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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 1168 OF 2025 (KLR-RES)

BETWEEN:

1. SUVARANA
D/O LATE RUDRAPPA
W/O ESHWARAIAH
AGED ABOUT 52 YEARS
R/AT HENNAGARA VILLAGE
JIGANI HOBLI, ANEKAL TALUK
BANGALORE-560 105.

...PETITIONER

(BY SRI. ARVIND .N, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY PRINCIPAL SECRETARY
REVENUE DEPARTMENT
VIDHANA SOUDHA
BANGALORE - 560 001.
2. THE SPECIAL TAHSILDAR
ANEKAL TALUK
BANGALORE-562 106.
3. THE ASSISTANT COMMISSIONER
BANGALORE SOUTH SUB-DIVISION
KANDAYA BHAVAN, BANGALORE-560 009.

...RESPONDENTS

(BY SRI. MANJUNATH .K, HCGP)





THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ENDORSEMENT ISSUED BY THE 2ND RESPONDENT (SPECIAL TASHILDAR) DATED 31.12.2024 VIDE ANNEXURE-E BEARING ENDORSMENT NO. RRT/J/CR/593/20274-25.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

This petition is filed assailing the endorsement issued by respondent No.2 dated 31.12.2024 thereby declining to reflect the interim injunction granted by the competent civil Court in O.S.No.784/2024.

2. Heard the learned counsel for the petitioner and the learned HCGP appearing for respondent.

3. The present case highlights a regrettable state of affairs where revenue authorities have failed to uphold the legal sanctity of an injunction order granted



by a competent civil court in a partition suit. In the suit filed for partition and consequential reliefs, the civil court, after considering the application under Order 39 of the Civil Procedure Code (CPC), granted an injunction restraining the defendants from alienating the suit property. Despite the subsistence of this injunction, respondent No.2, the Tahsildar, relying on a circular, issued an impugned endorsement stating that since the State was not a party to the civil proceedings, he was not bound to reflect the injunction order in the "other rights" column of the revenue records. This approach by the revenue authorities is legally untenable and needs to be condemned in the strongest possible terms.

4. The principles governing the grant of injunctions, particularly in cases of "not to alienate" orders, are well-settled in law. The purpose of such an injunction is to prevent the creation of third-party interests and to ensure that the rights of the parties to the suit are preserved pending adjudication. An



injunction restraining alienation serves to maintain the status quo, preventing unscrupulous parties from frustrating the decree that may ultimately be passed in the suit. The civil courts, while exercising their jurisdiction under Order 39 Rules 1 and 2 of the CPC, grant such reliefs to prevent irreparable injury, multiplicity of proceedings, and the possibility of third parties getting entangled in prolonged litigation due to unlawful alienation. It is, therefore, imperative that revenue authorities acknowledge and implement such orders to uphold the rule of law.

5. Revenue officials declining to give effect to injunction orders on the premise that they are not parties to the suit defies logic and the fundamental principles of judicial process. In adversarial litigation, a competent civil court exercises its discretion and grants injunctions to protect rights and prevent illegal transactions. The duty of revenue authorities is to ensure compliance with such judicial directions, not to



insist upon being arrayed as parties to the suit to fulfill their statutory obligations. Revenue records, including the Record of Rights, serve as critical documents reflecting existing legal rights, and the refusal to incorporate injunction orders merely because revenue officials were not party to the proceedings is an abdication of duty. Such reasoning not only undermines the authority of the civil courts but also paves the way for fraudulent transactions and multiplicity of litigations, which the injunction orders seek to prevent. Hence, the argument that revenue authorities must be made parties to a suit before they can act upon an injunction order is wholly untenable and contrary to established legal principles.

6. The impugned endorsement by the Tahsildar is based on a circular that has already been judicially scrutinized. A Co-ordinate Bench of this Court, in the unreported judgment of **Manjunath v. State of Karnataka & Others**, decided on 21.12.2020, explicitly



held that an interim injunction granted by a civil court falls within the purview of Section 127(1)(b) of the Karnataka Land Revenue Act. Consequently, revenue authorities are legally bound to reflect the injunction orders in the "other rights" column of the revenue records. The reasoning adopted by the Co-ordinate Bench lays emphasis the necessity on implementing court orders to prevent fraudulent transactions and further litigation.

7. In light of the principles governing injunctions and the authoritative pronouncement of this Court in ***Manjunath v. State of Karnataka***, it is evident that the impugned endorsement is unsustainable. Revenue authorities, as custodians of land records, are duty-bound to comply with orders of the civil court and ensure that rights declared by judicial forums are given full effect. Failure to do so would not only amount to willful disobedience of court orders but would also encourage



illegal transactions in derogation of the rights of the litigating parties.

8. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

(i) The writ petition is allowed.

(ii) The impugned endorsement dated 31.12.2024 issued by respondent No.2/Special Tahsildar, as reflected in Annexure-E, is hereby quashed and set aside.

(iii) Respondents 2 and 3 are directed to forthwith incorporate the injunction granted by the civil court in O.S. No.784/2024 in the "other rights" column of the revenue records.

(iv) The above direction shall be complied with strictly within a period of two weeks from the date of receipt of the certified copy of this order.

(v) The learned High Court Government Pleader is directed to forthwith communicate a copy of this order to the Principal Secretary, who shall



issue necessary instructions to all revenue officers to mandatorily reflect "not to alienate" injunction orders granted by civil courts in the "other rights" column of the revenue records to prevent unnecessary litigation and safeguard the integrity of judicial orders.

**SD/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

ALB

List No.: 1 Sl No.: 42