



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 8TH DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO.202595 OF 2025 (KLR-RES)

BETWEEN:

1. SRI. MOHAMMAD SALIM S/O RASOLSAB KEMBHAVI,
AGE: MAJOR YEARS,
OCC: AGRICULTURE/GOVERNMENT SERVANT
R/O. MALAGHAN, TQ. SINDHAGI
DIST. VIJAYAPURA-586101.
2. SRI ABDULAJIJ S/O RASOLSAB KEMBHAVI,
AGE: MAJOR YEARS,
OCC: AGRICULTURE/GOVERNMENT SERVANT
R/O. MALAGHAN, TQ. SINDHAGI
DIST. VIJAYAPURA-586101.
3. SRI. JAMILAHAMAD
S/O RASOLSAB KEMBHAVI,
AGE: MAJOR YEARS,
OCC: AGRICULTURE/GOVERNMENT SERVANT
R/O. MALAGHAN, TQ. SINDHAGI
DIST. VIJAYAPURA-586101.



...PETITIONERS

(BY SRI. A. M. NAGRAL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
DEPARTMENT OF REVENUE,
THROUGH ITS PRINCIPAL SECRETORY,
M.S.BUILDING BENGALOURU-01.



2. THE REGIONAL JOINT DIRECTOR
OF LAND RECORDS BELAGAVI DIVIOSON,
BELAGAVI-587101.
3. THE DEPUTY DIRECTOR OF LAND
RECORDS VIJAYAPURA
DIST VIJAYAPURA-586101.
4. THE ASSISTANT DIRECTOR OF LAND
RECORDS TQ. SINDHAGI
DIST. VIJAYAPURA-586101
5. SRI RAMU S/O VOTHOBHA KADAM
AGE: YEARS, OCC: AGRICULTURE
R/O. MALAGAN, TQ. SINDHAGI,
DIST VIJAYAPURA-586101.

...RESPONDENTS

(BY SRI. MALLIKARJUN SAHUKAR, AGA FOR R1 TO R4;
SRI. D. P. AMBEKAR, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO I) ISSUE A WRIT, ORDER OR DIRECTION IN THE NATURE OF CERTIORARI, QUASHING THE IMPUGNED ORDER DATED 23.11.2023 BEARING NO. REV/ SURVAY/ PHODI/ SR-122/2022-23, PASSED BY THE 2ND RESPONDENT AT ANNEXURE-D1, II) ISSUE A WRIT, ORDER OR DIRECTION IN THE NATURE OF CERTIORARI, QUASHING THE IMPUGNED ORDER DATED 16.11.2022 BEARING NO. PHS/APL/SR/383/2020-21, PASSED BY THE 3RD RESPONDENT AT ANNEXURE-C1. III) PASS SUCH OTHER ORDER IN THE INTEREST OF JUSTICE AND EQUITY.

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

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



ORAL ORDER

Petitioners seek following reliefs:

"i) Issue a writ, order or direction in the nature of certiorari, quashing the impugned order dated 23.11.2023 bearing no. REV/ Survay/ Phodi/ SR-122/2022-23, passed by the 2nd respondent at Annexure-D1,

ii) Issue a writ, order or direction in the nature of certiorari, quashing the impugned order dated 16.11.2022 bearing no. PHS/APL/SR/383/2020-21, passed by the 3rd respondent at Annexure-C1.

iii) Pass such other order in the interest of justice and equity"

2. A perusal of the material on record will indicate that aggrieved by the Atlas, Akarband and P. T. Sheet of the year 1967 in respect of land bearing RS No.175/2 measuring 8 acres 01 guntas situated Malagan Village, the respondent No.5 filed an appeal before the respondent No.3-Deputy Director of Land Records in which the petitioners herein were arrayed as contesting respondent Nos.1 to 3. Along with the said appeal filed by the



respondent No.5 herein, he made an application under Section 5 of the Limitation Act seeking condonation of delay of 55 years in filing the appeal. But, vide the impugned order at Annexure-C1 dated 16.11.2022, respondent No.3-Deputy Director of Land Records did not pass any orders on the condonation of delay application filed by the respondent No.5 and straight away proceeded to allow the appeal on merits, by passing the impute order, which was confirmed by the respondent No.2-Regional Joint Director of Land Records, who dismissed the Revision Appeal vide order dated 23.11.2023. Aggrieved by the impugned orders passed by the respondents No.2 and No.3, petitioner is before this Court by way of the present petition.

3. A perusal of the material on record, in particular impugned order passed by the respondent No.3-DDLR dated 16.11.2022 will clearly indicate that despite having referred to application for condonation of delay filed by the respondent No.5, the respondent No.3 has not



passed any order on the said application, which is contrary to have in as much as without condoning the delay, it was impermissible on the part of the respondent No.3 to have allowed the appeal on merits, which is clearly contrary to well settled principles of law governing procedure to be adopted for disposal of appeals by the respondent No.3 and the same having been erroneously confirmed by the respondent No.2, I am of the considered opinion that the impugned orders at Annexure-C1 dated 16.11.2022 passed by respondent No.3 and at Annexure-D1 dated 23.11.2023 passed by the respondent No.2 deserve to be set aside and the matter remitted back to the respondent No.3 for reconsideration of the appeal filed by the respondent No.5 along with the condonation of delay application filed, after providing an opportunity to the petitioners to file their objections and proceed further in accordance with law.

4. In the result, I pass the following:



ORDER

- i. The writ petition is ***allowed*** and the impugned orders Annexure-C1 dated 16.11.2022 passed by respondent No.3 and at Annexure-D1 dated 23.11.2023 passed by the respondent No.2 are hereby set aside.
- ii. The matter is remitted back to the respondent No.3 for reconsideration of the matter afresh, in accordance with law.
- iii. In the first instance, the respondent No.3-DDLR shall consider and pass appropriate orders on the application filed by the respondent No.5 dated 24.03.2021 under Section 5 of the Limitation Act and thereafter, proceed to pass appropriate orders on the appeal filed by the respondent No.5 in accordance with law.



- iv. Petitioners are entitled to file objections to the application under Section 5 of the Limitation Act as well as to the main appeal.
- v. All rival contentions and all aspects of the matter are kept open and no opinion is expressed on the merits/de-merits of the rival contentions.
- vi. Petitioner and respondent No.5 shall appear before respondent No.3 on 29.06.2026 without awaiting further notice.
- vii. Respondent No.3 shall pass appropriate orders on the application for condonation of delay as well as on the main appeal within a period of six months from 29.06. 2026.

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

NJ
LIST NO.: 1 SL NO.: 104
CT:SI