



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 3RD DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO.201369 OF 2026 (KLR-RR/SUR)

BETWEEN:

1. NINGAPPA S/O BHUMANNA SHIRASHYAD,
AGED ABOUT 55 YEARS, OCC: AGRIL.,
2. GURUNATH S/O BHUMANNA SHIRASHYAD,
AGED ABOUT 53 YEARS, OCC: AGRIL,
3. SHANTABAI W/O SHRIMANTH DODDAMANI,
AGE ABOUT 50 YEARS, OCC: H. H. WORK.,
4. GANGABAI W/O SHRIMANTH HONAGUNTI,
AGE ABOUT 50 YEARS, OCC: H. H. WORK.,
5. SHEKAWWA W/O HANAMANTH KANNOLLI,
AGE ABOUT 48 YEARS, OCC: H. H. WORK.,
6. AMBAWWA W/O KALLAPPA PUJARI,
AGE ABOUT 50 YEARS, OCC: H. H. WORK.,
7. GOURABAI W/O CHANDRASA DESAI,
AGE ABOUT 45 YEARS, OCC: H. H. WORK.,
8. HAMADEVI W/O SHRISAIL PUJARI,
AGE ABOUT 50 YEARS, OCC: H. H. WORK.,
9. MADIWALAWWA W/O BHUMANNA SHIRASHYAD
AGE ABOUT 45 YEARS, OCC H. H. WORK.

...PETITIONERS

(BY SRI. SANGANABASAV B. PATIL, ADVOCATE)





AND:

1. THE STATE OF KARNATAKA,
DEPARTMENT OF REVENUE,
REPRESENTED BY IT SECRETARY
M.S. BUILDING BENGALURU-560001.
2. THE REGIONAL COMMISSIONER,
R.C. OFFICE, BELAGAVI-585101.
3. THE DEPUTY COMMISSIONER,
D.C. OFFICE,
VIJAYAPURA-586101.
4. THE ASSISTANT COMMISSIONER INDI,
A.C. OFFICE, VIJAYAPURA-585201
5. THE TAHASILDAR, INDI,
TQ INDI-586201. DIST. VIJAYAPURA.
6. THE KARNATAKA STATE BOARD OF WAKFS
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER,
"DARUL A WAKF" NO.6 CUNNINGHAM ROAD,
BENGALURU-560052.

...RESPONDENTS

(BY SRI. MALLIKARJUN SAHUKAR, AGA FOR R1 TO R5;
SRI. P. S. MALIPATIL, ADVOCATE FOR R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI, THEREBY QUASH THE IMPUGNED MUTATION EXTRACT ME NO. T-45 DATED 06.01.2023 PASSED BY THE RESPONDENT NO. 5 AS AT ANNEXURE-D IN RESPECT OF LAND SY NO. 16/A/1 OLD, 16/*/*/* (NEW) MEASURING 12 ACRES 18 GUNTAS, SITUATED AT MARSANAHALLI VILLAGE OF INDI TQ. DIST VIJAYAPURA IN THE INTEREST OF JUSTICE AND EQUITY. II) ISSUE A WRIT IN THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE



WRIT OR ORDER OF DIRECTIONS, DIRECTING THE RESPONDENT NO. 5 TO DELETE THE NAME OF THE 6TH RESPONDENT IN RESPECT OF BEARING LAND SY NO.16/A/1 (OLD) 16/*/* (NEW) MEASURING 12 ACRES 18 GUNTAS, SITUATED AT MARSANAHALLI VILLAGE OF INDI TQ.DIST VIJAYAPURA IN COLUMN NO. 11 FROM THE RECORD OF RIGHTS FOR THE YEAR 2024-25 VIDE ANNEXURE-E IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

Learned High Court Government Pleader is directed to take notice for respondent Nos.1 to 5. Sri. P.S.Malipatil, learned counsel accepts notice for respondent No.6.

2. In this petition, the petitioners seek for the following reliefs:

i) Issue a writ in the nature of certiorari, thereby quash the impugned mutation extract ME No.T-45 dated 06.01.2023 passed by the respondent No.5 as at Annexure-D in respect of land Sy.No.16/A/1 (Old) 16//* (New), measuring 12 acres 18 guntas, situated at Marsanahalli village of Indi taluk, district Vijayapura, in the interest of justice and equity;*

ii) Issue a writ in the nature of Mandamus or any other appropriate writ or order of directions, directing the respondent No.5 to delete the name of the 6th respondent, in respect of land bearing Sy.No.16/A/1 (old), measuring 16//* (new) measuring 12 acre 18*



guntas, situated at Marsanahalli village of Indi tq. Dist. Vijayapura, in Column No.11 from the record of rights for the year 2024-25 vide Annexure-E in the interest of justice and equity.

3. Heard learned counsel for the petitioners and learned AGA for respondent No.1 to 5 and learned counsel for the respondent No.6 and perused the material on record.

4. A perusal of the material on record will indicate that under identical circumstances, the Judgments / orders of this Court in the cases of ***Chand Sab vs. State of Karnataka & others – W.P.No.202965/2022 dated 06.01.2023*** and ***M.Ravindra Reddy vs. State of Karnataka & others – W.P.No.200340/2021 dated 23.02.2021***, this Court allowed the aforesaid petitions and passed the following orders:-

ORDER PASSED IN W.P.No.202965/2022

“Heard Sri. Shivaputra S. Udabalkar, the learned Counsel for the petitioner.

2. In this petition, the petitioner seeking writ of mandamus to delete the name of Mojangiri Sunni Waqt Property, in column Nos.9 and 12 in the RTC marked at Annexure-C.

3. It is contention of the learned counsel for the petitioner that without issuing any notice and without following procedure contemplated under the Karnataka Land Revenue Act, the name of Mojangri Sunni Wagf



Property, is ordered to be entered in column Nos.9 and 12 of RTC.

4. The learned Government Advocate would justify the order with reference to Circular dated 04.01.2010, which is produced in W.P.No.201590/2022.

5. It is needless to say that the Circular cannot Override the provision of the Karnataka Land Revenue Act. For effecting changes in the RTC the procedure contemplated under the Karnataka Land Revenue Act, is to be followed. The said procedure is not followed. Notice is not issued to the petitioner before making changes in the RTC. The impugned entries are made behind the back of the petitioner.

6. Under these circumstances, the petition is allowed.

7. The respondents No.5 to 6 are directed to delete the name of the Mojangiri sunni Wagf Property in column Nos.9 and 12 of the RTC, within 10 days from the date of receipt of certified copy of this order and to restore the entries as it stood earlier to impugned entry.

8. However, it is made clear that this Court has not expressed the rights of the petitioner.

9. The respondent No.5 may initiate proceedings pursuant to Circular if so advised in law. In such an event, the respondent No.5 shall issue notice to the petitioner and respondents No.6 before passing further orders pursuant to Circular."

ORDER PASSED IN W.P.NO.200340/2021

1. Sri.Mallikarjun Sahukar, learned HCGP accepts notice for respondent Nos.1 to 5.

2. Sri.P.S.Malipatil, learned counsel accepts notice for respondent No.6.

3. The petitioner is before this Court seeking for a certiorari to quash the extract of the mutation dated



19.09.2018 bearing MR No.H124 vide Annexures-D and D1 in respect of Sy.No.301/5 wherein respondent No.5-Tahsildar has entered the name respondent No.6 – Wakf Board as also for a mandamus directing the respondent No.5 to delete the name of respondent No.6 in respect of aforesaid survey number from the record of rights and restore the name of the petitioner.

4. The petitioner claims to be the absolute owner in enjoyment and in actual possession of the land bearing Sy.No.301/5 measuring 2 acres 29 guntas situated at Manvi Village, Manvi Taluk, Raichur District. The aforesaid land had been granted to one Smt.Syeda Sajjada Peera W/o Wahid Quadri, under the provisions of Inams Abolition Act in the year 1982 as regards which Form No.II was issued on 20.03.1982. Thereafter, the said Smt.Syeda Sajjada Peera approached the Assistant Commissioner, Raichur for permission to sell the land which was granted vide Annexure-A dated 17.09.1991. In pursuance of which, the petitioner's father purchased the aforesaid land by registered sale deed dated 19.09.1991 and the name of the petitioner's father had been entered in the revenue records on 19.09.2018. Subsequent to the purchase, the name of the father of the petitioner was entered. After the death of the father of the petitioner, the name of the petitioner came to be entered into in the revenue records in the year 2017.

5. Respondent No.2-Regional Commissioner has issued a office note relying on the government notification/circular directing the revenue authorities-Deputy Commissioner, Assistant Commissioner and Wakf officer to enter the name of Wakf Board as owners of lands, which were notified as that belonging to the Wakf Board in the records of rights. On the basis of the said direction, respondent No.5-Tahsildar without issuing notice unilaterally entered the name of the Wakf Board in the year 2011 of the records of rights. It is aggrieved by the same, the petitioner is before this Court.

6. Sri.Mahantesh Patil, learned counsel for the petitioner would submit that there is no such right vested with the respondents to insert the name of the respondent No.6 – Wakf Board.



7. *Sri.P.S.Malipatil, learned counsel for respondent No.6 would submit that the entry has been made in terms of notification issued in the year 1974 recognising the Wakf to be the owner of the property and as such, by following the procedure under Rule 6 and Rule 7 of the Karnataka Wakf Rules, 2017, the name of the respondent No.6 Wakf Board was mutated and entered into the records of rights. As such, what has been done is correct and proper.*

8. *Sri.Mallikarjun Sahukar, learned HCGP submits that the Tahsildar has acted in terms of office note issued by respondent No.2-Regional Commissioner who has in turn acted on notification of the year 1974 and Rule 6 and Rule 7 of Karnataka Wakf Rules, 2017.*

9. *Heard Sri.Mahantesh Patil, learned counsel for the petitioner, Sri.Mallikarjun Sahukar, learned High Court Government Pleader for respondent Nos.1 to 5 and Sri.P.S.Malipatil, learned counsel for respondent No.6 and perused the papers.*

10. *The petitioner claims that the land has been granted to Smt.Syeda Sajjada Peera in the year 1973-74 and her name was entered in the revenue records whereas the Wakf Board claims that they are the owners of the land in terms of the notification issued in the year 1974. On the basis of this claim and counter claim as regards ownership of the land, there is a dispute between the parties.*

11. *In this background on basis of the notification of the year 1974, the Wakf Board wrote a letter to the respondent No.5 – Tahsildar to enter the name of the Wakf Board in the revenue records and Tahsildar acting on the said request has made the said entry along with the name of the petitioner whose name was already found in the revenue records in Column 11.*

12. *The Karnataka Land Revenue Act provides for a mode and methodology for making entries, carrying out mutation, etc., in the revenue records. One of the cardinal rules being that if any person's name to be effected in the revenue records or for any change in the revenue records,*



notice has to be issued and principles of natural justice has to be followed and the said party has to be heard and thereafter orders to be passed.

13. In the present case, all these aspects has been violated merely because the Wakf Board has sent a request to the respondent No.5 to enter the name of the Walkf Board in Column 11. Such a process and procedure is unknown to law. Once a name of the third party is entered in the revenue records, if the Wakf Board seeks to get its name in the records, the Wakf Board is required to follow the process and procedure under the Land Revenue Act including Section 136 of the said Act. Further more, the Tahsildar is required to follow the procedure under Rule 128 and 129 of the Land Revenue Rules before making any change. None of these are followed in the present case.

14. There is highhandedness in the matter in which Wakf Board wrote a letter to the Tahsildar. The Tahsildar has blindly considered the request of the Wakf Board and acted on.

15. In view thereof and since there is a serious lapse of procedural aspect, a certiorari is issued quashing the order dated 19.09.2018 inserting the name of the Wakf Board in Column 11 of the records of rights. Consequently, a mandamus is issued directing the respondent No.5-Tahsildar, Manvi to delete the name of respondent No.6 within a period of four weeks from the date of receipt of certified copy of the order. Liberty is reserved to respondent No.6-Wakf Board to follow the applicable law and due procedure of law if at all it has any right, title or interest in the said property for inserting of the name in the Records of Rights.

16. Learned HCGP is directed to communicate this order to the Regional Commissioner, Deputy Commissioner and Tahsildar within the jurisdiction of this Court so that these kind of orders are not passed putting innocent parties at risk behind their back.

17. Accordingly, the Writ petition is allowed."



5. The aforesaid orders passed by this Court in **Chand Sab's case** and **M.Ravindra Reddy's case supra**, are directly and squarely applicable to the facts of the instant case and consequently, the present petition also deserves to be allowed and disposed of in terms of the orders passed in the aforesaid petitions.

6. It is also relevant to state that though the name of the petitioners appears in Column Nos.9 and 12 of their respective RTCs in relation to the respective subject lands, respondent Nos.2 to 5 have purported to insert the name of respondent No.6 in Column No.11, without notifying or providing sufficient or reasonable opportunity to the petitioners, thereby violating the principles of natural justice. Under these circumstances, I am of the considered opinion that the alleged entry in Column No.11 showing the name of the respondent No.6 deserves to be set aside and the matter be remitted back to respondent Nos.3 to 5 for reconsideration afresh in accordance with law.

7. In the result, I pass the following:-



ORDER

(i) Petition is hereby allowed and disposed of in terms of the orders passed by this Court in the cases of ***Chand Sab vs. State of Karnataka & others – W.P.No.202965/2022 dated 06.01.2023*** and ***M.Ravindra Reddy vs. State of Karnataka & others – W.P.No.200340/2021 dated 23.02.2021.***

(ii) The impugned entry in Column No.11 showing the name of the respondent No.6 in relation to the subject lands bearing Survey No.16/A/1 (old), 16/*/* (new), measuring 12 acres 18 guntas, situated at Marsanahalli village of Indi taluk, district Vijayapura, are hereby set aside.

(iii) The matter is remitted back to respondent Nos.3 to 5 for reconsideration afresh in accordance with law.



(iv) Respondent Nos.3 to 5 shall notify the petitioners and respondent No.6 and reconsider the matter afresh after providing sufficient and reasonable opportunity to all the parties and pass appropriate orders in accordance with law.

(v) Respondent Nos.3 to 5 are directed to delete the name of respondent No.6 in Column No.11 of the RTCs in relation to the subject land within a period of four weeks from the date of receipt of a copy of this order.

(vi) Respondent Nos.3 to 5 are directed to conclude the proceedings within a period of three months from the date of receipt of a copy of this order.

**Sd/-
(S.R.KRISHNA KUMAR)
JUDGE**