



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 107945 OF 2017 (KLR-RR/SUR)

BETWEEN:

NAFEELA W/O. ABDULMUNAF SAYED,
AGE: 58 YEARS,
OCC: HOUSEHOLD WORK,
R/O: JANATA PLOT,
MUDHOL, TAL: MUDHOL,
DIST: BAGALKOT.

...PETITIONER

(BY SRI. S.B. HEBBALLI, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
BAGALKOTE DISTRICT,
BAGALKOT.
2. THE ASSISTANT COMMISSIONER,
JAMAKHANDI TALUKA,
JAMAKHANDI,
DIST: BAGALKOTE.
3. THE TAHASILDAR, MUDHOL,
JAMAKHANDI TALUKA,
JAMAKHANDI,
DIST: BAGALKOTE.
4. NASEER AHMAD @ NAZIR AHMED
S/O. SAYEDSAB SAYED,
AGE: 52 YEARS,
OCC: SERVICE ELECTRICITY DEPARTMENT,
ELECTRICITY QUARTERS,
NEAR ST. XAVIERS COLLEGE,
MAPUSA GOA-403507.



5. MEHABOOBI
W/O. NISSAR AHMED SAYED,
AGE: 45 YEARS,
OCC: HOUSEHOLD WORK,
GLBC COLONY,
MAHALINGPUR ROAD,
MUDHOL, DIST: BAGALKOT.
6. ALTAF S/O. NISSAR AHMED SAYED,
AGE: 22 YEARS,
OCC: NIL, GLBC COLONY
MAHALINGPUR ROAD,
MUDHOL, DIST: BAGALKOT.
7. ASEEFA W/O. ISHRAD ENGINEER
AGE: 24 YEARS,
OCC: HOUSEHOLD WORK,
R/O: MOMIN GALLI,
JAMAKHANDI,
DIST: BAGALKOT.
8. ANISA W/O. MOHAMMAD RAFIQ SHAIKH
AGE: 25 YEARS,
OCC: HOUSEHOLD WORK,
R/O: DARGA COLONY,
JAMAKHANDI,
DIST: BAGALKOT.
9. KHAJAMAINUDDIN
S/O. NISSAR AHMED SAYED,
AGE: 28 YEARS, OCC: SERVICE,
R/O: GLBC DIVISION NO.3,
BILAGI, TAL: BILAGI,
DIST: BAGALKOT.

...RESPONDENTS

(BY SMT.MALA.B.BHUTE, AGA FOR R1 TO R3;
SRI.HARISH.S.MAIGUR, ADVOCATE FOR R4 TO R9)

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.S.B.Hebballi., counsel for the petitioner and Smt.Mala B.Bhute., Additional Government Advocate for respondents 1 to 3 have appeared in person.

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

"A) A writ in the nature of certiorari quashing the impugned orders dated 30.06.2016 passed by the respondent No.2 in No.RTS/AP-90/2014-15 and in No.RTS-AP-91/2014-15; copies of which are produced herein as per Annexures J and N, respectively;

B) A writ in the nature of certiorari quashing the impugned orders dated 11.05.2017 passed by the respondent No.1 in No.RP/41/2016 and in No.RP/40/2016; copies of which are produced herein as per Annexures L and P, respectively;

C) Any other appropriate writ, order or direction as deemed and proper be granted."

3. The short facts are as follows:

The petitioner has approached this Court challenging the order dated 30.06.2016 passed by respondent No.2 and the order dated 11.05.2017 passed by respondent No.1, whereby the mutation entries in respect of the subject land have been confirmed in favour of respondents 4 to 9.



The brief facts of the case are that the petitioner's husband had purchased the subject land under a registered sale deed dated 13.07.1984. Upon his demise on 12.11.2009, the petitioner, being his wife, succeeded to the estate. Consequent thereto, a Legal Heirs' Certificate was issued in her favour by the Tahasildar on 30.12.2009.

It is the case of the petitioner that the brother of her husband and respondents 5 to 9, claiming as legal representatives of another brother, got their names entered in the revenue records vide Mutation Entry No.10517 dated 28.07.1994, without notice to the petitioner's husband. The said mutation entries were challenged by the petitioner's husband before the Appellate Authority, which came to be rejected. Thereafter, revisions preferred before the District Collector were also dismissed, confirming the orders of the Appellate Authority.

Counsel for respondents 4 to 9, in support of his submissions, placed reliance upon the judgment of a Co-ordinate Bench of this Court in *FAKIRASAB S/O ANNASAB BHAGAWAN vs. SYEDUSAB S/O RAJASAB BHAGAWAN AND OTHERS* in MFA No.4129/2004, disposed of on 11.08.2004.



4. Heard the learned counsel for the parties and perused the material on record.

Upon consideration of the matter, it is evident that the petitioner's husband had acquired title to the subject property under a registered sale deed dated 13.07.1984. After his death, the petitioner, being his sole legal heir, is entitled to succeed to the said property. The revenue authorities, while passing the impugned orders, have failed to take into consideration the registered sale deed and have erroneously entered the names of the brother of the deceased and the legal representatives of another brother in the revenue records.

It is also pertinent to note that the parties are governed by Mohammedans Law, under which there is no concept of joint family property as understood in Hindu Law. Therefore, the claim of respondents 4 to 9 on the basis of joint family succession is unsustainable.

The revenue authorities are bound to effect mutation entries in accordance with the title documents. In the present case, the mutation entries made in favour of respondents 4 to 9



are contrary to the registered sale deed and are therefore liable to be interfered with.

5. In view of the above, the order dated 30.06.2016 passed by respondent No.2 and the order dated 11.05.2017 passed by respondent No.1 are hereby set aside. The respondents are directed to correct the revenue records by entering the name of the petitioner as the rightful owner of the subject property in accordance with the registered sale deed dated 13.07.1984 and the Legal Heirs' Certificate dated 30.12.2009, within a period of four (4) weeks from the receipt of a certified copy of this order.

Counsel for respondents 4 to 9 placed reliance on the decision referred to supra. But I do not think that the law is in doubt. Each decision turns on its own facts. The present case is also tested in the light of the aforesaid decision.

6. Accordingly, the writ petition stands **allowed**.

Sd/-
(JYOTI M)
JUDGE