



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 24<sup>TH</sup> DAY OF MARCH, 2026**

**PRESENT**

**THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE**

**AND**

**THE HON'BLE MR. JUSTICE C.M. POONACHA**

**WRIT APPEAL NO. 1479 OF 2025 (GM-WAKF)**

**BETWEEN:**

1. KARNATAKA STATE BOARD OF WAKFS  
REP. BY ITS CHIEF EXECUTIVE OFFICER  
No.6, CUNNINGHAM ROAD  
BANGALORE - 560 009

...APPELLANT

(BY MS. SABAHATH SULTANA, ADVOCATE)

**AND:**

1. STATE OF KARNATAKA  
REP. BY ITS REVENUE SECRETARY  
VIDHANA VEEDHI  
BANGALORE - 560 001
2. THE SPECIAL DEPUTY COMMISSIONER  
BANGALORE URBAN SUB-DIVISION  
KANDAYA BHAVAN  
BANGALORE - 560 001
3. SRI. ABDUL AZEEZ KHAN  
SINCE DEAD BY LRS
- 3(a) ARJUMAN  
D/O LATE ABDUL AZEEZ KHAN  
AGED ABOUT 45 YEARS

Digitally  
signed by  
AMBIKA H B  
Location:  
High Court  
of Karnataka



- 3(b) SAJEEDA  
D/O LATE ABDUL AZEEZ KHAN  
AGED ABOUT 39 YEARS
- 3(c) SULTAN AHMED KHAN  
D/O LATE ABDUL AZEEZ KHAN  
AGED ABOUT 38 YEARS  
R/AT ARAKERE VILLAGE  
HULIMAVU POST  
ANEKAL TALUK  
BANGALORE DISTRICT- 560 076
- 3(d) ASGARI BEGUM  
D/O LATE ABDUL AZEEZ KHAN  
AGED ABOUT 36 YEARS
- 3(e) ANSARI BEGUM  
D/O LATE ABDUL AZEEZ KHAN  
AGED ABOUT 35 YEARS
- 3(f) AKTHARI BEGUM  
D/O LATE ABDUL AZEEZ KHAN  
AGED ABOUT 32 YEARS
- 3(g) ARIFA KHATOON  
D/O LATE ABDUL AZEEZ KHAN  
AGED ABOUT 28 YEARS
- 3(h) AMJAD KHAN  
D/O LATE ABDUL AZEEZ KHAN  
AGED ABOUT 27 YEARS

RESPONDENT NOS. 3(a) (b) AND (d) TO (h)  
ARE RESIDING AT NO.950  
GANIGARA BEEDI  
NEAR BAZAAR STREET  
VENU HOTEL, SARJAPURA TOWN  
ANEKAL TALUK  
BANGALORE - 560 035

...RESPONDENTS

(SMT. NAMITHA MAHESH B.G., AGA FOR R-1 & 2  
SMT. DIVYA K., ADVOCATE FOR  
SRI KRISHNA NAIK, ADVOCATE FOR C/R-3(h))



THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO ALLOW THIS APPEAL AND SET ASIDE THE ORDER PASSED BY THE LEARNED SINGLE JUDGE BY ORDER DATED 10.02.2025 IN W.P. No. 36083/2015.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU ,CHIEF JUSTICE  
and  
HON'BLE MR. JUSTICE C.M. POONACHA

**ORAL JUDGMENT**

(PER: HON'BLE MR. VIBHU BAKHRU,CHIEF JUSTICE)

1. For the reasons stated in the affidavit accompanying the application – I.A No.1/2025, the same is allowed and the delay in filing the appeal is condoned.
2. The appellant has filed the present appeal impugning an order dated 10.02.2025 passed by the learned Single Judge in Writ Petition No.36083/2015 (GM-WAKF). The petitioners had filed the said petition impugning an order dated 20.06.2015 passed by the Special Deputy Commissioner, Bengaluru under Section 52(2) of the Wakf Act, 1995, *inter alia*, directing that possession of the subject property be taken over as the same has not been handed over by Sri Abdul Azeez Khan.



3. The learned Single Judge allowed the said petition and set aside the order passed by the Special Deputy Commissioner on the sole ground that Sri Abdul Azeez Khan had expired on 18.09.2014 which is almost more than nine months prior to the order passed by the Special Deputy Commissioner.

4. We find no infirmity with the said order. However, we clarify that since the order passed by the Special Deputy Commissioner was set aside only on the ground that it is against a person who has expired, this order will not preclude the Special Deputy Commissioner from initiating fresh proceedings against the legal representatives, *albeit* in accordance with law.

5. The appeal is disposed of in the above terms.

6. The pending interlocutory application also stands disposed of.

**Sd/-  
(VIBHU BAKHRU)  
CHIEF JUSTICE**

**Sd/-  
(C.M. POONACHA)  
JUDGE**