



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 3298 OF 2026 (LR-)

BETWEEN:

SMT. GIRIJAMMA
WIFE OF REVANNA,
DAUGHTER OF LATE CHIKKANNA,
AGED ABOUT 52 YEARS,
TALEKOPPA VILLAGE AND POST,
CHELUR HOBLI, GUBBI TALUK,
TUMAKURU DISTRICT- 572117.

...PETITIONER

(BY SRI. SATISHCHANDRA R, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF REVENUE,
BY ITS SECRETARY, AMBEDKAR VEEDHI,
M.S.BUILDING, VIDHANASOUDHA,
BENGALURU 560 001.
2. THE DEPUTY COMMISSIONER,
DC OFFICE, MINI VIDHANA SOUDHA,
TUMAKURU-572216
3. THE ASSISTANT COMMISSIONER
OF TIPTUR SUB-DIVISION,
B.H. ROAD, OPPOSITE B.E.O OFFICE,
TIPTUR, KARNATAKA-572201.
4. THE TAHASILDAR
OF GUBBI TALUK





MG ROAD, GUBBI,
TUMKUR DISTRICT-572216.

...RESPONDENTS

(BY SRI.K P YOGANNA,AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING NOTIFICATION ISSUED UNDER SECTION 38 OF KARNATAKA LAND REFORMS ACT, 1961 AND IN FORM-2 E UNDER RULE-9 (B) SUB-RULE (3) OF KARNATAKA LAND REFORMS RULES-1974 ISSUED BY THE RESPONDENT NO.2, PRODUCED AT ANNEXURE-D DATED 15.10.2025 FILE NO. DDLRTK-TNLORV/512/2025 -TECH AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE R DEVDAS

ORAL ORDER

Learned Additional Government Advocate takes notice for respondent Nos.1 to 4.

2. Although, the matter is coming up for preliminary hearing, with the consent of the learned counsel for petitioner and the learned Additional Government Advocate, the matter is taken up for final disposal.



3. In this writ petition, the petitioners are aggrieved of the impugned notification issued by the Deputy Commissioner exercising powers under Section 38A of the Karnataka Land Reforms Act, 1961 declaring certain areas as 'unrecorded habitation', which also includes the lands belonging to the petitioner.

4. Learned counsel for the petitioners submits that there are several judgments of this Court including a batch of writ petitions in W.P.No.101121/2022 and connected matters, which were disposed of on 23.01.2024, followed by orders passed in W.P.No.9321/2024 dated 22.01.2025 and W.P.No.103974/2022 dated 28.02.2025, where this Court has clearly held that the Court has come across several matters where notifications under Section 38A of the Act 1961 have been issued by Deputy Commissioners without issuing any public notice and/or even verifying the revenue records. The Deputy Commissioners were advised that in future they shall firstly look into the revenue records, obtain the details as regards the lands which are



proposed to be notified under Section 38A of the Act before issuing any notification. It was directed that if entries are found in the revenue records showing an individual as the kathedar, then notices will have to be issued to such persons who are the recorded kathedars. It was directed that if no entries are found, then the Deputy Commissioner will have to record such a statement that no entries are found in the revenue records, so that in the event of any challenge being raised, the Deputy Commissioner can fall back on the said information.

5. This Court has also considered the powers of the Deputy Commissioner as contained in Section 38A(1). The provision reads as follows;

"(1) Notwithstanding anything contained in this Act or any other law for the time being in force, where in any village, agricultural labourer is ordinarily residing on dwelling house on a land not belonging to him in an unrecorded habitations like Lambani Tanda, Gollarahatti, Vaddarahatti, Kurubarhatti, Nayakarahatti, Majare Grama, Haadi, Doddi, Palya, Camp, Colony or any other such unrecorded habitations falling within the jurisdiction of that village, on the date of



commencement of the Karnataka Land Reforms (Amendment) Act, 2016, which is notified as such by the Deputy Commissioner, specifying the survey numbers and boundaries in the pre scribed manner, such dwelling house or houses along with the site thereof and land immediately appurtenant thereto and necessary for its enjoyment shall, on the date of such notification by the Deputy Commissioner, vest absolutely in the State Government, free from all encumbrances and the agricultural labourer shall be entitled to be registered as owner thereof.”

6. It is therefore clear that if the revenue records disclose the fact that the lands are standing in the name of a private individual, then it will not permit the Deputy Commissioner to record the same as ‘unrecorded habitations’. In that view of the matter, it is clear that in all cases where the revenue records would reveal or disclose the name of a private individual as the kathedar, then it would divest the Deputy Commissioner from power to proceed as ‘unrecorded habitation’. From a perusal of the RTC extract and revenue records at Annexure-A, it is evident that the name of the petitioner was entered in the



same and that the petitioner is the khatedar of the said land.

7. In that view of the matter, the writ petition is **allowed**. The impugned notification at Annexure-D dated 15.10.2025 bearing No.DDLRTK-TNL0RV/512/2025-TECH is hereby quashed and set aside. Consequently, it is hereby directed that respondents - Tahasildar, Gubbi Taluk and the Deputy Commissioner, Tumakuru District, shall immediately restore the name of the petitioner in the revenue records.

Learned Additional Government Advocate is permitted to file memo of appearance within a period of four weeks from today.

**Sd/-
(R DEVDAS)
JUDGE**

SSD
List No.: 1 Sl No.: 10