



**IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH**

DATED THIS THE 21ST DAY OF AUGUST, 2025

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 102220 OF 2025 (KLR-RES)

BETWEEN:

MR. INESIO ALMEIDA COUTINHO
S/O. JOSE PEDRO COUTINHO,
AGED ABOUT 76 YEARS,
7 DONUM DEI, BEHIND HOTEL COLVA PLAZA
PER SERAULIM SALCETE, GOA-403708.

...PETITIONER

(BY SRI. NANDISH PATIL, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
KARWAR,
UTTAR KANNADA, DISTRICT-581 301.
2. THE ASSISTANT DIRECTOR OF LAND RECORDS
JOIDA, JOIDA TALUK, KARWAR,
UTTAR KANNADA DISTRICT-581186.
3. THE SUB REGISTRAR, HALIYAL,
TALUK: HALIYAL,
UTTAR KANNADA DISTRICT- 581186.

...RESPONDENTS

(BY SRI. T. HANUMAREDDY, AGA FOR R1 TO R3)

THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING TO, A. ISSUE WRIT IN THE NATURE OF CERTIORARI QUASHING THE ENDORSEMENT BEARING NO. BHU MA /ETARE/VI VA/03/2024-25 ISSUED BY RESPONDENT NO. 2 DATED. 04.03.2025 VIDE ANNEXURE-H IN THE INTEREST OF JUSTICE AND EQUITY. B. ISSUE WRIT IN THE NATURE OF CERTIORARI QUASHING THE ENDORSEMENT BEARING NO. U NO KA

Digitally signed
by SAROJA
HANGARAKI
Location: High
Court of
Karnataka,
Dharwad Bench,
Dharwad



HA/47/2024-25 ISSUED BY RESPONDENT NO. 3 DATED. 06.02.2025 VIDE ANNEXURE-J IN THE INTEREST OF JUSTICE AND EQUITY. C. ISSUE WRIT IN THE NATURE OF MANDAMUS DIRECTING RESPONDENT NO. 2 TO CONDUCT PODI OF THE SCHEDULE PROPERTIES SY.NO. 123/6 2A HISSA NO. 5 2.19.00.00, SY.NO. 123/1+2B HISSA NO. 6.2.19.00.00, SY.NO.123/3+4 HISSA NO. 7 4.38.00.00, SY.NO. 123/5+8+10 HISSA NO. P-12.6.17.00.00, SY.NO. 123/7+9 HISSA NO. P-4 4.38.00.00 AS SOUGHT FOR VIDE ANNEXURE-G IN THE INTEREST OF JUSTICE AND EQUITY. D. ISSUE WRIT IN THE NATURE OF MANDAMUS DIRECTING RESPONDENT NO.3 TO REGISTER THE SCHEDULE PROPERTIES IN THE INTEREST OF JUSTICE AND EQUITY. E. TO GRANT SUCH OTHER RELIEFS AS THIS HON BLE COURT DEEMS FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE, INCLUDING AWARD OF THE COST OF THESE PROCEEDINGS, IN THE INTEREST OF JUSTICE AND EQUITY.

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

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

1. The petitioner is before this Court seeking for the following reliefs:

- a. *Issue writ in the nature of certiorari quashing the Endorsement bearing No.Bhu ma /Etare/Vi Va/03/2024-25 issued by Respondent No. 2 dated. 04.03.2025 vide **Annexure-H** in the interest of justice and equity.*
- b. *Issue writ in the nature of certiorari quashing the Endorsement bearing No. U No Ka Ha/47/2024-25 issued by Respondent No. 3 dated. 06.02.2025 vide **Annexure-J** in the interest of justice and equity.*
- c. *Issue writ in the nature of Mandamus directing Respondent No. 2 to conduct Podi of the schedule properties Sy.No. 123/6 2a Hissa No. 5 2.19.00.00, Sy.No. 123/1+2B Hissa No. 6.2.19.00.00,*



*Sy.No.123/3+4 Hissa No. 7 4.38.00.00, Sy.No. 123/5+8+10 Hissa No. P-12.6.17.00.00, Sy.No. 123/7+9 Hissa No. P-4 4.38.00.00 as sought for vide **Annexure-G** in the interest of justice and equity.*

d. Issue writ in the nature of mandamus directing respondent no.3 to register the schedule properties in the interest of justice and equity.

e. To grant such other reliefs as this Hon'ble Court deems fit in the facts and circumstances of the case, including award of the cost of these proceedings, in the interest of justice and equity.

2. The claim of the petitioner is that the petitioner on 28.04.2008 under two sale deeds had purchased the property in Sy.No.123/6+2A, 123/3+4 and 123/7+9 and thereafter he purchased the land in Sy.No.123/5+8+10 as also Sy.No.123/1+2B.
3. The petitioner claims that the said lands have been converted for non-agriculture purposes and a layout plan has also been obtained from the Gram Panchayat. The petitioner approached respondent No.2 for conducting necessary Phodi by giving a representation on 15.01.2025, which came to be rejected by order dated 06.02.2025 at Annexures-H



and J. It is challenging the same, petitioner is before this Court.

4. A perusal of Annexure-J would indicate that the said application has been rejected for 3 reasons. Firstly that the application has not been filed in online manner, enclosing all the relevant documents; secondly, on account of the layout plan sanctioned by the town planning authority not having been enclosed; and thirdly, that a Phodi only in respect of the land of the petitioner cannot be conducted, since the entire land is a larger extent.
5. Having heard Sri.Nandish Patil, learned counsel for the petitioner as also learned AGA, in my considered opinion, no fault can be found with the endorsement which has been issued.
6. However, the respondents having contended that there was a Phodi which is required to be conducted of the entire survey number, the respondents ought



to have on the basis of the application submitted by the petitioner though of a smaller portion conducted Phodi/Durasthi through the proceedings for the entire survey number, instead of just rejecting the application.

7. In that view of the matter, I pass the following:

ORDER

- i. Writ petition is partly allowed.
- ii. A certiorari is issued. Annexures-H and J are quashed.
- iii. Petitioner is permitted to file an online application accompanied by all the necessary documents, which shall be considered by the respondents.
- iv. A Phodi and Durasthi of the entire Survey No.123 now stated to be New Survey No.109 situate at Akrali Village, Ramnagar Gram Panchayat, Joida Taluka to be conducted by issuing necessary notices to all the stakeholders in the said Survey



No.109 as well as publishing a notice at a prominent place in the locality.

- v. The Phodi and Durasthi are to be completed within a period of 6 months from the date of receipt of a copy of this order.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

SH
CT:PA
List No.: 1 Sl No.: 43