



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 24TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MS. JUSTICE JYOTI M
WRIT PETITION NO. 114220 OF 2019 (KLR-RES)

BETWEEN:

NAGARAJ ADOPTED
S/O HANUMANT MADIWAL,
AGE: 36 YEARS,
R/O: MADIWALKERI,
HOSAKULI,
HONNAVAR TALKUK,
DIST: UTTARA KANNADA.

...PETITIONER

(BY SRI. J.S. SHETTY, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
UTTAR KANNADA DISTRICT,
KARWAR.
2. THE ASSISTANT COMMISSIONER,
BHATKAL SUB-DIVISION,
BHATKAL, DIST: UTTARA KANNADA.
3. THE TASHILDAR,
HONNAVAR TALUK,
UTTARA KANNADA DISTRICT.
4. HONNA SUBBA MADIWAL,
AGE: MAJOR,
R/O: MADIWALKERI, HOSAKULI,
HONNAVAR TALUK, DIST: U.K.

...RESPONDENTS

(BY SMT.MALA.B.BHUTE, AGA FOR R1 TO R3;
SRI. A.P.HEGDE JANMANE, ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.



THIS WRIT PETITION IS LISTED FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Sri.J.S.Shetty., counsel for the petitioner,
Smt.Mala.B.Bhute., AGA for respondents 1 to 3 and
Sri.A.P.Hegde Janmane., counsel for respondent No.4 have
appeared in person.

2. The Writ Petition is filed seeking the following
prayers:

*"a) Issue a writ of certiorari to quash the order in
RB/RTR/CR-38/2017-18 dated 9-9-2019 passed by
the 1st respondent-The Deputy Commissioner,
Karwar, the copy of which has been produced
herewith and marked as Annexure-A and the order
dated 7-1-2016 passed by the Tashildar in
RTS/D/SR-30/2014-15 the 3rd respondent Tashildar
Honnavar the copy of which has been produced
herewith at Annexure-B.*

*b) Such other relief which this Hon'ble Court deems fit
to grant in the facts and circumstances of the case
may kindly be granted in favour of the petitioner by
allowing this writ petition with the cost throughout in
the ends of justice and equity."*



3. The petitioner contends that one Smt. Manji Madiwal was the absolute owner of the subject lands. It is further contended that Smt. Manji had adopted the petitioner under a registered adoption deed and had also executed a Will in his favour. After the death of Smt. Manji on 19.07.2014, the petitioner, claiming to be her sole legal representative, submitted an application before the Tahsildar seeking mutation of his name in the revenue records.

Respondent No. 4 objected to the said request, contending that he is the natural heir of Smt. Manji. Taking note of the rival contentions, the Tahsildar, vide order dated 07.01.2016, rejected the claim of the petitioner for entry of his name in the revenue records. Aggrieved by the same, the petitioner preferred an appeal before the Assistant Commissioner. The Assistant Commissioner, vide order dated 08.02.2018, set aside the order of the Tahsildar and directed entry of the petitioner's name in the revenue records based on the Will.

Aggrieved by the said order, Respondent No. 4 preferred a revision petition before the Deputy Commissioner. The Deputy Commissioner, vide order dated 09.09.2019, allowed the revision



petition and directed mutation of the name of Respondent No. 4 on the basis of natural succession, while reserving liberty to the petitioner to approach the Civil Court for appropriate relief. Aggrieved by the said order, the petitioner is before this Court.

4. Counsel for the respective parties urged several contentions. Heard the arguments and perused the papers with care.

5. The order of the Deputy Commissioner is produced as Annexure-A. A perusal of the same indicates that, while dealing with the mutation entries, the Deputy Commissioner has recorded a finding as if Respondent No. 4 is the natural successor of Smt. Manji. Such a determination pertains to questions of title and succession, which fall within the exclusive domain of the competent Civil Court. The Deputy Commissioner, in effect, has assumed the role of a Civil Court, which is impermissible in proceedings relating to mutation of revenue records. On this ground, the matter requires reconsideration.

6. Accordingly, a writ of certiorari is issued. The order dated 09.09.2019 passed by the Deputy Commissioner is hereby



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quashed. The matter is remitted to the Deputy Commissioner for fresh consideration in accordance with law.

7. Resultantly, the writ petition stands ***allowed***. The matter is remanded for fresh consideration.

**Sd/-
(JYOTI M)
JUDGE**

RH
List No.: 1 Sl No.: 27