



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 3945 OF 2026 (KLR-RES)

BETWEEN:

1. SRI BASAVARAJAPPA
S/O HANUMANTHAPPA,
AGED ABOUT 50 YEARS
2. SRI.KARIBASAPPA,
S/O HANUMANTHAPPA,
AGED ABOUT 50 YEARS,
3. SRI.MAHESHA,
S/O MARTHAPPA,
AGED ABOUT 50 YEARS,
4. SRI.KRISHNAPPA,
S/O NAGAPPA,
AGED ABOUT 45 YEARS,
5. SRI.PRABHAKARA,
S/O SANGAPPA
AGED ABOUT 45 YEARS,
6. SRI.MANJA @ MANJUNATHA K,
S/O KRISHNAPPA,
AGED ABOUT 38 YEARS,

Digitally
signed by
VANAMALA
N
Location:
HIGH
COURT OF
KARNATAKA



7. SRI.ASHOKA,
S/O BASAPPA,
AGED ABOUT 48 YEARS,
8. SRI.VENKATESHA,
S/O ESHWARAPPA,
AGED ABOUT 50 YEARS,
9. SRI.THIMMESHWARA,
S/O YOGESHA,
AGED ABOUT 45 YEARS,
10. SRI.GANGAMMA,
W/O BASAVANNAPPA,
AGED ABOUT 60 YEARS,
11. SRI.PARASHURAMA,
S/O BASAVANNAPPA,
AGED ABOUT 60 YEARS,

P1 TO P11 ARE RESIDING AT,
KANASINAKATTE VILLAGE,
HOLEHONNURHOBOLI,
BHADRAVATHI THALUK,
SHIVAMOGGA DISTRICT PIN CODE - 577227

...PETITIONERS

(BY SRI. MANJUNATH R P., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF REVENUE,
REPRESENTED BY ITS SECRETARY,
VIDHANASOUDHA,



BANGALORE - 560 001.

2. THE ASSISTANT COMMISSIONER,
AND SUB DIVISIONAL MAGISTRATE,
SHIVMOGA SUB-DIVISION,
SHIVMOGA DISTRICT.
3. THE TAHSILDAR,
BHADRAVATHI TALUK,
BHADRAVATHI,
SHIVMOGA DISTRICT
4. MR. ZAI ULLA KHAN,
S/O. HAMEE KHAN,
AGED ABOUT 64 YEARS,
RESIDING AT PETTE BEEDI,
HOLE HONNUR,
BHADRAVATHI,
SHIMOOGA DISTRICT.
5. SRI. NAGARAJ,
S/O LATE LINGARAJAPPA,
AGED ABOUT 53 YEARS,
AGRICULTURALIST,
R/O JAMBARGATTE VILLAGE,
HOLEHONNURUHOBLI,
BHADRAVATHI THALUK,
SHIVAMOGGA DISTRICT,
PIN CODE - 577227

...RESPONDENTS

(BY SMT. B. P. RADHA, AGA FOR R1 TO R3)



THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 24.01.2025 ONE PASSED BY THE RESPONDENT NO.2 IN LND CR 107/2023 FOUND AT ANNEXURE-A TO THE WRIT PETITION AND FURTHER REMAND THE MATTER TO RESPONDENT NO.2 DIRECTING HIM TO CONDUCT A DETAILED ENQUIRY, IN A TIME-BOUND MANNER, INTO THE NATURE AND CLASSIFICATION OF THE LAND MEASURING 3 ACRES 20 GUNTAS IN SY NO. 76/1 OF JAMABARGATTE VILLAGE, IN LIGHT OF RULE 108-I OF THE KARNATAKA LAND REVENUE RULES, 1966; ISSUE A WRIT OF MANDAMUS OR ANY OTHER WRIT OR ORDER OR DIRECTION TO RESPONDENT NO.2 AND 3 TO CONSIDER AND DISPOSE OFF THE REPRESENTATIONS SUBMITTED BY THE VILLAGERS FOR EARMARKING AND ALLOTING SY. NO. 76 OF JAMABARGATTE VILLAGE AS A BURIAL GROUND, STRICTLY IN ACCORDANCE WITH LAW, WITHIN A STIPULATED PERIOD, IN THE INTEREST OF JUSTICE AND PUBLIC WELFARE WHICH IS FOUND AT ANNEXURE-F AND F-1.

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 3.

Notice to respondent Nos.4 and 5 is not necessary for the following reasons.

Learned Additional Government Advocate raises a preliminary objection that the order under challenge at Annexure - A is passed by the Assistant Commissioner at the instance of the petitioner who sought for cancellation of the grant made in favour of respondent No.4 under Rule 108K of the Karnataka Land Revenue Rules, 1966, such an order will be an order passed under appeal under Section 49 of the Karnataka Land Revenue Act, 1964 [for short, '*the Act*']. A second appeal remedy is available for the petitioner before the Deputy Commissioner under Section 50 of the Act.



**NC: 2026:KHC:16280
WP No. 3945 of 2026**

Upholding the submissions of the learned Additional Government Advocate, the writ petition stands disposed of reserving liberty to the petitioner to approach the Deputy Commissioner.

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

RB