



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 26TH DAY OF MARCH 2026

PRESENT

THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD

AND

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

WRIT APPEAL NO.100108 OF 2025 (LB-RES)

BETWEEN:

SRI. RAMANAGOUDA S/O. SIDDANGOUDA BIRADAR,
AGE: 74 YEARS, OCC: PENSIONER,
R/O. MUNJI GALLI, JAMAKHANDI-587301,
TAL: JAMKHANDI, DIST: BAGALKOTE.

... APPELLANT

(BY SRI. SRINAND A.PACHCHAPURE, ADVOCATE)

AND:

1. THE ASSISTANT COMMISSIONER
JAMKHANDI, SUB-DIVISION,
JAMAKHANDI-587301,
TAL: JAMKHANDI, DIST: BAGALKOTE.
2. THE ASSISTANT DIRECTOR OF LAND RECORDS,
OFFICE OF ASSISTANT COMMISSIONER,
JAMKHANDI, SUB - DIVISION,
JAMAKHANDI-587301,
TAL: JAMKHANDI, DIST: BAGALKOTE.
3. THE MUNICIPAL COMMISSIONER
TOWN MUNICIPALITY,
JAMAKHANDI-587301,
TAL: JAMKHANDI, DIST: BAGALKOTE.



4. THE PRESIDENT TOWN MUNICIPALITY
JAMAKHANDI-587301,
TAL: JAMKHANDI, DIST: BAGALKOTE.
5. THE PANCHAYATH DEVELOPMENT OFFICER
KADAPATTI GRAM PANCHAYAT,
JAMAKHANDI-587301,
TAL: JAMKHANDI, DIST: BAGALKOTE.
6. THE PRESIDENT
KADAPATTI GRAM PANCHAYAT,
JAMAKANDI-587301, TAL: JAMKHANDI,
DIST: BAGALKOTE.
7. THE DR. B.R. AMBEDKAR
MULTI PURPOSE SOCIETY®,
BY ITS SECRETARY,
JAMAKHANDI 587301,
TAL: JAMAKHANDI, DIST: BAGALKOTE.

... RESPONDENTS

(BY SRI. PRAVEEN UPPAR, AGA FOR R1 AND R2;
SRI. PRAKASH HOSAMANE, ADVOCATE FOR R3 & R4;
SRI. P.VADIRAJA AND
SRI. ANIL KALE, ADVOCATE FOR R7;
NOTICE TO R5 AND R6 ARE SERVED)

THIS WRIT APPEAL IS FILED U/S.4 OF KARNATAKA
HIGH COURT ACT, 1961, PRAYING THIS HON'BLE COURT TO,
SET ASIDE THE IMPUGNED ORDER DATED 9/07/2024
PASSED BY LEARNED SINGLE JUDGE IN WRIT PETITION
NO.110801/2017 AND ALLOW THE WRIT APPEAL, IN THE
INTEREST OF JUSTICE.

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

CORAM: THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD
AND
THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE B.M. SHYAM PRASAD)

The appellant, joined by another, has called in question the resolution by the Jamakhandi Municipality [*the local body*] in the writ petition in W.P No.110801/2017. The local body, by this impugned resolution, has resolved to allot a certain extent, as mentioned in the resolution, in favour of the seventh respondent, and it has next issued a publication inviting objections to the proposed allotment in favour of the seventh respondent. The writ Court, by its impugned order dated 09.07.2024, has dismissed the petition. The other person who had joined the appellant has withdrawn from the writ petition, but the appellant has prosecuted the writ petition resulting in the writ Court's impugned order dated 09.07.2024.

2. The appellant has the benefit of the Sale Deed dated 15.08.1989 for an area measuring on the North - 10 metres, on the South - 11.5 metres, on the East - 18



metres and the West - 24 metres. This Sale Deed describes the boundaries of the plot covered specifically mentioning that the southern boundary is a government hillock. The local body is of the opinion that the extent covered within the boundaries includes an extra extent contrary to the Approved Layout Plan, and its decision to allot a certain in favour of the seventh respondent is based on this. The writ Court has opined that the appellant's claim to this extent is factually incorrect and contrary to the Approved Layout Plan and that the Approved Layout Plan demonstrates that there is open space beyond the Southern boundary of the appellant's property and adjacent land, which the local body could allot to the seventh respondent for educational purposes.

3. Sri Srinand A. Pachchapure, the learned counsel for the appellant, submits that the Approved Layout Plan was not part of the records in the writ petition, and therefore, the appellant has produced the Approved Layout Plan along with an application [*I.A No. 4/2025*]. Sri



P. Vadiraja, the learned counsel for the seventh respondent, opposes the application, and in fact, this seventh respondent has filed the Statement of Objections. However, Sri. Prakash S. Mane, the learned counsel for the local body, does not dispute the genuineness of this Approved Layout Plan, and in fact, the learned counsel relies upon it to contend that the Sale Deed dated 15.08.1989 is contrary to it and that the Sale Deed does not confer any interest in the property beyond the terms of the Approved Layout Plan.

4. This Court must refer to the boundaries and the Approved Layout Plan as that is at the core of the local body's decision to allot a certain extent within the boundaries mentioned in the Sale Deed dated 15.08.1989. This Court must opine that the settled law is that boundaries prevail over measurements, and if this settled principle applies, the appellant would be entitled to every inch within the boundaries. This is vital because the



Approved Layout Plan is not in dispute. The approved Layout Plan reads as under.

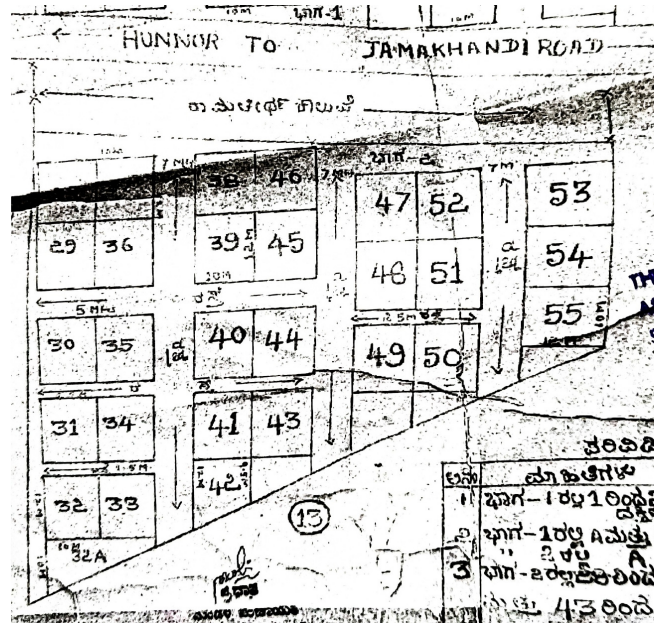


Fig: 1 – The property conveyed under the Sale Deed dated 15.08.1989 is in No. 49.

5. This Court must also opine that it is possible that the proponent of the project [*the then landowner*], for his own reasons, may have caused the Sale Deed dated 15.08.1989 conveying not just the portion earmarked as a plot {plot No. 49} but also the area beyond the boundary as mentioned in the Approved Layout Plan for this plot. There is no dispute by this proponent/land owner, and in the



absence of a declaration in law against the Sale Deed dated 15.08.1989 at the instance of any other, it would not lie with the Local Body to assume that the land beyond the Plot No. 49 as marked in the Approved Layout Plan would be available for allotment in favour of the seventh respondent. These are vital circumstances, but not considered. Therefore, there is reason for interference to set aside the writ Court's order and to quash the impugned resolution and the publication insofar as the appellant's property is covered under the Sale Deed dated 15.08.1989.

As such, the application [IA No.4/2025] taking on record the Approved Layout Plan, and the writ appeal is allowed quashing the writ Court's order dated 09.07.2024 in W.P No.110801/2017

**Sd/-
(B.M. SHYAM PRASAD)
JUDGE**

**Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE**