



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF AUGUST, 2024

BEFORE

THE HON'BLE MR JUSTICE N S SANJAY GOWDA

REVIEW PETITION No. 465 OF 2023

C/w.

WRIT PETITION No. 6363 OF 2022 (KLR-RR/SUR)

In R.P. No.465 OF 2023:

BETWEEN:

MR. O.L. PRABHU,
S/O LATE O.M.LINGAPPA,
AGED 68 YEARS,
RESIDING AT 7837,
CAMILIA CAMINITO
SAN DIEGO, CALIFORNIA,
UNITED STATES OF AMERICA,
PRESENTLY AT No.100,
SHOLUR HOUSE,
K.P.WEST, BANGALORE-560 020.

...PETITIONER

(BY SRI. S. BASAVARAJ, SENIOR COUNSEL FOR
SRI. A.R.GOUTHAM, ADVOCATE FOR PETITIONER)

AND:

1. SMT. PARVATHAMMA,
W/O LATE CHOODACHARI,
AGED ABOUT 65 YEARS,
AGRICULTURIST,
R/O BEGIHALLI VILLAGE,
JIGANI HOBLI, ANEKAL TALUK,
BANGALORE RURAL DISTRICT-560 105.





2. THE SPECIAL TAHSILDAR,
ANEKAL TALUK,
BENGALURU RURAL DISTRICT – 560 105.
3. TAHSILDAR,
ANEKAL TALUK,
BENGALURU RURAL DISTRICT-560 105.
4. SMT. KALPANA PALEGAR,
D/O LATE O.M.LINGAPPA,
AGED 63 YEARS,
R/AT No.22, 8TH CROSS,
KUMARA PARK WEST,
BENGALURU-560 020.
5. RAMESH, S/O CHIKKAYALLAPPA,
AGED MAJOR,
No.40/6,
SHANKAR NARAYANASWAMY LAYOUT,
ANEKAL TOWN,
BENGALURU-562 016.

...RESPONDENTS

(BY SRI. S.R. HEGDE HUDLAMANE, ADVOCATE FOR R-1 (VC);
SMT. RADHA RAMASWAMY, AGA FOR R-2 & R-3;
DR.G.SUKUMARAN, ADVOCATE FOR R-4;
SRI. NATARAJ BALLAL, ADVOCATE FOR R-5)

THIS REVIEW PETITION IS FILED UNDER 47 RULE 1 OF
CPC AND SECTION 114 OF CPC, PRAYING THAT THIS HON'BLE
COURT BE PLEASED TO REVIEW ITS ORDER DATED 21.07.2022
PASSED IN WRIT PETITION No.6363 OF 2022 AND TO DISMISS
THE SAID WRIT PETITION ON MERITS WITH EXEMPLARY
COSTS, ETC.



In W.P. No.6363 OF 2022:

BETWEEN:

SMT. PARVATHAMMA,
W/O LATE CHOODACHARI,
AGED ABOUT 65 YEARS,
AGRICULTURIST,
R/O BEGIHALLI VILLAGE,
JIGANI HOBLI, ANEKAL TALUK,
BENGALURU RURAL DISTRICT-560 105.

...PETITIONER

(BY SRI. S.R.HEGDE HUDLAMANE ADVOCATE)

AND:

1. THE SPECIAL TAHSILDAR,
ANEKAL TALUK,
BENGALURU RURAL DISTRICT - 560 105.
2. TAHSILDAR,
ANEKAL TALUK,
BENGALURU RURAL DISTRICT-560 105.
3. PRABHU,
S/O O.L.LINGAPPA,
AGED MAJOR
4. KALPANA
D/O LATE O.M.LINGAPPA,
AGED MAJOR,

BOTH R-3 & R-4 ARE R/O No.6,
NANJAPPA ROAD, SHANTHINAGAR,
BENGALURU-560 027.

...RESPONDENTS

(BY SRI. R.SRINIVASA GOWDA, AGA FOR R1 & R2;
SRI.A.S.MAHESH, ADVOCATE FOR R3 & R4)



THIS PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE RESPONDENT Nos.1 & 2 AUTHORITY TO ISSUE COMPUTERISED KHATA AND COMPUTEREISED REVENUE RECORDS IN FAVOUR OF PETITIONER WITH RESPECT TO SY.No.34 MEASURING 6 ACRES 4 GUNTAS PROPERTY SITUATED AT BEGIHALLI VILLAGE, JIGANI HOBLI, ANKEAL TALUK, ON THE BASIS OF ORDER DATED 22.09.2017 PASSED BY THE RESPONDENT NO.1 PRODUCED AS ANNEXURE-B AND ANOTHER ORDER DATED 23.03.2021 ISSUED BY THE RESPONDENT NO.2 WHICH IS PRODUCED AS ANNEXURE-C IN THE WRIT PETITION RESPECTIVELY, ETC.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 22.07.2024, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING

CORAM: HON'BLE MR JUSTICE N S SANJAY GOWDA

CAV ORDER

1. This is an unfortunate case where the judicial process of this Court is sought to be subverted, and an attempt has been made to abuse the process of the Court with the ulterior motive of depriving the true landowners of their land.

2. The brief facts leading to filing of these petitions are as under:

On 07.06.1965, Mrs. Shah Zamani Begum sold the land bearing Survey No.34 consisting of 18 guntas of



garden land and 05 acres 26 guntas of dry land — totally measuring 06 acres 04 guntas in Survey No.34 situated at Begehalli, Jigni Hubli, Anekal Taluk — under a registered sale deed to O.L.Prabhu and O.L.Kalpana, who were minors on that date, and, as a consequence, were represented by their father—O.M.Lingappa in the sale deed.

3. Pursuant to the sale deed, revenue entries were changed in favour of O.M.Lingappa. On Prabhu and Kalpana becoming majors, they sought change of entries in their name, and this request was granted by the revenue authorities *vide* MR No.11/1993-94 and the name of Prabhu and Kalpana were incorporated in the revenue records and their names have been continued ever since, till 2021-22.

4. On 06.10.2001, an unregistered partition-cum-settlement deed (*panchayat palupatti*) is said to have been entered into between the children of the first wife of late



NC: 2024:KHC:35390
RP No. 465 of 2023
C/W WP No. 6363 of 2022

Sarkalachari and the children through the second wife of late Sarkalachari.

5. There is, however, a serious dispute regarding this partition deed. A Memo dated 22.11.2023 is filed by the review petitioner enclosing two unregistered partition deeds dated 06.10.2001. It is stated that an attempt is made to create a right in Sy.No.34 by manipulating the partition deed dated 06.10.2001, which is clearly apparent from the record.

6. Prabhu—the review petitioner stated that in one partition deed, as regards the properties involved in the partition, it has been stated as follows: “ಸರ್ವೇ ನಂಬರ್‌ಗಳಾದ 43/2, 44/1, 44/14, 54/1, 62, 82/1” and Sy. No. 34 was not mentioned at all. However, in the partition deed produced before the Revenue authorities, the term “ಸರ್ವೇ ನಂಬರ್‌ಗಳಾದ” has been modified and the words “ಗಳಾದ” has been erased with whitener and in its place, survey number “34” has been inserted. Thus, according to the review



petitioner, land bearing Sy.No.34 belonging to him and his sister has been incorporated by a fraudulent act of erasing another word to insert said survey number of the land in its place.

7. On 15.03.2022, Writ Petition No.6363 of 2022 was filed by Parvathamma—wife of late Choodachari. The said Choodachari is stated to be the 4th son of Sarkalachari in the partition deed dated 06.10.2001.

8. In this petition, the prayer was for a direction to the Special Tahsildar and the Tahsildar of Anekal Taluk to issue a computerised khata and computerised revenue records in favour of the petitioner, i.e., Parvathamma in respect of Survey No.34 measuring 06 acres 04 guntas, on the basis of the order dated 22.09.2017 passed by the Tahsildar in RRT/CR/442/2017-18 and also another order passed by the Tahsildar on 23.03.2021 in RRT(D)CR/442/2020-21.



9. In this petition, it was stated that there had been a family settlement on 06.10.2001, in which Survey No.34 measuring 06 acres 04 guntas had been allotted to the share of Choodachari and he was enjoying the same without effecting any specific entry in his name until he passed away on 25.01.2008. It was stated that Parvathamma—his widow on his death sought to change the khata in her favour and the Tahsildar after holding an enquiry passed an order in her favour on 22.09.2017 (per Annexure-B to the petition).

10. It was stated that since the revenue entries were not effected in her name, she approached the Special Tahsildar—respondent No.2 in the petition, who proceeded to pass an order dated 23.03.2021 (Annexure-C to said writ petition), and since both the aforementioned orders were not implemented, she had given representations dated 09.01.2022 and 24.01.2022, despite which it was not considered and she was thus constrained to file the subject writ petition.



11. It may be pertinent to state here that in the order dated 23.03.2021, the Tahsildar, in a proceeding initiated by Parvathamma against Prabhu and Kalpana, had passed an order directing the name of Parvathamma to be entered and he had, by the very same order, ordered cancellation of the *khata* and mutation made in favour of Prabhu and Kalpana *vide* MR No.11/1993-94.

12. It may also be pertinent to state here that the address of Prabhu and Kalpana, as indicated in the cause title of the order of the Tahsildar dated 23.03.2021, was stated to be "1. ಶ್ರೀ ಪ್ರಭು ಬಿನ್ ಲೇಟ್ ಲಿಂಗಪ್ಪ 2. ಶ್ರೀಮತಿ ಕಲ್ಪನ ಬಿನ್ ಲೇಟ್ ಲಿಂಗಪ್ಪ, ನಂ.6, ನಂಜಪ್ಪ ರಸ್ತೆ, ಶಾಂತಿನಗರ, ಬೆಂಗಳೂರು". (1. Sri.Prabhu bin Late Lingappa 2. Smt.Kalpana bin Late Lingappa, No.6, Nanjappa Road, Shanthi Nagar, Bengaluru). This address, incidentally, is also the address of Smt. Shah Zamani Begum, who had sold the property in favour of Prabhu and Kalpana on 07.06.1965, when both of them were still minors and were represented by their father—Lingappa.



13. On 18.04.2022, the subject writ petition was posted for preliminary hearing and this Court directed the learned Additional Government Advocate to accept notice for respondent Nos.1 and 2, i.e., the Tahsildar and the Special Tahsildar.

14. A submission was made by the learned counsel for the petitioner that notice to Prabhu and Kalpana (who had been arraigned as respondent Nos. 3 and 4) be dispensed with and the learned counsel also made a submission that a memo would be filed in that regard. Acting on said submission, this Court, by the order dated 18.04.2022 dispensed with the notice in respect of respondent Nos.3 and 4 at the request of the petitioner.

15. The matter was thereafter re-listed on 09.06.2022. This Court, however, took the view that it would be necessary to issue notice to respondent Nos.3 and 4 before considering the prayers in the writ petition and ordered issuance of notice to Prabhu and Kalpana.



16. It may be pertinent to state here that pursuant to the order dated 09.06.2022, the Registry proceeded to dispatch the notices of the petition to Prabhu and Kalpana only on 18.06.2022.

17. However, even before the notice was dispatched on 18.06.2022, appearance was entered on behalf of Prabhu and Kalpana by a counsel on 15.06.2022 and objections were also filed on behalf of Prabhu and Kalpana on 15.06.2022 itself.

18. This objection was verified by an affidavit of Ramesh, who claimed to be the General Power of Attorney ("**GPA**") holder of Prabhu and Kalpana.

19. Thus, within four days of this Court ordering notice to Prabhu and Kalpana, not only was an appearance made on their behalf, but objections were also filed on 15.06.2022.

In these objections, it was stated as follows:

"3. The **Respondents No.3 & 4** in the above petition in favour of **Ramesh s/o Chikkayallappa**, as long back on



19.02.2018. Copy of the said **GPA** is produced along with this objection as **ANNEXURE-R1**. It is clear that the said **GPA** is referring to **Sy.No.34 measuring 6 acres 4 guntas situated at Begehalli village, Anekal Taluk** and in the said **GPA** all the power is given to the **GPA** holder including to engage the services of an Advocate and to appear before this Hon'ble Court also. As stated above these **Respondents No.3 & 4** did not prefer any appeal or revision before any other court or authority till this day and they do not have any objection for the claim of Petitioner.

4. Wherefore these Respondents pray that his Hon'ble Court may kindly pass appropriate order by taking this objection on record and pass an appropriate order in the interest of justice and equity."

(emphasis supplied)

20. As could be seen from the above, Prabhu and Kalpana basically supported the case of the petitioner in its entirety. This objection was signed by Ramesh—the



alleged GPA holder. A statement was also made that a GPA had been executed in favour of said Ramesh way back on 19.02.2018 and a copy of said GPA was also sought to be produced as Annexure-R1. This GPA contained an averment that Ramesh had the authorization to engage a counsel and to appear before the Court on their behalf. The ultimate prayer was to request this Court to pass appropriate orders by taking objections on record.

21. The writ petition, was posted before this Court on 04.07.2022 and was adjourned to 14.07.2022 and then to 21.07.2022.

22. It may be pertinent to state here that the notices of the writ petition which had been dispatched to Prabhu and Kalpana (the respondent Nos.3 and 4) on 18.06.2022, much after they had appeared through Ramesh, were actually returned with an endorsement "**Incomplete Address - Return to sender**". Thus, the notices of the writ petition dispatched by this Court were never served on Prabhu and Kalpana.



23. The matter was thereafter posted on 21.07.2022 and this Court proceeded to dispose of the writ petition by directing the Tahsildar and the Special Tahsildar to consider the request of the petitioner and pass appropriate orders within a period of three months, since it was the case of the petitioner that her name was required to be entered on the basis of the order that has been passed by them.

24. This Court also observed that the Tahsildar and Special Tahsildar should take into consideration that Prabhu and Kalpana—children of O. M. Lingappa, in whose name RTCs stood earlier, had consented for change of *khatha*, and this was also acknowledged by their counsel before this Court. This observation was made in view of the specific request made by the learned counsel for the petitioner when the matter was disposed of.

25. It is at this stage and their conduct during the pendency of the writ petition, the sinister intention of



Parvathamma and Ramesh to use the process of this Court becomes apparent.

26. After this writ petition was filed on 15.03.2022, Bhagyamma—the daughter of Parvathamma and Late Choodachari, on 29.03.2022, had proceeded to institute a suit in O.S. No.374 of 2022 on seeking partition in respect of Survey No.34 measuring 06 acres 04 guntas.

27. Eight days after the suit O.S. No.374 of 2022 was filed, i.e., on 06.04.2022, even before the summons were served on the defendants through the Court, a joint compromise petition was filed between Bhagyamma—the plaintiff and her daughters i.e., the five defendants in the suit. The petitioner herein—Parvathamma was arraigned as defendant No.1 in said suit.

28. Under this compromise, Survey No.34 was sought to be divided amongst the petitioner herein and her children.

29. The compromise petition filed was accepted by the Trial Court and a final decree was also ordered to be



drawn up. The office of the Trial Court also drew up a final decree on 18.04.2022, which was also registered in the Sub-Registrar's office on 21.04.2022 and 22.04.2022.

30. Parvathamma, who had filed the subject writ petition seeking a direction to be issued to enter her name, on the basis of the orders passed on 22.09.2017 and 23.03.2021 by the Tahsildar (which was based on the unregistered partition deed dated 06.10.2001), did not state during the disposal of the subject writ petition on 21.07.2022 that her daughter had filed a suit for partition wherein Parvathamma had entered appearance and the in the suit a compromise was reached, whereby Survey No.34 (the subject matter of this writ petition) was sought to be divided amongst herself and her children. She also did not state that the final decree drawn up pursuant to the compromise in the suit had been registered.

31. This Court, without being aware of this material and vital fact of the compromise entered into in respect of Sy. No. 34 to which the petitioner was a party, and which had



a vital bearing on the prayers in the subject writ petition, disposed of the same directing that the request for change of *khata* in favour of the petitioner was to be considered in accordance with the earlier orders passed by the Tahsildar.

32. It is glaringly evident that Parvathamma has suppressed a material fact — that during the pendency of the subject writ petition, Parvathamma had agreed for a compromise in the suit that had been filed arraigning her as defendant No.1. It must be kept in mind that the subject writ petition was filed ostensibly with the intent of obtaining an order at the hands of this Court as if the revenue entries were required to be changed in her favour on the basis of an earlier order of the Tahsildar.

33. In my view, the conduct of Parvathamma in suppressing this vital information of a compromise in relation to Sy No 34 which was the subject matter of the writ petition to the Court is nothing but a clear abuse of the process of the Court, which requires condemnation in strongest possible terms.



34. A party who approaches this Court is required to state **all** material facts necessary for the disposal of the petition. Parvathamma, firstly, deliberately mentioned an incorrect address for service of notice to respondent Nos.3 and 4 in the subject writ petition. This address, as already observed above, was actually the address of Smt. Shah Zamani Begum, the vendor of Prabhu and Kalpana in the sale deed dated 07.06.1965.

35. This singular act, by itself, indicates that the attempt of the petitioner was to ensure that Prabhu and Kalpana were not notified of the subject writ petition. In fact, even in the proceedings that she had initiated before the Tahsildar culminating in the order dated 23.03.2021, the addresses of Prabhu and Kalpana were the addresses that were found in the sale deed dated 07.06.1965 of Smt. Shah Zamani Begum, the address of their vendor.

36. The fact that Parvathamma attempted to keep Prabhu and Kalpana in the dark also becomes crystal clear from the fact that in the subject writ petition, notices were



requested to be dispensed with and a memo to that effect was also filed. This act also establishes beyond doubt that Parvathamma did not want Prabhu and Kalpana to be notified of the writ petition.

37. Unfortunately for Parvathamma, despite the order dated 18.04.2022 dispensing notices to Prabhu and Kalpana, this Court took the view that it would be necessary to issue notices to them before considering the prayers in the writ petition and ordered issuance of notices to Prabhu and Kalpana on 09.06.2022.

38. In order to get over this order and in order to ensure that Kalpana and Prabhu were not notified, even before the notices were dispatched by the Registry, appearance was entered on their behalf by a Counsel engaged by the alleged GPA holder—Mr. Ramesh. This GPA holder not only entered appearance on 15.06.2022, but he also proceeded to file a Statement of Objections supporting the case of the petitioners on the same day itself.



39. These facts, when cumulatively seen, leaves no room for doubt that every attempt was made by Parvathamma to ensure that she obtained the order to get her name entered in the revenue records behind the back of Prabhu and Kalpana, in whose name the entries stood from 1993.

40. It may also be pertinent to notice here that on 16.06.2022, Bhagyamma—the daughter of Parvathamma and the plaintiff in O.S. No 374 of 2022 along with her sisters (the defendants in O.S. No.374 of 2022) proceeded to prefer an appeal under Section 136(2) of the Karnataka Land Revenue Act, 1964 before the Assistant Commissioner, which was numbered as R.A. No.354 of 2022.

41. In this appeal, it was stated that a suit had been filed in O.S. No.374 of 2022 which ended in a compromise and the final decree was drawn up, which had also been registered with the Sub-Registrar, and the *khata* was required to be registered in their names in accordance with the decree.



42. In this appeal, a mention was made about the order dated 23.02.2021 through which Parvathamma's name was ordered to be entered into the revenue records. However, the filing of the subject writ petition by Parvathamma was not brought to the notice of the Assistant Commissioner by Parvathamma, who was arrayed as respondent No.2.

43. In this appeal, the Assistant Commissioner had ordered notices and had fixed the date of appearance as 29.07.2022. However, only eight days after notice was ordered, the case was taken up on 24.06.2022 and the following order was passed by the Assistant Commissioner.

"24/06/2022:

Case called out.

Appellant Advocate present.

Respondents No.2 present;
Sri.Pranam N. present and filed
vakalat.



Appellant advocate filed
compromise petition. Post for
orders.

Sd/- 24.6.22"

44. As could be seen from the above, there is no entry in the order-sheet that the case was preponed. The order-sheet simply states that when the case was called, the advocate for the appellant as well as respondent No.2 were present and respondent No.2's counsel also entered appearance, following which a compromise petition was once again filed before the Assistant Commissioner. Though there was more than one appellant, only Bhagyamma and Parvathamma entered appearance on 24.06.2022, which was not the date originally fixed for hearing.

45. On 03.08.2022, the Assistant Commissioner proceeded to allow the appeal as per the compromise petition filed by them and proceeded to set aside the order dated 23.03.2021, by which Parvathamma's name was ordered to be entered and directed that the entries be



changed in accordance with the compromise decree that was passed in O.S. No.374 of 2022.

46. Thus, for the second time, a compromise was entered into before the Assistant Commissioner and a consent order was obtained for change of *khata* in favour of Parvathamma and her daughters.

47. The entire manner in which Parvathamma first sought to get her name entered in the records by filing an appeal against Kalpana and Prabhu, and thereafter, by filing the subject writ petition, obtained an order to direct the authorities to consider her case on the basis of the order of the Assistant Commissioner, after which her daughters proceeded to file a suit, and entered into a compromise and then preferred an appeal before the Assistant Commissioner to get their names entered, clearly and conclusively establishes that they have sought to undermine and abuse the process of Courts. The fact that they have used the Courts to secure their names in the revenue records and, ultimately, succeed in removing



the names of Kalpana and Prabhu leaves no room for doubt that the mechanism for administration of justice was subverted.

48. Their intention in the matter becomes further apparent from the events which have unfolded thereafter.

49. After the entries were changed in favour of Parvathamma and her children, they have proceeded to enter into registered agreements of sale on 10.05.2022 (*registered on 13.05.2022*) and on 17.05.2022 (*registered on the same day*) in respect of Survey No.34 in favour of one Sanjeev Kumar Goyal, and these agreements of sale have also been registered, which reveal that the said property was agreed to be sold for a sum of Rs.3,50,00,000/- and Rs.58,00,000/- respectively.

50. Another important factor to be noticed is the blatant manner in which Parvathamma and her children have sought to play fraud on this Court which becomes apparent from the fact that after the writ petition was filed



on 15.03.2022 and during its pendency, on 09.05.2022, they have executed a registered agreements of sale in favour of one Sanjeev Kumar Goyal under which they agreed to sell Survey No.34 for a sum of Rs.3,50,00,000/- and received a sum of Rs.56,00,000/- each by way of cheques and Rs.4,00,000/- by way of cash, and agreed to receive the balance sale consideration at the time of registration. In fact, this agreement has been entered after the suit was filed on 28.03.2022.

51. In other words, after the writ petition and the suit were filed in March 2022, an agreement of sale was executed by them in May, 2022 and notwithstanding this agreement executed by them jointly, Bhagyamma—the daughter was playing out the farce of litigating with her mother and sisters and, at the same time, Parvathamma was playing out the farce of seeking to get the entries mutated in her favour.

52. On 25.05.2022, i.e., about a couple of weeks after the Assistant Commissioner allowed the appeal and



directed the entries to be made in their favour, Parvathamma and her children together executed a sale deed in favour of Sanjeev Kumar Goyal and on the basis of this registered sale deed, the *khata* was also changed to his name. The said Sanjeev Kumar Goyal—purchaser got his name entered in the revenue records and he thereafter proceeded to sell the said land under a registered sale deed dated 04.10.2023 in favour of M/s. S. A. Greens LLP for a sum of Rs.5,00,00,000/-.

53. It is thus clear that this entire farce — of filing the writ petition, the suit, and the appeal before the Assistant Commissioner after getting a compromise decree — was essentially to sell the property which was standing in the name of Kalpana and Prabhu, for an apparent consideration of Rs.3.5 crores.

54. Kalpana on coming to know of the changes of entries preferred a Revision Petition before the Deputy Commissioner under Section 136(3) of the Karnataka Land Revenue Act, 1964 against the order passed by the



Assistant Commissioner and the Deputy Commissioner stayed this order of the Assistant Commissioner. It is stated that on 08.12.2023, the Deputy Commissioner has in fact allowed the revision and set aside the order passed by the Assistant Commissioner while ordering restoration of the entries in favour of Kalpana, and this order remains unchallenged.

55. Kalpana, after filing of the revision, has proceeded to make an application in this petition seeking recall of the order dated 21.07.2022 on the ground that it was obtained by fraud.

56. Her brother—Prabhu has thereafter filed a review petition seeking review of said order.

57. On the review being filed and a submission being made that the order was obtained by suppression of material facts, and the person who had entered appearance on behalf of Kalpana and Prabhu was on the basis of a fraudulent act, this Court directed notices to be



ordered to the learned counsel who had entered appearance on behalf of Kalpana and Ramesh.

58. Thereafter, on 02.11.2023, in light of the application filed for recalling, this Court ordered that Ramesh — the person who had claimed that a GPA has been executed in his favour by Kalpana and Prabhu — be impleaded as respondent No.5. He has thereafter entered appearance and is represented by a counsel.

59. Mr. A. S. Mahesh, the learned counsel who had entered appearance on behalf of respondent Nos.3 and 4, on instructions of the GPA holder, filed a memo enclosing a copy of the original GPA that was stated to have been executed by Prabhu and Kalpana in favour of respondent No.5 and the same was ordered to be kept in safe custody.

60. Subsequently, the complaint that had been lodged before the Bar Council against the learned counsel who had entered appearance on behalf of Prabhu and Kalpana,



on the instructions of Ramesh, was stated to have been withdrawn by the Senior Counsel appearing for the review petitioner and this statement was recorded.

61. Ramesh—the alleged GPA holder thereafter filed objections on 01.07.2024 stating that he had entered appearance on the instructions of Kalpana based on the GPA dated 19.02.2018, which Kalpana and Prabhu had executed. He has also stated that the execution of the GPA in his favour and its genuineness was a matter of trial, and the same requires to be proved in accordance with law, and hence, the allegation made against him could not be accepted.

62. He has also contended that Prabhu who had initiated proceedings alleging fraud, which was to be established by adducing evidence before the competent civil court and the parties would thus have to be relegated to the civil court. It is also urged that Kalpana had not joined the review petitioner in challenging the order and it is only Prabhu who is seeking a review.



63. On 04.07.2024, an affidavit was filed elaborating his knowledge about the proceedings in W.P. No.6363 of 2022. He has stated in this affidavit that this Court had ordered notice on 09.06.2022 and this came to his knowledge from the case status available on the website of the Court, following which he engaged a counsel as empowered under Clause (5) of the GPA.

64. Thus, Ramesh contends that he became aware of the issuance of notice of the writ petition while verifying the case status from the website of the Court.

65. It is totally incomprehensible as to how Ramesh would be aware of the pendency of this writ petition. The statement made by him in his affidavit that he was verifying the case status in the website of the High Court is obviously a false and absurd statement and cannot be accepted.

66. The writ petition had been filed seeking to implement an order passed by the Tahsildar and the Special Tahsildar



way back in the years 2017 and 2021, and there was admittedly no other litigation pending between Parvathamma, Prabhu and Kalpana in any proceedings before any forum where Ramesh was representing them, for him to keep verifying case details on the website of this Court.

67. It is inconceivable that Ramesh would be aware of any writ petition that had been filed seeking relief against the revenue authorities and of a notice having been ordered in those proceedings to Prabhu and Kalpana. However, he has chosen put forward an outlandish theory that he was browsing the case status on the website of this High Court and noticed the filing of the subject writ petition.

68. This theory is not only preposterous but is also a clear attempt to interfere with the due course of judicial proceedings, apart from obstructing the administration of justice.



69. The further act of Ramesh — in entering appearance through a counsel and filing of objections supporting the case of the petitioner for change of entries — confirms the fact that he was colluding with Parvathamma openly, with the sole objective of abusing the process of this Court, thereby prejudicing the rights of Kalpana and Prabhu.

70. It is also to be noticed here that when the writ petition was taken up for disposal, after the Court had dictated the order directing the Tahsildar and Special Tahsildar to consider the request of Parvathamma and pass appropriate orders, a submission was made that the fact of Prabhu and Kalpana stating that they had no objection to this direction should also be observed, and this was also taken into consideration and recorded by this Court in its order.

71. This particular act, by itself, proves that Parvathamma and Ramesh wanted to use the process of the Court in order to ensure that the khata was changed by the authorities without any examination of facts.



72. At this stage, it has to be stated here that the main prayer that had been sought in the writ petition i.e., the direction to be issued to the Tahsildar and the Special Tahsildar to issue computerised Khata and the revenue records in favour of the petitioner on the basis of the orders dated 22.09.2017 and 23.03.2021, no longer survives for consideration in view of the order passed by the Deputy Commissioner on the revision filed by Kalpana, in which the names of Prabhu and Kalpana has ordered to be restored and this order has remained unchallenged.

73. It is, however, necessary to be stated here that the name of Prabhu and Kalpana would have to be continued in the revenue records since the property was purchased by them in 1965 (while they were still minors) through their father as their guardian and they have not conveyed the land to anyone.

74. However, since the brazen attempt made by the petitioner and respondent No.4 has been clearly established, it is apparent that their primary intention was



to interfere with the administration of justice and, therefore, necessary proceedings would have to be initiated against them as provided under the provisions of the Contempt of Courts Act.

75. To reiterate, Parvathamma, as already observed above, filed the writ petition seeking a direction to be issued to the Tahsildar on 15.03.2022.

76. After she filed the writ petition, one of her daughters—Bhagyamma instituted O.S. No.374 of 2022 on 28.03.2022 i.e., 13 days after the writ petition was filed. Within about 8 days thereafter, a compromise petition was filed in the suit and the same was decreed in terms of said compromise.

77. This fact that Parvathamma had entered into a compromise in O.S. No.374 of 2022 and had agreed for partitioning of the property amongst herself and her children was not informed to this Court when this Court took up the matter for disposal on 21.07.2022.



78. In my view, this suppression of this material information was deliberate, with clear intent to interfere with the administration of justice.

79. If a party to a *lis* seeks a particular relief and during the pendency of this litigation becomes an abiding party in a parallel proceeding, securing an order by consent, and chooses to not inform the same to this Court, the said act would not only amount to misleading this Court, but would also be a contemptuous act.

80. I am therefore of the view that this would be an appropriate case to initiate proceedings of criminal contempt against Parvathamma (the writ petitioner), and also against Ramesh (the alleged GPA holder), who entered appearance even before notices were dispatched by the Registry and proceeded to file objections supporting the claim of Parvathamma.

81. Having arrived at the conclusion that the conduct of Parvathamma and Ramesh is unacceptable, this is a clear



case of interfering with the administration of justice and that their actions would amount to criminal contempt. I am thus of the view that criminal contempt proceedings are to be initiated against Parvathamma and Ramesh.

82. Accordingly, I refer this matter to the Division Bench of this Court for initiating appropriate action for the criminal contempt committed by them as provided under the Contempt of Courts Act, 1971.

83. The Registry is directed to obtain necessary orders from Hon'ble the Chief Justice to post the matter before the Division Bench on **24.09.2024**.

84. Parvathamma and Ramesh shall be personally present before the Division Bench on that day to take further instructions in the matter.

85. On the merits of the writ petition and the review petition herein, in view of the fact that an order has been passed by the Deputy Commissioner directing the registering of *khata* in favour of Kalpana and Prabhu, no



orders would be necessary. Consequentially, the order dated 21.07.2017 issuing directions to the Tahsildar and the Special Tahsildar is **recalled**, and the subject writ petition is **dismissed**.

86. As a consequence of this above direction, the present review petition would not survive for consideration, and the same is also, accordingly, **dismissed**.

87. Apart from the initiation of criminal proceedings as stated above, it would also be necessary to impose costs on Parvathamma who deliberately suppressed the fact that she was a party to the compromise petition in a suit filed by her daughter and ensured that this Court passed an order which was completely unnecessary. Parvathamma has basically abused the process of this Court by filing this writ petition, which, in turn, resulted in Kalpana and Prabhu approaching this Court with an application for recalling the order and also seeking a review of the same. It would be both just and necessary to impose costs of Rs.10,00,000/- (*Rupees Ten Lakhs*) on Parvathamma payable



to Prabhu and Kalpana in equal proportions within a period of four weeks from today.

88. The GPA furnished by Mr. A.S. Mahesh i.e., the GPA alleged to have been executed in favour of Ramesh, shall be kept in a sealed cover and retained until the disposal of the contempt proceedings.

89. In view of the disposal of the subject petitions, all pending interlocutory applications, if any, stand disposed of.

Sd/-
(N S SANJAY GOWDA)
JUDGE

RK/PKS
CT: SN
VC List; SI No.: 12