

**IN THE HIGH COURT OF KARNATAKA, BANGALORE**

**DATED THIS THE 09<sup>TH</sup> DAY OF DECEMBER, 2010**

**BEFORE**

**THE HON'BLE MR.JUSTICE ASHOK B HINCHIGERI**

**WRIT PETITION No. 35868 OF 2010(LB-RES)**

BETWEEN:

Sri Jameer Pasha  
S/o. Shavbi Hanad  
Aged about 33 years  
No.16, 3<sup>rd</sup> Cross,  
Nehru Road, Bangalore – 560 026. ... Petitioner

(By Sri C V Giddappa, Adv)

AND:

- 1 The Commissioner  
Bruhat Bangalore Mahanagara Palike  
N R Square, Bangalore – 560 002.
- 2 The Assistant Revenue Officer  
Bruhat Bangalore Mahanagara Palike  
Vijayanagar Range, 1<sup>st</sup> Floor  
Swimming Pool, 9<sup>th</sup> Cross,  
Hampinagara, RPC Layout  
Vijayanagar II Stage,  
Bangalore – 560 040. ... Respondents

(By Sri K N Puttegowda, Adv)

This writ petition is filed under article 226 & 227 of the Constitution of India praying to direct the 2<sup>nd</sup> respondent

to transfer khatha in favour of the petitioner, in respect of schedule property; and etc.

This petition coming on for Prl. Hearing, this day, the court made the following:

**ORDER**

Sri K N Puttegowda, the learned Standing Counsel is directed to take notice for the respondents.

2. The petitioner's grievance is that his request for the transfer of khatha has remained unconsidered. Sri Giddappa, the learned counsel for the petitioner submits that the wife of the petitioner's vendor Smt. Kasturba has filed the objections belatedly. As on the date of the petitioner making the application for the change of khatha, there were no objections. He also brings to my notice that she has obtained temporary injunction after the execution of the sale deed in favour of the petitioner.

**ABH.**

3. Sri K N Puttegowda, the learned counsel for the respondents submits that the petitioner's request would be considered in accordance with law. He submits that if need be the objector Smt. Kasturba would also be heard in the matter.

4. For the reasons best known to the petitioner, he has not made the objector Smt. Kasturba a party to this writ proceedings. However, I do not propose to throw out this petition on the ground of non-joinder of necessary parties.

5. The ends of justice would be met by my directing the respondent No.2 to consider the petitioner's application for the change of khatha and the objections of Smt. Kasturba thereto in accordance with law. The respondent No.2 is directed to afford opportunities of hearing to both the petitioner and the objector, Smt. Kasturba and thereafter take a decision

**ABH.**

in the matter. The respondent No.2 is directed to dispose of the petitioner's application for the change of khatha as expeditiously as possible. This petition is disposed of accordingly. No order as to costs.

Sd/             
Judge

YKL