



**IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH**

DATED THIS THE 18TH DAY OF AUGUST, 2025

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 100649 OF 2025 (KLR-RR/SUR)

BETWEEN:

SRI. CHANDRA NAIK S/O. LATE JAGYA NAIK,
AGED ABOUT 42 YEARS,
OCCUPATION: AGRICULTURIST,
R/O. MADALGERE THANDA,
TALUK. HARAPANAHALLI,
DISTRICT. VIJAYANAGARA

...PETITIONER

(BY SRIYUTHS. A C CHAKALABBI AND ASSOCIATES,
S.G. NANDOOR AND S.B DODDAGOUDAR, ADVOCATES)

AND:

1. THE DEPUTY COMMISSIONER
VIJAYANAGARA,
DIST. VIJAYANAGARA-591222.
2. THE ASSISTANT COMMISSIONER, HARAPANAHALLI,
DIST. HARAPANAHALLI-583131.
3. THE TAHASILDAR,
HARAPANAHALLI,
TQ. HARAPANAHALLI,
DIST. HARAPANAHALLI-583131.
4. REVENUE INSPECTOR
KASABA HOBALI,
HARAPANAHALLI,

Digitally signed
by V N BADIGER
Location: High
Court of
Karnataka,
Dharwad Bench,
Dharwad



DISTRICT. VIJAYANAGARA-591222.

5. VILLAGE ACCOUNTANT
TOGARIKATTI VILLAGE,
TQ. HARAPANAHALLI, DIST VIJAYANAGAR.
6. SRI D RAMAPPA S/O LATE PAKKERAPPA
AGED ABOUT 52 YEARS,
OCCUPATION: TEACHER,
R/O. ALAMARASIKEE VILLAGE,
TALUK. HARAPANAHALLI,
DISTRICT. VIJAYANAGARA.

...RESPONDENTS

(BY SRI. T. HANUMAREDDY, AGA FOR R1 TO R5;
NOTICE TO R6 IS DISPENSESD WITH)

THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) A WRIT, ORDER OR DIRECTIONS IN THE NATURE OF CERTIORARI QUASHING THE ORDER DATED. 30/10/2024 PASSED BY THE RESPONDENT NO.1 IN ಸಂ.ಕಂ.ಅಪೀಲು/63/2024-25 VIDE ANNEXURE-A WHEREBY THE REVISION PETITION FILED BY THE RESPONDENT NO.5 WAS DISMISSED BY CONFIRMING THE ORDER PASSED BY THE OF RESPONDENT NO.2 DATED. 02/08/2024 IN RS (H. HALLI)/CR/86/2024 IS PRODUCED AND MARKED AS ANNEXURE-F.

THIS PETITION, COMING ON FOR PRILIMINARY HEARING THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

1. The petitioner is before this Court seeking for the following reliefs:



a) *A writ, order or directions in the nature of certiorari quashing the order dated 30/10/2024 passed by the respondent no.1 in ಸಂ.ಕಂ.ಅಪೀಲು/63/2024-25 vide **Annexure-A** whereby the revision petition filed by the respondent no.6 was dismissed by confirming the order passed by the of respondent no.2 dated. 02/08/2024 in RS (H.Halli)/CR/86/2024 is produced and marked as **Annexure-F**.*

2. The contention of the learned counsel for the petitioner is that the land in Survey No.137/E1 measuring 0.52 cents situated in Thogarikatti Revenue Village in Harapannahalli Taluk, originally belonged to one Gangavva D/o. Hirigappa of Alamarasikere Village, who had sold the same in favour of grandfather of the petitioner, namely Bhajana Naik S/o Somala Naik of Madalagerri thanda to an extent of 25 cents through a registered sale deed dated 12.12.1958.
3. It is in that background that the petitioner had made an application in the year 2022, and on 30.10.2023, seeking mutation of his grandfather's name as per the sale deed dated 12.12.1958. Respondent No. 3-



the Tahsildar had informed the petitioner that he would have to move the Assistant Commissioner since there are various other mutation entries found on record.

4. The petitioner, having filed an application before the Assistant Commissioner, the Assistant Commissioner vide order dated 02.08.2024, allowed the said petition, directing the mutation of the name of the petitioner in the revenue records. Respondent No. 6, having filed a revision petition before Respondent No. 1- the Deputy Commissioner set aside the said order, directing the petitioner to avail civil remedies since there were several entries which had been made in the revenue records. It is against the said order that the petitioner is before this Court.
5. Sri.S.B.Doddagoudar, learned counsel for the petitioner submits that there being a registered sale deed in the year 1958, any subsequent mutations



which have been entered in respect of the said property are not binding on the petitioner and as such, the petitioner's grandfather and the petitioner, who is claiming through his grandfather, the Deputy Commissioner ought to have directed the entry of the name of the petitioner in the revenue records.

6. Having perused the order passed by the Deputy Commissioner, it is seen that in the year 1978-79, an entry was made in the name of one Sri.Durgava, who is said to be not connected with the family of Gangavva, the vendor to the grandfather of the petitioner. Thereafter, in the year 1996, two more entries were made, and subsequently, on a partition dated 16.10.2022, further entries were effected as per the division of the property in terms of the said partition.
7. Such being the case, third-party rights appear to have been created as per the revenue records. The



Deputy Commissioner in my considered opinion has rightly relegated the petitioner to avail civil remedies to seek such reliefs as are permissible in law. Moreover, from the year 1958, no steps were taken by the petitioner's grandfather or the father of the petitioner and it is only the grandson, who has filed the application in the year 2023, after a gap of nearly 65 years. In my considered opinion, it would be for the petitioner to establish his rights in accordance with law before the appropriate forum. Reserving such liberty, the petition stands **disposed of.**

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

VB
CT:PA
List No.: 1 Sl No.: 3