HC-KAR

NC: 2026:KHC-D:4555
WP No. 102267 of 2026

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. 102267 OF 2026 (KLR-RES)

BETWEEN:

SRI. B. ANJINEPPA
S/O PENNAPPA SIDDAPUR,
SINCE DECEASED BY HIS LR'S.,

SRI. B. TAYAPPA,
AGE. 62 YEARS, OCC. AGRICULTURE,
R/AT: DOOR NO.119/A, NEAR BUS STOP,
SIDDAPUR, VTC SIDDAPUR,
PO: SUSHILANAGAR,
DIST: BALLARI-583 119.

... PETITIONER

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

AND:

1. THE STATE OF KARNATAKA,
   R/BY ITS PRINCIPAL SECRETARY,
   DEPARTMENT OF REVENUE,
   M.S. BUILDING, VIDHAN SOUDHA,
   BENGALURU-01.

2. THE REGIONAL COMMISSIONER,
   KALABURAGI, DIST: KALABURAGI-585 101.

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.

Digitally signed by PREMCHANDRA M R
Location: HIGH COURT OF KARNATAKA

5. THE TAHASILDAR,
SANDUR, DIST: BALLARI-583 119.

… RESPONDENTS

(BY SMT. MALA.B.BHUTE, AGA)

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.V.S.Kalasurmath., counsel for the petitioner and Smt.Mala B.Bhute., Additional Government Advocate for the respondents have appeared in person.

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

*"a) Issue a writ in the nature of certiorari quashing the impugned order passed by the respondent No.4 dated 23.03.2023 bearing ನಂ/ಕಂ/ಸರ್ವೇ ಸೆಟಲ್‌ಮೆಂಟ್ /05/2022-23, vide **Annexure-A**, in so far as Sy.Nos.95/6 an extent of 5 Acre 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."

3. Counsel appearing on behalf of the petitioner urged several contentions.

4. The Additional Government Advocate appearing on behalf of the respondents justifies the impugned order by contending that the land in question is classified as *Gudda* ('B Kharab land') and that the revenue authorities were empowered to correct the revenue records pursuant to the resettlement proceedings. It is further contended that the classification of the land has been corrected in accordance with the settlement order and that the same does not warrant interference by this Court.

5. Heard the arguments and perused papers with care.

6. It is not in dispute that a survey was conducted. However, the mandatory procedure contemplated under Sections 118 to 121 of the Karnataka Land Revenue Act, 1964 has not been followed. Section 118 of the Act mandates that any determination or alteration relating to the classification or description of land in the revenue records, particularly when such determination entails civil consequences, must be preceded by issuance of notice to the affected parties and by conducting a

proper enquiry. Similar procedural safeguards are also envisaged under Sections 119 to 121 of the Act.

7. In the present case, the petitioner was conferred with tenancy and occupancy rights as early as in the year 1995. However, the same has been deleted by classifying the land as *Gudda* (B Kharab land) without conducting any enquiry as contemplated under the provisions of the Act. Such action is arbitrary and in clear violation of the principles of natural justice. Therefore, the unilateral action of the revenue authorities cannot be sustained.

8. Accordingly, a writ of certiorari is issued. The mutation entry in the revenue records, insofar as it affects the petitioner, pursuant to the impugned order dated 23.03.2023 passed by Respondent No. 4 vide Annexure-A, is hereby quashed. The respondents are directed to restore the revenue entries as they stood prior to the impugned order dated 23.03.2023. Liberty is reserved to the competent authority to proceed afresh, if so advised, in accordance with law, after issuing notice to the petitioner and conducting an enquiry in accordance with law.

9. Resultantly, the writ petition stands ***allowed***.

Sd/-
(JYOTI M)
JUDGE

RH
LIST NO.: 1 SL NO.: 64