



NC: 2023:KHC:42246
WP No. 14352 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF NOVEMBER, 2023

BEFORE

THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 14352 OF 2023 (LB-BMP)

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BETWEEN:

SHARMADA B K

...PETITIONER

(BY SRI. UDAY HOLLA., SR. ADVOCATE FOR
SRI. JAYAKUMAR N D.,ADVOCATE)

AND:

1. THE BRUHAT BENGALURU MAHANAGARA PALIKE
N R SQUARE, CORPORATION BUILDING
BANGALORE 560001,
REPRESENTED BY ITS
CHIEF COMMISSIONER
2. THE ASSISTANT REVENUE OFFICER
BRUHAT BENGALURU MAHANAGARA PALIKE,
PADMANABHA NAGARA,
SUB DIVISION OFFICE
BANGALORE 560085
3. D.N. RAMANANDA
S/O D. D. MADANANA MUSTUK
4. GEETHA RAMANANDA





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...RESPONDENTS

(BY SRI. JAGADEESWARA N R.,ADVOCATE FOR R1 & R2;
SRI. M.S. NAGARAJA., ADVOCATE FOR R3 & R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI TO QUASH ENDORSEMENT BEARING NO. DA/182/KTR/409/22-23 DATED 28/1/2023, AT ANNEXURE-J OF THE 2ND RESPONDENT AND ETC.

THIS WRIT PETITION, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

1. The petitioner is before this Court seeking for the following reliefs:

- a. Issue a writ of certiorari to quash endorsement bearing No. DA/182/KTR/409/22-23 dated 28/1/2023, at Annexure-J of the 2nd respondent.*
- b. Issue a writ of mandamus directing the respondents to bring the khata of the Schedule Property in conformity with the registered release deed dated 30/8/2021 at Annexure-E and to issue consequential endorsement to the petitioner in accordance with Section 149 of the BBMP Act.*
- c. Grant such other order or reliefs as this Hon'ble Court deems fit in the interest of justice and equity.*

2. The petitioner claims to be a practicing dentist who, along with her parents on 18.01.2013, purchased site bearing



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No.31 carved out of Sy.No.123 and 131, (old No.71), Kathriguppe Village, Uttarahalli Hobli, Bengaluru South Taluk now identified as site No.31, 4th Phase, 7th Main, Rajiv Nagar, Banashankari, 3rd Stage, Padmanabha Nagar, Bengaluru. Prior to the said purchase, a Katha issued by the Bengaluru Bruhat Mahanagara Palike (BBMP) as regards the said property stood in the name of the vendors of the petitioner. Post the purchase the Katha was transferred in the name of the petitioner and her parents.

3. In the year 2021, the parents of the petitioner released their right, title, or interest in favour of the petitioner under a registered release deed dated 30.08.2021. Pursuant thereto, the petitioner made an application for necessary change in the Katha inasmuch as she sought for the deletion of the names of her parents since she was now the exclusive owner of the property. The said request made by the petitioner came to be rejected by the respondent Corporation on the ground that there were objections filed by respondent Nos.3 and 4 wherein respondent Nos.3 and 4 claimed right, title, and interest



over the very same property and in regard thereto, they had produced another Katha which had been issued by the BBMP in their favour, as also documents evidencing that they had made payment of betterment fees, etc. Aggrieved by the same, the petitioner is before this Court.

4. Sri. Udaya Holla, learned Senior counsel appearing for the petitioner would submit that:

4.1. The Katha of the site No.31 having already stood in the name of the petitioner, her father, and mother, what is now sought for is only the deletion of the name of the parents of the petitioner on account of the release deed, it is not a new Katha which has been sought for.

4.2. The contention which had been urged on behalf of the corporation is that the documents which had been produced, namely the Katha and assessment extracts at Annexures-D and C, were fabricated are completely false.



- 4.3. He submits that along with the documents filed the petitioner has produced the snapshot of the property tax portal of the BBMP, which indicates that, the PID number of the property in question when input would reflect the name of the petitioner and her parents. He submits that this Court could also verify the same from the said portal.
- 4.4. Thus, he submits that BBMP has issued a Katha in respect of the very same property, it stands in the name of the petitioner and her parents. Once the release deed has been executed, it is the duty of the corporation to carry out necessary changes in the Katha in terms of the release deed and not reject it merely on the objections filed by respondent Nos.3 and 4.
5. Sri. N.R.Jagadeeswara, learned counsel appearing for respondent Nos.1 and 2 submits that
- 5.1. he has been instructed by the concerned ARO that Annexures-B and C which had been produced along with the petitioner, are not available on the records



of the Corporation. Thus, he submits that there is no Katha in the name of the petitioner and her parents requiring any change to be made.

5.2. Since there is an objection raised by respondent Nos.3 and 4 as regards the application made by the petitioner. Taking into consideration the documents which have been produced by respondent Nos.3 and 4, the impugned endorsement has been issued by respondent No.1.

6. Sri. M.S.Nagaraja, learned counsel appearing for respondent Nos.3 and 4 submits that

6.1. Respondent Nos.3 and 4 have not submitted any objection to the application made by the petitioner.

6.2. The respondent Nos.1 and 2 have suomoto on the basis of the documents which are available on the file of the corporation have issued endorsements.

6.3. Apart from the same, he submits that respondent Nos.3 and 4 have purchased the property on 22.04.1999, and thereafter, the Katha has been



entered into the name of respondent Nos.3 and 4 as per the records of the corporation, and when respondent Nos.3 and 4 are the Kathedars, the application of the petitioner cannot be accepted.

7. Heard Sri. Udaya Holla, learned senior counsel for the petitioner, Sri. N.R.Jagadeeshwara, learned counsel for respondent Nos.1 and 2, Sri. M.S.Nagaraja, learned counsel for respondent Nos.3 and 4 and perused papers.
8. It is rather a strange case where the Corporation seems to have issued Katha in respect of the same property to two different persons, if the submission of the Corporation is accepted. Inasmuch as it is on account of the Katha issued in favour of respondent Nos.3 and 4 by the BBMP that the application filed by the petitioner has been rejected.
9. Though Sri. N.R.Jagadeeswara, learned counsel for respondent Nos.1 and 2 on instructions of the concerned ARO submitted that Annexures-B and C - the Katha certificate and assessment extracts are not available on the file of the Corporation. In terms of the submission



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made by Sri. Udaya Holla, learned Senior Counsel for the petitioner, this Court examined the same by visiting the BBMP property tax portal, and when the PID number of the property was input, it was the name of the petitioner and her parents, which has been found mentioned, and the initial application number is shown as '8000066006'. When these details are available on the website, it was not permissible for the ARO to have instructed Sri. Jagadeeswara N.R., learned counsel for respondent Nos.1 and 2 that no records are available and/or that documents produced by the petitioner are fabricated and false. Such a serious allegation could not have been made by the ARO and such instructions could not have been issued to their counsels. The Chief Commissioner is directed to look into the matter and take appropriate action against the said ARO for having misled his counsel and thereafter trying to mislead this Court. Though this Court would also initiate perjury action, it refrains from doing so, leaving it to the Chief Commissioner to set his house in order.



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10. Insofar as respondent Nos.3 and 4 are concerned, Sri. M.S.Nagaraja, learned counsel submits that PID number of their property is 55-119-8, when the same was input in the BBMP property tax portal with all permutations, and combination of the first three letters of names of respondent Nos.3 and 4 the popup window reflects that "enter correct PID number/Owners name". Thus, it appears that there is no entry available in the SAS property tax system insofar as that PID number with the name of the owners is concerned. Be that as it may, this is for an appropriate Court to consider in appropriate proceedings, if initiated.
11. In the present case, application that has been filed by the petitioner is only for a change of Katha by deleting the names of the parents of the petitioner and continuing the name of the petitioner in furtherance of the release deed executed in the name of the petitioner. Thus, it is not a fresh Katha which is sought to be issued or a transfer of khatha being required to be made, as such the objections raised in relation thereto, that too on the basis of a Katha



which is claimed to have been issued in the year 1998 does not arise.

12. Furthermore, there is a contradiction in the submission made by the counsel for respondent Nos.1 and 2 and respondent Nos.3 and 4 inasmuch as the Corporation contents that objections were received from respondent Nos.3 and 4, while the counsel for respondent Nos.3 and 4 submits that no objections were filed by respondent Nos.3 and 4 and respondent Nos.1 and 2 have suomoto issued the endorsement on the basis of the documents available with the Corporation. These are matters which would be the subject matter of the enquiry by the Chief Commissioner, as indicated above. In such circumstances, I am of the considered opinion that the petition is required to be allowed.
13. This is not a stray case where a Katha certificate issued by the BBMP has been objected to on the ground that the same is not genuine. Any allegation as regards the particular document is not genuine and is therefore fabricated has serious connotations in both civil and



criminal law. Thus, when any such allegations are made, there ought to be a system put in place by the BBMP to ensure the veracity of the document by any third party, including a Court of law before which it is produced.

14. The Katha certificate issued on a piece of paper without any verification possibility has resulted in such a statement being made, which required this Court to visit the BBMP portal input the PID number, application number, first three alphabets of petitioner's name so as to ascertain the veracity of the said Katha certificate.
15. In this day and age when systems like digi-locker have been enabled which would give access to verification of identity of a person by uploading Aadhar Card and other identity documents by credentializing them and their veracity being capable of being verified on the basis of a QR Code which is printed thereon, which is the very system which is used by this Court in respect of the judgments, which are rendered by this Court, it is high time that the Corporation also implements a system of digitizing and credentializing all the documents which are



issued by the Corporation including but not limited to a Katha certificate, plan sanction, tax paid receipt, SAS tax paid receipt etc., so that the QR Code is also printed which when scanned the website of the Corporation be visited to verify the authenticity thereof.

16. These documents could also be uploaded by the owner on to digi-locker to enable such owner to make use of the documents when required since tax-paid receipts, Katha, etc. are required to be produced by such owner to avail many, many services of the state as also private partners.
17. The Chief Commissioner, BBMP along with the Principal Secretary, E-governance, as also the concerned of digi-locker are directed to look into the matter and formulate a suitable mechanism to credentialize all documents issued by the BBMP so these situations can be avoided. Necessary report in this regard is to be filed within a period of four weeks from today. Registry is directed to print the name of the learned High Court Government Pleader in the cause list to enable reporting of



compliance. In the above circumstances, I pass the following:

O R D E R

- (i) The writ petition is allowed, a certiorari is issued, the endorsement bearing No.DA/182/KTR/409/22-23 dated 28.01.2023 at Annexure-J issued by respondent No.2 is hereby quashed.
- (ii) Respondent No.2 is directed to consider the application of the petitioner in terms of the registered release deed dated 13.08.2021 and carry out necessary changes in the katha within a period of 30 days from the date of receipt thereof since apparently respondent Nos.3 and 4 have not filed any objections to the application filed by the petitioner.
- (iii) Needless to say, respondent Nos.3 and 4 if aggrieved by the same can always approach the competent civil court seeking for necessary relief.



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- (iv) Though the above petition is disposed of, for reporting compliance, re-list on **04.01.2024 at 2.30 p.m.**
- (v) I.A.No.1/2023 stands disposed of.

Sd/-
JUDGE