



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 5TH DAY OF FEBRUARY 2026

**BEFORE
THE HON'BLE MRS JUSTICE K.S.HEMALEKHA**

WRIT PETITION NO.101202 OF 2024 (KLR-RES)

BETWEEN:

1. SHRI. IMAMHUSAIN S/O. IMAMSAB ATTAR
AGE: 70 YEARS, OCC: AGRICULTURE,
R/O. BELAVADI VILLAGE,
TQ: BAILHONGAL, DIST: BELAGAVI.
2. SHRI. CHANDRASHEKHAR
S/O. BASAPPA GANACHARI,
AGE: 50 YEARS,
OCC: AGRICULTURE AND PVT. SERVICE,
R/O. CHANNAMKMA SAMADI ROAD,
BAILHONGAL, DIST: HAVERI.

...PETITIONERS

(BY SRI. PRASHANTH V.MOGALI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
REVENUE DEPARTMENT,
M.S BUILDING, BANGALURU-560001.
2. THE DEPUTY COMMISSIONER OF BELAGAVI
DIST: BELAGAVI-590009.
3. THE DEPUTY DIRECTOR OF LAND RECORDS
OF BELAGAVI-590009.
4. THE ASSISTANT DIRECTOR OF





LAND RECORDS, BAILHONGAL,
DIST: BELAGAVI-591102.

5. THE ASSISTANT COMMISSIONER
BAILHONGAL, TQ: BAILHONGAL,
DIST: BELAGAVI-591102.
6. THE EXECUTIVE OFFICER
TALUK PANCHAYAT BAILHONGAL,
DIST: BELAGAVI-591102.
7. THE TAHASILDAR BAILHONGAL
TAL: BAILHONGAL,
DIST: BELAGAVI-591102.
8. THE REVENUE INSPECTOR BAILHONGAL
DIST: BELAGAVI-591102.
9. THE C.E.O ZILLA PANCHAYAT BELAGAVI
DIST: BELAGAVI-591102.

...RESPONDENTS

(BY SMT. NANDINI B.SOMAPUR, AGA FOR R1 TO R5, R7 & R8
SRI. V.SHIVARAJ HIEMATH, ADVOCATE FOR R6 AND R9)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT OF CERTIORARI QUASHING THE ENTIRE PROCEEDINGS IN R.A.NO.313/2023 PENDING ON THE FILE OF THE RESPONDENT NO.5 VIDE ANNEXURE-V, DATED 2/11/2023 TO MEET THE ENDS OF JUSTICE AND EQUITY; FURTHER DIRECT THE RESPONDENT NO.6 TO EXECUTE THE RECTIFICATION DEED AS PER THE ACTUAL POSSESSION HELD BY THE PETITIONERS; AND ETC.

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



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

The petitioners have approached this Court calling in question the proceedings initiated in RA No.313 of 2023, on the file of respondent No.5-Assistant Commissioner (for short 'Appellate Authority') and the interim order passed therein by the competent Revenue Appellate Authority, whereby an interim stay has been granted in respect of the mutation and rectification of the record of rights relating to land bearing R.S.No.221/1 (earlier 221/1B) of Belavadi village of Bailahongal Taluka, Belagavi District.

2. The petitioners claim ownership and possession over agricultural land in R.S.No.221/1. Portions of the said land were earlier alienated through registered sale deed, including a sale in favour of respondent No.6. Subsequently, a dispute arose with regard to boundaries and extent, leading to execution of rectification. Upon complaint and representation, the Revenue Authorities conducted survey, Phodi and spot inspection and on basis of the official records



and physical verification, rectified the mutation entry and passed an mutation order dated 26.07.2023 in favour of petitioner No.1. Aggrieved by the said mutation, respondent No.3 preferred RA No.313 of 2023, before the Appellate Authority and obtained an interim order staying further operation of the mutation entries. Questioning the initiation of the Appeal as well as the grant of interim stay, the petitioners have filed the present writ petition.

3. Learned counsel for the petitioners contends that the mutation and the rectification were carried out strictly on basis of the survey, Phodi and actual possession, after due verification by the competent authority. The respondent No.6 having himself sought rectification earlier, cannot turn around and challenge the same. The Appellate Authority has granted an interim stay mechanically without considering the material records and official reports. It is submitted that the continuation of interim order seriously prejudices the petitioner, who is in lawful possession.



4. *Per contra*, the learned Additional Government Advocate submits that the Appeal is a statutory remedy and has been rightly entertained. The interim order is an arrangement to protect the subject matter pending adjudication of the Appeal. No jurisdictional error or perversity is shown warranting interference.

5. This Court has carefully considered the rival submission and perused the material on record.

6. The core question is, '*whether the interim order passed in RA No.313 of 2023 calls for any interference?*'

7. It is well settled that mutation entries, do not confer or extinguish title and are maintained primarily for fiscal purposes. The Appellate Authority while entertaining the statutory Appeal, has granted an interim order to maintain *status quo* till final adjudication. The interference at this stage, would amount to pre-empting the statutory proceedings. No material is placed to demonstrate that the Authority lacked jurisdiction or that the order suffers from



patent illegality or perversity. This Court, while exercising supervisory jurisdiction under Article 227 of the Constitution of India, does not act as an Appellate Authority over the interlocutory orders passed by the statutory forum, unless there is a clear case of abuse of process or gross injustice, which is absent in the present case. The petitioners are at liberty to place all the materials before the Appellate Authority and seek early disposal of the Appeal.

8. For the foregoing reasons, this Court finds no reasons to interfere with the impugned order passed in RA No.313 of 2023. Accordingly, this Court passed the following;

ORDER

The writ petition is hereby ***dismissed***.

Sd/-
JUSTICE K.S.HEMALEKHA

AM/-
Ct:VH
List No.: 1 Sl No.: 57