

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 31ST DAY OF MAY 2013

BEFORE

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH

WRIT PETITION No.12789/2011 (KLR-RR-SUR)

BETWEEN:

C.R.Ravishankare Gowda
Since deceased

1(a) Smt.Summa, 50 years
W/o Late Ravishankare Gowda,
R/o Kirangoor Village,
K.Shettihalli Hobli,
Srirangapatna Taluk,
Mandya District.

1(b) Smt.Bhavyashree K.R.
22 years, W/o Kaushik
Kalegowdana Koppal village,
Bookunkere Hobli,
K.R.Pet Taluk,
Mandya District.

2. K.R.Naveen, 28 yrs
S/o Late Ravishankare Gowda,

3. K.R.Sarvesh, 25 yrs
S/o Late Ravishankare Gowda,

All are residents of
Kirangoor Village,
K.Shettihalli Hobli,

Srirangapatna Taluk,
Mandya District.

.. Petitioners

(By Sri H.C.Shivaramu, Advocate)

AND:

1. The Deputy Commissioner,
Mandya District, Mandya.
2. The Tahsildar,
Srirangapatna Taluk,
Mandya District.
3. Smt.Jayamma, 67 years
W/o Late Cheluve Gowda,
Resident of Kirangoor Village,
K.Shettihalli Hobli,
Srirangapatna Taluk,
Mandya District.

.. Respondents

(By Smt.M.C.Nagashree, HCGP for
R-1 & 2 ; Sri G.M.Anand, Adv. for R-3)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to issue a writ of mandamus to the respondent Nos.1 and 2 to consider the application of the petitioners dated 17.2.2011 produced at Annexures-J & H.

This Writ Petition coming on for preliminary hearing in 'B' group this day, the Court made the following :

ORDER

The petitioners have sought to enter their names in the RTC and khata in respect of bequeathed properties bearing Survey No.1082, measuring 20 guntas, in favour of 1st petitioner, Survey No.1085/5, measuring about 19 ½ guntas and Survey No.1085/6, measuring 2 ½ guntas in favour of 2nd petitioner and Survey No.1085/5, measuring 19 ½ guntas and Survey No.1085/6, measuring 2 ½ guntas in favour of the 3rd petitioner executed by father of the 1st petitioner and grand-father of petitioners 2 and 3 under the registered Will dated 18.1.1997. It appears, suit has been filed by the 3rd respondent-mother of the 1st petitioner herein for partition and separate possession. The same came to be withdrawn for filing fresh suit. However, when the petitioners sought for entering their names in the revenue records, the same is refused on the ground that the suit is pending before the Civil Court and subject to the result, it was ordered that the revenue entries be made.

2. The learned counsel appearing for the petitioners has submitted that there is no challenge as to the registered Will made in favour of the petitioners by the 3rd respondent and only the suit filed for partition and separate possession has been rejected by the Civil Court. Since the revenue authorities have awaited the decision of the Civil Court, there is no impediment to make an entry of the names of petitioners in the revenue records.

3. The learned counsel appearing for the contesting respondent No.4 submits that, against an order of dismissal of the suit, Regular Appeal is filed and as such, question of making entry of the petitioners' name in the revenue record does not arise at this stage.

4. There is a registered Will which is not under challenge. But claiming the share, the 3rd respondent filed a suit. There may not be any impediment to enter the names of the petitioners in the revenue records pursuant to the Will made in their favour, pending disposal of the Regular Appeal. However, it is made clear that till such finality is reached in

the appeal, petitioners shall not alienate the properties. It is for the respondents-authorities to make necessary entries at the earliest.

Writ Petition is disposed of accordingly.

**Sd/-
JUDGE**

*bk/-