



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MRS JUSTICE K.S.HEMALEKHA

WRIT PETITION NO. 101639 OF 2026 (KLR-RR/SUR)

BETWEEN:

SRI. IMAMSAB S/O. HUCHCHASAB
AGE. 73 YEARS, OCC. AGRICULTURE,
R/AT. #153, WARD NO.2,
NEAR HOSAPET ROAD, SUSHILANAGAR,
VTC, SUSHEELANAGAR, SUB DISTRICT SANDUR,
TQ. SANDUR, DIST. BALLARI-583 119.

...PETITIONER

(BY SRI. V.S.KALASURMATH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE,
M.S BUILDING, VIDHAN SOUDHA,
BENGALURU -01.
2. THE REGIONAL COMMISSIONER,
KALABURAGI, DIST. KALABURAGI-585101.
3. THE DEPUTY COMMISSIONER,
BALLARI, DIST. BALLARI-583 119.
4. THE ASSISTANT COMMISSIONER
AND SURVEY SETTLEMENT OFFICER,
OFFICE OF THE ASSISTANT COMMISSIONER,
DIST. BALLARI-583 119.
5. THE TAHASILDAR, SANDUR
DIST. BALLARI-583 119.

...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 THE NATURE OF CERTIORARI QUASHING THE IMPUGNED ORDER PASSED BY THE RESPONDENT NO.4 DATED 23.03.2023 BEARING NO.KAM/SURVEY SETTLEMENT/08/2022-23 VIDE ANNEXURE-A IN SO FAR AS IN RESPECT OF SY.NO.5 OUT OF WHICH SY.NO.137(P) 13 EXTENT OF 1.50 ACRE IS CONCERNED; 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 petitioner has approached this court seeking for the following prayers.

"a) Issue a writ in the nature of certiorari quashing the impugned order passed by the respondent No.4 dated 23.03.2023 bearing No./ Kam / Survey Settlement / 08 / 2022-23, vide Annexure-A, in so far as in respect of Sy.No.5 out of which Sy.No.137(P13) extent of 1.50 acres is concerned.

b) Grant such other relief/s as deems fit in the circumstances of the case and allow the writ petition with costs in the interest of justice and equity."

2. Learned counsel for the petitioner submits that the issue involved in the present writ petition is squarely



covered by the decisions of this Court in the case of **Sri Bharamappa R Vs. The state of Karnataka and others**¹ (*Bharamappa's case*) and also in the case of **Somappa T Vs. The State of Karnataka and others**² (*Somappa*).

3. Learned Additional Government Advocate for the respondents-State does not dispute that the issue involved in the present case is covered by the decision rendered by this Court in **Bharamappa's** case and the petition stands similarly covered.

4. This Court in the case of **Bharamappa** has held at paragraph Nos.8, 9 and 10 as under:

8. *On careful examination of the impugned order dated 23.03.2023 (Annexure-A), though it indicates that notice was ordered and a survey was conducted subsequently, it does not demonstrate that the mandatory procedure contemplated under Sections 118 to 121 of the KLR Act has been followed by respondent No.4. Section 118 of the KLR Act mandates that any determination or alteration relating to the*

¹ W.P.No.100893/2026 disposed of on 11.02.2026

² W.P.No.100895/2026 disposed of on 11.02.2026



classification or description of land in the revenue records, particularly when such determination has civil consequences, must be preceded by due notice to the affected parties and an appropriate enquiry, likewise, Sections 119 to 121 of the KLR Act.

9. *In the present case, the name of the petitioner's predecessor-in-interest, who was conferred with tenancy and occupancy rights as early as in the year 1981, has been deleted and the land has been shown as 'Gudda (B Kharab)' land, without affording an opportunity of hearing and without conducting an enquiry as contemplated under the KLR Act. Such an exercise is arbitrary and in clear violation of the statutory safeguards embedded under the provisions of the said Act. The unilateral alteration of the revenue records, more so when it affects the civil rights of the parties and the accrued rights flowing from the grant of tenancy, cannot be sustained in law. Hence, the impugned order, having been passed without following the mandatory provisions, is unsustainable. It is also relevant to state that the grant of occupancy rights in favour of the petitioner's predecessor has not been challenged by the State or by any other person, and the said order has attained finality.*

10. *Accordingly, this Court pass the following;*



ORDER

- i. The writ petition is **allowed**.*
- ii. The impugned order dated 23.03.2023 passed by the Assistant Commissioner and Service Settlement Officer, Ballari, (Annexure-A) is hereby **quashed**. Consequently, mutation entry in the revenue records affecting persons thereto pursuant to the impugned order, is also set-aside.*
- iii. The respondents are directed to restore the revenue entries as they stood prior to the impugned order.*
- iv. Liberty is reserved to the competent authority to proceed afresh, if so advised in law, after issuing notice to the petitioners and after holding enquiry in accordance with law."*

11. In view of the same, the petitioner being similarly placed, the impugned order cannot be sustained and this Court pass the following:

ORDER

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



- ii.* The impugned order dated 23.03.2023 passed by respondent No.4-the Assistant Commissioner and Service Settlement Officer, Ballari, (Annexure-A) is hereby ***quashed*** insofar as it relates to Sy.No.5 out of which Sy.No.137/P13 measuring 1.50 acres belonging to the petitioner. Consequently, mutation effected pursuant to the impugned order, insofar as it relates to the petitioner's land are also ***set-aside***.
- iii.* The respondents are directed to restore the revenue entries as they stood prior to the impugned order.
- iv.* Liberty is reserved to the competent authority to proceed afresh, in accordance with law, if so advised, after issuing notice to the petitioners by conducting proper enquiry strictly in compliance with Sections 118 to 121 of the Karnataka Land Revenue Act, 1964.

Sd/-
JUSTICE K.S.HEMALEKHA