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**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 22<sup>ND</sup> DAY OF APRIL, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM**

**WRIT PETITION NO. 28856 OF 2025 (GM-ST/RN)**

**BETWEEN:**

MR. P S ASHOK KUMAR  
S/O B D SHIVANNA  
AGED ABOUT 57 YEARS  
R/A PARASANAHALI  
BANDIHALLIPOST  
NITTUR HOBLI, GUBBI TALUK  
TUMAKURU DISTRICT 572 223.

...PETITIONER

(BY SRI. KUMARA K G.,ADVOCATE)

**AND:**

1. THE DISTRICT REGISTRAR  
TUMKURU DISTRICT  
TUMKURU 572 132.
2. THE COMMISSIONER  
TUMKURU MAHANAGARA PALIKE  
TUMKURU 572 102.
3. SMT. L RADHAMANI  
W/O LATE C V YOGENDRAKUMAR  
AGED ABOUT 49 YEARS
4. MR CHANDAN  
S/O LATE C V YOGENDRAKUMAR  
AGED ABOUT 23 YEARS
5. MISS LOGITA  
D/O LATE C V YOGENDRAKUMAR  
AGED ABOUT 18 YEARS





RESPONDENT NO. 3 TO 5 ARE  
R/AT NEAR KARMEL ENGLISH SCHOOL  
MANJUNATHANAGARA GOKULA BADAVANE  
BADDIHALLI EXTENSION  
TUMKURU 572 102.

...RESPONDENTS

(BY SMT. NAVYA SHEKAR, AGA FOR R1;  
SRI. R SUBRAMANYA., ADVOCATE FOR R2;  
V/O DT. 9.3.2026, NOTICE TO R3 TO R5 IS  
DEFERRED FOR TIME BEING)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE  
CONSTITUTION OF INDIA PRAYING TO QUASH THE  
ENDORSEMENT BEARING NO.G NO KA TU/ETHARE/10/2025-26  
DATED 28/08/2025 PASSED BY R1 VIDE ANNEX-A.

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**

The captioned petition is filed seeking the following  
reliefs:

*"Wherefore, for the foregoing reasons the  
Petitioner most respectfully pray that this  
Hon'ble Court be pleased to:*

*a) Issue writ of certiorari by quashing the  
endorsement bearing No. G NO KA TU  
/Ethare /10/2025-26 dated.28.08.2025*



*passed by Respondent No.1 vide ANNEXURE.A.*

*b) Issue a writ of mandamus or directions to the respondent No.1 to register the sale deed in favour of the petitioner as per the court order.*

*c) Issue a writ of mandamus or directions to the respondent No.2 to effect the E-katha (Pothi Katha) in favour of the court commissioner or Respondents no.3 to 5.*

*d) Grant such other relief as this Hon'ble court deems fit in the interest of Justice and Equity."*

2. The petitioner/deed holder is before this Court. Petitioner filed a suit in OS.No.138/2018 seeking relief of specific performance of contract. The suit filed by the petitioner was decreed by judgment and decree dated 06.04.2021. Petitioner filed execution petition in Ex.No.81/2021. The Executing Court passed an order appointing a Court Commissioner to execute the sale deed in favour of the petitioner. However respondent No. 1 has issued the impugned endorsement dated 28.08.2025



declining to register the sale deed for want of E-katha. This impugned endorsement is challenged and consequential directions are sought.

3. This Court is of the considered view that the approach adopted by the authorities, in declining to facilitate execution of a decree for specific performance on the ground of non-issuance of E-khata, is wholly unsustainable both in law and on first principles governing execution of decrees. The situation that has repeatedly surfaced before this Court discloses a systemic incongruity a grey area in the administrative framework wherein the executive machinery, instead of acting in furtherance of a binding judicial determination, operates in a manner that effectively renders the decree inexecutable.

4. A decree for specific performance, once it attains finality, is not a mere declaration of rights but is a command enforceable in law. The executing Court is vested with ample powers to ensure that the decree is



translated into reality, including by appointing a Court Commissioner where the judgment-debtor/owner fails to cooperate. However, the difficulty arises at the stage of registration, where the insistence on E-khata coupled with the reluctance of authorities to issue the same either in favour of the decree holder or the Court Commissioner creates a procedural deadlock.

5. This Court cannot lose sight of the practical reality that in a vast majority of cases involving decrees for specific performance, the judgment-debtor, having suffered an adverse decree, deliberately abstains from participating in execution proceedings. Such calculated inaction is not innocuous; it is often a stratagem to frustrate the decree. When the statutory framework mandates E-khata as a pre-condition for registration of sale deeds, the judgment-debtor's failure to secure E-khata places him in an undue advantageous position, while the decree holder despite succeeding before a competent Civil Court is left remediless. This anomalous situation



strikes at the very root of the rule of law, for a decree that cannot be executed is a mere paper decree.

6. The executive authorities, including the municipal bodies and the registering authorities, cannot be permitted to adopt a hyper-technical or pedantic approach so as to defeat the fruits of a decree. Their obligation is not merely regulatory but also facilitative when acting in aid of judicial orders. The absence of a clear administrative protocol in such cases has resulted in inconsistent practices, thereby necessitating judicial intervention to fill the void and lay down workable guidelines.

7. Accordingly, in order to bridge this grey area and to ensure that decrees for specific performance are effectively enforced, this Court deems it appropriate to formulate the following guidelines to be adhered to by the Executing Courts, local bodies, and the registering authorities:



(i) In all cases where a decree for specific performance has attained finality and the judgment-debtor has failed to execute the sale deed, the Executing Court shall be at liberty to appoint a Court Commissioner to execute the sale deed on behalf of the judgment-debtor.

(ii) Where the property in question requires E-khata as a pre-condition for registration, the Executing Court may, either suo motu or on an application by the decree holder, direct the competent local authority to process issuance of E-khata for the limited purpose of facilitating execution of the decree.

(iii) The competent local authority shall not refuse issuance of E-khata merely on the ground that the application is not made by the original owner/judgment-debtor. In such cases, E-khata may be issued:



(a) in the name of the original owner/judgment-debtor; or

(b) in the name of the Court Commissioner representing the judgment-debtor for the limited purpose of execution; so as to enable compliance with the decree.

(iv) If there are arrears of property tax or any statutory dues payable in respect of the property, the competent authority shall quantify the same and permit the decree holder to remit such dues without insisting upon payment by the judgment-debtor.

(v) Upon payment of such dues by the decree holder, E-khata shall be issued within a time-bound period, not exceeding two (2) weeks from the date of application or compliance.

(vi) The decree holder who discharges such dues shall be at liberty to recover the same from the



judgment-debtor in appropriate proceedings, particularly where the amounts are substantial.

(vii) Upon issuance of E-khata, the jurisdictional Sub-Registrar shall not refuse registration of the sale deed executed by the Court Commissioner, provided the document is otherwise in compliance with the provisions of the Registration Act, 1908 and applicable rules.

(viii) The registering authorities shall treat a sale deed executed by a Court Commissioner pursuant to orders of the Executing Court on par with a sale deed executed by the judgment-debtor himself and shall not insist on the personal presence or consent of the judgment-debtor.

(ix) All authorities shall bear in mind that their role is to act in aid of the decree and not to create impediments that would defeat the enforcement of a lawful adjudication.



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

**ORDER**

- (i) The writ petition is ***allowed***.
- (ii) The impugned endorsement dated 28.08.2025 issued by respondent No.1 declining to register the sale deed for want of E-khata is hereby quashed.
- (iii) Respondent No.2—the competent local authority is directed that, upon an application being made either by the petitioner/deed holder or by the Court Commissioner appointed in Ex.No.81/2021, shall process and issue E-khata in respect of the subject property, either in the name of the original owner/judgment-debtor or in such manner as would facilitate execution of the decree, strictly in terms of the guidelines formulated hereinabove.



(iv) If there are any arrears of property tax or statutory dues in respect of the subject property, the same shall be quantified and intimated to the petitioner/decreed holder, who shall be permitted to remit the same without insisting upon payment by the judgment-debtor. Upon such payment, E-khata shall be issued.

(v) The entire exercise of issuance of E-khata shall be completed by respondent No.2 within a period of two (2) weeks from the date of receipt of application along with compliance of dues, if any.

(vi) Upon issuance of E-khata, the jurisdictional Sub-Registrar shall receive and register the sale deed executed by the Court Commissioner in favour of the petitioner/decreed holder, without insisting upon the presence or consent of the judgment-debtor and without raising objections inconsistent with this order.



(vii) The sale deed executed by the Court Commissioner pursuant to the order passed by the Executing Court shall be treated as a valid conveyance for all purposes in law.

(viii) Liberty is reserved to the petitioner/decreed holder to recover any statutory dues or arrears paid by him, from the judgment-debtor in accordance with law, if so advised.

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

ALB  
List No.: 1 Sl No.: 68