NC: 2024:KHC:6954
WP No. 17226 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF FEBRUARY, 2024

BEFORE

THE HON'BLE MR JUSTICE R DEVDAS

WRIT PETITION NO. 17226 OF 2023 (KLR-RES)

BETWEEN:

SRI. C. SRINIVAS
S/O LATE CHINNAPPA,
AGED ABOUT 45 YEARS,
R/AT HOUSE NO 196,
BOREWELL ROAD,
NALLURAHALLI VILLAGE,
WHITEFIELD POST,
BENGALURU 560066

...PETITIONER

(BY SRI. VIJAYA SHEKARA GOWDA V., ADVOCATE)

AND:

Digitally signed by DHARMALINGAM
Location: HIGH COURT OF KARNATAKA

1. THE DEPUTY COMMISSIONER
   BANGALORE URBAN DISTRICT,
   K G ROAD,
   BENGALURU 560009

2. THE ASSISTANT COMMISSIONER
   BANGALORE SUB DIVISION,
   K G ROAD,
   BENGALURU 560009

3. THE TAHSILDHAR
   BENGALURU EAST TALUK,
   BENGALURU 560036

4. SMT BHAGYALAKSHMI
D/O THAMMAIAH AND SMT KENCHAMMA,
W/O NATARAJ,
AGED ABOUT 48 YEARS,
R/AT NO 46, ANJANEYA TEMPLE ROAD,
UTTARHALLI SUBRAMANYAPURA POST,
BENGALURU 560061

5. SRI B N MUNIRAJU
ADVOCATE NO 7,
KONADASAPURA LAYOUT,
KONADASAPURA,
BUDIGERE CROSS,
BENGALURU 560049

6. SMT MYTHILI REDDY KONDA
W/O VINOD CHANDRASHEKAR,
AGED ABOUT 37 YEARS,
R/AT NO 609, G1, 16TH CROSS,
NEAR VENKATESHWARA TEMPLE,
BEML LAYOUT,
BENGALURU 560066

7. SMT MUNIYAMMA
W/O LATE PAPAIAH,
AGED ABOUT 64 YEARS,

8. SRI MUNIRAJU
S/O LATE PAPAIAH,
AGED ABOUT 40 YEARS,

9. SRI ANAND
W/O LATE PAPAIAH,
AGED ABOUT 39 YEARS,

RESPONDENTS NO.7 TO 9 ARE
R/O NALLURAHALLI VILLAGE,

K R PURAM HOBLI,
BENGALURU EAST TALUK,
BENGALURU 560066

…RESPONDENTS

(BY SRI. MOHAMMED JAFFAR SHAH, AGA FOR R1 TO R3;
SRI. E. VENKATARAMI REDDY, ADVOCATE FOR R6
SRI. T. PRAKASH, ADVOCATE FOR R7 TO R9
R4 & R5 SERVED - UNREPRESENTED)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED ORDER DTD 27.03.2023 PASSED IN RP.NO.143/2020-21 BY THE R1 DEPUTY COMMISSIONER, URBAN DISTRICT, BENGALURU AS PER ANNEXURE-A AND SET ASIDE THE IMPUGNED ORDER DTD 26.06.20219 PASSED IN RA (BE) 96/2019 PASSED BY THE R2 ASSISTANT COMMISSIONER, BENGALURU NORTH SUB-DIVISION, BENGALURU AS PER ANNEXURE-B AND ETC.,

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

ORDER

R.DEVDAS J., (ORAL):

The petitioner has filed an application for posting and for early hearing. Consequently, the matter is taken up at the instance of the petitioner.

2. The learned counsel draws the attention of this Court to the impugned order at Annexure-B dated

26.06.2019 passed by the Assistant Commissioner, Bangalore North Sub-division. Learned counsel submits that a bare reading of the order clearly goes to show that the Assistant Commissioner was aware that the appellant before him is a fictitious person. Learned counsel for the petitioner submits that it would be ill-logical for the Assistant Commissioner to accept the person goes before him and says the actual extent of his entitlement is only 4.08 guntas and by oversight in the record of rights, an extent of 7.08 guntas are shown in his favour. The Assistant Commissioner records a concession at the hands of the appellant and proceeds to reduce the extent of land by 3 guntas. Learned counsel therefore submits that it was not the petitioner who was before the petitioner but it was some fictitious person only to benefit the private respondents herein who had got a sale deed executed on 14.11.2017 in respect of the said 3 guntas of land. The learned counsel would further draw the attention of this Court to the said document which is styled as a sale deed and submits that although document was presented for

registration on 14.11.2017, it is clear that objections were raised since the revenue records including the RTC were not produced to the satisfaction of the Sub-registrar. The registration was kept pending till 18.08.2020. In the meanwhile, the impugned order has been obtained at the hands of the Assistant Commissioner by presenting the same through a fictitious person as Sri Srinivas and concession is recorded by the Assistant Commissioner and impugned order has been passed by the Assistant Commissioner as if the petitioner gave consent to reduce his entitlement from 7.08 guntas to 4.08 guntas. As a consequence of the impugned order passed by the Assistant Commissioner, the revenue entries are manipulated and thereafter presented before the Sub-registrar and the instrument was registered. Learned counsel submits that the Deputy Commissioner simply dismissed the revision petition on the ground that there are disputed question of title which he cannot go into.

3. Having regard to the predicament of the petitioner, this Court is of the considered opinion that no useful purpose will be served by challenging the revenue entries at this point of time, since the land in question is now within the limits of the Bruhat Bengaluru Mahanagara Palike and petitioner will have to approach the competent civil court to redress his grievance. Reserving liberty to the petitioner to raise a challenge to the sale deed, the writ petition stands ***disposed of***.

Sd/-
JUDGE

KLY
CT: JL