



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

**DATED THIS THE 4<sup>TH</sup> DAY OF FEBRUARY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE M.G.S. KAMAL**

**REVIEW PETITION NO. 195 OF 2023**

**BETWEEN:**

1. THE BRUHAT BANGALORE  
MAHANAGARA PALIKE  
REPRESENTED BY ITS COMMISSIONER  
N R SQUARE  
BBMP HEAD OFFICE,  
BENGALURU - 560 002.
2. THE ASSISTANT REVENUE OFFICER  
BRUHAT BANGALORE MAHANAGARA PALIKE,  
CHANDRA LAYOUT SUB DIVISION,  
CORPORATION COMPLEX, 14<sup>TH</sup> CROSS,  
1<sup>ST</sup> STAGE, CHANDRA LAYOUT,  
BENGALURU - 560 040.

...PETITIONERS

(BY SRI. KARTHIKEYAN B S., ADVOCATE)

**AND:**

1. SRI. K CHINAYAMURTHY  
S/O LATE T N KAMBADANARASIAH,  
AGED ABOUT 44 YEARS,  
R/AT FLAT NO. 108,  
SHIVA WOODS APARTMENT  
NO. 6 NGEF LAYOUT MAIN ROAD,  
NAGARABHAVAI VILLAGE,  
BENGALURU - 560 072.
2. THE STATE OF KARNATAKA  
REP. BY ITS SECRETARY,  
DEPARTMENT OF REVENUE,





M.S BUILDING,  
DR. B.R. AMBEDKAR VEEDHI,  
BENGALURU - 560 001.

3. THE DEPUTY COMMISSIONER  
BENGALURU URBAN DISTRICT  
K.G ROAD,  
BENGALURU - 560 009.
4. THE TAHASILDAR  
NELAMANGALA TALUK,  
NELAMANGALA TOWN,  
BENGALURU RURAL DISTRICT - 562 123.
5. THE DEPUTY COMMISSIONER  
BENGALURU RURAL DISTRICT  
DEVANAHALLI,  
DODDABALLAPURA ROAD,  
DEVANAHALLI - 562 110.
6. SRI. M N VENUGOPAL  
AGED ABOUT 50 YEARS,  
R/AT NO. 347/A,  
10<sup>TH</sup> MAIN ROAD,  
PHASE 1, BANASHANKARI 1<sup>ST</sup> STAGE,  
HANUMANTHA NAGAR,  
BENGALURU - 560 050.

...RESPONDENTS

(BY SRI. NARAYANA BHAT M.,ADVOCATE FOR R1;  
SMT. B. SUKANYA BALIGA., AGA FOR R2 TO R5;  
V/O DATED 07.02.2025, NOTICE TO R6 IS DISPENSED WITH  
FOR TIME BEING)

THIS REVIEW PETITION IS UNDER ORDER 47 RULE 1  
R/W SECTION 114 OF CPC, 1908, PRAYING TO REVIEW THE  
ORDER PASSED BY THIS HONBLE COURT IN W.P. NO.  
2121/2022 (LB-BMP) DATED 22.11.2022 (ANNEXURE-A) AS  
PRAYED FOR, IN THE INTEREST OF JUSTICE AND EQUITY.



THIS PETITION, COMING ON FOR ORDERS, THIS DAY,  
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

This review petition seeking review of the order dated 22.11.2022 passed by this Court in W.P.No.2121/2022, in which petitioners herein were the respondents. The said writ petition was filed by the son of one T.N.Kambadanarasaiah seeking quash of notice dated 31.12.2021, by which said T.N.Kambadanarasaiah was held liable to pay Rs.17,33,254/-. Upon submissions being made by the learned counsel for petitioner as well as learned counsel for respondent-BBMP therein, referring to documents, this Court by a detailed order came to the conclusion that the respondent- BBMP therein had failed to establish its ground with regard to its claim of Rs.17,33,254/-.

2. Learned counsel for review petitioners seeking review of the said order, submits that the respondent-BBMP/petitioner herein could not bring to the notice of this Court documents pertaining to the said sum of Rs.17,33,254/- by the time of disposal of said writ petition. He also draws attention of this



Court to Annexure-F, which is a notice dated 19.07.2003 produced in the said writ petition to contend that there was indeed reference to Rs.17,33,254/- in the said notice.

3. Learned counsel for petitioners files a memo along with 13 documents. Document No.1 is a complaint given by the Assistant Revenue Officer of BBMP on 12.02.1999 to Inspector of police, K.R.Market Police station alleging misappropriation of funds by deceased T.N.Kambadanarasaiah to the tune of Rs.17,33,254/- between 05.12.1994 and 29.01.1997 while he was discharging his duty as tax collector at K.R.Market. Document No.2 is First Information Report registered in Crime No.46/1999 against Kambadanarasaiah in respect of the said amount which is later given CC No.8888/1999. Document No.5 is record pertaining to departmental enquiry. Referring to these documents he submits that during the pendency of the said criminal proceedings and also the departmental enquiry said Kambadanarasaiah expired and the proceedings came to a standing halt. He also relies upon the statement of account prepared by the team of audit of respondent- BBMP to contend that the said team on verification of records have come to the



conclusion of Kambadanarasaiah having misappropriated Rs.17,33,254/-. He submits that these material documents could not be brought to the notice of the Court at the time of disposal of the writ petition. Therefore seeks for allowing of the petition.

4. In response, learned counsel for petitioner/respondent No.1 submits that even from the documents now produced, it is not clear whether there was any specific and categorical determination of liability on Kambadanarasaiah. Admittedly, since Kambadanarasaiah passed away during enquiry, he submits, that the petitioners cannot take advantage of the situation to hold Kambadanarasaiah to have misappropriated funds. He also refers to a letter issued by the Sub-Inspector of Police, City Market Police to the Revenue Officer produced at page 5 of the document to the memo and the office notings at page 14 and submits that apart from said Kambadanarasaiah there were other persons involved in the said misappropriation and no details of their involvement is forthcoming. Therefore, he submits that on the basis of incomplete documents the petitioners cannot be allowed to reopen the matter which is



already concluded. He submits that remedy available to the petitioners if any is to institute a suit and establishing its claim and not on the basis of the incomplete report.

5. Heard perused the records.

6. This Court while disposing of the petition had observed that respondent-BBMP therein had not produced any document with regard to Rs.17,33,254/- and had also referred to the charge sheet/enquiry report of respondent-BBMP where there was no reference to the said amount. Therefore, it came to the conclusion that respondent-BBMP had failed to establish the grounds to claim Rs.17,33,254/-. There is no dispute that the documents now sought to produce were not brought to notice of this Court.

7. Perusal of the documents now sought to be produced as noted above, would indicate that there was an allegation of Kambadanarasaiah misappropriating Rs.17,33,254/-. They also indicate that a criminal case having been registered against him and departmental enquiry being conducted against the said Kambadanarasaiah. Office Notings dated 04.02.2003 produced at page 15 would indicate that said Kambadanarasaiah had



expired resulting in said the proceedings coming to a standstill. Admittedly, nothing has proceeded further. Even if these materials are taken on record, that would not alter or change the order which is sought to reviewed, inasmuch as the disciplinary proceedings against Kambadanarasaiah has remained incomplete. As rightly pointed out by the learned counsel for respondent No.1, remedy, if any, to the BBMP is to seek recourse under the general law for recovery of money. No error therefore can be found in the order already passed.

8. Learned counsel for petitioners at this juncture seeks liberty to avail alternative remedy by initiating appropriate proceedings.

9. Reserving liberty to the petitioner-BBMP to initiate proceedings for recovery of the amount of Rs.17,33,254/- as may be available and permissible under law, this review petition is dismissed.

**SD/-  
(M.G.S. KAMAL)  
JUDGE**