IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF NOVEMBER, 2025

R

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO.26357 OF 2024 (KLR-RES)

BETWEEN:

1 . MR. GILBERT VAS
SON OF LATE JACOB VAS
AGED ABOUT 65 YEARS
RESIDING AT NO.1-17(1)
BOLANTHURU HOUSE,
NARICOMBU POST AND VILLAGE
BANTWALA TALUK
DAKSHINA KANNADA
DISTRICT-574231

2. MR. HILARY VAS
SON OF LATE LAWRENCE VAS
AGED ABOUT 81 YEARS
RESIDING AT NO.1-17
POITHAJE HOUSE
NARICOMBU POST AND VILLAGE
BANTWALA TALUK
DAKSHINA KANNADA
DISTRICT-574231

3. MR. ALOYSIUS VAS
@ LOUIS ALOYSIUS VAS
SON OF LATE LAWRENCE VAS
AGED ABOUT 79 YEARS
RESIDING AT NO.1-18 ,
POITHAJE HOUSE
NARICOMBU POST AND VILLAGE
BANTWALA TALUK
DAKSHINA KANNADA DISTRICT-574231

4. MR. HERALD @ HERALD VICTOR VAS
SON OF LATE BONA VICTOR VAS
AGED ABOUT 61 YEARS
RESDIINGA AT NO. A-105,
PEARL APARTMETNT, STELLA ROAD
BISHOP HOUSE, VASAI WEST,
THANE DISTRICT
MAHARASTRA-401202

5. MR. RONALD @ RONALD VAS
SON OF BONA VICTOR VAS
AGED ABOUT 49 YEARS,
RESIDING AT NO.1-17(3),
POITHAJE HOUSE,
NARICOMBU POST AND VILLAGE,
BANTAWALA TALUK,
DAKSHINA KANNADA
DISTRICT-574231.

...PETITIONERS

(BY SRI. ROHITH B.J., ADVOCATE)

<u>AND:</u>

1 . THE STATE OF KARNATAKA
REPRESENTED BY THE SECRETARY
TO REVENUE DEPARTMENT
M. S. BUILDING,
BENGALURU-560 001

2 . THE ASSISTANT COMMISSIONER,
MANGALURU
DAKSHINA KANNADA DISTRICT-575 001

3 . THE TAHASILDAR,
BANTWALA TALUK,
DAKSHINA KANNADA DISTRICT-574231

4. THE ASSISTANT DIRECTOR OF LAND RECORDS
BANTWAL TALUK

OFFICE OF THE TAHASILDAR,
BANTWALA TALUK,
DAKSHINA KANNADA DISTRICT-574231

...RESPONDENTS

(BY SRI. MANJUNATH, HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT OR ORDER QUASHING THE ENDORSEMENT DATED 19-08-2024 BEARING NO.RRT(2) CR: 219/24-25 ISSUED BY 3RD RESPONDENT HEREWITH PRODUCED AS ANNEXURE-D. B) ISSUE WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTIONS, DIRECTING THE THIRD RESPONDENT TO CONSIDER ANNEXURE-C AND AFFECT KHATA TRANSFER IN FAVOUR OF THE PETITIONERS AS PER THE TERMS OF COMPROMISE FINAL DECREE PASSED IN O.S.40/2023 PASSED BY THE LEARNED SENIOR CIVIL JUDGE AND JMFC, BANTWAL, DAKSHINA KANNADA DISTRICT.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 07.11.2025 COMING ON FOR 'PRONOUNCEMENT OF ORDERS', THIS DAY, THE COURT MADE THE FOLLOWING;

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

CAV ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

Captioned petition is filed seeking to set aside the endorsement dated 19.08.2024 issued by respondent No.3/Tahsildar bearing No.RRT(2) C R : 219/24-25 and also for the issuance of a mandamus to respondent No.3/Tahsildar to consider their representation dated 02/07/2024 and effect change of khata in terms of the compromise decree passed on O.S.No.40/2023.

2. Petitioner No.1 filed a suit for partition and separate possession in O.S.No.40/2023 against petitioner Nos.2 to 5 and others. The matter was compromised and a final decree dated 09/12/2023 was passed in terms of the compromise (Annexure-B).

3. Petitioners approached respondent No.3 with a representation seeking change of khata as per the compromise decree (Annexure-C).

4. Respondent No.3/Tahsildar gave endorsement dated 19.08.2024 directing the petitioners to produce a 11-E sketch in order to effect change of khata. In the endorsement it is specified that that Kaveri-II portal only permits for change of khata with the production of a 11-E sketch.

5. In consequence, the Tahsildar issued an endorsement dated 19.08.2024 calling upon the petitioners to produce an 11-E sketch to enable further processing of the mutation.

6. Section 128 of the Karnataka Land Revenue Act, 1964 obligates every person acquiring a right in land by succession, partition, purchase, mortgage, lease, gift, or otherwise to report such acquisition to the prescribed officer so that appropriate entries may be made in the record of rights. The legislative intent underlying Section 128 is to ensure that revenue records reflect the true and existing ownership in conformity with law.

7. Section 135 of the Act bars civil suits against the State or its officers for entering or omitting entries in revenue registers, but simultaneously provides that where a person's right is declared by a Civil Court, the revenue entries must be amended in accordance with that declaration. Thus, once a decree attains finality, the revenue authorities are bound to give effect to it by carrying out necessary mutations.

8. In view of the above provisions, a final decree for partition particularly one drawn on compromise constitutes a lawful and binding acquisition of rights "otherwise" within the meaning of Section 128. The revenue machinery cannot disregard or postpone implementation of such decrees on purely technical grounds.

9. Whereas Kaveri 2.0 is the State's online platform for the electronic registration and document management of immovable property under the

Department of Stamps and Registration, and whereas the Bhoomi and allied revenue systems under the Revenue Department are responsible for maintaining the Record of Rights, and related mutation records, it has been observed that there is presently no dedicated provision or workflow in Kaveri 2.0 to process or transmit civil Court decrees including preliminary decrees, final decrees in partition suits, or compromise decrees for the purpose of effecting mutation in the revenue records.

10. This structural omission has the practical effect of diminishing the authority and efficacy of judicial determinations rendered by competent Civil Courts. Civil decrees are binding and conclusive as to the rights of the parties and operate as final adjudication of title and possession in respect of immovable property. Yet, because the existing digital architecture of Kaveri 2.0 recognizes only voluntary transactions such as sale, gift, mortgage, and inheritance and excludes adjudicatory acquisitions of rights arising through judicial decrees, decree-holders are

forced to undergo repetitive and manual processes before the revenue offices to secure what has already been judicially determined.

11. Such procedural segregation between the registration system (Kaveri 2.0) and the revenue system (Bhoomi) effectively undermines the supremacy of civil court decrees, resulting in contradictory records wherein revenue entries continue to reflect outdated or superseded ownership, despite the passing of binding judicial orders. This not only erodes the sanctity of court judgments but also leads to administrative non-compliance with Sections 128 and 135 of the Karnataka Land Revenue Act, 1964, both of which mandate that the revenue authorities must amend the Record of Rights in conformity with judicial declarations.

12. In the present case, it is undisputed that the petitioner has obtained a final compromise decree in O.S.No.40/2023, which has not been challenged and has

attained finality. The decree specifically quantifies the petitioner's share in the joint family property.

13. While the insistence on an 11-E sketch may be justified for the purpose of sub-division and issuance of separate sub-survey numbers, such requirement cannot be a ground to refuse mutation of names in the parent revenue record. Mutation based on a decree is intended merely to record the legal ownership already recognized by a Civil Court; it is a fiscal act and does not itself confer title.

14. The Tahsildar could have recorded the petitioner's name in the mutation column reflecting their entitlement as per the decree, pending sub-division on receipt of the 11-E sketch. By declining to effect mutation and by insisting upon procedural formalities as a precondition to even acknowledging the decree, the respondents have defeated the object of Section 128 and acted contrary to the mandatory obligation imposed under

Section 135 to align revenue records with judicial determinations.

15. The revenue authorities are fully empowered to maintain the parent (original) RTC and, without awaiting technical subdivision, reflect the names of all parties who have been allotted shares in ancestral property pursuant to a civil court decree, since such allotment merely recognizes a pre-existing right by birth and mutation is a fiscal acknowledgment of that right. It must be clearly appreciated that mutation based on the decree and hissa proceedings/sub-division based on the final decree with metes and bounds are two distinct remedies operating at different stages: the first records the adjudicated entitlement and proportional shares in the parent survey number, while the second, undertaken subsequently, creates separate sub-survey numbers by effecting physical demarcation. Consequently, the Tahsildar may and should enter the decree-holders' names with their respective

extents/share ratios in the existing RTC forthwith, reserving the technical act of subdivision for a later stage.

16. Only where a party insists on issuance of independent RTC/Khata for a specifically delineated parcel in terms of the final decree's boundaries does the requirement of an 11-E sketch become essential, as it enables precise measurement, Geographic identification and creation of sub-numbers. Any insistence on an 11-E sketch as a precondition for basic name mutation in the parent record conflates these distinct processes, unnecessarily delays fiscal reflection of judicially determined rights, and is legally unsustainable.

17. Even assuming a situation where a Civil Court grants a declaratory or partition decree declaring the plaintiff as owner to a specified extent or share in a joint family or ancestral property, such decree, being the product of judicial adjudication by a competent court, must be promptly given effect in the revenue records. The

parent RTC should immediately reflect the name of the decree-holder alongside other co-sharers to the extent of the share declared in the decree. This ensures that the revenue record remains consistent with the judicially determined ownership and prevents any scope for fraudulent or collusive transactions by the judgment-debtor or any party who has suffered the decree.

18. If the decree-holder subsequently desires issuance of an independent RTC or Khata for the specific parcel of land allotted to his or her share under the final decree complete with boundaries and sub-division, then and only then would the requirement of an 11-E sketch become mandatory, since the sketch facilitates technical demarcation and sub-division of the survey number for individual identification. However, the insistence on an 11-E sketch at the stage of initial mutation in the parent RTC is legally misplaced and defeats the fundamental purpose of fiscal recording envisaged under Section 128 of the Karnataka Land Revenue Act, 1964.

19. Failure to implement such decrees in the parent RTC has serious legal and administrative consequences and unnecessary creation of third party rights . It confers an unintended and unlawful advantage upon the party who has lost the litigation, enabling them to create third-party interests or alienate the property under the pretext of existing revenue entries, thereby frustrating the civil court's decree. Such inaction forces decree-holders to re-approach the civil court for enforcement, thereby multiplying litigation and burdening the judiciary with avoidable proceedings.

20. This gap has resulted in frequent situations where decree-holders, despite having obtained a binding decree from a competent civil court, are unable to secure corresponding entries in the Record of Rights (RTC), thereby allowing the losing parties to retain control over the revenue records and to create third-party rights contrary to judicial determinations. Such inaction

undermines the finality of court decrees and runs counter to the intent of Sections 128 and 135 of the Karnataka Land Revenue Act, 1964, which mandate that revenue records be amended in conformity with judicial declarations.

21. To prevent such anomalies and uphold the finality of judicial decrees, the Kaveri 2.0 software must incorporate a dedicated provision for mutation based on civil court decrees whether declaratory, preliminary, final, or compromise so that revenue authorities can digitally record and update ownership in the parent RTC without delay. This integration would not only ensure compliance with Sections 128 and 135 of the Karnataka Land Revenue Act, 1964, but also strengthen the integrity of the State's digital land record ecosystem by aligning judicial determinations with administrative implementation.

22. Consequently, the current configuration of Kaveri 2.0 inadvertently creates a legal vacuum, treating

decrees of competent Civil Courts as if they were extra-statutory or non-existent for mutation purposes, thereby compelling citizens to seek multiple endorsements, verifications, and certifications for matters conclusively decided by courts of law. This scenario frustrates the object of Section 128, which seeks to ensure that all acquisitions of rights whether by act of parties or operation of law are duly recorded in the revenue registers, and also contravenes Section 135, which requires revenue records to be amended in accordance with judicial declarations.

23. **Need for Integration of Judicial Decrees Into Digital Revenue Systems**:

To restore coherence between judicial adjudication and administrative execution, and to ensure that binding civil court decrees automatically receive recognition within the State's digital revenue infrastructure, the following directions are issued. The present Kaveri 2.0 framework, being primarily transaction-oriented (sale, gift, mortgage, inheritance), does not adequately accommodate mutations arising from civil court decrees. This has resulted in recurring administrative ambiguity when revenue authorities attempt to give effect to judicially declared rights.

24. **Objective and Scope of Directions:**

These guidelines are intended to:

(i) Clarify the distinction between mutation based on a civil court decree and hissa (sub-division) proceedings; and

(ii) Mandate necessary enhancements to Kaveri 2.0 and its integration with Bhoomi and Mojini 2 to facilitate seamless implementation of decree-based mutations.

25. **Mutation Based on Decree vs. Hissa Proceedings:**

A. Mutation Pursuant to Civil Court Decree

I. When a civil court declares, confirms, or recognizes ownership rights whether under a declaratory, preliminary, final, or compromise decree, the same shall be reflected in the parent RTC without delay.

II. The names of all sharers and their respective extents, as determined by the decree, shall be entered in the owner's or remarks column of the parent RTC.

B. Hissa Proceedings (Sub-Division)

I. When a final decree allots specific parcels with metes and bounds, a sub-division of the parent survey number becomes necessary for issuance of separate RTCs or Khatas.

II. This process requires ground measurement and preparation of an 11-E sketch, ensuring alignment with cadastral boundaries.

III. The 11-E sketch is required only when the decree-holder seeks an independent RTC or intends to alienate an undivided share or specific portion with boundaries as indicated in final decree and not for mere reflection of ownership in the parent RTC.

26. **Circumstances Requiring an 11-E Sketch**

I. Where separate Khata issuance or alienation of the allotted portion is sought, submission of an 11-E sketch is mandatory.

II. The sketch ensures conformity between the intended alienation and approved survey sub-divisions.

III. Where the applicant seeks only entry of their proportionate share in the parent RTC, the insistence on an 11-E sketch is impermissible.

27. **Software Enhancement and System Integration:**

The Departments of Stamps & Registration and Revenue, in collaboration with CSG, shall introduce a new workflow within Kaveri 2.0 titled "Mutation Based on Civil Court Decree."

A. Mandatory Features of the New Module:

(i) Upload and authentication of civil court decrees (preliminary, final, or compromise or declaratory Decrees);

(ii) Auto-generation of a digital mutation request (J-Slip) to Bhoomi, mapping decree particulars to survey numbers;

(iii) Interface to record proportionate shares in the parent RTC;

(iv) Provision to attach 11-E sketches when sub-division is sought.

B. System Distinctions

The software shall clearly differentiate between:

(i) Mutation of Decree Without Sub-Division, and

(ii) Sub-Division Based on Final or Compromise Decree, thereby eliminating procedural confusion.

28. **Administrative Procedure**

I. Upon receiving an application or electronic request based on a civil decree, the

Tahsildar/Revenue Inspector shall verify the decree through e-Courts or the certified copy and update the parent RTC with names and shares of decree-holders.

II. If the applicant seeks a separate Khata or intends to alienate the allotted portion:

(i) An 11-E sketch from a licensed surveyor shall be obtained;

(ii) Upon verification, a new sub-survey number shall be created corresponding to the demarcated parcel.

29. **Legal and Operational Basis:**

I. These directions give effect to the statutory mandate under Sections 128 and 135 of the Karnataka Land Revenue Act, 1964, ensuring that judicially determined rights are promptly reflected in revenue records.

II. The clarified distinction between mutation and sub-division preserves the sanctity of civil decrees while maintaining survey accuracy.

III. Failure to record decrees in the parent RTC enables the losing party to create third-party interests contrary to court orders and leads to avoidable litigation.

IV. Integration of decree-based workflows into Kaveri 2.0 enhances transparency, reduces human error, and strengthens the alignment between judicial decisions and administrative compliance.

30. **Implementation and Oversight**

I. The Principal Secretary, Revenue Department, shall constitute a joint legal-technical committee to design and implement these system modifications within six months.

II. Compliance shall be monitored through periodic audits at the taluk level.

III. All circulars inconsistent with these directions stand modified to this extent.

IV. Consequently, the endorsement dated 19.08.2024 issued by respondent No.3/Tahsildar in No. RRT(2)C.R:219/24-25 is unsustainable. Refusal to effect mutation based on the final decree amounts to failure to discharge the statutory duty under Sections 128 and 135 of the Karnataka Land Revenue Act.

31. Accordingly, the writ petition deserves to be allowed with the following directions:

<u>ORDER</u>

(i) The writ petition is ***allowed***.

(ii) The endorsement dated 19.08.2024 issued by respondent No.3–Tahsildar bearing No. RRT(2)CR:219/2024-25 is hereby quashed.

(iii) The respondents are directed to effect mutation of the petitioner's name in the revenue records strictly in accordance with the compromise decree passed in O.S.No.40/2023.

(iv) It is made clear that if the software in its present form does not accept the petitioner's application in the absence of an 11-E sketch, the Tahsildar shall accept a physical application as a one-time exception and effect the mutation accordingly.

(v) The Tahsildar may thereafter, on an application seeking sub-division, carry out the sub-division corresponding to the specific extents allotted to the respective parties under the decree, and shall accordingly issue the 11-E sketch and issue individual khatas.

(vi) The entire exercise shall be completed within eight weeks from the date of receipt of a certified copy of this order.

(vii) The learned Additional Government Pleader is directed to forthwith communicate a copy of this order to the Principal Secretary, Revenue Department, for necessary instructions and for ensuring uniform implementation of similar judicial decrees across the digital revenue platforms.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

NB
List No.: 19 Sl No.: 2/CT:SI