

(2019) 03 KAR CK 0009

In the Karnataka High Court

Case No : Writ Petition No. 46618 Of 2017(Klr-Res)

Shree Guru Rudreshwara Gramabhivrudhi

APPELLANT

Vs

State Of Karnataka

RESPONDENT

Date of Decision : 08-03-2019

Acts Referred:

Citation : (2019) 03 KAR CK 0009

Hon'ble Judges : S.N. Satyanarayana, J

Bench : Single Bench

Advocate : Sandesh C.R, Jayaraj, T.S.Mahantesh, Manjunath M, T.Sheshagiri Rao

Final Decision : Disposed Off

Judgement

1. Petitioner herein is claiming itself as a Trust and the said Trust is also claiming interest in respect of property bearing No.12/2 situated at Vaderahalli, Yelahanka Hobli, Bengaluru North Taluk, measuring to an extent of 20 guntas, on which it is stated that it has its educational institutions.

2. The grievance of the petitioner - Trust is that the 4th respondent is claiming title to the aforesaid land as daughter of one Smt.Rudramma, who was erstwhile owner of aforesaid property. The fact that Rudramma was owner of the land in question is not in dispute. According to the petitioner, the said land was gifted by Rudramma W/o Basappa in favour of Niranjan Pranava Swaroopa Mallikarjuna Swamigalu under Gift Deed dated 19.11.1994 as such, said Swamiji was in possession and enjoyment of the property. However, subsequently, said Rudramma has unilaterally cancelled the Gift Deed that was executed by her in favor of aforesaid Swamiji under registered document dated 25.1.1999 and on the basis of such cancellation, the 4th respondent is claiming title to the land in question.

3. Admittedly, the cancellation of Gift Deed which was said to be done unilaterally by Rudramma is subject matter of suit in OS.No.143/2015 on the file of the Civil Court, Bengaluru Rural District, Bengaluru. In the meanwhile,

proceedings was also initiated by 4th respondent against Niranjan Pranava Swaroopa Mallikarjuna Swamigalu and others in proceedings bearing No.RA(BNA):525/2014-15 in seeking a direction to register the pahani and revenue entries of land in question in her name, which came to be dismissed by order dated 31.1.2017. It is stated that subsequently at the instance of very same person i.e., 4th respondent herein - Smt.Leelavathi, another proceedings is initiated for the very same relief before the very same Assistant Commissioner of Bengaluru North Sub-Division, Bengaluru, who has decided the earlier proceedings in No.RA(BNA):525/2014-15 and the said proceedings is concluded on 17.3.2017 without reference to the earlier order. This order which is passed in recognizing the right of 4th respondent to land in question is subject matter of this writ petition.

4. On going through the material available on record, prima facie it appears that a serious error is committed by Sri.K.Ranganatha, K.A.S., who was working as Assistant Commissioner of Bengaluru North Sub Division between 1.7.2017 to 31.3.2017 in passing two orders by suppressing the first order in his second order, which appears to have been passed for extraneous consideration. In that view of the matter, the order dated 17.3.2017 in proceedings bearing No.RA(BNA) 566/2016-17, is hereby quashed. While doing so, the petitioner and 4th respondent are hereby directed to pursue their right with reference to title to land in question in the original suit which is pending consideration in OS.No.143/2015 on the file of Civil Judge, Bengaluru Rual District, Bengaluru. It is made clear that all the revenue entries as standing in the revenue records with reference to land in question shall be subject to the result of the aforesaid original suit.

5. Further, this Court would also direct a copy of this order to the Chief Secretary, State of Karnataka as well as Principal Secretary, Revenue Department, State of Karnataka with a specific direction to said authorities to initiate enquiry against the Officer concerned i.e., Shri K.Ranganath, KAS, who was working as Assistant Commissioner of Bangalore North Sub Division as on 17.3.2017 with reference to his conduct in registering two appeals, one in No.RA(BNA).525/2014-15 and dismissing the same by order dated 31.1.2017, thereafter in registering another appeal in No.RA(BNA) 566/2016-17 and disposing of the same on 17.3.2017 by giving diametrically opposite reason to the one which was given by him in the earlier order and giving relief to the parties. Such conduct, is very serious and it will reflect the government functioning in poor light. It would also reflect that the Officers of the State Government could stoop to any level and are willing to compromise with the parties to any extent for personal gain. The said enquiry shall be concluded within 6 months from the date of receipt of a copy of this order and thereafter, to submit the outcome of the same to this very Court.

With such observations, this writ petition is disposed of.