



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 25TH DAY OF FEBRUARY 2026

BEFORE

THE HON'BLE MRS JUSTICE K.S.HEMALEKHA

WRIT PETITION NO. 101684 OF 2026 (KLR-RR/SUR)

BETWEEN:

NAYAKARA BHARAMAPPA S/O. OBANNA,
SINCE DECEASED BY HIS LR'S

SRI. THIPPE SWAMY
S/O. BHARAMAPPA,
AGE: 51 YEARS,
OCC: AGRICULTURE,
R/AT. # 203, BEHIND JUMMA MASJID,
SUSHEELANAGAR, TQ: SANDUR,
DIST: BALLARI-583119.

...PETITIONER

(BY SRI. KALASURMATH VIJAY SHIVAYYA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
R/BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE,
M.S. BUILDING,
VIDHANA SOUDHA,
BENGALURU-01.
2. THE REGIONAL COMMISSIONER,
KALABURAGI,
DIST: KALABURAGI-585101.





3. THE DEPUTY COMMISSIONER,
BALLARI,
DIST: BALLARI-583119.
4. THE ASSISTANT COMMISSIONER
AND SURVEY SETTLEMENT OFFICER,
OFFICE OF THE ASSISTANT COMMISSIONER,
DIST: BALLARI-583119.
5. THE TAHASILDAR,
SANDUR,
DIST: BALLARI-583119.

...RESPONDENTS

(BY SMT. NANDINI 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 RESPECT OF SY.NO.5 OUT OF WHICH SY.NO.137(P)17 MEASURING 5 ACRES IS CONCERNED AND ETC.

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

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



ORAL ORDER

1. The petitioner, being the legal representative of late Bharamappa Nayakara, S/o Obanna, has called in question the legality and correctness of the order dated 23.03.2023 passed by the Assistant Commissioner and Survey Settlement Officer, Ballari, bearing No.Kam/SurveySettlement/08/2022-23 (Annexure-A), whereby the name of the petitioner's predecessor-in-interest has been deleted from the Record of Rights and the name of 'Gudda (B Khata)' has been entered, followed by consequential mutation.
2. Heard learned counsel for the petitioner and the learned Additional Government Advocate for the respondents-State.
3. The land bearing Sy.No.137(P)/17, measuring 5 acres, situated at Susheelanagar, Sandur Taluk, was granted in favour of the predecessor-in-interest



of the petitioner by conferring occupancy rights by the Land Tribunal vide order dated 28.09.1981, and the name of the petitioner's predecessor-in-interest was duly entered in the Record of Rights. His family has been in lawful possession and enjoyment of the said land ever since. Pursuant thereto, Form No.2 was issued. It is the case of the petitioner that, without issuing any notice to them and without conducting any enquiry as contemplated under law, the Assistant Commissioner and Survey Settlement Officer, Ballari, initiated proceedings and passed the impugned order dated 23.03.2023.

4. Aggrieved by the unilateral alteration made by the revenue authorities, affecting the settled rights flowing from the grant of tenancy, the petitioner has approached this Court by way of the present writ petition.



5. Learned counsel appearing for the petitioner contends that the impugned order dated 23.03.2023 is wholly illegal and without jurisdiction, inasmuch as the Assistant Commissioner and the Survey Settlement Officer, Ballari, have altered the classification and revenue entries of the subject land without following the mandatory procedure prescribed under Section 118 to 121 of the Karnataka Land Revenue Act, 1964 (for short 'KLR Act'). It is contended that the petitioner's predecessor-in-interest was granted tenancy and occupancy rights as early as in the year 1981. Pursuant thereto, his name was duly entered in the Record of Rights and continued to remain therein. It is submitted that no notice was issued, no enquiry was conducted, and no opportunity of hearing was afforded to the petitioner before deleting the existing entries and describing the land as 'Gudda (B Kharab)' land. It is submitted that such unilateral



alteration of the revenue records, affecting the vested and accrued right of the petitioner, is in violation of the principles of natural justice. It is further submitted that, under the guise of settlement proceedings, the revenue authorities cannot nullify a lawful grant of occupancy rights passed by the Land Tribunal and disturb the settled position without due process of law.

6. *Per contra*, learned Additional Government Advocate appearing for the respondents-State justifies the impugned order by contending that the land in question is found to be a Gudda ('B Kharab land') and the revenue authorities were empowered to correct the revenue records pursuant to the resettlement proceedings. It is contended that the revenue authorities have corrected the classification of land in the revenue records pursuant to the settlement order and submits that, the same does not warrant any interference.



7. However, when this Court specifically queried the learned Additional Government Advocate, she was unable to demonstrate that the procedure as contemplated under Sections 118 to 121 of the KLR Act has been complied with, particularly with regard to the issuance of notice and conduct of enquiry.
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 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 petitioner and after holding enquiry in accordance with law.

Sd/-
JUSTICE K.S.HEMALEKHA