

Reserved on : 01.04.2026
Pronounced on : 23.06.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 392 OF 2024 (KLR-RES)

BETWEEN:

SRI. A. VENKATESH,
S/O LATE NAGARAJAPPA,
AGED ABOUT 65 YEARS,
RESIDING AT NO.25,
H.D. DEVEGOWDA ROAD,
R.T. NAGAR,
BANGALORE - 560 032,

...APPELLANT

(BY SRI. D.R. RAVISHANKAR, SR. ADVOCATE FOR
SRI. SARAVANA S., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS
CHIEF SECRETARY,
VIDHAN SOUDHA,
DR. B.R. AMBEDKAR VEEDHI,
BENGALURU - 560 001.
2. THE STATE OF KARNATAKA,
REVENUE DEPARTMENT,
REPRESENTED BY
ITS SECRETARY
VIDHAN SOUDHA,
DR.B.R. AMBEDKAR VEEDHI,
BENGALURU - 560 001.



3. SPECIAL DEPUTY COMMISSIONER-3
BENGALURU NORTH DIVISION,
BENGALURU - 560 009.
4. ASSISTANT COMMISSIONER,
BANGALORE NORTH SUB-DIVISION,
KANDAYA BHAVAN,
BENGALURU - 560 009.
5. TAHSILDAR,
BENGALURU NORTH TALUK,
KANDAYA BHAVAN,
BENGALURU - 560 009
6. DEFENCE ESTATE OFFICER,
MINISTRY OF DEFENCE,
KARNATAKA CIRCLE,
K. KAMRAJ ROAD,
BENGALURU - 560 042.
7. PARACHUTE REGIMENT
TRAINING CENTRE(PRTC),
(INDIAN ARMY, MINISTRY OF
DEFENCE (UNION OF INDIA))
J.C. NAGAR,
BENGALURU - 560 006.

...RESPONDENTS

(BY SRI. MOHAMMED JAFFAR SHAH, AGA FOR R1 TO R5,
SRI. M.N.KUMAR, CGC FOR R6 AND R7)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER/DIRECTION AT (II) TO THE EXTEND WHEREIN THE LEARNED SINGLE JUDGE QUASHED THE ORDER DATED:19.06.2014 ON THE FILE OF RRT(2)/NA/CR/28/2010-11 BEFORE THE RESPONDENT NO.3 AND CONSEQUENTLY MODIFY THE ORDER PASSED BY LEARNED SINGLE JUDGE IN W.P.NO.669/2024 (KLR-RES) VIDE ORDER DATED 15.02.2024 AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE T.M. NADAF)

This intra-Court appeal is by the petitioner in W.P.No.669/2024, assailing the order dated 15.02.2024 passed by the Writ Court, to the extent of quashing the order dated 19.06.2014 on the file of RRT (2)/NA/CR/28/2010-11 before the third respondent at direction No.II, set-aside the order/direction at (IV) wherein the order dated 13.07.2015 in LND(Y)CR/338/2-14-15 passed by the fifth respondent was also quashed and set-aside other orders/ directions No.(V), (VI) and (VII).

2. The Writ Court under the impugned order, allowed the Writ Petition and quashed the proceedings initiated by Special Deputy Commissioner-3¹, Bengaluru North Division in RRT (2) (NA):28/2010-11 with other director/orders.

¹ the SDC, for short

3. The parties are referred to as per their ranking before the Writ Court.

4. Facts germane to file this appeal are as under:

4.1 The petitioner filed the Writ Petition seeking following reliefs:

- "a) *Issue a writ in the nature of certiorari to quash Annexure-L, dated 23.05.2023 on the file of RRT(2)(NA) Cr:28/2010-11 passed by the respondent No.3, Special Deputy Commissioner-3, IAS Cadre Bangalore North Division, Bengaluru - 09 and pass such other orders as may be deemed appropriate in the ends of justice.*
- b) *Issue a writ in the nature of certiorari to quash Annexure-K, dated 24.04.2016, on the file of LND (Appeal) 15/16-17 pending before the respondent No.4, Assistant Commissioner, Bangalore North Sub-Division, Bengaluru -09 and pass such other orders as may be deemed appropriate in the ends of justice."*

4.2 It is the case of the petitioner that the land Sy.No.1 measuring 02 acres situated at Savarline Village, Kasaba Hobli, Bengaluru North Taluk has been granted in favour of Nagarajappa i.e., father of the petitioner by means of Grant Order dated

07.10.1954. Subsequent there to, the name of Nagarajappa was entered in the land revenue records. In the year 1968, a registered Partition Deed came to be executed between the family members of Nagarajappa. It is the further claim of the petitioner that the said Nagarajappa has also left behind a registered Will dated 18.07.1984 in his favour. The name of the petitioner came to be entered in the records of the then City Corporation of Bengaluru.

4.3 It is contended that in terms of the registered Partition Deed dated 18.02.2009, site Nos.1 and 2 fell to the share of the Petitioner. He approached the Defence Estate Officer² to issue No Objection Certificate in respect of Site Nos.1 and 2, as the same are adjoining to the defence land of the Controller of Quality Assurance Laboratory (CQAL), as a matter of precaution to avoid any boundary dispute.

² the DEO, for short

4.4 The DEO on 11.12.2009, issued NOC to the petitioner after verifying the Military Land Register, endorsement issued by the Tahsildar and on physical verification, stating that the land falls outside the boundary of the defence land. However, subsequently, No Objection Certificate was recalled and at the instance of the seventh respondent - Parachute Regiment Training Centre³, the SDC initiated proceedings under Section 136(3) of the Karnataka Land Revenue Act, 1964⁴, so far as revenue entries are concerned.

4.5 When the proceedings were halfway through before the SDC, the petitioner filed Writ Petition in No.51566/2013, seeking direction to the SDC to dispose of the proceedings within a time frame. The petition was favoured and the SDC was directed to complete the proceedings on or before 30.04.2014.

4.6 As there was no compliance, the petitioner had to initiate Contempt proceedings before this Court.

³ the PRTC, for short

⁴ the Act of 1964, for short

During the course of Contempt proceedings, the SDC passed an order on 19.06.2014, remanding the matter back to the Tahsildar. In the order, the SDC has stated that power under Section 136(3) is very limited, only to the correction of entry and not for cancellation of entry in the revenue records. It was further observed in the said order that, the contesting respondent herein i.e., respondents 6 and 7, who were also staking parallel claim to title and possession over the subject and, may resort to the proviso to Section 135 of the Act of 1964 for declaration of title over the subject land and they may also challenge the katha entry made in the records of Bruhat Bengaluru Mahanagara Palike⁵.

- 4.7 The SDC so far as his reasoning stated supra, relied on the Judgment of this Court in W.P.No.31788/2011, wherein it was held *"where the grant is proved to be obtained by making false or fraudulent representation or is contrary to rules, an*

⁵ the BBMP, for short

appeal is the remedy and the provisions under Section 136(3) cannot be invoked for the purpose of indirectly securing the cancellation of grant".

4.8 In pursuance of the order passed by the SDC, the Tahsildar, Bangalore North Taluk initiated proceedings bearing No.LND(Y) CR.338/2014-15 in respect of land bearing Sy.No.1 measuring 02 Acres situated at Savarline Village, Kasaba Hobli, Bengaluru North Taluk. The Tahsildar by means of order dated 13.07.2015 held that Nagarajappa S/o.Narayanappa (father of the petitioner) was granted land in Sy.No.1 measuring 02 Acres situated at Savarline Village, Kasaba Hobli, Bengaluru North Taluk by the competent authorities after following procedures enunciated as per the then existing Rules in the year 1954 and since then, the entries in the revenue record are continuing in his name. Further, it was held that said fact is also substantiated by the certified copies of the Official Memorandum of the Sub Division Officer, Bangalore Sub Division,

Bangalore, original Saguvali Chit dated 07.10.1954 issued by the then Tahsildar, Bangalore North Taluk coupled with the entries reflected in the certified copies of the extracts of Darkhast Register, Saguvali Chit Issue Register, Settlement Register as well as mutation extracts. It was also held that the land continued in possession and enjoyment of Nagarajappa, as such, the grant of land in question in favour of Nagarajappa S/o.Narayanappa was confirmed as well as the entries reflected in the revenue records such as Pahanis etc., were also confirmed. Further, it was stated that the entries in the revenue records such as Pahanis/RTCs etc., in respect of the land in question shall be continued in the name of Nagarajappa as are existing and regularize the same.

- 4.9 The order dated 13.07.2015 was the subject matter before the Assistant Commissioner⁶, Bengaluru North Division, Bengaluru in LND (A) 15/2016-17.

⁶ the AC, for short

4.10 It was the further contention of the petitioner that, when the matter stood thus, the SDC at the instance of respondents 6 and 7, after long lapse of time unilaterally without there being any challenge to the order dated 19.06.2014, again reopened the proceedings in RRT (2) (NA):28/2010-11. The SDC upon examination of Judgment and Decree passed in O.S.No.2403/2006 produced by the contesting respondents 6 and 7 herein (respondents 2 and 3 in the said proceedings) held that, respondents 2 and 3 therein have substantially justified that the entire extent of land in Sy.No.1 situated at Savarline area is in their possession and enjoyment and acquisition of the title and taking possession of said land is considered in the said Judgment, which is binding on the revenue authorities as the Revenue Department was a party in the said proceedings and further held that the records maintained by the Defence Department i.e., Military Land Register is base of acquisition of title, and the same has evidentiary

value and the findings of the High Court also substantiate the same. Considering the facts stated supra, the proceedings against respondents 6 and 7 herein in respect of the subject land, has been dropped invoking provision of Section 136(3) of the Act of 1964, by his order dated 23.05.2023.

4.11 It is the further case of the petitioner that, the petitioner aggrieved by the withdrawal of NOC by the DEO issued earlier, stating that the land in question falls outside the compound wall/boundary of defence land, preferred W.P.No.39716-39717/2012. The Writ Court allowed the Writ Petition, quashing impugned order cancelling the NOC and remanded the matter to the DEO for fresh consideration in accordance with law after giving an opportunity to all the stakeholders including the petitioner by keeping open the contentions of the parties. Thereafter, the DEO revoked the NOC and the same is the subject matter in W.P.No.2995/2022, an interim order came to be

passed in the said Writ Petition and the same is pending consideration.

4.12 The petitioner aggrieved by the order dated 23.05.2023 passed by the SDC, so also the proceedings initiated before the AC under Section 136(2) of the Act of 1964 against the order passed by the Tahsildar on 13.07.2015, filed the present Writ Petition.

4.13 Before the Writ Court, it was contended that once the SDC has stated that the power under Section 136(3), is only limited power so far as correction of entries and have no power for cancellation of entries, in terms of the order passed by the Writ Court in W.P.No.31788/2011 referred in the said order supra, it is not open for the SDC again to resurrect the earlier proceedings at the instance of respondents 6 and 7 and passed impugned order dropping the proceedings against them. The Tahsildar after considering the entire material placed before him, has held that there was an order of grant in favour of

Nagarajappa in the year 1954 and the entries in the revenue records are in terms of the Grant Order. In that view of the matter, the appeal under Section 136(2) of the Act of 1964, before the AC is not maintainable as the power enjoined under Section 136(2) is only with respect to entries and not on the genuineness Grant of the land. The SDC on the basis of findings in the Trial Court which is subject matter of RFA No.693/2007 before this Court has held that the entire land in Sy.No.1 has been acquired and given to the Defence Department and the DEO is in possession of the property. As such, the orders passed are against the provisions of Act and are not sustainable in law. The proceedings before the AC against the order passed by the Tahsildar dated 13.07.2015 is also not maintainable in law and sought to allow the appeal.

4.14 Per contra, it was contended on behalf of contesting respondents/ respondents 6 and 7 that, the SDC by means of order dated 19.06.2014 directed the

Tahsildar to examine the case under the relevant Land Grant Rules having regard to the statement made by the Tahsildar in the suit pending consideration in O.S.No.2403/2006 and the affidavits filed in MFA No.7264/2006 C/w MFA No.7265/2006. The SDC keeping in mind the orders passed by this Court in W.P.No.31788/2011, directed the Tahsildar to initiate separate proceedings under Land Grant Legislation prevailing at the relevant period, in order to look into all aspects of Grant. In that view of the matter, the order of Tahsildar holding that the Late Nagarajappa was indeed granted 02 Acres of land in the year 1954 and the revenue entries were made in his name is in accordance with law, is not sustainable as the same amounts to confirmation of Grant in favor of S.Nagarajappa, so also the entries made in the revenue records. In that view of the matter, the order passed by the Tahsildar and he being subordinate to the AC, is called in question under Section 136(2). It was further submitted on behalf of

respondents 6 and 7 that the SDC under Section 136(3) has got *suo-moto* power to call for any records/ order to satisfy himself with the genuineness of Grant in respect of 02 Acres of land in Sy.No.1 of Savarline Village involved in this case.

4.15 It was further submitted that the SDC having regard to the findings of the Civil Court in O.S.No.2403/2006, so also in RFA No.699/2002, found that the entries in the Military Land Register, document maintained by the Defence Department has got evidentiary value and accordingly, dropped the proceedings. However, continued the proceedings to further probe into the genuineness of Grant made in favour of Nagarajappa is well within law and sought to reject the contentions of the petitioner against respondents 6 and 7 in view of findings of the SDC vide order dated 23.05.2023 as the lands in question were acquired for the benefit of Defence Department and Union of India long back i.e., in the year 1907 under valid Notifications.

4.16 The Writ Court having considered the rival submissions proceeded to answer the contention taken in the Writ Petition on two points. Firstly, regarding *suo-moto* initiation of proceedings by the SDC, reopening the earlier proceedings in RRT (2) (NA) CR:28/2010-11 and secondly, the proceedings initiated by contesting respondents 6 and 7 before the AC invoking power under Section 136(2) of the Act of 1964. The Writ Court having considered the earlier order dated 19.06.2014 passed by the SDC, formed an opinion that the directions of the SDC to the Tahsildar to hold an inquiry under the provisions of Land Grant Rules in view of the statement made by the then Tahsildar in O.S.No.2403/2006 and also on affidavits filed in MFA No.7264/2006 C/w MFA No.7265/2006, could not have been made by the SDC and even if such direction is issued, it was impermissible for the Tahsildar to go into the question of testing the genuineness of the Grant made in favour of Nagarajappa way back in the year

1954 under the Karnataka Land Grant Rules and relying on the Judgment of the Full Bench of this Court in the case of ***SMT.JAYAMMA AND OTHERS VS. THE STATE OF KARNATAKA AND OTHERS***⁷, wherein it was held that, the Revenue Authorities, be it the Tahsildar, the Assistant Commissioner or the Deputy Commissioner have no jurisdiction to decide the title dispute between the parties and it is exclusive domain of the competent Civil Court to adjudicate the disputed facts and question of title and ultimately, if any decree is passed by the competent Civil Court, it shall be binding not only on the private parties but also on the revenue authorities. In that view of the matter, the Writ Court has held that it would be impermissible in law to permit the SDC to invoke *suo-moto* powers conferred under Section 136(3) of the Act of 1964 and so also to reopen a case which has already concluded by the SDC by order dated 19.06.2014, in that view of the

⁷ ILR 2020 KAR 1449

matter, such proceedings cannot be permitted to proceed, since it is contrary to the provisions of law.

4.17 So far as the proceedings initiated by the contesting respondents 6 and 7 preferring an appeal before the AC invoking Section 136(2) of the Act of 1964, challenging the order passed by the Tahsildar on 13.07.2015 is concerned, the Writ Court opined that the same principles which were enunciated in the case of **SMT.JAYAMMA** supra would apply. The Writ Court further opined that the SDC had clearly held in its order dated 19.06.2014 that since a dispute has been raised on the title of the property in question, the parties are required to approach the competent Civil Court, it is impermissible for the revenue authorities to say anything that would touch upon the title of the property.

4.18 The Writ Court further noticing the fact that suit in O.S.No.2403/2006 filed by one Srinivas Reddy and others, wherein the revenue authorities, Union of India, through the Defence Department were parties,

and the prayer in the suit was only for permanent injunction, opined that, the suit having been dismissed and RFA No.693/2007 said to have been preferred by the plaintiffs is pending, in view of the order dated 19.06.2014, the aggrieved parties will have to approach competent Civil Court to get declaration of title. Further held that, admittedly, the land in question is within the jurisdiction of the BBMP and the revenue entries in the revenue records of the State may not be of much consequence. Having reasoned so, the Writ Court concluded that the Writ Petition filed by the petitioner required to be allowed and passed the following order:

"ORDER

- (i) *The writ petition is allowed.*
- (ii) *The proceedings initiated by the Special Deputy Commissioner-3, Bengaluru North Division in RRT (2) (NA): 28/2010-11 is hereby quashed and set aside. The order passed by the Special Deputy Commissioner on 23.05.2023 in the said proceeding are also quashed and set aside.*
- (iii) *The proceedings initiated at the hands of respondents No.6 and 7 before the Assistant*

Commissioner, Bengaluru North Sub-Division in LND(Appeal):15/2016-17 and all further proceedings thereto, are also quashed and set aside.

- (iv) Having regard to the findings given by this Court that the revenue authorities will not be permitted to say anything regarding the title of the property, consequentially, the order passed by the Tahsildar in proceedings bearing No.LND(Y)CR. 338/2014-15 dated 13.07.2015 is also quashed and set aside.*
- (v) Having regard to the confusion created in the orders passed by the Special Deputy Commissioner dated 19.06.2014, wherein directions were issued to the Tasildar to further enquire into the matter, it is hereby clarified that the portion of the order in the paragraphs No.4 and 5 regarding the directions issued to the Tahsildar are also quashed and set aside.*
- (vi) It is also clarified that the observation of the Special Deputy Commissioner in paragraph No.2 that respondents No.2 and 3 (respondents No.6 and 7 herein) who have parallel claim to title and possession may resort to the proviso to Section 135 of the Act and seek declaration of their title, shall be read as an observation in respect of the rival claimants and not restricted to the respondents herein.*
- (vii) It is also necessary to notice here that if the parties approach the competent civil court*

seeking declaration of title, the civil court shall consider the matter on its merits and not give any undue importance to the revenue entries."

4.19 Aggrieved by the above order, only to the extent of quashing of proceedings in RRT (2) (NA):28/2010-11 at order/direction No. (II), quashing the order dated 13.07.2015 as per order/direction at (IV) and orders/directions at No.(V), (VI) and (VII), the appellant is in this appeal.

5. Heard, Sri.D.R.Ravishankar, learned Senior counsel assisted by Sri.Saravana.S, learned counsel appearing for the appellant/ petitioner, Sri.Mohammed Jaffar Shah, learned Additional Government Advocate appearing for respondents 1 to 5 and Sri.M.N.Kumar, learned Central Government Standing Counsel appearing for respondents 6 and 7.

6. Sri.D.R.Ravishankar, learned Senior counsel with all vehemence submits that though the Writ Court has held that reopening of earlier settled proceedings exercising *suo-moto* power under Section 136(3) is not

enjoined with the SDC and rightly set-aside the order dated 23.05.2023, however committed an error in quashing and setting aside the entire proceedings. To that extent, the operative portion in direction/order No.II is against the reasons and findings in the body of the order.

6.1 Learned Senior counsel further submits that, the Tahsildar, upon direction from the SDC, conducted proceedings and held that Nagarajappa S/o.Narayanappa was granted the land in Sy.No.1 measuring 02 Acres situated at Savarline Village, Kasaba Hobli, Bangalore North Taluk, by the competent authorities after following due procedure enunciated as per the existing Rules in the year 1954 and the entries are made thereon and continuing in his name and confirmed the same. The said order is passed in compliance of the direction issued by the SDC by means of order dated 19.06.2014. The Tahsildar after having considered the entire materials, passed the order. In the absence of any prayer to that effect, the Writ Court in the Writ

Petition filed by the petitioner calling in question the order dated 23.05.2023 and initiation of proceedings before the AC against the order of Tahsildar dated 13.07.2015, proceeded to quash the very order, which is uncalled for and not sustainable in law.

6.2 Learned Senior counsel further submits that the further directions/orders at (V), (VI) and (VII) are also passed in the absence of any specific prayer, as such, sought to set-aside the order only to the extent sought in the appeal and rests his case.

7. Sri.Mohammed Jaffar Shah, learned AGA submits that the Writ Court considering the Judgment of the Full Bench of this Court in **JAYAMMA's** case supra, has clearly held that the revenue authorities are not enjoined with power to dwell upon the title of the property and it is the exclusive domain of the competent Civil Court to decide. In that view of the matter, the genuineness of the Grant in view of documents, more particularly the Military Land Register maintained by the Defence

Department is required to be considered in a full fledged trial before the competent Civil Court.

7.1 Learned AGA further submits that the SDC relegated the parties to take action under Section 136 of Act of 1964 since there is disputed fact in respect of title of the petitioner based on the Grant Order and respondents 6 and 7 on the basis of acquisition notifications way back in the year 1907, which is earlier than the Grant order passed in the year 1954 as per the petitioners, requires deeper consideration by the Civil Court which are not enjoined with the Revenue Authorities.

7.2 Mr.Shah further submits that the Writ Court having exercised extraordinary power under Article 226 of the Constitution of India, got ample power to quash any order, which is not sustainable in law when the same is brought to the notice of the Court. The Writ Court having exercised its power under Article 226 dwelling on the power of the revenue authorities enjoined under the provisions of the Act of 1964, in

view of the Judgment of the Full Bench in **JAYAMMA** supra, appropriately considered the entire case and put a quietus to the entire *lis* and passed the order quashing the entire proceedings in order/direction at (II) as well as the orders and proceedings in orders/directions at (IV), and further orders/directions at (V), (VI) and (VII), by observing that the Civil Court in civil suit if any preferred, shall consider the matter on merits and not to give any undue importance to the revenue entries, even safeguards the interest of both the parties. In that view of the matter, the order passed by the Writ Court does not require any interference at the hands of this Court.

8. Sri.M.N.Kumar, learned CGSC appearing for respondents 6 and 7 reiterating the submissions made before the Writ Court, submits in-line with Mr.Mohammed Jaffar Shah. However, he submits that as per the Defence records, the entire land has been acquired in favor of respondent No.6 way back in the year 1907 and in view of

the statement made by the then Tahsildar in O.S.No.2403/2006 and the affidavits filed in MFA No.7264/2006 C/w MFA No.7265/2006, since there is a dent caused on the genuineness of the Grant Order, the appellant has no right to seek any prayer in this appeal and rests his case.

9. Having considered the rival submissions, we have gone through the entire Writ Appeal paper, which runs in two volumes.

10. The petitioners argued more on the orders passed by the Tahsildar in view of direction issued by the SDC. We are of the considered view that the Writ Court has properly considered the case in respect of power enjoined with the SDC under Section 136(3) of the Act of 1964. We are in agreement with the findings of the Writ Court that it is impermissible for the SDC to direct the Tahsildar to dwell upon the genuineness of the Grant of title under RTC proceeding as the same is the exclusive domain of the Civil Court. The parties once having been relegated in the order dated 19.06.2014 to resort to

Section 135 of the Act of 1964 by approaching the Civil Court, the further direction issued to the Tahsildar to hold an inquiry/proceedings under the relevant Land Grant Rules is impermissible in law. Even if such a direction is issued, it is impermissible for the Tahsildar to test genuineness of the Grant order that was passed way back in the year 1954 under the Karnataka Land Grant Rules. The Full Bench of this Court in **JAYAMMA**'s case supra has put a quietus with respect to powers of Revenue Authorities when there are title dispute between the parties, holding that it is the exclusive domain of the competent Civil Court to adjudicate upon the disputed question of title and ultimately if any decree is passed by the Civil Court, it shall be having binding force not only on the private parties who are litigating, but also on the Revenue Authorities. In that view of the matter, we find no infirmity in the order passed by the Writ Court while quashing and setting aside the RRT (2) (NA):28/2010-11 dated 23.05.2023 at order/direction at (II).

11. It is very germane to state here that, we are not dwelling upon the contention of either parties in respect of the land in dispute, whether it was granted land or land belongs to Savarline acquired for respondents 6 and 7, as any discussion on the same perhaps may prejudice rights of either parties, as they have to approach the Civil Court in term of Section 135 of the Act of 1964, since the adjudication upon the disputed civil right is the exclusive domain of the competent Civil Court.

12. So far as contention of learned Senior Counsel Sri.D.R.Ravishankar, with respect to the order/direction at (IV) quashing the order passed by the Tahsildar in proceedings bearing No.LND(Y)CR.338/2014-15 dated 13.07.2015, is conferred. We having perused the order, smelt something unusual, the way in which it was drafted so also the language used, on 18.02.2026, passed the following order:

"ORAL ORDER

Mr.Mohammad Jaffar Shah, learned Additional Government Advocate to disclose the name of the Tahsildar concerned who has passed the order at Annexure R21, so that this

Court shall issue notice to him before passing appropriate direction in the matter.

Post this appeal on 26.02.2026."

13. On 26.02.2026, the appeal was ordered to be listed on 09.03.2026. On 09.03.2026, this Court passed the following order:

"ORAL ORDER

Bailable warrant be issued against Sri Shivappa Lamani, the then Tahsildar, Bangalore North Taluk, who has passed the order dated 13.07.2015 at Annexure R21, for his presence before this Court on the next date of posting of this appeal.

Post this appeal on 23.03.2026."

14. On 23.03.2026, the Police have filed their report stating that the said Tahsildar was retired on attaining superannuation, since his mobile phone is switched off, his whereabouts are not known and sought time to execute the warrant. Further, the warrant was issued fixing the date on 01.04.2026. On 01.04.2026, the police have filed their report stating that the bailable warrant has been executed. The Tahsildar who passed the

order on 13.07.2015 by name Sri.Shivappa Lamani was present before the Court on 01.04.2026.

15. This Court in order to examine the veracity of the order dated 13.07.2015 at Annexure-R21, directed Sri.Shivappa Lamani, to read his order. To the dismay of this Court, the said Sri.Shivappa Lamani, the then Tahsildar who said to have passed the order dated 13.07.2015, was not in a position to read even a line of his own order which is in English. When we queried him with respect to the power enjoined under the provisions of Law, he is unable to say anything on the same.

16. This episode of our direction to read and our enquiry on the provisions of law with Shivappa Lamanai, was done in the presence of Sri.D.R.Ravishankar, learned Senior counsel appearing for the appellants.

17. Sri.D.R.Ravishankar, learned Senior counsel was also amazed and dismayed with the difficult position of Shivappa Lamani, even in reading his own order which

is in English and his knowledge with respect to the provision of law.

18. This in the mind of Court creates a great suspicion as to, whether the order was really passed by such an Officer who is not in a position even to read his own order which is in English, and perhaps the said order is a creation by some unseen hands playing behind the scene. In that view of the matter, we find no infirmities in the order passed by the Writ Court, quashing the order exercising extraordinary power enjoined under Article 226 of the Constitution of India, to do substantial justice.

19. We find no infirmities in the orders/directions passed by the Writ Court at (V), (VI) and (VII), which calls for any interference at the hands of this Court, as the said order is passed to safeguard the interest of both the parties. In that view of the matter, the Writ Appeal sans merits and is accordingly, ***dismissed***, while confirming the order passed by the Writ Court.

20. In the event the parties approach the competent Civil Court in pursuance of order/direction at (VII) in the order passed in the Writ Court, the Civil Court shall adjudicate the dispute independently and on its own merits, without being influenced by any observations made either by the Writ Court, this Court, or the Revenue Authorities. Any observations or findings of the Revenue Authorities that were challenged before and quashed by the Writ Court shall not prejudice the adjudication of the suit. The Civil Court shall decide the matter solely on the basis of the pleadings, evidence, and documents placed on record by the parties, and shall not be influenced by any revenue entries as referred in order/direction at (VII) of the Writ Court's order.

21. In view of dismissal of the Writ Appeal, pending interlocutory applications, if any, stand disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

TKN