



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 24TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MS. JUSTICE JYOTI M
WRIT PETITION NO. 138402 OF 2020 (KLR-RES)

BETWEEN:

SRI. PRAKASH S/O. SHAKUNTALA BUGATI,
AGED ABOUT 43 YEARS, OCC: MILKMAN,
R/AT: HOSUR, TQ: JAMKHANDI,
DIST: BAGALKOTE.

...PETITIONER

(BY MS.BASAVARAJESWARI KENGAL, ADVOCATE FOR
SRI.MRUTYUNJAY TATA BANGI, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
BAGALKOTE DISTRICT,
BAGALKOTE-587101.
2. THE ASSISTANT COMMISSIONER,
JAMKHANDI SUB-DIVISION,
JAMKHANDI, DIST: BAGALKOTE.
3. THE TAHASILDAR,
RABAKAVI-BANAHATTI TALUKA,
BAGALKOTE DISTRICT-587102.

SMT. DURGAWWA W/O SANTAPPA PAWADI,
SINCE DECEASED BY LR'S.,
4. SMT. DANAWWA W/O. PARAPPA PAWADI,
AGED ABOUT 65 YEARS, OCC: AGRICULTURE,
R/AT: HOSUR, TQ: RABAKAVI-BANAHATTI,
DIST: BAGALKOTE-587102.
5. SMT. BANDAWWA D/O. PARAPPA PAWADI,
AGED ABOUT 45 YEARS, OCC: HOUSEHOLD,
R/AT: HOSUR, TQ: RABAKAVI-BANAHATTI,
DIST: BAGALKOTE-587102.



6. SMT. RENUKA W/O. VITTAL KEMPISHETTI,
AGED ABOUT 42 YEARS, OCC: HOUSEHOLD,
R/AT: HOSUR, TQ: RABAKAVI-BANAHATTI,
DIST: BAGALKOTE-587102.
7. SRI. PARASAPPA S/O. PARAPPA PAWADI,
AGED ABOUT 40 YEARS, OCC: AGRICULTURE,
R/AT: HOSUR, TQ: RABAKAVI-BANAHATTI,
DIST: BAGALKOTE-587102.

...RESPONDENTS

(BY SMT.MALA.B.BHUTE, AGA FOR R1 TO R3;
SRI.SHARAT.B.NYAMAGAUDAR, ADVOCATE FOR
SRI.C.S.SHETTAR, ADVOCATE FOR R4 TO R6;
NOTICE TO R7 IS SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY HEARING IN
'B' GROUP, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Ms.Basavarajeswari Kengal., counsel appearing on behalf
of Sri.Mrutyunjay Tata Bangi., counsel for the petitioner,
Smt.Mala.B.Bhute., AGA for respondents 1 to 3 and Sri.Sharat
B.Nyamagoudar., appearing on behalf of Sri.C.S.Shettar.,
counsel for respondents 4 to 6 have appeared in person.

2. The Writ Petition is filed seeking the following
prayers:

*"a) Issue a writ in the nature of certiorari or any other
writ or direction and quash the order passed by the
Deputy Commissioner, Bagalkote passed in*



RP/19/2016 dated 20.7.2017, copy as per Annexure-D being violative of Principles of Natural Justice, arbitrary and un-reasonable and/or,

b) Pass such other order orders as this Hon'ble Court deems fit in the facts and circumstances of the case."

3. The short facts are as follows:

The petitioner contends that his name came to be entered in respect of an extent of 3 guntas in Sy. No. 3/3D of Hosur Village, Rabakavi-Banahatti Taluk, Bagalkote District, by virtue of a *Varadi* pursuant to a family settlement in the year 2007. Consequent thereto, the Tahsildar mutated the petitioner's name in the revenue records on 08.02.2007.

It is further noted that one Durgawwa preferred an appeal before the second respondent-Assistant Commissioner in RTS/AP-42/2014-15, questioning the said mutation entry. The Assistant Commissioner, vide order dated 30.06.2016, rejected the appeal. Aggrieved by the same, she preferred a revision petition before the Deputy Commissioner. The Deputy Commissioner, vide order dated 20.07.2017, allowed the revision petition. Aggrieved thereby, the petitioner is before this Court.



4. Counsel for the respective parties urged several contentions. Heard the arguments and perused the writ papers with care.

5. Counsel for the petitioner and Respondent Nos. 4 to 6 jointly submit that, due to unavoidable circumstances, they were unable to appear before the Deputy Commissioner. It is further submitted that the Deputy Commissioner, taking note of their absence, proceeded to decide the matter on merits.

6. The said submission is placed on record.

7. A perusal of the order of the Deputy Commissioner indicates that the contesting parties were absent at the time of hearing. However, the Deputy Commissioner proceeded to adjudicate the matter on merits. On careful examination of the order, it is evident that the Deputy Commissioner has rendered findings with regard to the alleged family settlement as well as the relationship of Durgawwa with the petitioner. Such findings pertain to disputed questions of title and status, which fall within the exclusive domain of the competent Civil Court. The Deputy Commissioner, in effect, has assumed the role of a Civil Court,



which is impermissible in proceedings of this nature. Hence, the matter requires reconsideration.

8. Accordingly, a writ of certiorari is issued. The order dated 20.07.2017 passed by the Deputy Commissioner is hereby quashed. The matter is remitted to the Deputy Commissioner for fresh consideration in accordance with law.

9. The petitioner and Respondent Nos. 4 to 6 are directed to appear before the Deputy Commissioner on **16.04.2026** without awaiting any further notice. Upon their appearance, the Deputy Commissioner shall afford an opportunity of hearing to the parties and pass appropriate orders in accordance with law.

10. Resultantly, the writ petition stands **allowed**. The matter is remanded for fresh consideration.

**Sd/-
(JYOTI M)
JUDGE**