

ITEM NO.2

Court 5 (Video Conferencing)

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No.5743/2020

(Arising out of impugned final judgment and order dated 25-06-2019 in WA No.4393/2013 passed by the High Court of Karnataka at Bengaluru)

THE COMMISSIONER BRUHATH BANGALORE MAHANAGARA
PALIKE & ANR.

Petitioner(s)

VERSUS

FARAULLA KHAN & ANR.

Respondent(s)

(FOR I.R.)

Date : 25-01-2021 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. Yatindra Singh, Sr. Adv.
Mr. Anand S., Adv.
Mr. T. R. B. Sivakumar, AOR

For Respondent(s) Mr. Shailesh Madiyal, AOR
Mr. Sudhanshu Prakash, Adv.

UPON hearing the counsel the Court made the following
O R D E R

- 1 Mr Yatindra Singh, learned senior counsel appearing on behalf of the petitioner, while assailing the judgment of the Division Bench of the Karnataka High Court dated 26 June 2019 dismissing Writ Appeal No 4393/2013, submits that a title suit (OS No 4413/2000) is presently pending

between the petitioners and Lakshminarayana Charitable Trust, where the title to the suit property is under adjudication. The submission which has been urged is that pending the decision of the title suit, the High Court ought not to have issued a direction for mutation.

- 2 The High Court has clarified that the direction for mutation will be subject to the pursuit of any other remedy available under the Karnataka Municipal Corporation Act 1956 and it is open to the Bruhath Bengaluru Mahanagara Palike to establish its title by following due process of law. With the clarification which has been issued by the Division Bench of the High Court in the present petition, it is not necessary to entertain the Special Leave Petition under Article 136 of the Constitution. It is well settled that mutation entries do not by themselves confer title which has to be established independently in a declaratory suit.
- 3 We are also not inclined to accept the alternate submission of the learned senior counsel that this Court should injunct the respondents from creating third party interests. Any such application for interim relief would have to be addressed before the competent civil court where the proceedings are pending or which the petitioners may be advised to pursue.
- 4 The Special Leave Petition is accordingly disposed of.
- 5 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master