

Reserved on : 01.04.2026  
Pronounced on : 17.04.2026

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

**DATED THIS THE 17<sup>TH</sup> DAY OF APRIL, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE S.G.PANDIT**

**AND**

**THE HON'BLE MR. JUSTICE K. V. ARAVIND**

**WRIT PETITION No. 3926 OF 2021 (S-KSAT)**

**BETWEEN:**

1. SRI H M DAYANAND SAGAR,  
S/O H P MALLESHWAPPA,  
AGED ABOUT 38 YEARS,  
WORKING AS VILLAGE ACCOUNTANT  
KUNDAVADA CIRCLE,  
TALUK OFFICE, DAVANAGERE,  
DAVANAGERE TALUK AND DISTRICT,  
R/AT DOOR No.3683/A-13,  
VENKATESHWARA NILAYA,  
BEHIND VANI RICE MILL,  
VIDYANAGAR, TARALUBALU EXTENSION,  
DAVANAGERE 577004.

...PETITIONER

(BY SRI RANGANATHA S. JOIS, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA,  
REP. BY ITS SECRETARY,  
DEPARTMENT OF REVENUE,  
M. S. BUILDING,  
BENGALURU 560001.
2. THE KARNATAKA LOKAYUKTA,  
REP BY ITS REGISTRAR,



M. S. BUILDINGS,  
BENGALURU 560001.

...RESPONDENTS

(BY SRI K.R. RAJENDRA, AGA FOR R1;  
SRI K.S. MALLIKARJUNA REDDY, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 13/01/2021 PASSED BY THE TRIBUNAL IN APPLICATION No.5322/2020 VIDE ANNEXURE -A AND TO QUASH THE ORDER BEARING No.KamEi 23 BDP 2019 DATED 03/06/2020 (ANNEXURE - A10 TO THE APPLICATION IN APPL. No.5322/2020 BEFORE THE TRIBUNAL), PASSED BY THE 1<sup>ST</sup> RESPONDENT, AS ARBITRARY, ILLEGAL AND IN VIOLATION OF ARTICLE 14 AND 16(1) OF CONSTITUTION OF INDIA, AND CONSEQUENTLY TO ALLOW THE APPLICATION FILED THE PETITIONER AND TO GRANT RELIEF AS SOUGHT FOR.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY, **K.V. ARAVIND J.**, DELIVERED THE FOLLOWING:-

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT  
and  
HON'BLE MR. JUSTICE K. V. ARAVIND

### **C.A.V. JUDGMENT**

(PER: HON'BLE MR. JUSTICE K.V. ARAVIND)

Heard Sri Ranganatha S. Jois, learned counsel for the petitioner, Sri K. R. Rajendra, learned Additional Government Advocate for respondent No.1 and Sri K.S. Mallikarjuna Reddy, learned counsel for respondent No.2.

2. The unsuccessful applicant in Application No. 5322/2020 is before this Court, assailing the order dated 13.01.2021

passed by the Karnataka State Administrative Tribunal, Bengaluru (for short, 'the Tribunal').

3. The brief facts of the case are that the applicant, while working as a Village Accountant, effected certain changes in the mutation entries on the basis of an unregistered Will. A complaint was filed by Sri G.R. Hanumanthappa, son of Rudrappa, before respondent No.2 - Lokayukta. Pursuant thereto, an investigation was conducted and a report under Section 12(3), dated 26.07.2016, was submitted.

3.1 The respondent No.1 - State Government, upon consideration of the report, entrusted the enquiry to respondent No.2 by passing an order under Section 14A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 (for short, "CCA Rules"). Thereafter, an Enquiry Officer was appointed and the articles of charge came to be issued on 06.01.2018.

3.2 The petitioner participated in the enquiry and denied the charges. The Enquiry Officer, upon consideration, concluded that the charges were proved. Respondent No.2 forwarded the enquiry report along with its recommendation to respondent No.1. Thereafter, a second show-cause notice dated

11.11.2019 was issued, to which the petitioner submitted his reply.

3.3 Respondent No.1 – the Disciplinary Authority, by order dated 03.06.2020 (Annexure-A10), imposed the penalty of withholding four increments with cumulative effect and further directed that the petitioner shall not be promoted for a period of four years from the date on which he becomes eligible for promotion.

3.4 Aggrieved by the said order, the petitioner filed an application before the Tribunal. The Tribunal, under the impugned order, having regard to the seriousness of the charge, rejected the application and upheld the order of penalty.

4. Sri Ranganatha S. Jois, learned counsel for the petitioner, submits that even assuming that the petitioner has committed any irregularity or error in effecting mutation on the basis of the Will, the aggrieved party has an efficacious remedy under the Karnataka Land Revenue Act. It is contended that when such an alternative statutory remedy is available, an investigation by the Lokayukta is not permissible in view of Section 8(1)(b) of the Karnataka Lokayukta Act, 1984.

4.1 Learned counsel further submits that the Enquiry Officer has failed to appreciate the evidence in its proper perspective. It is also contended that the Disciplinary Authority has imposed the penalty without due consideration of the reply submitted by the petitioner. Hence, it is submitted that the order of penalty is unsustainable in law.

5. *Per contra*, Sri K.R. Rajendra, learned Additional Government Advocate appearing for respondent No.1, submits that the Enquiry Officer has, upon due consideration, concluded that the charge against the petitioner stands proved. It is contended that the charge is serious in nature, as it pertains not merely to change of mutation, but is founded on a fabricated/falsified Will. It is further submitted that, having regard to the nature of the charge and the evidence on record, the order of penalty imposed is just and reasonable.

6. Sri K.S. Mallikarjuna Reddy, learned counsel appearing for respondent No.2, while supporting the submissions made by the learned Additional Government Advocate, submits that the evidence on record clearly establishes that the Will in question is fabricated. It is contended that the petitioner has reported an unregistered Will as a registered Will.

6.1 It is further submitted that the Will is shown to be dated 27.02.1988, whereas the registration is reflected as 06.08.2000. It is also contended that the death of the testator is shown as 21.12.2001, whereas the said Rangappa had, in fact, died nearly 50 years prior thereto. On these grounds, it is submitted that the order of the Tribunal rejecting the application is just and proper.

7. We have considered the submissions made by the learned counsel for the petitioner, the learned Additional Government Advocate appearing for respondent No.1 - State, and the learned counsel appearing for respondent No.2 - Lokayukta, and have perused the material on record.

8. The facts in issue are not in dispute. The petitioner, while working as a Village Accountant, effected certain changes in the mutation entries on the basis of an unregistered Will. A complaint was filed by one Sri G.R. Hanumanthappa, pursuant to which an enquiry was conducted, and it was found that a report had been submitted recommending change of mutation.

8.1 In the said report, the unregistered Will was represented as a registered Will. The Will is stated to be dated 27.02.1988, whereas its registration is reported as 06.08.2000. Further, the

death of the testator, Rangappa, is shown as 21.12.2001, whereas, in fact, the said Rangappa had died nearly 50 years prior thereto. The petitioner, without taking into consideration the aforesaid discrepancies, proceeded to recommend the change of mutation.

8.2 The knowledge and involvement of the petitioner in the falsification of the document, as well as the submission of a false report in collusion with the beneficiary of the Will, namely G. Karehanumanthappa, in whose favour the mutation was effected, is evident.

8.3 It is vehemently contended that if a change of mutation is effected on the basis of a forged or otherwise unacceptable and non-genuine Will, a remedy is available under the Karnataka Land Revenue Act for redressal of the grievance, and therefore, the complaint before the Lokayukta was not maintainable. The said contention is untenable.

8.4 No doubt, an aggrieved party has a remedy under the Karnataka Land Revenue Act to question the correctness of the mutation entries. The submission of the petitioner would have had some merit if the change of mutation entries had been effected *bona fide*. However, the facts of the present case stand

on a different footing. The charge pertains to the collusion of the petitioner in effecting change of mutation on the basis of an unregistered Will by representing the same as a registered Will. The Will in question is a notarized document. Further, the Will is dated 27.02.1988, whereas its registration is shown as 06.08.2000. The date of death of Rangappa, the testator of the Will, is reflected as 21.12.2001, whereas it is contended that the said Rangappa had died nearly 50 years prior thereto.

8.5 The enquiry report is supported by evidence demonstrating the collusion of the petitioner with G. Karehanumanthappa in falsifying the document to effect mutation entries. Such misconduct squarely pertains to the service conditions of the petitioner and cannot be adjudicated under the provisions of the Karnataka Land Revenue Act. Any dereliction of duty or misconduct in service has to be examined in accordance with the law governing such service.

8.6 Merely because the affected party has a remedy under the Karnataka Land Revenue Act would not absolve the government servant from facing disciplinary proceedings for misconduct committed in the discharge of official duties.

8.7 This Court does not sit in appeal over the findings of the Enquiry Officer or the decision of the Disciplinary Authority. Interference is warranted only in cases where the order imposing penalty is unsupported by evidence or where the enquiry is conducted in violation of the prescribed procedure or principles of law. In the present case, no such ground is made out.

8.8 The Tribunal, upon consideration of the aforesaid aspects, has rightly held that the order imposing penalty does not warrant interference. We are of the view that both the order of the Tribunal and that of the Disciplinary Authority are based on the evidence on record, and that the penalty imposed, having regard to the nature of the charge, is just and reasonable.

9. In the circumstances, no grounds are made out to entertain the writ petition. Accordingly, the writ petition stands ***dismissed.***

**SD/-  
(S.G.PANDIT)  
JUDGE**

**SD/-  
(K. V. ARAVIND)  
JUDGE**