



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 3RD DAY OF FEBRUARY 2026
BEFORE
THE HON'BLE MRS JUSTICE K.S.HEMALEKHA
WRIT PETITION NO. 100424 OF 2026 (KLR-RR/SUR)

BETWEEN:

1. SHRI. SHRIMANT AVALEKAR
S/O. PANDU AVALEKAR,
AGE: 62 YEARS, OCC: AGRICULTURE,
R/O. BOMMANAL, TQ: ATHANI,
DIST: BELAGAVI-591232.
2. SHRI. CHANDAR AVALEKAR
S/O. PANDU AVALEKAR,
AGE: 58 YEARS, OCC: AGRICULTURE,
R/O. BOMMANAL, TQ: ATHANI,
DIST: BELAGAVI-591232.

...PETITIONERS

(BY SMT. VIDYAVATI M.KOTTURSHETTAR, ADVOCATE)

AND:

1. THE ASSISTANT COMMISSIONER
CHIKODI @ CHIKODI,
DIST: BELAGAVI-590001.
2. TAHASILDAR,
TQ: ATHANI, DIST: BELAGAVI-590001.
3. REVENUE INSPECTOR
ANANTHAPURA, TQ: ATHANI,
DIST: BELAGAVI-590001.
4. VILLAGE ADMINSTRATOR BOMMANALA
TQ: ATHANI, DIST: BELAGAVI-590001.

...RESPONDENTS

(BY SMT. NANDINI B.SOMAPUR, AGA)





THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN NATURE OF MANDAMUS DIRECTING THE RESPONDENT NO.2 TO IMPLEMENT THE ORDER PASSED BY RESPONDENT NO.1 VIDE ORDER BEARING NO. KRA: R A-291/2025 CHIKODI DATED 05.12.2025 AND TO ENTER THE NAME OF PETITIONERS IN ROR BY ISSUING MR NO. AFTER GIVING THUMB IMPRESSION OF RESPONENT NO.2 IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

THIS WRIT PETITION COMING ON FOR ORDERS THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE MRS JUSTICE K.S.HEMALEKHA

ORAL ORDER

The petitioners have approached this Court seeking for the following reliefs:

- "a. *Issue a writ in nature of mandamus directing the Respondent No.2 to implement the order passed by Respondent No.1 VIDE order Bearing No.KRA:RA-291/2025 Chikodi dated 05.12.2025 and to enter the name of Petitioners in ROR by issuing MR.No after giving Thumb Impression of Respondent No.2 in the interest of Justice and Equity.*
- b. *Pass such other orders as this Hon'ble Court deems fit in the facts and circumstances of the case, in the interest of justice and equity."*

2. This Court on 23.01.2026 passed the following order;



1. *This Court on 21.01.2026 has passed the following order:*

"The petitioners have approached this Court seeking a writ of mandamus directing respondent No.2-Tahsildar to implement the order dated 05.12.2025, passed by respondent No.1-Assistant Commissioner, Chikodi and to enter the names of the petitioners in the Record of Rights by issuing the Mutation Register (MR Number).

Learned Additional Government Advocate accepts notice for the respondents.

It is the specific case of the petitioners that, pursuant to the order dated 05.12.2025 passed by the Assistant Commissioner, the proceedings for effecting mutation are pending solely on account of respondent No.2-Tahsildar not affixing his thumb impression/approval in the Bhoomi system, which is stated to be mandatory for completion of the mutation process. No legal impediment or restrained order preventing implementation of the said order is brought to the notice of this Court. In the absence of any justification, this Court finds that inaction on the part of respondent No.2 cannot be countenanced.



*Accordingly, respondent No.2-Tahasildar, is directed to implement the order dated 05.12.2025 passed by respondent No.1 by entering the names of the petitioners in the Record Of Rights and issue the MR Number on or before 22.01.2026. It is made clear that if respondent No.2 fails to comply with direction within the stipulated time, respondent No.2 shall remain personally present before this Court on **23.01.2026**.*

*List this matter on **23.01.2026**."*

2. *Learned Addl. Government Advocate has filed a memo reporting compliance, stating that the Tahasildar, Athani, has affixed his thumb impression as required and complied the order. Along with the memo, the following documents are produced:*
 1. *A letter dated 22.01.2026 addressed by the Tahasildar, Athani to the Deputy Commissioner and,*
 2. *An objection application on the basis of which the matter has been treated as "disputed".*
3. *Learned Addl. Government Advocate, placing reliance upon the Government Notification dated 23.12.2025, would contend that all*



orders passed by the Assistant Commissioner under the relevant provisions are required to be reported to the jurisdictional Deputy Commissioner as soon as possible, and in any event, not later than 15 days from the date of such order. It is further contended that, in terms of the said notification, no changes shall be effected in the land records without obtaining the permission of the Deputy Commissioner.

- 4. A perusal of the said notification indicates that, no changes shall be effected in the land records without obtaining permission of the Deputy Commissioner particularly in cases where order of the Assistant Commissioner affects or has a bearing in the rights of the Government, as protected under Section 61(1) and 67(3) of the Land Revenue Act, 1964 read with Land Revenue Rules, 1966, as amended.*
- 5. The reliance placed on the said notification dated 23.12.2025 does not advance the case of the respondent, it does not confer any adjudicatory power on the Tahasildar to withhold, suspend or render ineffective and operative order passed by the Assistant*



Commissioner, nor does it authorize the Tahasildar to treat the mutation proceedings as "disputed", in the absence of any stay, suspension or contrary direction issued by a competent authority.

6. *This Court on 21.01.2026, directed the Tahasildar to implement the order dated 05.12.2025 by entering the names of the petitioner in the record of rights and issuing Mutation Register number. Accordingly, the contention urged on behalf of the State based on the notification dated 23.12.2025 is rejected. As there is wilful non-compliance with the order of this Court and the absence of respondent No.2 without sufficient cause, this Court issues a bailable warrant in a sum of ₹10,000/- (Rupees Ten Thousand Only), against respondent No.2 – Tahasildar, Athani, returnable by 03.02.2026.*

7. *List this matter on **03.02.2026**.*

3. Today, respondent No.2-Tahsildar, Athani is present before this Court, and has filed an affidavit tendering an unconditional apology for non-compliance of



the order dated 21.01.2026. In the affidavit, at paragraph Nos.3, 4 and 5, it is stated as under;

"3. That, this Hon'ble Court, on 21/01/2026 has passed an order directing me to enter the Thumb impression and enter the name of petitioners in record of rights and issue M.R. number on or before 22/1/2026 and if not done further ordered to be present personally on 23/1/2026. But under wrong understanding that, the order is only to give thumb impression, and since there was no confirmation Order yet received from Deputy Commissioner, Belagavi, I gave Thumb impression but raised a dispute and further under the understanding that if order dated 21/1/2026 is not complied by 22/1/2026, I have to be personally present, but since I gave thumb impression, hence thinking that Order is complied I did not keep myself present before this Hon Court. That, this Hon'ble taking note of the same and since inspite of the Hon'ble Court's Order to give Thumb Impression, enter the name of petitioners and issue M.R., I gave thumb impression and raised a dispute, taking note of this the Hon'ble Court has issued bailable Warrant against me of Rs. 10,000/-.



4. *I submit my humble apologies for non-compliance of the Order dated 21/1/2026 of this Hon'ble Court in its entirety. I state that, I have highest regard to this Hon'ble Court. I state that, under wrong understanding of the Order dated 21/1/2026, I could not comply thsaid Order as it was directed. The said action on my part I admit is unacceptable, but since the same was done under wrong understanding of the Order sated 21/1/2026, hence humbly request this Hon'ble Court, to kindly consider my unconditional apologies for the same.*

5. *I state that, due to non-compliance of order dated 21/1/2026 of this Hon'ble Court, bailable Warrant is issued against me of Rs. 10,000/- I State, that, non-compliance of the Order of this Hon'ble Court was neither intentional nor deliberate, but for the reasons as stated above, hence I humbly request this Hon'ble Court to kindly recall the Order dated 23/1/2026 so far as it relates to issuance of balaibale warrant of Rs. 10,000/-issued against me by accepting my unconditional apologies for the same."*



4. Learned Additional Government Advocate for respondents-State has also filed a memo, reporting compliance.

5. Learned counsel for the petitioners fairly submits that the grievance raised in the writ petition no longer survives in view of the compliance made.

6. In view of the compliance of the order passed by respondent No.1-Assistant Commissioner and unconditional apology tendered by respondent No.2-Tahasildar, Athani, this Court is of the opinion that the ends of justice would be met by recalling the order dated 23.01.2026, in so far as it relates to issuance of theailable warrant.

7. At the same time, this Court reiterates that the revenue authorities are bound to implement orders passed by the superior authorities, unless the same are stayed, modified or set aside by competent forum.



8. Accordingly, in view of the compliance affidavit filed by respondent No.2-Tahasildar, Athani, complying the order dated 05.12.2025 passed by respondent No.1-Assisant Commissioner, the writ petition stands ***disposed of.***

Sd/-
JUSTICE K.S.HEMALEKHA