.09.2005. The appellant claims that Asha Pardeshi – who is the appellant's sister – gifted the entire land measuring 5 acres and 4 guntas by a registered gift deed in favour of the appellant and the appellant's name was entered in the Mutation Register vide MR No. H4/2021-22.

14. However, the record indicates that Shri Jayaramaiah was not granted lands measuring 5 acres as claimed by the appellant. The order dated 06.10.1962 in Case No.72/1959-60 annexed to the present appeal (Annexure-R10) indicates that Shri Jayaramaiah was registered as a permanent tenant under the Mysore (Religious

and Charitable) Inams Abolition Act, 1955 in respect of certain lands including land measuring 4 acres 10 guntas falling in Sy.No.155/1. There is no order, which establishes that land measuring 5 acres 4 guntas falling in Sy.No.155/1 was granted in favour of Shri Jayaramaiah.

15. As noted above, the appellant filed a revision petition before respondent No.2 impugning the order dated 24.09.2024 passed by respondent No.3. However, the said revision petition was dismissed. The learned Single Judge found no fault with the orders passed by respondent Nos.3 and 4 and accordingly, dismissed the writ petition.

16. Learned counsel for the appellant submits that the dispute as to the title of the subject land is pending adjudication in the suit being O.S.No.1293/2024. Therefore, the revenue authorities could not alter the mutation entries based on a disputed claim of title. The learned counsel also relied on the decision of the Full Bench of this Court in ***Smt. Jayamma and Others v. The State of Karnataka and Others : ILR 2020 KAR 1449***, contending that the revenue officials cannot decide the dispute *inter se* between the parties involving adjudication relating to title and possession of property.

17. There is no cavil with the proposition that the revenue authorities cannot adjudicate disputes relating to title. It is equally well-settled that mutation entries do not confer title to property. However, it cannot be disputed that the revenue authorities are authorised to make entries based on the source of the title.

18. As noted above, in the present case, the respondent No.5 has established that land measuring 30 guntas falling in Sy.No.155/1 (subject land), had been granted in favour of Shri Appashetty. The respondent No.5 had also produced an endorsement dated 05.11.1964 calling upon Shri Appashetty to pay the premium to the Government in respect of the subject land, in ten installments.

19. The appellant on the other hand, traces his title in respect of the lands falling in Sy.No.155/1 to the grant in favour of Shri Jayaramaiah. However, the order dated 06.10.1962 – which is relied upon by the appellant – does not establish that land measuring 5 acres and 4 guntas falling in Sy.No.155/1 was granted to Jayaramaiah. On the contrary, the said order indicates that Jayaramaiah was accepted as the registered tenant in respect of land falling in Sy.No.155/1 only to the extent of 4 acres and 10

guntas. The endorsement dated 05.11.1966 made by the Additional Special Deputy Commissioner for the Inams Abolition, has been placed on record, which also reflects that Jayaramaiah was stated as a katha holder in certain survey numbers including land measuring 4 acres 10 guntas in Sy.No.155/1.

20. In the aforesaid circumstances, the concerned authorities could not have entered the name of Jayaramaiah or any other persons claiming through him in the mutation register in respect of land measuring 5 acres (out of 5 acres 4 guntas falling in Sy.No.155/1). The entries in favour of Jayaramaiah and his successors-in-interest in respect of the land falling in Sy.No.155/1, could not be made to the extent exceeding the area of 4 acres and 10 guntas.

21. Learned counsel appearing for the appellant also contended that the appeal preferred by respondent No.5 being RA (YLK)/402/2022) before respondent No.3 in respect of a mutation entry, was not maintainable. He referred to Section 136(2) of the Karnataka Land Revenue Act, 1964 and submitted that there was no order passed under sub-section (4) of Section 129 of the KLR Act in respect of any objections. He submitted that no objections were raised before the Tahsildar (Respondent No.4) and no order

was passed under sub-section (6) of Section 129 of the KLR Act and therefore, recourse to Section 136(2) of the KLR Act, was not available to respondent No.5. He also referred to the Delhi Land Revenue Act, 1954 and submitted that in contrast to the provisions of the KLR Act, Section 64 of the said Act contains express provision of an appeal against orders passed by the Assistant Settlement Officer or Assistant Record Officer.

22. We are unable to accept the aforesaid contentions for several reasons. First of all, no such ground was urged by the appellant before the learned Single Judge in the writ petition. The impugned order does not reflect that any contention was advanced to the aforesaid effect. No such specific ground has been raised in the present appeal as well.

23. Secondly, a mutation entry made in the records, is reflective of the order passed by the Tahsildar. It is incorrect to state that no appealable order exists. Section 129 of the KLR Act contains provisions regarding registration of mutation and register of disputed cases. Sub-section (6) of Section 129 of the KLR Act provides that entries in the register of mutations shall be tested and if found to be correct, would be certified by the Officer as may be prescribed. In the present case, there is no cavil that an entry

exists in the RTC and certified copy of the same has been obtained.

24. Thirdly, ****Section 136** of the KLR Act also provides for suo motu powers for revising the records.

25. It is contended on behalf of the appellant that the correct recourse for respondent No.5 is to make an application to the Tahsildar for correction of the entries.

26. We do not consider it apposite to examine this question, as no such contention was urged on behalf of the appellant in any proceedings before the revenue authorities or before the learned Single Judge. We note that the appellant has also not raised any specific ground to this effect in this appeal as well.

27. In view of the above, the appeal is dismissed.

28. Pending applications are also disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C M JOSHI)
JUDGE**

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