



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 9TH DAY OF APRIL 2026

PRESENT

THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD

AND

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

WRIT APPEAL NO.100382 OF 2025 (KLR-RR/SUR)

BETWEEN:

1. SHIVANAND S/O. BASAPPA KOLIGUDDA
AGE: 42 YEARS, OCC: AGRICUTLRE,
R/O. MAHALINGAPUR, TQ: RABAKAVI BANAHATTI,
DIST: BAGALKOT-587 314.
2. SHRISHAIL S/O. BASAPPA KOLIGUDDA
AGE: 45 YEARS, OCC: AGRICULTURE,
R/O. MAHALINGAPUR, TQ: RABAKAVI BANAHATTI,
DIST: BAGALKOT-587 314.

... APPELLANTS

(BY SRI. GIRISH A. YADAWAD, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE,
M.S. BUILDING, BENGALURU-01.
2. THE REGIONAL JOINT DIRECTOR
OF LAND RECORDS, NORTH ZONE,
BELAGAVI, DIST: BELAGAVI-590001.
3. THE COMMISSIONER, CMC MAHALINGAPUR,
TQ: RABAKAVI-BANAHATTI,





DIST: BAGALKOT-587314.

4. THE DEPUTY DIRECTOR,
TOWN PLANNING AUTHORITY,
JAMAKHANDI, BAGALKOT,
DIST: BAGALKOT-587314.
5. THE CITY SURVEY OFFICER
MAHALINGAPUR, TQ: RABAKAVI-BANAHATTI,
DIST: BAGALKOT-587314.
6. THE ASSISTANT DIRECTOR OF
LAND RECORDS, MUDHOL, TQ: MUDHOL,
DIST: BAGALKOT-587313,
NOW THE ASSISTANT DIRECTOR OF LAND
RECORDS, RABAKAVI-BANAHATTI,
TQ: RABAKAVI-BANAHATTI,
DIST: BAGALKOT-587314.
7. THE DEPUTY DIRECTOR OF LAND RECORDS,
BAGALKOT, DIST: BAGALKOT-587301.

...RESPONDENTS

(BY SRI. PRAVEEN UPPAR, AGA FOR R1, R2, R5 TO R7;
SRI. B.V. KERUR, ADVOCATE FOR R3;
NOTICE TO R4 IS SERVED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, SET ASIDE THE IMPUGNED ORDER DATED 17.04.2025 PASSED BY THE LEARNED SINGLE JUDGE IN WP NO. 106140/2024 (KLR RR-SUR), AND ALLOW THE SAID WRIT PETITION AS PRAYED FOR, IN THE INTEREST OF JUSTICE AND EQUITY; AND ETC.

THIS WRIT APPEAL COMING ON FOR PRELIMINARY HEARING THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE B.M. SHYAM PRASAD
AND
THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE B.M. SHYAM PRASAD)

The question presented for consideration in this *intra-Court* appeal, which is filed calling in question the writ Court's order dated 17.04.2025 in Writ Petition No.106145 of 2024 is: whether the appellants must be at liberty to pursue with the Authorities afresh their project to develop the land measuring three acres in R.S. No.1/1 of Mahalingapura Town within the limits of Mahalingapura CMC, Rabkavi-Banahatti, Bagalkot District [*the subject property*].

2. It is undisputed that the appellants are the owners of the subject property and this property is diverted from agricultural to non-agricultural [*residential*] purposes way back in 1992 *vide* the Order dated 25.06.1992. Thereafter, the appellants have approached the jurisdictional Assistant Director of Land Records for plotting of this land and assignment of numbers, and the efficacy of this process of approaching the jurisdictional



Assistant Director of Land Records in the absence of the requisite approvals, is not explained to this Court's satisfaction.

3. However, this Court must observe that the appellants have pursued with the jurisdictional Assistant Director of Land Records for assignment of numbers based on a document colloquially called *Kammi Jasti Patrike*. The jurisdictional Assistant Director of Land Records has accorded approval for this arrangement, but when this effort has not resulted in the desired outcome, the appellants have unsuccessfully preferred their remedy under the Karnataka Land Revenue Act seeking a change in the dimension and allocation.

4. The writ Court has refused to interfere with the appellants' request for setting aside the authority's refusal to review an order in the revision to facilitate a new arrangement opining that the appellants are inconsistent in their stand and that a review would not be permissible. Sri Girish A. Yadawad, the learned counsel for the



appellants, Sri Praveen K. Uppar, the learned Additional Government Advocate for the first, second and fourth respondents and the other official respondents, and Sri B. V. Kerur, the learned counsel for the local authority, Mahalingapura CMC submit that:

If there is to be any revenue entries for the subdivided plots in the land that is diverted from agricultural to non-agricultural [residential] purposes, the appellants will have to first approach the Mahalingapura CMC with all the details. Those details with the application will be forwarded to the Office of the Assistant Director, Department of Town and Country Planning, Jamakhandi for necessary approval as contemplated under the relevant Act. When there is such approval, the revenue entries are mutated subject to compliance with the terms of the approval, and subsequently necessary city survey records are updated with the allocation of CTS numbers.

5. This Court must observe that if this is the due process that must be followed, the appellants cannot be impeded by an ill-advised effort to first have the revenue entries and the survey records updated. They must be at



liberty to file a fresh application with all the details firstly with the Mahalingapura CMC and then ensure that there is due compliance with all requirements that may be stipulated by the Planning Department. Hence, the writ appeal stands ***disposed of*** observing that the appellants will be at liberty to file applications with Mahalingapura CMC for necessary approval of the plotted development in the subject property unhindered by the outcome in the present situation. The Authorities are called upon to act on such details under law expeditiously.

Sd/-
(B.M. SHYAM PRASAD)
JUDGE

Sd/-
(SHIVASHANKAR AMARANAVAR)
JUDGE

VNP / CT: VH
List No.: 1 Sl No.: 10