



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 26TH DAY OF FEBRUARY 2026

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

WRIT PETITION NO.106550 OF 2023 (KLR-RR/SUR)

BETWEEN:

SRI. S.SHRIDHAR REDDY
S/O. R. SHIVANNA REDDY,
AGE. 58 YEARS, OCC: BUSINESS,
R/O. "MATHRU CHAYA", 10TH CROSS,
KALYAN NAGAR-NIRMALA NAGAR,
DHARWAD-580003.

...PETITIONER

(BY SRI. J.S.SHETTY, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF REVENUE,
M.S.BUILDING, BENGALURU-560001.
2. THE DEPUTY COMMISSIONER DHARWAD
DISTRICT. DHARWAD-580001.
3. THE ASSISTANT COMMISSIONER
DHARWAD, DISTRICT. DHARWAD-580001.
4. THE TAHSILDAR
DHARWAD TALUK,
DISTRICT. DHARWAD-580001.
5. THE ASSISTANT DIRECTOR OF
LAND RECORDS DHARWAD,
DISTRICT. DHARWAD-580001.

...RESPONDENTS

(BY SMT. NANDINI B.SOMAPUR, AGA)





THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI TO QUASH THE ORDER IN LND/C.R/126/2010-11, PASSED BY THE THIRD RESPONDENT ASSISTANT COMMISSIONER, THE COPY OF WHICH HAS BEEN PRODUCED HERewith AND MARKED AS ANNEXURE-A, IN SO FAR AS IT RELATES TO PETITIONERS LAND BEARING SY.NO.78/P1 (WHICH FORMS PART OF EARLIER SY.NO.78), OF ATTIKOLLA VILLAGE, DHARWAD TALUK; AND ETC.

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

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

ORAL ORDER

1. The petitioner has approached this Court seeking to quash the order dated 24.05.2011 passed by the Assistant Commissioner, whereby the land bearing Survey No.78/P1 earlier Survey No.78 (measuring 1 acre 29 gunta) situated at Attikolla Village, Dharwad Taluk has been declared as a 'B Kharab' land. Consequently, direction has been issued to the Tahasildar to make necessary entries in the revenue records.

2. Brief facts:

The petitioner claims to be the absolute owner in possession of land bearing Survey No.78/P1 measuring 1



acre 29 guntas, purchased under a registered sale deed dated 20.10.2008 (Annexure-B). The earlier ownership traces back to Fakirappa and thereafter to his legal representatives, whose names are entered in the revenue records (Annexures-E and F). After purchase, the petitioner name was mutated in the revenue records (Annexure-G). The petitioner had applied for conversion of land for educational purpose. The Assistant Commissioner earlier passed an order dated 24.05.2011 directing entry in column No.11 treating the land as 'B Kharab'. The said order was challenged in W.P. No.67946/2011 and this Court set-aside the order and remanded the matter for fresh consideration after affording opportunity of hearing. After remand, based on the report of the Assistant Director of Land Records (for short 'ADLR'), the Assistant Commissioner has again declared the land as 'B Kharab' without furnishing the report to the petitioner and without proper hearing. It is stated that their land was always being assessed to land



revenue. It is ownership land and not reserved for any public purpose and under Rule 21 (2) of the Karnataka Land Revenue Rules, 1966 (for short 'Rules, 1966'), phot Kharab land must fall under specific categories, which the land in question does not satisfy.

3. Learned counsel for the petitioner submits that the Assistant Commissioner has no power under Section 136(2) of the Karnataka Land Revenue Act to unilaterally declare ownership of land as 'B Kharab'. The order is without jurisdiction and contrary to Rule 21 of the Rules, 1966. It is submitted that the land has been assessed to revenue and hence, it cannot be categorized as 'B Kharab'. It is further submitted that the report submitted by the ADLR in its descriptive portion states that the land does not fall under the category of 'B Kharab' and this aspect was not considered by the Assistant Commissioner in its proper perspective.



4. Learned Additional Government Advocate would submit that the Akarband extract reflects the petitioner's land at Sl.No.23 as 'B Kharab', however the report in its description portion has been stated that the land does not fall under the category 'B Kharab'. However, the order has been passed by the Assistant Commissioner based on the survey records and revenue materials and that classification of the land is within the jurisdiction of the revenue authorities.
5. This Court has carefully considered the rival submissions and perused the material on record.
6. It is not in dispute that the petitioner's land finds place in Akarband extract as 'B Kharab' at Sl.No.23. However, a perusal of the report submitted by the ADLR reveals that in the descriptive portion, the land is stated not to fall within the category of 'B Kharab'. The impugned order does not advert to this apparent contradiction. There is no discussion



reconciling the Akarband entry with narrative findings in the ADLR report. In matters relating to classification of land under Rule 21 (2) of the Rules, 1966, the authority is required to record a clear finding as to whether the land; (i) was fit for cultivation at the time of survey; (ii) was reserved or assigned for public purpose or otherwise falls within the limited category prescribed under the Rules. The order under challenge is silent as to how the petitioners' land satisfies the statutory requirements under Rule 21 (2) of the Rules, 1966. The authority appears to have proceeded mechanically on the basis of the entry without independently examining the foundational material. When the official records themselves disclose its inconsistency, the authority is bound to examine original survey settlement records, reconcile the discrepancies, and pass a reasoned order. Failure to do so, amounts to non-application of mind.



Accordingly, the impugned order insofar as it relates to the petitioner's land cannot be sustained and is to be set-aside. Accordingly, this Court pass the following:

ORDER

- i. The writ petition is ***allowed-in-part***.
- ii. The impugned order passed by respondent No.3-Assistant Commissioner insofar as it relates to the land bearing Survey No.78/P1 measuring 1 acre 29 guntas situated at Attikolla Village, Dharwad Taluk, is hereby ***set-aside***.
- iii. The matter is remitted to the Assistant Commissioner for fresh consideration.
- iv. The Assistant Commissioner shall examine;
 - i. The original survey and settlement records.



- ii. Reconcile the inconsistency between Akarband extract and descriptive portion of the ADLR report.
- iii. Furnish relevant reports to the petitioner.
- iv. Afford reasonable opportunity of hearing and;
- v. Pass a reasoned order in accordance with law strictly in terms of Rule 21(2) of the Rules, 1966.
- v. The above exercise shall be completed within a period of three (3) months from the date of receipt of certified copy of this order.
- vi. All contentions of the parties are kept open.

**Sd/-
JUSTICE K.S.HEMALEKHA**

AM/-
CT:VH
List No.: 1 Sl No.: 1