



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF MAY, 2024

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO.27027 OF 2023 (KLR-RES)

BETWEEN:

SMT. N. JALAJAKSHI
D/O N.S. NANJUNDAPPA,
AGED ABOUT 50 YEARS,
R/AT NO.30/26, BEHIND CANRA BANK,
MADIWALA HOSUR MAIN ROAD,
BENGALURU - 560 068.

...PETITIONER

(BY SRI. NAVEED AHMED, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
BENGALURU DISTRICT
KANDAYA BHAVANA
K G ROAD,
BENGALURU - 560001.
2. THE ASSISTANT COMMISSIONER
BENGALURU SOUTH SUB DIVISION,
KANDAYA BHANA
K G ROAD,
BENGALURU - 560001.
3. THE TAHSILDAR
BENGALURU SOUTH SUB DIVISION,
KANDAYA BHANA
K G ROAD,
BENGALURU - 560001.
4. SMT. SHARADHAMMA
W/O LATE M. NARAYANAPPA,

Digitally signed by
SHARMA ANAND
CHAYA

Location: High
Court of Karnataka



AGED ABOUT 71 YEARS,
R/AT NO.924, KONAPPA AGRAHARA
KRISHNAREDDY LAYOUT
ELECTONIC CITY POST,
HOSUR ROAD,
BENGALURU - 560 100.

5. SRI. DODDAMUNIYAPPA @ MUNIYAPPA
S/O MUNISHAMAPPA,
AGED ABOUT 71 YEARS,
R/AT NO INDALVADI VILLAGE,
ANEKAL TLAUK
ANEKAL
BENGALURU - 560 100.
6. SRI. KRISHNAPPA
S/O MUNISHAMAPPA
AGED ABOUT 71 YEARS,
R/AT NO. INDALVADI
ANEKAL TALUK, ANEKAL
BENGALURU - 560 100.
7. SRI. N. SAMPATH
S/O N.S. NANJUNDAPPA,
AGED ABOUT 45 YEARS,
8. SMT. N. JYOTHI
D/O N.S. NANJUNDAPPA,
AGED ABOUT 42 YEARS,
9. SMT. P SAVITHRAMMA
D/O PUTTAMMA,
AGED ABOUT 56 YEARS,
10. SMT. M. CHANDRAMMA
D/O PUTTAMMA
AGED ABOUT 51 YEARS, ,
11. SMT. M. NAGARATHNAMMA
D/O PUTTAMMA
AGED ABOUT 45 YEARS, ,



12. SMT. M. REKHA
D/O PUTTAMMA
AGED ABOUT 41 YEARS,

R/AT NO. 30/26
BEHIND CANARA BANK MADIWALA
HOSUR MAIN ROAD,
BENGALURU - 560 068.

...RESPONDENTS

(BY SRI. HARISHA A.S., AGA FOR R1 TO R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH IMPUGNED ORDERS DATED 27.03.2023 AND 27.06.2023 IN REVISION PETITION NO.97/2020 PASSED BY THE RESPONDENT NO.1 VIDE ANNEXURE-A AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. Heard learned counsel appearing for the parties.
2. The grievance of the petitioner is with regard to allowing the impleading application filed by the contesting respondent, dated 27.03.2023, and order dated 27.06.2023 in R.P. No.97/2020 on the file of respondent No.1 inter alia challenging the order dated 28.07.2020 (Annexure-B), passed by the third respondent.



3. Respondent No.4 herein has challenged the MR No.2/90-91, MR 28/05-06, MR T1/18-19 in respect of the land bearing Sy. No.57/4, new Sy. No.57/9 measuring 0.30.04 guntas sitaute at Konnappana Agrahara village and in M.R. No.1/91-92, 2/90-91 and 2/91-92 in respect of the land bearing Sy. No.95/3D, new survey No.95 measuring 0-04 guntas situated at Konnappana Agrahara Village and M.R. No.1/91-92, 1/92-93 and M.R. No.H15/2017-18 in so far as the land bearing Sy. No.36/23B, measuring 12 guntas situated at Doddanagamangala Village, Begur Hobli, Bengaluru South Hobli, in R.A.(S) 05/2017-18 (Annexure-C).

4. Respondent No.2 herein allowed the appeal in R.A.(S) 05/2017-18 filed by respondent No.4. Feeling aggrieved by the same, the petitioner herein has filed R.P. No.97/2020 on the file of respondent No.1. In the said proceedings, some of the persons claiming to be arrayed as respondents have filed application under Order I Rule 10 (2) of CPC as per (Annexure-G) seeking impleading in the Revision Petition. The said application was resisted by the petitioner. However, the first respondent herein, by order dated 27.06.2023 allowed the



impleading application. Feeling aggrieved by the same, the petitioner has presented this writ petition.

5. Learned Additional Government Advocate sought to justify the impugned order

6. Heard the learned counsel appearing for the parties. Having regard to the factual aspects, the petitioner has challenged the order dated 27.06.2023 allowing the impleading application and as the matter is pending consideration before the first respondent herein since 2020, without expressing any opinion on the merits of the case with regard to the veracity of the application filed by the contesting respondent relating to impleading applicants, I am of the view that, the first respondent shall consider the grievance of the parties by providing fair opportunity of hearing to all the concerned and complete the entire proceedings within four months from the date of receipt of certified copy of this order.

7. It is made clear that no opinion is expressed on the merits of the case.



8. The impleading applicant as per Annexure-G is directed to file the names of the legal representatives of the deceased Munilingappa before the respondent No.1 at the earliest within two weeks from the date of first appearance of the parties before the respondent No.1 to enable the respondent No.1 to complete the proceedings in accordance with law.

9. The Writ Petition stands disposed of accordingly.

Sd/-
JUDGE

sac
List No.: 1 Sl No.: 54