



HC-KAR

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 24TH DAY OF MARCH 2026

PRESENT

THE HON'BLE MR. JUSTICE B.M. SHYAM PRASAD

AND

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

WRIT APPEAL NO.100087 OF 2026 (KLR-RES)

BETWEEN:

1. THE STATE OF KARNATAKA
DEPARTMENT OF REVENUE,
M.S. BUILDING, DR. B.R. AMBEDAKR VEEDHI,
BENGALURU-560001,
REP. BY IT COMMISSIONER.
2. THE ASSISTANT COMMISSIONER
JAMAKHANDI SUB-DIVISION,
NEAR SBM BANK, JAMAKHANDI,
BAGALKOT DISTRICT-587301.
3. THE TAHASILDAR
JAMAKHANDI TALUK,
TALUK OFFICE,
BAGALKOT DISTRICT-587301.
4. THE ASSISTANT DIRECTOR OF
LAND RECORDS,
JAMAKHANDI-RABAKAVI BANAHATTI,
BAGALKOT-DISTRICT-587301.

...APPELLANTS

(BY SRI. PRAVEEN UPPAR, AGA)

AND:

VISHAL
NINGAPPA
PATTIHAL


Digitally signed by
VISHAL NINGAPPA
PATTIHAL

Location: HIGH
COURT OF
KARNATAKA
DHARWAD BENCH



SULTAHANSHAH
S/O. SHABODDIN DAFEDAR,
R/AT. AWATI GALLI,
MUDHOL ROAD,
JAMAKHANDI,
BAGALKOT DISTRICT-587301.

...RESPONDENT

THIS WRIT APPEAL IS FILED U/S.4 OF
KARNATAKA HIGH COURT ACT, 1961, PRAYING TO
CALL FOR RECORDS IN W.P.NO.105665/2024; SET
ASIDE THE IMPUGNED JUDGMENT AND ORDER
PASSED BY THE LEARNED SINGLE JUDGE IN
W.P.NO.105665/2024 DATED 20/02/2025 BY
ALLOWING THIS APPEAL; AND ETC.

THIS WRIT APPEAL COMING ON FOR
PRELIMINARY HEARING THIS DAY, JUDGMENT
WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD
AND
THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR



ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE B.M. SHYAM PRASAD)

The respondent has succeeded in his writ petition in W.P No.105665/2024 against the Endorsement issued by the fourth appellant dated 18.03.2024. The fourth appellant has issued this Endorsement informing the respondent about the survey of the land measuring 1 acre 26 guntas in RS No.9/1 of Jamakhandi village, Jamakhandi Taluk [*the subject property*]. The writ Court has quashed this Endorsement dated 18.03.2024 calling upon the appellants to act in conformity with the decree in RSA No.100295/2019 and the subsequent order dated 18.08.2023 in W.P No.104999/2023.

2. The State's grievance with the writ Court's impugned order is examined in the backdrop of the following facts and circumstances. The respondent has instituted a suit for declaration of title in O.S No.29/2012 on the file of the Principal Civil Judge



and JMFC, Jamakhandi and this suit is decreed restraining the authorities from interfering with the respondent's possession of the property holding that the respondent's predecessor-in-interest and the respondent have perfected their title to the subject property by adverse possession. The revenue authorities, including the jurisdictional Range Forest Officer, have called in question the judgment and decree of O.S No.29/2012 dated 27.10.2017 in R.A No.10/2008, which is allowed by the order dated 20.02.2019.

3. The respondent and his family members have impugned the judgment and decree in R.A No.10/2018 before this Court in R.S.A No.100295/2019, which is allowed on 11.08.2020 by restoring the decree. The respondent has filed the writ petition in W.P No.104999/2023 for direction to the authorities to consider his representation, and the writ Court has allowed his writ petition by its



order dated 18.08.2023. The respondent and his family members have the advantage of the revenue entries after these proceedings, but they do not have the advantage of the survey proceedings. The fourth respondent has refused to update the survey records stating that the report by the Department of Forest is that the subject property is part of the forest land.

4. Sri Praveen K. Uppar, a learned Additional Government Advocate, argues for condonation of delay in appeal and for interference with the writ Court's order, but he cannot dispute that the judgment dated 11.08.2020 in R.S.A No.100295/2019 has not been called in question and this Court must opine that with this judgment attaining finality, the title to the subject property in favour of respondent / his family members has crystallized. The authorities, who have accepted the judgment and decree and even the revenue records, cannot once again assert that the land is a forest



land. In the light of the afore, this Court must opine that there is no justification for the condonation of delay, and hence, the writ appeal and the application for condonation of delay stands ***disposed of***.

Sd/-
(B.M. SHYAM PRASAD)
JUDGE

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE