IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 23RD DAY OF FEBRUARY 2026

BEFORE

THE HON'BLE MRS JUSTICE K.S.HEMALEKHA

WRIT PETITION NO. 100516 OF 2025 (KLR-RES)

BETWEEN:

1. PARAGOUDA S/O. BASAPPA JAGADANNAVAR
AGE. 55 YEARS, OCC. AGRICULTURE,
R/O. KHILEGAON VILLAGE,
TQ. ATHANI, DIST. BELAGAVI-590001.

2. BASAGOUDA S/O. SHIVAGOUDA JAGADANNAVAR
AGE. 55 YEARS, OCC. AGRICULTURE,
R/O. KHILEGAON VILLAGE,
TQ. ATHANI, DIST. BELAGAVI-590001.

...PETITIONERS

(BY SRI. S. B. MALLIGAWAD, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
M.S BUILDING, BANGALORE.

2. THE DEPUTY COMMISSIONER
DISTRICT BELAGAVI-590001.

3. THE ASSISTANT COMMISSIONER
TQ. CHIKKODI, DISTRICT. BELAGAVI -590001.

4. THE THASILDAR
ATHANI, BELAGAVI DISTRICT-590001.

5. LAXMIBAI W/O. BASAVAPRABHU CHANNAGOUDA
AGE. 45 YEARS, OCC. AGRICULTURE,
R/O. NADI INGALAGA,
TQ. ATHANI, DIST. BELAGAVI-590001.

...RESPONDENTS

(BY SMT. NANDINI B. SOMAPUR, AGA FOR R1 AND R2;
SRI. SHEKHARGOUDA M. NAGANURI, ADVOCATE FOR C/R5;
NOTICE TO R3 AND R4 ARE SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI QUASHING ORDER BEARING NO.RB/RTA/294/2023-24 DATED 07/01/2025 PASSED BY RESPONDENT NO.2 VIDE ANNEXURE-F; 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

1. The petitioners have approached this Court challenging the order dated 07.01.2025 passed by the Deputy Commissioner, Belagavi, whereby the Revisional Authority, in exercise of the powers under Section 136(3) of the Karnataka Land Revenue Act, 1964 (‘the Act’, for short), has set aside the concurrent orders of the Tahsildar and the Assistant Commissioner and remanded the matter for fresh consideration.

2. **Brief facts:**

2.1. The petitioners claim to be the owners in possession of the land bearing R.S.No.130 measuring 11 acres 4 guntas out of 16 acres 26 guntas situated at Khilegaon Village, Athani Taluk, Belagavi District, by virtue of the registered sale deeds dated 20.04.1921, 17.04.1926 and 15.04.1944.

2.2. It is the case of the petitioners that respondent No.5 has no right, title or interest over the subject property. The predecessor of respondent No.5 instituted Civil Suit in O.S. No.902 of 2007 (for declaration and injunction) and O.S. No.786 of 2009 (for partition and separate possession) before the Civil Court at Athani. Both the suits came to be dismissed and the judgments have attained finality.

2.3. In view of the dismissal of the civil suits, to remove the alleged erroneous entry standing in the name of the predecessor of respondent No.5, the petitioners approached the Tahsildar seeking rectification of the RTC.

2.4. The Tahsildar, by order dated 01.02.2023 (Annexure-D), allowed the application and directed correction of the revenue records.

2.5. Aggrieved, respondent No.5 preferred an appeal before the Assistant Commissioner in R.A. No. 62 of 2023. The Assistant Commissioner, by order dated 20.10.2023, dismissed the appeal and confirmed the order of the Tahsildar.

2.6. Therefore, respondent No.5 preferred a revision before the Deputy Commissioner under Section 136(3) of the Act. The Deputy Commissioner, by order dated 07.01.2025, allowed the revision and remanded the matter to the Tahsildar, which is impugned in the present writ petition.

3. Learned counsel appearing for the petitioners submits that the Deputy Commissioner has exceeded the scope of revisional jurisdiction under Section 136(3) of the Act by re-appreciating issues relating to title. The Civil Court having dismissed the suit filed by the

predecessor of respondent No.5, the dispute stood concluded and the revenue authorities cannot reopen the same. The mutation entries are only fiscal in nature and cannot override registered sale deeds or a civil court judgment. The Revisional Authority has failed to consider the concurrent findings of the Tahsildar and the Assistant Commissioner and passed the order without application of mind.

4. *Per contra*, learned counsel appearing for respondent No. 5, submits that the revenue entries were not properly examined by the Tahsildar and the material documents were not considered, hence the Deputy Commissioner in exercise of the revisional powers was justified in remanding the matter for fresh consideration.

5. Learned Addl. Government Advocate supports the impugned order and submits that the revisional

authority acted within the scope of Section 136(3) of the Act.

6. This Court has considered the rival submissions and perused the material on record.

7. The undisputed facts reveal that the petitioners' claim for title and possession over the land bearing R.S.No.130 of Khilegaon Village is on the strength of registered sale deeds dated 20.04.1921, 17.04.1926 and 15.04.1944 (Annexures A to A2). The Civil Suit instituted by the predecessor of respondent No.5 in O.S.No.902/2007 and O.S.No.786/2009 seeking declaration, injunction and partition in respect of the very same property have been dismissed. The said judgments have attained finality.

8. The Tahsildar, upon considering the material on record and the dismissal of the civil suits, passed an order dated 01.02.2023 directing rectification of the RTC entries. The said order was challenged before the

Assistant Commissioner in R.A.No.62 of 2023 and the same came to be dismissed on 20.10.2023. Thus, two revenue authorities concurrently found that the petitioners' names were required to be continued in the revenue records.

9. The Deputy Commissioner, by the impugned order, remanded the matter to the Tahsildar (Annexure-F). A perusal of Annexure-F indicates that the Revisional Authority has virtually re-appreciated the entire material relating to title and possession and reopened the issue which has already been examined by the competent authority and, more importantly, adjudicated by the Civil Court.

10. It is well settled that the mutation entries are fiscal in nature and do not confer title. The revenue authorities exercising power under Section 136(3) of the Act cannot assume the role of a Civil Court or adjudicate disputed questions of title. When the Civil Court has

already dismissed the suit filed by the predecessor of respondent No.5, the Revisional Authority could not have reopened the very same dispute under the guise of revisional jurisdiction.

11. The Deputy Commissioner, by remanding the matter, has revived the dispute which stood concluded before the Civil Court and thereby exceeded the jurisdiction vested under the Act. Such exercise of power amounts to transgressing into the domain of civil adjudication.

12. In view of the above, this Court is of the considered opinion that the impugned order dated 07.01.2025 passed by the Deputy Commissioner is unsustainable in law.

13. Accordingly, this Court pass the following:

ORDER

i. The writ petition is ***allowed***.

ii. The impugned order dated 07.01.2025 passed by the respondent No.2 - Deputy Commissioner (Annexure-F) is ***set aside***. The orders passed by the Assistant Commissioner and the Tahsildar stand ***confirmed***.

iii. Respondent No.4 – Tahsildar is directed to enter the names of the petitioners in the revenue records pursuant to the Civil Court order and the registered sale deeds.

Sd/-
JUSTICE K.S.HEMALEKHA

gab
Ct:VH
List No.: 1 Sl No.: 23