

VIN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30<sup>TH</sup> DAY OF NOVEMBER, 2016

BEFORE

THE HON'BLE MR.JUSTICE B.S.PATIL

**W.P.No.58886/2016 (KLR-RR/SUR)**

BETWEEN

1. SMT. MUNIYAMMA,  
AGED ABOUT 70 YEARS,  
W/O LATE HANUMANTHAIAH,
2. SMT. NAGAMMA,  
AGED ABOUT 40 YEARS,  
W/O LATE CHANNAHANUMAIAH
3. BASAVARAJU H.,  
AGED ABOUT 45 YEARS,  
S/O LATE HANUMANTHAIAH
4. KALAPPASWAMY @ SWAMY,  
AGED ABOUT 42 YEARS,  
S/O LATE HANUMANTHAIAH

ALL ARE R/O PEDDANAPALYA VILLAGE,  
TAVAREKERE POST AND HOBLI,  
BANGALORE SOUTH TALUK  
BANGALORE-562130.

... PETITIONERS

(By Sri C.M.NAGABUSHANA, ADV.)

AND

1. THE STATE OF KARNATAKA,  
REVENUE DEPARTMENT,  
M.S.BUILDINGS,  
DR.AMBEDKAR VEEDHI,  
BANGALORE-560001  
REP. BY ITS PRINCIPAL SECRETARY.

2. THE ASSISTANT COMMISSIONER,  
BANGALORE SOUTH SUBDIVISION,  
KADAYA BHAVANA, K.G.ROAD,  
BANGALORE-560 009
3. SPECIAL THASILDAR  
BANGALORE SOUTH TALUK,  
KADAYA BHAVANA, K.G.ROAD,  
BANGALORE-560 009. ... RESPONDENTS  
(AMENDED VIDE COURT ORDER DT.18.11.16)

(By Sri KIRAN KUMAR T.L., AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ENDORSEMENT DTD.23.9.2016 ISSUED BY THE R-3 AT ANNEX-K AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

### **ORDER**

1. Petitioners have made an application to the Tahsildar, Bengaluru South Taluk – respondent No.3 herein requesting him to record the name of petitioner No.1 in the revenue records pertaining to land bearing Sy.No.19 measuring 2 acres situated at Peddanapalya Village of Tavarekere Hobli in Bengaluru South Taluk.

2. According to petitioners, they have succeeded to the land in question, upon the demise of the owner of the property – Hanumanthaiah. It is their further case that late Hanumanthaiah purchased Sy.No.19 measuring 2 acres from

Kariyappa as per Sale Deed dated 01.01.1973. However, the revenue authorities made a mistake in recording the name of Hanumanthaiah in respect of Sy.No.14 instead of Sy.No.19 as per MR.No.4/1981-82. Entries continued in the same manner.

3. Hanumanthaiah died on 08.04.2002 leaving behind petitioners as his legal representatives. Thereafter petitioners have made an application to the Tahsildar seeking transfer of khatha and other entries in the revenue records which stood in the name of Hanumanthaiah in favour of petitioner No.1. As there was discrepancy in mentioning the survey number and as a mistake had been committed in mentioning Sy.No.14 instead of Sy.No.19 as per MR No.4/1981-82, they also sought for correcting the said mistake and discrepancy.

4. Respondent No.3 – Tahsildar got conducted spot inspection and the revenue authorities, particularly, respondents 2 & 3 found that there was discrepancy and that mistake had been committed in entering the survey number as 14 instead of 19. However, respondent No.3 acting on the direction of the Assistant Commissioner – respondent No.2 herein has issued the impugned endorsement dated 23.09.2016 informing the petitioners that they were required to file an

appeal challenging M.R.No.4/1981-82 as per Section 136(2) of Karnataka Land Revenue Act. Aggrieved by the said endorsement issued vide Annexure-K, petitioners have approached this Court challenging the same and seeking a direction to the revenue authorities to effect entries in favour of petitioner No.1 in respect of Sy.No.19 measuring 2 acres instead of Sy.No.14.

5. I have heard the learned counsel for petitioners and learned Additional Government Advocate who has taken notice for respondents 1 to 3. It appears from the materials on record that at the initial stage, there was a mistake committed in entering the name of father of petitioners 2 to 4 for Sy.No.14 instead of Sy.No.19. As revenue entry was required to be made based on the document of title namely the Sale Deed, the authorities must have taken note of the same to effect entry in respect of land purchased by the father of petitioners 2 to 4, late Hanumanthaiah. It is not known under what circumstances entry was made in respect of Sy.No.14 instead of Sy.No.19. Be that as it may, petitioners have realized the mistake and in order to have it corrected approached the Tahsildar. The Tahsildar has also come to the conclusion, after

conducting spot inspection that there was such a mistake. But, he has expressed his inability to correct the same as the entries had been preceded by a mutation order. The Tahsildar was also directed by the Assistant Commissioner to intimate the petitioners to prefer an appeal.

6. In these circumstances, the appropriate course for the petitioners is to file a revision petition before the Deputy Commissioner invoking Section 136(3) of the Karnataka Land Revenue Act. Whereupon, the Deputy Commissioner shall consider the revision petition and pass order in accordance with law. Petitioners are given 30 days time from the date of receipt of a copy of this order to file such a revision petition. If such a revision petition is filed within 30 days, the Deputy Commissioner shall consider the same on merits without referring to the question of limitation and pass necessary orders within a further period of 60 days thereafter.

Learned Additional Government Advocate is permitted to file memo of appearance within three weeks from today.

**Sd/-  
JUDGE**

PKS