HC-KAR

NC: 2026:KHC:53883-DB
WA No. 1142 of 2026

CNR: KAHC010260722026

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 1142 OF 2026 (KLR-RES)

BETWEEN:

1. STATE OF KARNATAKA
REP.BY ITS PRINCIPAL SECRETARY,
GOVERNMENT OF KARNATAKA,
REVENUE DEPARTMENT,
VIDHANA SOUDHA, DR. AMBEDKAR ROAD,
BENGALURU-560 001.

2. THE UNDER SECRETARY,
STATE OF KARNATAKA,
DEPARTMENT OF REVENUE,
M.S.BUILDING,
BENGALURU 560 001.

3. THE DEPUTY COMMISSIONER,
BENGALURU URBAN DISTRICT,
DEPUTY COMMISSIONER'S OFFICE,
K.G. ROAD, BENGALURU-560 009.

4. THE TAHSILDHAR,
OFFICE OF THE TAHSILDHAR
ANEKAL TALUK,
BENGALURU URBAN DISTRICT,
BENGALURU-562 106.

...APPELLANTS

(BY SRI. S.H.RAGHAVENDRA, AGA)

AND:

1. SRI. JAGADGURU RENUKACHARYA
EDUCATION SOCIETY (R)

RACE COURSE ROAD,
BENGALURU -560 009.
REPRESENTED ITS SECRETARY

2. THE DIRECTOR AND SECRETARY
ANEKAL YOJANA PRADIKARA,
NO.430, HENNAGAR GATE,
HOSUR MAIN ROAD,
BENGALURU 560 099.

3. THE ASSISTANT EXECUTIVE ENGINEER,
BESCOM, SARJAPURA, ANEKAL TALUK,
BANGALORE URBAN DISTRICT.
BENGALURU-562 106.

4. SATELLITE TOWN RING
ROAD AUTHORITY
NO.1, ALI ASKAR ROAD,
BENGALURU -560 001.
REPRESENTED BY ITS
MEMBER SECRETARY.

…RESPONDENTS

(BY SRI. VISHWANATH H.M.,ADVOCATE FOR R1;
R2 & R4 ARE SERVED)

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO A)SET-ASIDE THE ORDER DATED 30/07/2025 PASSED IN WP NO.7966/2014 BY THE LEARNED SINGLE JUDGE AND DISMISS THE SAID WRIT PETITION WITH EXEMPLARY COSTS AND B) ISSUE ANY OTHER ORDER/DIRECTIONS.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
AND
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

CNR: KAHC010260722026

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN)

Property dedicated to a deity is not the personal estate of the trustee, nor is it a property available for disposal at the pleasure of whoever happens to administer the temple. The deity is the owner; the trustee is only a custodian, entrusted with the duty of preserving and protecting the property for the deity and the worshippers. As the saying goes, "The custodian may hold the keys to the temple, but he does not hold the title to the deity's property." The office of trustee is a sacred responsibility and not a licence to alienate what has been dedicated to God. A person entrusted with the protection of temple property cannot turn around and deal with it as though it were his own. "What is offered to God cannot become the personal bounty of the person who receives it in trust." When those entrusted with its protection seek to dispose of it, the law must step in to protect the rights of the deity. One may well say that when the custodian fails in his duty, it is for the law to stand guard over the property of the deity. A gift of such property, without lawful authority, cannot be sustained merely because it is clothed in the form of a registered instrument or supported by a stated public purpose.

The present writ appeal has been filed by respondent Nos.1 to 4, being aggrieved by the order dated 30.07.2025 passed by the learned Single Judge in Writ Petition No.7966/2014 (KLR-RES), whereby the writ petition filed by the petitioner-Society challenging the orders dated 04.01.2014, 31.01.2014 and 03.02.2014, concerning the land bearing Sy.No.128/1, measuring 2 acres 7 guntas, situated at Thindlu Village, Sarjapura Hobli, Anekal Taluk (for short, **'Subject Land'**), came to be allowed, with a direction to the revenue authorities to enter the name of the petitioner-Society in the revenue records in respect of the Subject Land.

2. For the sake of convenience, the parties are referred to herein by their respective rankings before the learned Single Judge.

(i) <u>CASE OF THE PETITIONER:</u>

3. The petitioner, Sri Jagadguru Renukacharya Education Society (for short, **'petitioner-Society'**), is an educational institution established for imparting education to students belonging to different sections of society. It is the case of the Society that Sri Jagathjyothi Basaveswara Temple Trust

(Regd.), Sarjapura (for short, **'the Trust'**), by its resolution dated 15.12.2008, resolved to gift the Subject Land, in favour of the petitioner-Society.

4. The petitioner-Society claims that the Trust, after obtaining permission from the State Government, executed a registered Gift Deed dated 09.04.2010 in its favour. The petitioner-Society had earlier approached the Government seeking permission to accept the gift under Section 109 of the Karnataka Land Reforms Act, 1961, and the Government accorded such permission by order dated 08.04.2010. It is further stated that, owing to certain errors in the description of the property in the original Gift Deed, a Rectification Deed was executed on 07.07.2010.

5. It is the further case of the petitioner-Society that it secured conversion of the land for non-agricultural purposes by order dated 26.04.2011 and thereafter approached respondent No.5/Town Planning Authority for permission to establish an educational institution. Respondent No.5 issued the single-site approval dated 23.09.2011 for educational purposes. The petitioner-Society asserts that, acting upon the permissions

granted by the competent authorities, it proceeded with the construction of the school building and had invested substantial amounts towards the establishment of the institution.

6. While matters stood thus, respondent No.1, by order dated 04.01.2014, took the view that the Subject Land was Government Inam land and directed the Deputy Commissioner to take appropriate action. Consequent thereto, the Deputy Commissioner, by order dated 31.01.2014, withdrew the conversion order, and the Tahsildar, Anekal, by communication dated 03.02.2014, issued a show cause notice calling upon the petitioner-Society to explain as to why the Single Site Layout Plan approved under Section 76(O) of the Karnataka Town and Country Planning Act, 1961 ('***KTCP Act***' for brevity), should not be cancelled. Aggrieved therefrom, the petitioner-Society instituted W.P. No.7966/2014 seeking to quash the said orders dated 04.01.2014, 31.01.2014 and 03.02.2014.

(ii) <u>OBJECTIONS OF RESPONDENT NO.4:</u>

7. The respondents opposed the writ petition and respondent No.4 has filed their Statement of Objections

contending that the petitioner-Society had not approached the Court with complete disclosure of the relevant revenue records. Upon verification of the historical records, it was noticed that Sy.No.128/1 of Thindlu Village originally stood recorded in the name of "Basaveshwara Devaru", Thindlu, and that the manual RTC entries from 1960-61 up to 1988-89 reflected the said name in Column No.9. Further, the name of Munishamappa appeared in the cultivator's column, i.e., Column No.9, up to 1983-84, whereas the name of S.B. Gubba Shetty was entered as cultivator from the year 1984-85.

8. It was further pointed out that, from 1989-90 onwards, the name of *Basaveshwara Devaru, Thindlu*, came to be changed as *Basaveshwara Devaru, Sarjapura*, though the temples at Thindlu and Sarjapura are situated at different places, separated by a distance of approximately two kilometres. It was also contended that the subsequent revenue entries and the material produced by the petitioner-Society did not establish the Trust's ownership or lawful possession of the Subject Land.

9. It was further contended that the Khethawar Register maintained from 1926-27 disclosed that the Subject Land was recorded in the name of *'Basavanna Devaru'* as Khathedhar and was described as '*Basavanna Devaru Inamthi*' at Sl.No.277 in the Register of Record of Rights. The Commissioner, Department of Hindu Religious Institutions and Charitable Endowments, by communication dated 09.04.2013, had also indicated that the land was Inam land.

10. Reliance was also placed upon the historical RTC extracts, the Index of Lands, the Khethawar Register and other revenue records to contend that the Trust, which came into existence only in 1985, had no right, title or interest over the property and could not have conveyed a valid title to the petitioner-Society by executing the Gift Deed dated 09.04.2010. It was, therefore, asserted that the Gift Deed could not confer any enforceable right upon the petitioner-Society and that the State Government was justified in examining the legality of the earlier permission and the consequential conversion proceedings. On these grounds, the respondents sought dismissal of the writ petition.

(iii) <u>OBJECTIONS OF RESPONDENT NO.5:</u>

11. Respondent No.5, Anekal Planning Authority, filed its statement of objections contending that it was constituted on 19.07.2006 under Section 4C of the KTCP Act, for regulating development and land use within its jurisdiction. It submitted that the certificate dated 23.09.2011 merely granted single-site approval under Section 17 of the KTCP Act for educational purposes and did not constitute permission to commence construction.

12. It is further submitted that the certificate dated 23.09.2011 itself stipulated that the petitioner-Society was required to obtain further development permission and comply with the conditions imposed by the Planning Authority. No building plan had been submitted or sanctioned, and the construction undertaken by the petitioner-Society was therefore unauthorised.

13. It was further contended that, after receipt of the State Government's order dated 04.01.2014 and the Deputy Commissioner's order dated 31.01.2014, respondent No.5 issued a show-cause notice dated 03.02.2014 calling upon the

petitioner-Society to explain why the single-site approval should not be cancelled. Thereafter, by order dated 17.02.2014, the Authority cancelled the single-site approval granted on 23.09.2011 and sought dismissal of the writ petition.

(iv) ORDER OF THE LEARNED SINGLE JUDGE:

14. The learned Single Judge, by order dated 30.07.2025, allowed W.P.No.7966/2014. While considering the rival contentions, the learned Single Judge noticed that the petitioner-Society had obtained permission from the Government on 08.04.2010 to accept the gift from the Trust, pursuant to which, the registered Gift Deed dated 09.04.2010 came to be executed.

15. The Court also took note of the conversion granted for non-agricultural purposes, vide order dated 26.04.2011, passed by the Deputy Commissioner, and the certificate dated 23.09.2011, issued by respondent No.5. It was observed that the State Government had proceeded on the premise that the land was Government land without placing cogent material in support of such conclusion. The learned Single Judge further

held that, once the Deputy Commissioner had passed the conversion order, the authority had become functus officio and could not recall or review its own order in the absence of jurisdiction to do so.

16. The learned Single Judge also placed reliance on the order dated 24.01.2006 passed by the Karnataka Appellate Tribunal in Appeal No.167/2004, which had been affirmed by this Court in W.P. No.51/2007 and W.A. No.1087/2007, while considering the nature of the land to be neither granted land nor tenanted land. The learned Single Judge observed that there was no sufficient material to conclude that the subject land was Inam land or that it had vested in the Government.

17. Taking note of the educational institution established on the land and the construction undertaken for the benefit of the public, the learned Single Judge held that interference at that stage would affect the functioning of the institution. Accordingly, the orders dated 04.01.2014, 31.01.2014 and 03.02.2014 were set aside and the revenue authorities were directed to enter the name of the petitioner-Society in the revenue records in respect of the subject land.

Aggrieved by the said order, respondent Nos. 1 to 4 have preferred the present writ appeal.

(v) <u>GROUNDS OF APPEAL:</u>

18. Respondent Nos. 1 to 4 would, *inter alia*, contend that the learned Single Judge failed to properly appreciate the historical revenue records, particularly the Khethawar Register of 1926-27, the RTC extracts and the entries relating to Basavanna Devaru, which establish the character of the Subject Land to be Government land and do not support the claim of ownership set up by the petitioner-Society.

19. It is contended that the learned Single Judge ought to have examined whether the Trust, which came into existence in 1985, possessed any lawful right or title to execute the Gift Deed dated 09.04.2010 and whether the subsequent Rectification Deed dated 07.07.2010 could cure the alleged defect in the title of the donor, i.e., the Trust. It is further contended that the permission granted under Section 109 of the Karnataka Land Reforms Act and the consequential conversion proceedings could not, by themselves, confer title

upon the petitioner-Society or validate a transaction executed by a person having no subsisting right over the property.

20. It is further contended that the learned Single Judge also failed to consider the distinction between the conversion of land and the legality of the underlying title, and the consequences arising from the subsequent verification of the revenue records. It is also contended that the findings recorded by the learned Single Judge regarding the authority of the Deputy Commissioner and the effect of the earlier proceedings before the Karnataka Appellate Tribunal have resulted in an erroneous conclusion, without properly considering the material placed by the State.

21. The direction to enter the name of the petitioner-Society in the revenue records, notwithstanding the serious dispute concerning the title of the Trust and the nature of the land, is therefore assailed as legally unsustainable. On these grounds, respondent Nos. 1 to 4 seek setting aside of the order dated 30.07.2025 and dismissal of the writ petition.

(vi) <u>POINT FOR CONSIDERATION:</u>

22. We have heard Shri S.H.Raghavendra, Additional Government Advocate, appearing for appellants/respondent Nos.1 to 4; Shri Vishwanath H.M., learned counsel appearing for the petitioner-Society and we have carefully perused the records of the case before us. As such, the only point that arises for our consideration is:

> *Whether appellants/respondent Nos. 1 to 4 have made out a ground to interfere with the order passed by the learned Single Judge?*

(vii) <u>ANALYSIS AND REASONS:</u>

23. At the outset, it is necessary to clarify that the controversy in the present appeal is confined to Sy.No.128/1, measuring 2 acres 7 guntas, situated at Thindlu Village, Sarjapura Hobli, Anekal Taluk, i.e., Subject Land. Though certain documents and pleadings refer to Sy.No.128/2, measuring 2 acres 21 guntas, the said survey number is not the subject matter of the present appeal. The references to Sy.No.128/2 are only incidental and no finding is called for in respect of the said property. It is also relevant to clarify that

W.P. No.50839/2013 was dismissed by the learned Single Judge and the said order has not been challenged in the present appeal. Consequently, the dismissal of W.P. No.50839/2013 remains undisturbed. The present consideration is restricted to the correctness of the order dated 30.07.2025 passed in W.P. No.7966/2014 (KLR-RES).

24. The principal question that arises for consideration is whether the Trust had established a lawful right, title or interest in Sy.No.128/1 so as to convey the same to the petitioner-Society under the registered Gift Deed dated 09.04.2010. The petitioner-Society relies upon the Government permission dated 08.04.2010, the Gift Deed dated 09.04.2010, the rectification deed dated 07.07.2010 and the subsequent conversion order dated 26.04.2011. The State, on the other hand, disputes the very title of the Trust and contends that the historical revenue records disclose that the property stood in the name of Basavanna Devaru/Basaveshwara Devaru, Thindlu, and that the Trust had no authority to convey the same. This objection goes to the root of the Society’s claim and could not have been treated as a mere dispute concerning mutation or conversion.

25. The statement of objections filed by the respondents specifically refers to the historical revenue entries relating to Sy.No.128/1. It is stated that the total extent of Sy.No.128 is 4 acres 30 guntas and that Sy.No.128/1 measures 2 acres 9 guntas, including 2 guntas of kharab, leaving an effective extent of 2 acres 7 guntas. The manual RTC entries from 1960-61 to 1988-89 disclose the name of Basaveshwara Devaru, Thindlu, in Column No.9. The name of Munishamappa appears in Column No.12 up to 1983-84, and thereafter, the name of S.B. Gubba Shetty is reflected from the year 1984-85 onwards. From 1989-90 onwards, the description in the ownership column is stated to have changed to Basaveshwara Devaru, Sarjapura. These entries assume significance because they disclose a distinction between the person or deity shown as the holder of the land and the individuals whose names were entered as cultivators.

26. The State has further relied upon the Khethawar Register maintained from 1926-27, which, according to its statement of objections, records Basavanna Devaru as the khatedhar in respect of 2 acres 10 guntas in Sy.No.128/1 and describes the holding as “Basavanna Devaru Inamthi”. The old

RTC extracts, including those relating to 1959-60, 1969-70 and 1973-74, are also relied upon to show the continued reference to Basavanna Devaru in the ownership column. In particular, the RTC for 1959-60 is stated to reflect the name of Basavanna Devaru in respect of 2 acres 7 guntas, excluding 2 guntas of kharab. These are historical records which predate the constitution of the Trust itself. Their evidentiary value and the circumstances in which the entries came to be made were required to be examined before accepting the Trust's claim of ownership.

27. In this context, the settled legal position concerning the juristic personality of a Hindu deity and its ownership of endowed property assumes importance. The Hon'ble Supreme Court in ***The State of Madhya Pradesh and Others v. Pujari Utthan Avam Kalyan Samiti and Another,***[1] reiterated that a deity is a juristic person and that property dedicated to the deity belongs to the deity. The priest or pujari is entrusted with the performance of worship and the management of the temple and its property; such duties do not, by themselves, confer proprietary rights or the status of a tenant upon him. The

[1] (2021) 10 SCC 222.

distinction between the ownership of the deity and the managerial functions of the priest or custodian is well recognised. The principles laid down in ***Bishwanath v. Shri Thakur Radha Ballabhji***[2] also recognise the juristic character of the deity and the legal protection available to property dedicated to it.

28. The subsequent change in the description of the deity from *"Basaveshwara Devaru, Thindlu"* to "*Basaveshwara Devaru, Sarjapura*" from 1989-90 onwards also required closer examination. The State has specifically pleaded that Thindlu and Sarjapura are distinct villages situated approximately two kilometres apart and that separate Basaveshwara temples exist at both places. In such circumstances, the change in the description of the deity could not have been accepted as a mere clerical variation without examining the basis on which the change was effected.

29. The relevant question was whether the property originally recorded in the name of Basavanna Devaru/Basaveshwara Devaru, Thindlu, had lawfully become

[2] (1967) 2 SCR 618.

the property of the Trust at Sarjapura. The mere subsequent description of the deity as being at Sarjapura does not, without supporting material, establish the Trust's title to the land at Thindlu.

30. The endorsements dated 08.06.2006 issued by the Tahsildar and 11.09.2009 issued by the Hindu Religious and Charitable Endowments Department, relied upon by the petitioner-Society, do not conclude the issue. Those endorsements are stated to indicate that the temple or Trust was not under the administrative jurisdiction of the Muzrai Department or was not a notified institution under the relevant enactment. It is, however, necessary to distinguish the administrative status of a temple from the ownership of the land attached to it.

31. The fact that a temple is not under the control or supervision of the Muzrai Department does not establish that the land belongs to a private Trust. Equally, the fact that an institution is described as a private temple or private Trust does not, by itself, establish that every property claimed by it belongs to that institution. The title to Sy.No.128/1 has to be

traced to its source and established independently. The endorsements relied upon by the petitioner-Society do not answer the specific objection of the State founded upon the historical revenue records.

32. The report dated 11.02.2010 and the Government permission dated 08.04.2010 granted under Section 109 of the Karnataka Land Reforms Act, have to be examined in this background. The permission granted to the petitioner-Society to accept the proposed gift cannot be treated as an adjudication of the Trust's title over the Subject Land. Such permission does not confer upon the Trust a right which it did not possess, nor does it operate as a declaration that the property was free from any pre-existing dedication or claim of the deity.

33. The registered Gift Deed dated 09.04.2010 and the rectification deed dated 07.07.2010 may evidence the transaction between the Trust and the petitioner-Society; however, registration of the document cannot cure a defect in the title of the Trust itself. The essential question remains whether the Trust had acquired the property from the deity or

from any other person legally competent to convey it. Unless that foundational requirement is established, the petitioner-Society cannot derive a better title merely on the strength of the registered instrument.

34. The State has specifically contended that the Trust came into existence only in 1985, whereas the historical revenue records relied upon by it refer to Basavanna Devaru/Basaveshwara Devaru, Thindlu, in respect of the Subject Land from a much earlier period. The Trust was, therefore, required to establish the manner in which it acquired title to the Subject Land and the authority under which it claimed the right to deal with the Subject Land. If the Subject Land had been dedicated to the deity, i.e., Basavanna Devaru/Basaveshwara Devaru, Thindlu, and there was no material to establish that the Trust had lawfully acquired the Subject Land from the deity, then the Trust could not treat the Subject Land as its own property and gift it to the petitioner-Society.

35. At this juncture, we may note here that there has been no convincing material placed before us to persuade us to

accept that the Trust had any manner of right, title or interest over the Subject Land. We may also note that the Hon'ble Supreme Court in ***S.N. Jagannath Rao v. T. Velliyamma***,[3] has held that no person can transfer a better right, title or interest than what he himself has over the property. In this regard, the maxim *nemo dat quod non habet* would squarely apply to the instant case. When the Trust itself did not have any manner of right, title or interest over the Subject Land, the Trust could not execute the Gift Deed dated 09.04.2010 and confer a better right, title or interest to the petitioner-Society.

36. In the present case, the Government permission dated 08.04.2010 under Section 109 of the Karnataka Land Reforms Act was only a permission to the petitioner-Society to accept the proposed gift. It cannot be construed as an adjudication of the Trust's title or as a statutory authorisation to alienate the property belonging to a deity. The distinction is material. The question is not whether the petitioner-Society was permitted to accept a gift, but whether the Trust was legally competent to make that gift.

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[3] 2026 SCC OnLine SC 447.

37. We may note that even if the deity, Basavanna Devaru/Basaveshwara Devaru, Thindlu, had transferred the Subject Land to the Trust, such a transfer could only be made to advance the interest and benefit of the deity, which has not been established in the instant case. The aforesaid position receives further support from the recent judgment of the Hon'ble Supreme Court in ***K. Ramalingam and Others v. Government of Tamil Nadu, represented by its Secretary and Others,***[4] wherein the Hon'ble Supreme Court, while examining the alienation of temple property by a trustee, reiterated that the administration of property belonging to a religious institution carries with it a duty of preservation and not an unrestricted power of disposition.

38. The Court observed that temple property is held for the deity and is not available for gratuitous disposal by a person merely because he happens to hold the office of trustee, however well-intentioned such disposal may be. The trustee or custodian holds the property in a fiduciary capacity for the deity and the worshippers for whose benefit the endowment exists.

[4] (2026) SCC OnLine SC 2195.

However, in the instant case, there is no convincing material placed on record to establish that the Subject Land was transferred from the deity to the Trust.

39. The petitioner-Society has also relied upon the single-site approval dated 23.09.2011 issued by the Anekal Planning Authority and the expenditure said to have been incurred towards construction of an educational institution. The claim that substantial amounts, stated to be more than Rs.13 Crore, were invested in the project is a matter which may be relevant to the consequences of the dispute. However, expenditure incurred on the property or the public purpose for which it is proposed to be used cannot, in law, substitute proof of title. A public purpose, however beneficial, cannot by itself validate a transaction which the applicable law does not permit. The interest of the petitioner-Society and the expenditure incurred by it cannot take precedence without first determining the character of the land and the authority of the person who purported to convey it.

40. The State has also relied upon the letter dated 09.04.2013 issued by the Commissioner for Hindu Religious

and Charitable Endowments, which, according to the statement of objections, described Sy.No.128/1 at Thindlu as Inam land. It has further referred to the Khethawar Register, the Index of Lands and the Record of Rights in support of its contention that the property was not owned by the Trust. The absence of an entry in the Quit Rent Register, as pointed out by the State, is also a circumstance which requires consideration along with the other records.

41. It would not be appropriate to determine the character of the land solely on the basis of one endorsement or one revenue entry. The historical records have to be read cumulatively to ascertain the nature of the original grant, the person or deity in whose favour the property stood, and whether any subsequent lawful transfer or vesting had taken place. The learned Single Judge was required to address these specific objections before holding that the petitioner-Society was entitled to the relief sought.

42. It is also necessary to distinguish the question of title from the question of conversion. The Deputy Commissioner's order dated 26.04.2011 under Section 95 of

the Karnataka Land Revenue Act, 1964, permitting conversion of the land for non-agricultural use, does not, by itself, establish ownership in favour of the petitioner-Society. Conversion is concerned with the permitted use of the land and cannot be treated as a declaration of title.

43. The direction issued by the learned Single Judge to enter the name of the petitioner-Society in the revenue records also requires reconsideration. Where the very title of the donor-Trust is seriously disputed and the historical records disclose the name of the deity in the ownership column, mutation in favour of the Society could not have been directed merely on the basis of the Gift Deed and the permission to accept the gift. Revenue entries are not instruments of title, and a direction to mutate the petitioner-Society's name cannot resolve the underlying dispute concerning ownership of the land. The learned Single Judge, without adequately examining the historical entries, the nature of the endowment and the Trust's authority to execute the Gift Deed, proceeded to grant relief to the petitioner-Society.

44. On an overall consideration of the material placed on record, we find that the specific objections raised by the State, particularly those relating to the Khethawar Register, the old RTC entries, the change in the name of the deity from Basaveshwara Devaru, Thindlu, came to be changed as Basaveshwara Devaru, Sarjapura, warranted a detailed consideration. The legal character of the property and the Trust's authority to convey it were foundational questions. The endorsements relating to the non-applicability of the Muzrai Department, the Government permission dated 08.04.2010 and the registered Gift Deed dated 09.04.2010 did not, individually or collectively, dispense with the requirement of establishing the donor's title.

45. The failure to examine these material aspects has a direct bearing on the conclusion reached in W.P. No.7966/2014. The order under appeal, insofar as it concerns the said writ petition, therefore, cannot be sustained and warrants interference in this appeal.

46. For the foregoing reasons, we are of the considered view that the learned Single Judge was not justified in directing

the revenue authorities to enter the name of the Society in respect of Sy.No.128/1 without first examining whether the Trust had established a lawful title or authority to convey the property. The Society's claim could not have been accepted solely on the strength of the Government permission and the registered Gift Deed, particularly when the historical revenue records relied upon by the State disclosed the name of the deity in the ownership column. The order dated 30.07.2025 passed in W.P.No.7966/2014 warrants our interference and accordingly, the appeal is liable to be set aside. Hence, the following;

ORDER

(i) In the result, the writ appeal is ***allowed***.

(ii) The order dated 30.07.2025 passed by the learned Single Judge in W.P.No.7966/2014 (KLR-RES) is ***set aside***.

Pending I.A. stands disposed of.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

KNM/List No.: 2 Sl No.: 6