



IN THE HIGH COURT OF KARNATAKA DHARWAD BENCH

DATED THIS THE 5TH DAY OF OCTOBER, 2021

BEFORE

THE HON'BLE MR.JUSTICE S.R. KRISHNA KUMAR

WRIT PETITION NO.103813/2021 (GM-ST/RN)

BETWEEN

SMT.VAISHALI W/O KESHAV KADAKOL,
AGE: 37 YEARS, OCC: HOUSEHOLD WORK,
R/O SAVALAGI VILLAGE, TQ: JAMKHANDI,
DISTRICT: BAGALKOT-587 301.

...PETITIONER

(BY SRI GIRISH A.YADAWAD, ADVOCATE)

AND

1. THE STATE OF KARNATAKA,
DEPARTMENT OF STAMPS AND REGISTRATION,
KANDAYA BHAVAN, 8TH FLOOR,
KEMPEGOWDA ROAD, BENGALURU-560 009,
REP.BY ITS PRINCIPAL SECRETARY.

2. THE SUB-REGISTRAR,
JAMKHANDI SUB-DIVISION,
AC OFFICE COMPOUND, JAMKHANDI,
DISTRICT: BAGALKOT-587 301.

... RESPONDENTS

(BY SRI V.S.KALASURMATH, HCGP)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT IN THE NATURE OF CERTIORARI OR ANY SUCH WRIT OR DIRECTION TO QUASH THE IMPUGNED ENDORSEMENT DATED 21.09.2021 MADE BY THE RESPONDENT NO.2 ON THE REPRESENTATION DATED 21.09.2021 SUBMITTED BY THE PETITIONER VIDE ANNEXURE-C AND DIRECT THE RESPONDENT NO.2 TO

HAND OVER THE REGISTERED SALE DEED DATED 18.12.2010 TO THE PETITIONER; (B) ISSUE WRIT IN THE NATURE OF MANDAMUS OR ANY SUCH WRIT OR DIRECTION DIRECTING THE RESPONDENT NO.1 TO MAKE NECESSARY CORRECTION IN THE KAVERI ONLINE SERVICES WEBSITE WITH LINK <https://kaverionline.karnataka.gov.in/> TO ENABLE THE REGISTERING AUTHORITIES IN THE STATE OF KARNATAKA TO UPLOAD THE REGISTERED SALE DEEDS ON THE SAID WEBSITES IN THE ABSENCE OF 11E SKETCH IN CASES OTHER THAN THOSE WHICH COME UNDER THE PURVIEW OF SECTION 131(C) AND SECTION 128 OF THE KARNATAKA LAND REVENUE ACT, 1964 AND ETC.

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

ORDER

In this petition, the petitioner has sought for the following reliefs.

- a. Issue writ in the nature of certiorari or any such writ or direction to quash the impugned endorsement dated 21.09.2021 made by the respondent No.2 on the representation dated 21.09.2021 submitted by the petitioner vide Annexure-C and direct the respondent No.2 to hand over the registered sale deed dated 18.12.2010 to the petitioner;

b. Issue writ in the nature of mandamus or any such writ or direction directing the respondent No.1 to make necessary correction in the Kaveri online services website with link <https://kaverionline.karnataka.gov.in/> to enable the registering authorities in the state of Karnataka to upload the registered sale deeds on the said websites in the absence of 11E sketch in cases other than those which come under the purview of section 131(c) and section 128 of the Karnataka Land Revenue Act, 1964 and etc.

2. Heard learned counsel for the petitioner and learned HCGP for respondents. Perused the material on record.

3. In addition to reiterating the various contentions put forth in the memorandum of writ petition and referring to the documents produced by the petitioner, learned counsel for the petitioner submits that pursuant to the purchasing subject land

vide registered sale deed dated 18.12.2010, the respondent No.2/Sub-Registrar did not handover the original registered sale deed to the petitioner. Subsequently, when the petitioner submitted a representation vide Annexure-C dated 21.09.2021, the respondent No.2 issued the impugned endorsement at Annexure-C made on the said representation rejecting the request of the petitioner for issuance of the registered sale deed in his favour on the sole ground that the petitioner has not produced that the '11E' sketch as required under Section 131(c) of the Karnataka Land Revenue Act, 1964 (for short, 'the Act of 1964') r/w Rule 46(h) of the Karnataka Land Revenue Rules, 1966 (for short, 'the Rules of 1966'). In this context, learned counsel for the petitioner also submitted that in relation to the production of '11E' sketch, the State Government had issued a circular dated 06.04.2009 requiring production of '11E' sketch at the time of registration of the documents by the registering authorities. The

said circular dated 06.04.2009 was called in question before this Court in the case of **G.Ramachar and another V/s State of Karnataka and others, AIR 2016(3) KLJ Page 1**, wherein this Court has quashed the said circular as well as Section 22A of the Indian Registration Act, 1908 (Karnataka Amendment). It is also submitted that by virtue of the striking down of Section 22A of the Registration Act, 1908 (Karnataka Amendment) as well as the aforesaid circular dated 06.04.2009 issued by the State Government in pursuance of the said provision, it was not open for the respondent No.2-registering authority to insist upon production of the '11E' sketch for the purpose of registration of the sale deed. In this context, learned counsel also places reliance upon the decision of this Court in the case of **Smt.Vaishali V/s The Sub Registrar, W.P.No.117177/2019 dated 18.03.2021** in order to contend that the decision of this Court in *Ramachar's* case has been followed and

identical/similar endorsement issued by the Sub-Registrar was quashed and this Court issued necessary directions to the Sub-Registrar to register the sale deeds produced by the petitioner therein without insisting upon production of the '11E' sketch. It is therefore submitted that having regard to the aforesaid facts and circumstances, the impugned endorsement at Annexure-C dated 21.09.2021 deserves to be quashed.

4. Learned counsel for the petitioner further submits that the State Government has opened a website <https://kaverionline.karnataka.gov.in> to enable the registering authorities to upload all registered documents; it is submitted that website as it stands now does not permit uploading of registered documents in the absence of '11E' sketch and consequently, in addition to directing the respondents to register the sale deed presented by the petitioner, it is also necessary to issue appropriate directions to

respondent No.1 to make necessary changes/ corrections in the said website so as to enable uploading of the registered documents without insisting on production of '11E' sketch. It is therefore submitted that appropriate directions in this regard are to be issued to respondent No.1.

5. Per contra, learned HCGP for respondents submits that there is no merit in the petition and that the same is liable to be dismissed.

6. Insofar relief (a) sought for by the petitioner, is concerned, as rightly contended by the learned counsel for the petitioner, in the light of the decisions of this Court in *Ramachar and Vaishali's* case supra, I am of the considered opinion that the impugned endorsement dated 21.09.2021 issued by respondent No.2 is clearly illegal, arbitrary and without jurisdiction or authority of law and the same deserves to be quashed and necessary directions are to be issued to respondent No.2/Sub-Registrar to

handover registered sale deed dated 18.12.2010 to the petitioner without insisting upon production of '11E' sketch by the petitioner.

7. Insofar as prayer (b) for issuance of necessary directions to the State Government to carry out necessary changes/corrections in the website by the registering authorities throughout the State of Karnataka without insisting on production of '11E' sketch and even in the absence of the said '11E' sketch is concerned, I am of the considered opinion that in view of the decision of this Court in *Ramachar's* case, it has become absolutely essential on the part of respondent No.1 to make necessary changes/ corrections in the aforesaid website and take necessary steps to enable uploading of documents by the registering authorities even in the absence of '11E' sketch and without insisting for production of the same.

8. In the result, I pass the following:

ORDER

- i. Petition is allowed.
- ii. Impugned endorsement at Annexure-C dated 21.09.2021 issued by respondent No.2 is hereby quashed.
- iii. Respondent No.2 is directed to handover the registered sale deed dated 18.12.2010 to the petitioner without insisting upon production of '11E' sketch within a period of one month from the date of receipt of a copy of this order.
- iv. Respondent No.1/State of Karnataka is also directed to carry out/make necessary changes/corrections in the website <https://kaverionline.karnataka.gov.in> to enable uploading registered documents on the aforesaid website without insisting on production of '11E' sketch and even in the absence of '11E' sketch by incorporating suitable changes/corrections in the aforesaid website as expeditiously as possible.

- v. Copy of this order is directed to be circulated to all registering authorities in Karnataka.
- vi. Copy of this order is directed to be circulated to the following persons:
 - a. All registering authorities in the State of Karnataka;
 - b. National Informatics Centre (NIC) in all the districts in the State of Karnataka;
 - c. The Chief Secretary of the Government of Karnataka.
 - d. The Chief Secretary of the Department of Stamps and Registration.

Sd/-
JUDGE

CLK