

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

[MUNIRAHMED ABDULRASHID BAGALKOTI VS. PRAKASH
GAYAKAWAD, THE TAHSILDAR AND ANOTHER]

30.10.2025

(VIDEO CONFERENCING / PHYSICAL HEARING)

CORAM: HON'BLE MR JUSTICE S G PANDIT
and
HON'BLE MRS JUSTICE GEETHA K.B.

ORAL ORDER

(PER: HON'BLE MR JUSTICE S G PANDIT)

1. This Court by order dated 08.08.2024 in Writ Petition
No.114086/2019 passed the following order:

- "(i) *Writ petition is allowed-in-part;*
- (ii) *The impugned communication dated 26.08.2019 issued by respondent No.1 as per Annexure-F is hereby quashed;*
- (iii) *Respondent No.3 is directed to carry out the survey based on the petitioner's application dated 06.10.2007, under Reference No.Misc/SK/7/07-08, which was forwarded to respondent No.3's office on 12.11.2007, vide Reference No.LND/CWD/631/07-08.*
- (iv) *This exercise shall be accomplished within a period of eight weeks from the date of receipt of a copy of this order;"*

2. Respondent No.3 i.e., accused No.1-Tahasildar was
directed to carry out the survey based on the

petitioner's application dated 06.10.2007. It was specifically directed to comply the direction within 8 weeks from the date of receipt of copy of the said order. As the direction was not complied, the present contempt petition is filed on 27.06.2025.

3. Accused No.1 has put in appearance on 09.09.2025 and on the said date, learned Additional Government Advocate submitted on instruction that within 15 days from that date they would carry out the survey and comply with the direction of the learned Single Judge.
4. On 22.09.2025, learned Additional Government Advocate filed memo along with document i.e., letter from Tahasildar to the Deputy Commissioner. The relevant paragraph of the said letter reads as follows:

“ಪ್ರಸ್ತುತ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮೂಲ ಮಂಜೂರಾತಿ ಕಡತ ಲಭ್ಯವಿರುವುದಿಲ್ಲ ಆದರೆ ಭೂ ಮಂಜೂರಿ ಆದೇಶ ಲಭ್ಯವಿರುತ್ತದೆ. ಡಿಸ್ ಪಾರೆಸ್ಪದ ಆದ ಬಗ್ಗೆ ಹಕ್ಕು ದಾಖಲೆ ಮಾತ್ರ ಲಭ್ಯವಿರುತ್ತದೆ. ಚಾಲ್ತಿಯಲ್ಲಿರುವ ಪಹಣಿ ಲಭ್ಯವಿರುತ್ತದೆ. ಮಂಜೂರಿದಾರರಿಗೆ ಸಂಬಂಧಿಸಿದ ದೃಢೀಕೃತ ಮ್ಯುಟೇಶನ್ ನಕಲು ಲಭ್ಯವಿರುತ್ತದೆ. ಹಾಗೂ 1964-65 ರಿಂದ 2001-02 ರ ಕೈ ಬರಹದ ಪಹಣಿ ಮತ್ತು 2002-03 ರಿಂದ 2025-26 ರವರೆಗೆ ಗಣಕೀಕೃತ ಪಹಣಿ ಮತ್ತು ಎಂಆರ್ ಗಳನ್ನು ಲಗತ್ತಿಸಿರುತ್ತಾರೆ. ಯಾವುದೇ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ವ್ಯಾಜ್ಯಗಳಿರುವುದಿಲ್ಲ ಭೂ ಸ್ವಾಧೀನವಾಗಿರುವುದಿಲ್ಲ ಹಾಗೂ ತಕರಾರು ಬಂದಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಸದರಿ ಪ್ರಕರಣವನ್ನು ಭೂದಾಖಲೆಗಳ ಸಹಾಯಕ ನಿರ್ದೇಶಕರು ಖಾನಾಪೂರ ರವರ ವರದಿ ಮತ್ತು ಕಡತದಲ್ಲಿ ಲಭ್ಯ ದಾಖಲೆಗಳಂತೆ ಜಿಲ್ಲಾ ಮಟ್ಟದ ಗೈರು ವಿಲೆ ಕಡತಗಳ ಪುನರ

ನಿರ್ಮಾಣ ಸಮಿತಿಯಲ್ಲಿ ಮಂಡಿಸಿ ಮುಂದಿನ ಕ್ರಮ ಜರುಗಿಸಲು ವಿನಂತಿಸಿ.
ಸಂಬಂಧಿಸಿದ ಮೂಲ ಕಡತವನ್ನು ಪುಟ 1 ರಿಂದ ವರೆಗಿನ ಕಡತವನ್ನು ತಮ್ಮಲ್ಲಿ
ಆದರ ಪೂರ್ವಕವಾಗಿ ಸಲ್ಲಿಸಿದೆ.”

5. In the above letter, the Tahasildar has stated that original file relating to grant is not available, but land grant order is available. Further, it states that records with regard to deforest of the land is available, hence, submitted for further action.
6. When the matter was listed on 13.10.2025, learned Additional Government Advocate prayed for further 30 days time to get the approval of the Deputy Commissioner. Rejecting the said request, the Tahasildar was directed to be present before the Court in the contempt for further proceedings.
7. On 28.10.2025, Tahasildar filed two affidavits, one in the morning and one in the afternoon, stating that the survey is to be carried out by the ADLR and DDLR, Belagavi. As the survey is to be carried out by the ADLR and DDLR, it is not possible for him to comply further. The affidavit was taken on record and matter was adjourned to today.

8. Today, affidavit of Smt. Supriya Mumbai, Assistant Director of Land Records, Khanapur, Belagavi District dated 30.10.2025 has been filed, wherein she has sought one month time to carry out the survey as directed by the Court. On the other hand, accused No.1-Tahasildar has filed affidavit stating that after survey, two months time is needed since approval from the Forest Department is necessary. The extent of land of the complainant is 2 acres 20 guntas. It is not the case of the accused or respondent that it is a forest land. The contention of the accused No.1 that it involves 174 acres of forest land is not relatable to the complainant's land which is to an extent of 2 acres 20 guntas in Sy.No.108.

9. The affidavit of the Tahasildar is not *bona fide*. Accused No.1 is working as Tahasildar of Khanapur since 27.02.2025. Accused No.1 has not taken any action from the date of assumption in February, 2025. Seeking time of two months after survey would be

contrary to the direction of this Court which, by its order dated 08.08.2024, had granted eight weeks' time. The series of affidavits filed by Tahsildar, indicates that the Tahsildar has no intention to comply the order passed by this Court. Therefore, pending further proceedings in the present contempt, we direct the Secretary, Revenue Department, to transfer forthwith the present Tahasildar of Khanapur i.e., Sri. Dundappa from out of Khanapur Taluk and post some other Tahasildar, who can implement the direction of this Court issued in W.P. No.114086/2019, vide order dated 08.08.2024.

10. As time is sought by the Assistant Director of Land Records, four weeks' time from today is granted to survey the land. Thereafter, the Tahasildar Khanapur is granted ten days' time to further comply the order.
11. Re-list this matter on **10th December 2025**. Sri. Dundappa, Tahasildar shall be present on the said date to hear before charge.

12. Learned Additional Government Advocate shall report compliance of order directing transfer of present accused No.1-Tahasildar, Khanapur, within one week.

A copy of this order shall be made available to the learned Additional Government Advocate.

**(S G PANDIT)
JUDGE**

**(GEETHA K.B.)
JUDGE**

Sh/kms
List No.: 1 Sl No.: 13