



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 8461 OF 2026 (LR)

BETWEEN:

1. MR ABDUL RIYAZ
S/O. LATE MR. ABDUL AZEEZ
@AZEEZ SAB,
AGED ABOUT 57 YEARS,
2. MR. AMEER HAMZA,
S/O. LATE MR. ABDUL AZEEZ
@AZEEZ SAB,
AGED ABOUT 64 YEARS,
3. MRS. SHANA JAHAN,
D/O LATE MR. ABDUL AZEEZ
@AZEEZ SAB,
AGED ABOUT 48 YEARS,
4. MRS. NOORJAHAN BEGUM,
D/O LATE MR. ABDUL AZEEZ
@AZEEZ SAB,
AGED ABOUT 42 YEARS,

ALL ARE R/A NO.179,
AZAD MOHALLA,
DONABAGHATTA,
BHADRAVATI TALUK,
SHIVAMOGGA DISTRICT - 577 229.

...PETITIONERS

(BY SRI DEVARAJU H V., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF REVENUE,





BY IT'S SECRETARY,
AMBEDAKAR VEEDHI,
M. S. BUILDING,
VIDHANA SOUDHA,
BENGALURU 560 001.

2. THE DIRECTOR REVENUE CELL
FOR CREATION OF REVENUE
VILLAGERS AND EX-OFFICIO
DEPUTY SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT,
M. S. BUILDING,
VIDHANA SOUDHA,
BENGALURU - 560 001.
3. THE DEPUTY COMMISSIONER,
SIR. M. V. ROAD,
SAVALANGA ROAD,
SHIVAMOGGA - 577 201.
4. THE ASSISTANT COMMISSIONER,
SHIVAMOGGA SUB-DIVISION,
BALARAJ URS ROAD,
SHIVAMOGGA - 577 201.
5. THE THAHASILDAR,
MINI VIDHANA SOUDHA,
BHADRAVATHI - 577 301.

...RESPONDENTS

(BY SRI SESHU V., HCGP FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE NOTIFICATION ISSUED INVOKING UNDER SECTION 38A OF KARNATAKA LAND REFORMS ACT 1961 AND IN FORM 2-E UNDER RULE 9-B (3) OF KARNATAKA LAND REFORMS (AMENDMENT) RULES 2017 ISSUED BY THE R3 VIDE ANNEX-C NOTIFICATION DATED 17.11.2025 BEARING NO. SMGDC. KO.GA.46/2025-26 IN SO FAR THE SCHEDULE PROPERTIES TO DIRECT THE R3 AUTHORITIES TO HOLD ENQUIRY AFTER ISSUANCE OF NOTICE TO THE PETITIONER BY PROVIDING AN OPPORTUNITY TO FILE OBJECTION AND ETC.,



THIS PETITION IS COMING ON FOR FRESH MATTERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R DEVDAS

ORAL ORDER

Learned HCGP is directed to take notice for all the respondents.

2. 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 petitioners.

3. 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.

4. 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."

5. 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'. This Court has no hesitation to hold that the petitioner is the kathedar, as can be seen from the RTC pertaining to the year 2025-26, then the Deputy Commissioner



will not be permitted to proceed further to declare the lands in question as 'unrecorded habitation'.

6. In that view of the matter, the writ petition is ***allowed***. The impugned notification at Annexure-C dated 17.11.2025 bearing No.SMGDC.Ko.Ga.46/2026-26 is hereby quashed and set aside. Consequently, it is hereby directed that respondents - Tahsildar, Bhadravathi Taluk and the Deputy Commissioner, Shivamogga District, shall immediately restore the name of the petitioners in the revenue records.

Sd/-
(R DEVDAS)
JUDGE

AV