IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO.100629 OF 2024 (KLR-RR/SUR)

BETWEEN:

UNITED BASEL MISSION CHURCH IN INDIA TRUST
ASSOCIATION, (BOMBAY-KARNATAKA)
BASEL MISSION COMPOUND, PB ROAD,
HUBBALLI-580029, DIST. DHARWAD,
REPRESENTED BY ITS CHAIRMAN,
ROBERT HANNIKERI,
AGE. 69 YEARS, OCC. BUSINESS,
BASEL MISSION COMPOUND,
PB ROAD, HUBBALLI-580029,
DIST. DHARWAD.

...PETITIONER

(BY SRI. ANANT MANDAGI, SR. COUNSEL FOR
SRI. CHETAN MUNNOLI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   DEPARTMENT OF REVENUE,
   VIKAS SOUDHA, BENGALURU-560001,
   REPRESENTED BY ITS SECRETARY.

2. THE DEPUTY DIRECTOR OF LAND RECORDS
   CUM TECHNICAL ASSISTANT TO DEPUTY COMMISSIONER
   OFFICE OF THE DEPUTY DIRECTOR OF LAND RECORDS,
   HALIYAL ROAD, DHARWAD-580008.

3. THE ASSISTANT DIRECTOR OF LAND RECORDS
   CITY SURVEY, HALIYAL ROAD, DHARWAD-580008.

4. CHURCH OF SOUTH INDIA TRUST ASSOCIATION
   ALL SAINTS CHURCH COMPOUND,
   HALIYAL ROAD, DHARWAD-580008,
   REPRESENTED BY ITS GENERAL POWER OF ATTORNEY
   HOLDER REV. SATYABABU SAMUEL.

…RESPONDENTS

(BY SMT. GIRIJA S.HIREMATH, HCGP FOR R1 TO R3;
SRI. HARSH DESAI, ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A. ISSUE A WRIT IN THE NATURE OF CERTIORARI BY QUASHING THE ORDER DATED 24.08.2023 BEARING NO.CTS/RTS/APPEAL-11/2023-24 PASSED BY THE RESPONDENT NO.2, VIDE ANNEXURE-A CONFIRMING THE ORDER DATED 08.06.2023 PASSED BY THE RESPONDENT NO.3 IN RESPECT OF PROPERTIES BEARING CTS NO.121LB, CTS NO.72/D, CTS NO.122ALB AND CTS NO.3069M, VIDE ANNEXURE-B, B1 TO B3. B) OR GRANT SUCH OTHER RELIEF AS THIS HON'BLE COURT DEEMS FIT IN THE INTEREST OF JUSTICE AND EQUITY.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED ON 20.01.2026, COMING ON FOR PRONOUNCEMENT OF ORDER THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CAV ORDER

The present writ petition is filed seeking the following prayers:

> ***"i) Issue a writ in the nature of certiorari by quashing the Order dated 24.08.2023 bearing No.CTS/RTS/Appeal-11/2023-24 passed by Respondent No.2, vide Annexure-A confirming the Order dated 08.06.2023 passed by the Respondent No.3 in respect of properties bearing CTS No.121LB, CTS No.72/D, CTS No.122ALB & CTS No.3069M, vide Annexure-B, B1 to B3.***
>
> ***ii) Or grant such other relief as this Hon'ble Court deems fit in the interest of justice and equity."***

2. The facts of the case are that one organization by name "United Basel Mission Church in India Trust Association" (hereinafter referred to as 'UBMCITA') came to be established in the year 1935 and was incorporated under the provisions of the Indian Companies Act, 1913. After coming into force the Bombay Public Trusts Act, 1950 (for short, 'BPT Act'), the petitioner/Trust was formed to maintain and manage the various movable and immovable properties, institutions, churches, hospitals etc., situated in Bombay-Karnataka region. It is stated that the Trust came to be registered at PTR D1 (DWR) as per Enquiry No.10727/1952 on 20.12.1954 [hereinafter referred to as 'UBMCITA(BK)']. It is the case of the petitioner that aggrieved

by the registration of the petitioner/Trust under the provisions of BPT Act, respondent No.4-Church of South India (CSI) preferred revision before the Charity Commissioner, Belagavi. The Charity Commissioner by order dated 07.01.1987 dismissed the revision petition, which was confirmed by the I Addl. District Judge, by order dated 30.08.1985 in Misc. Petition No.56/1987 and also by Division Bench of this Court in MFA No.3485/1995 under order dated 22.02.2006. It is further case of the petitioner that these orders are again challenged by respondent No.4/CSI and the same has attained finality. It is stated that originally, there were seven Trustees to the petitioner/UBMCITA(BK). In view of vacancy created to the post of Trustee on account of various reasons, Misc. Petition No.18/1990 came to be filed before the Prl. District Judge, Dharwad to induct new Trustees and the said petition came to be allowed by order dated 19.08.2004. The said order was challenged by one Mr. J.C. Kari and others in MFA No.6682/2004, which came to be dismissed by the Division Bench by order dated 27.07.2007. That order was the subject matter in Civil Appeal No.6198/2010 before the Hon'ble Apex Court. The Hon'ble Apex Court by order dated 25.07.2019 dismissed the said appeal. The said J.C.Kari and others had sought for review of the order dated 25.07.2019 and that also came to be dismissed by order dated 12.02.2020. Thereafter, in the light of order dated 25.07.2019 passed in Civil Appeal No.6198/2010, the names of the Trustees came to be entered in the revenue records in respect of the properties belonging to the petitioner/UBMCITA(BK). Respondent No.4/CSI submitted an application before respondent No.3 to delete the name of the petitioner/UBMCITA(BK) in respect of the petition properties and enter the order dated 10.05.2012 passed in SLP (C) No.13670/2012 by the Hon'ble Apex Court directing the parties to the *lis* to maintain *status-quo* in all respects concerning the subject matter of the dispute.

3. It is the grievance of the petitioner that respondent No.3 without issuing notice and without affording an opportunity of hearing to the petitioner, deleted the name of the petitioner/UBMCITA(BK) in respect of the petition properties and entered the order dated 10.05.2012 passed in SLP(C) No.13670/2012. It is the grievance of the petitioner that without any notice to the petitioner and without holding any enquiry, the names are deleted and the same was communicated to the petitioner by letter dated 16.06.2023, which was served upon

the petitioner on 24.06.2023. Immediately, the petitioner preferred an appeal before respondent No.2 on 30.06.2023 challenging the order dated 08.06.2023 passed by respondent No.3 and the same is numbered as CTS/RTS/Appeal-11/2023-24. Respondent No.2 by order dated 24.08.2023 dismissed the appeal filed by the petitioner/UBMCITA by confirming the order passed by respondent No.3. Aggrieved thereby, the petitioner is before this Court.

4. The learned Senior Counsel appearing on behalf of the petitioner/UBMCITA(BK) had taken this Court through different provisions of law. At the outset, learned counsel for the respondent No.4/CSI raised an objection with regard to maintainability of the petition. It is argued by the learned Senior Counsel that the petition is not maintainable before this Court.

5. This writ petition is of the year 2024 and the matter is coming up before this Court in 2026 and already, interim order is passed by a co-ordinate Bench of this Court, which is in force. In the facts and circumstances, at this stage, this Court is not going into the issue of maintainability of the writ petition before this Court and is inclined to decide the dispute between the parties on the merits.

6. It is the contention of learned Senior Counsel appearing on behalf of the petitioner that when the order was passed on 25.09.1973 by the Assistant Charity Commissioner, Belagavi in Inquiry No.21/1973 holding that the action of transfer of property of UBMCITA to CSI is quite contrary to the provisions of BPT Act and the Managing Trustee cannot deal with the Trust properties according to his whims and fancies, this order was not questioned by respondent No.4/CSI. It is submitted that in the year 1984, respondent No.4-CIS preferred revision petition before the Charity Commissioner, Belagavi. The Charity Commissioner by order dated 7.1.1987 had held that revision petition is not maintainable. Thereafter, respondent No.4/CSI filed Misc. Petition No.56/1987 on the file of I Addl. District Judge, Dharwad. The learned District Judge by order dated 30.08.1985, on a detailed consideration, dismissed the miscellaneous petition. Then respondent No.4/CSI preferred MFA No.3458/1995 challenging the order dated 30.08.1995. The Division Bench by order dated 22.02.2006, left open to the parties to seek whatever interim reliefs, which they are entitled under law before the Civil Court in OS No.3/1994. It is submitted that there is no further challenge to the proceedings.

7. It is the submission of learned Senior Counsel appearing on behalf of the petitioner that when Misc. Petition No.18/1990 was filed by group of persons interested in becoming Trustees of UBMCITA-BK, respondent No.4/CSI filed impleading application. The District Court on hearing the parties allowed the miscellaneous petition by order dated 19.08.2004, since the Court felt that it is necessary to appoint Trustees and therefore, the learned Judge dismissed the IA No.27 filed by CSI. Questioning the said order passed on IA No.27, respondent No.4/CSI filed WP No.34551/2004. The contesting respondents in Misc. Petition No.18/1990 challenged the order dated 19.08.2004 in MFA No.6682/2004 and the said appeal was dismissed by Division Bench by order dated 27.07.2007. Thereafter, WP No.34551/2004 filed by CSI was dismissed by order dated 05.02.2008. Then, these orders were assailed before the Hon'ble Apex Court by filing Civil Appeal No.6198/2010 and the same was dismissed by order dated 25.07.2019. It is the contention of learned Senior Counsel that basing on the order passed by the Hon'ble Apex Court, when the names of the Trustees of the petitioner/UBMCITA(BK) were entered in the revenue records, the respondents authorities

without giving an opportunity to the petitioner and basing on the representation made by respondent No.4/CSI, had deleted the name of the petitioner/UBMCITA(BK).

8. It is further submitted by learned Senior Counsel that even with regard to mutation also, the name of UBMCITA is reflected in the CTS records in respect of petition properties right from 19.03.1940. After 4 ½ decades, the name of respondent No.4/CSI came to be mutated in CTS records. It is further submitted that the said entry was challenged by the petitioner/UBMCITA(BK) before the Assistant Commissioner, Dharwad by way of an appeal. The Assistant Commissioner, Dharwad by order dated 24.08.1987 allowed the appeal and restored the name of petitioner/UBMCITA(BK). Then, respondent No.4 filed WP No.14631/1987 challenging the order of the Assistant Commissioner, Dharwad. Thereafter, on 13.01.1995, respondent No.4 withdrew the said writ petition. It is submitted that respondent No.4, who is unsuccessful before several authorities at that stage and now, basing on the representation of respondent No.4, the respondents ought not to have meddled with the mutation entries. By virtue of the order impugned, the order of respondent No.3 is confirmed by

respondent No.2. When it comes to OS No.7/1991, it is submitted that the said suit was filed under Section 92 of CPC by the interested persons of the UBMCITA for settling a scheme for proper and due administration and management of the properties of the said Trust, in respect of Schedule A to E properties and for consequential reliefs. In the said suit, respondent No.4/CSI and its associates were arrayed as defendant Nos.1 to 5. The said suit was filed seeking administration and management in respect of South Canara and Coorg properties, however, in Schedule A and B, the properties located in Bombay-Karnataka region were also included which are in administration and management of the petitioner/UBMCITA registered on 20.12.1954. The said suit came to be dismissed by the trial Court and aggrieved by the same, the plaintiff therein preferred RFA No.280/2001. Defendant No.1 & 3/CSI filed Cross objection No.20/2001. The Division Bench by order dated 26.03.2001 allowed the appeal and dismissed the cross objection, whereby the suit of the plaintiff was decreed directing the District Court to settle the scheme for UBMCI-South Canara and Coorg and its properties and also directed to appoint 9 Trustees by holding elections.

Aggrieved by the order passed in RFA No.280/2001 dated 26.03.2001, respondent No.4/CSI approached the Hon'ble Apex Court in SLP (C) No.13670/2012. The Hon'ble Apex Court by interim order dated 10.05.2012, directed the parties to the *lis* to maintain status-quo in all respects concerning the subject matter of the dispute.

9. It is the contention of the learned Senior Counsel that all the proceedings that are initiated between the petitioner and respondent No.4 have attained finality and basing on the order passed in SLP(C) No.13670/2012, the Revenue Authorities had altered the mutation entries. It is submitted that the order passed by the Revenue Authorities suffers from violation of principles of natural justice and also on the request of respondent No.4/CSI, mutation entries cannot be changed unilaterally.

10. Learned counsel appearing on behalf of respondent No.4/CSI submits that for the very first time in 2020, the petitioner/UBMCITA(BK) had approached the Revenue Authorities seeking to change the mutation entries in its favour with regard to the properties in question. It is submitted that the Revenue Authorities right from 1940 till 2020, never

reflected the name of petitioner/UBMCITA-BK and only on 24.11.2020, the long standing revenue entries were changed without notice to the persons in whose favour, such entries existed since 1940. It is further submitted that when the interim order of *status-quo* passed by the Hon'ble Apex Court was brought to the notice of the revenue authorities, they promptly recorded the order passed by the Hon'ble Apex Court. He draws attention of the Court to the revenue entries recorded from 1940 till filing of the writ petition and nowhere the name of the petitioner/UBMCITA(BK) figured in the revenue records from 1940 till 2020. It is submitted that now the petitioner/UBMCITA-BK is contending that they are the successors to the original UBMCITA, however, there is neither a pleading nor a document to that effect in the writ petition. The original UBMCITA and UBMCITA-BK are two distinct entities, each registered under different statutes. The petitioner taking advantage of similarity of names is trying to mislead the revenue authorities as well as this Court. It is submitted that the original UBMCITA is a company registered in 1934 under the Indian Companies Act, 1913 and it is litigating against respondent No.4/CSI for several years with regard to the properties in question and the same is sub-judice pending adjudication in Civil Appeal No.4813/2017 arising out of SLP(C) No.13670/2012. It is submitted that even if the petitioner is a successor of original UBMCITA, the petitioner can approach the Hon'ble Apex Court instead of questioning the change of mutation entries before this Court. It is submitted that the contentions regarding the disputes arising out of registration of Trust and Trusteeship are not to be confused with the claim over the property. Such contentions have no bearing on the validity or otherwise of the order impugned. It is submitted that respondent No.4/CSI is the only body managing all the properties including several educational institutions in the whole South India along with Sri Lanka. It is submitted that since the whole issue touches upon the interim order of *status-quo* passed by the Hon'ble Apex Court referred supra, the parties to this writ petition including the revenue authorities are bound by the same and none of the parties are allowed to go against the said interim order of *status-quo*. It is submitted that the only remedy available to the petitioner is to implead himself in the pending SLP referred supra, instead of seeking any order or direction to the respondent authorities, which is contrary to the *status-quo* order passed by the Hon'ble Apex Court.

11. Having heard the learned counsels on either side, perused the material on record. The whole dispute now before this Court is, according to the petitioner, the UBMCITA(BK) was registered under Bombay Trust Act and all the properties of UBMCITA(BK) belong to the petitioner. In respect of the registration of the petitioner Trust and also in respect of other cases, the 4th respondent was unsuccessful and the proceedings attained finality. As such, basing on the request of the 4th respondent, the revenue authorities ought not to have changed the revenue entries. According to the 4th respondent, right from 1940 till 2020, the name of UBMCITA was reflecting in the revenue records and for the first time, the name of the petitioner is entered.

12. It is appropriate to mention here that OS No.7/1991 was filed under Section 92 of CPC by the interested persons of the United Basel Mission Church in India South Canara and Coorg for settling a scheme for proper and due administration and management of properties of the said Trust, in respect of Schedule A to E properties original UBMCITA and respondent No.4-CSI were parties. When the said suit was dismissed, both the plaintiff therein as well as respondent No.4 herein had

preferred appeal and cross-appeal. The appeal was allowed and cross-appeal filed by respondent No.4/CSI was dismissed. Then this was carried to the Hon'ble Apex Court by filing SLP (C) No.13670/2012 (Civil Appeal No.4813/2017). In that, the Hon'ble Apex Court had granted interim order of *status-quo* in the year 2012 and thereafter, in the year 2017, the same was extended, whereby the Hon'ble Apex Court had directed the parties to maintain *status-quo* in all respects concerning to the subject matter of the dispute. Now the question that falls for consideration is when respondent No.4/CSI was unsuccessful in all the litigations that are initiated between the petitioner and respondent No.4, basing on the representation made by the 4th respondent, can the revenue authorities alter the mutation entries.

13. This Court has perused the judgment passed in OS No.7/1991 and in RFA No.280/2001, where the UBMCITA is a party and all the properties, which are part of the impugned order are the suit schedule properties in O.S.No.7/1991. According to the petitioner, he is not a party to the suit. However, it is not disputed that the properties which are in Bombay Karnataka region are also included in that. The Hon'ble

Apex Court in SLP(C) No.13670/2012 pertaining to the very same properties had granted an order of status-quo way back in the year 2012. Undisputedly, for the first time in 2020, the name of the petitioner Trust is mutated in the revenue records. The order of *status-quo* was passed by the Hon'ble Apex Court in the year 2012, which was extended in the year 2017. In these circumstances, petitioner cannot take shelter under the proceedings between the petitioner and the 4th respondent. No doubt, the impugned order was passed by respondent No.3 without notice to the petitioner, against that the appeal is filed. Any order passed without following the principle of natural justice needs to be set aside. Now at this point of time, remanding the matter will not serve any usual purpose. In the light of the order passed by the Hon'ble Apex Court and in the facts and circumstances of the case, even if the order is set aside, the Revenue Authorities are left with no discretion but to incorporate the order of the Hon'ble Apex Court. It is the case of the petitioner that he is not a party to OS No.7/1991. But the properties which he is claiming to be the properties of UBMCITA(BK) are also part of the ABCD suit schedule properties and now the matter is pending before the Hon'ble Apex Court. In these circumstances, the only remedy available to the petitioner is to approach the Hon'ble Apex Court in the pending SLP (C) No.13670/2012 and seek appropriate relief and the revenue authorities are bound by the order of the Hon'ble Apex Court. In that view of the matter, this Court is not inclined to interfere with the order impugned. Accordingly, this Court proceeds to pass the following:

ORDER

i) The writ petition is ***disposed of*** giving liberty to the petitioner to seek appropriate remedy before the Hon'ble Apex Court, where SLP (C) No.13670/2012 is pending.

ii) This Court has not expressed anything on the merits of the matter and any of the observations made shall not be construed as the expression of this Court and the observations are only for the limited purpose of disposing this petition.

iii) All I.A.s in this petition shall stand closed.

SD/-
JUSTICE LALITHA KANNEGANTI

JTR
List No.: 1 Sl No.: 1