

**WA NO. 100714/2025 (GM - RES) Connected Cases: CCC
NO. 100211/2025**

IN THE HIGH COURT OF KARNATAKA AT DHARWAD
[THE SUB REGISTRAR AND OTHERS VS. MUNIRAHMED
ABDULRASHID BAGALKOTI]

13.03.2026
(VIDEO CONFERENCING)

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

ORAL ORDER

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

The State Government is in appeal against the writ Court's order dated 08.08.2024 in Writ Petition No.114086/2019 but with the delay of over one year, and the petitioner in such writ petition has filed a complaint alleging deliberate disobedience.

Digitally signed
by RAKESH S
HARIHAR
Location: High
Court of
Karnataka,
Dharwad Bench

2. Sri Sharad Magadum, the learned Additional Government Advocate, while arguing in support of the application I.A.No.2/2025 for condonation of delay, submits that the Authorities have commenced survey work in all earnest to be in compliance with the writ Court's order, but in the course of survey the Forest Department has raised

objection asserting that the land claimed by the complainant/petitioner is part of 177 acres which is not declassified, that this extent continues to be a forest land and that certain records have also been furnished to substantiate the same and therefore there is a delay. The learned Additional Government Advocate submits that this Court may consider the question of condoning the delay in the light of these circumstances to enable complete adjudication.

3. Sri Anwarali D. Nadaf, the learned counsel for the complainant/petitioner submits that the complainant who has been advantage of a sale deed executed in the year 2007 has succeeded in persuading the writ Court to direct a survey and that the Authorities have also conceded that there should be such survey, and that notwithstanding these circumstances, the present writ appeal is filed.

4. The writ Court's order is perused, and the question of condoning the delay is considered in the light of the circumstances relied upon by the State Government including the assertion that survey is not only commenced

but also completed but for issuance of the outcome of the survey to the complainant. There must be adjudication on the claim by the forest land. This Court is not persuaded to opine that there are *malafides* in pleading the cause for condonation of delay, and in the peculiarities of these aspects, the delay is condoned but without prejudice to the complainant's case either on merits or on willful breach.

The Office is directed to re-list this writ appeal, and the complaint on **27.03.2026**.

**(B.M.SHYAM PRASAD)
JUDGE**

**(SHIVASHANKAR AMARANNAVAR)
JUDGE**

KGK

List No.: 1 Sl No.: 6