



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 24TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MS. JUSTICE JYOTI M
WRIT PETITION NO. 104676 OF 2022 (LB-RES)

BETWEEN:

SHRI. NAGO S/O GANU FADAKE,
AGE ABOUT 70 YEARS,
OCC. AGRICULTURE,
R/O. V.P.C. NO.515,
GANAPAT GALLI,
BEKKINKERI VILLAGE,
TALUKA: BELAGAVI,
DIST. BELAGAVI,
PIN CODE-591128.

...PETITIONER

(BY SRI. DEEPAK.S.KULKARNI, ADVOCATE)

AND:

1. SHRI. GAVADU S/O MARUTI GAVADA,
AGE ABOUT 42 YEARS,
OCC. AGRICULTURE,
R/O. BEKKINKERI VILLAGE,
TALUKA: BELAGAVI,
DIST. BELAGAVI,
PIN CODE-591128.

2. THE SECRETARY,
GRAM PANCHAYAT BEKKINKERI,
TALUKA AND DIST. BELAGAVI,
PIN CODE-591128.

3. THE EXECUTIVE OFFICER,
TALUKA PANCHAYAT BELAGAVI,
TALUKA AND DIST. BELAGAVI,
PIN CODE-590001.

...RESPONDENTS

(BY SRI.A.B.NESARGI, ADVOCATE FOR R1;
NOTICE TO R2 TO R3 IS SERVED AND UNREPRESENTED)



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.Deepak S.Kulkarni., counsel for the petitioner and Sri.A.B.Nesargi., counsel for respondent No.1 have appeared in person.

2. The order dated 07.10.2016 passed by the Executive Officer, Taluk Panchayat, Belagavi, is called in question in the present writ petition on various grounds as set out in the memorandum of writ petition.

3. Counsel for the respective parties have urged several contentions. Counsel for the petitioner submits that the petitioner's name was entered in the relevant records on 16.07.1999. It is contended that Respondent No. 1 challenged the said entry before the Executive Officer after an inordinate delay of nearly fifteen years. It is further contended that, despite such delay, the Executive Officer has failed to assign any reasons for condoning the same.



4. Per contra, counsel for Respondent No. 1 justifies the action of the Executive Officer by contending that the petitioner had commenced construction of a shed prior to the filing of the appeal and that Respondent No. 1 approached the Executive Officer only upon becoming aware of the mutation entry. Accordingly, he seeks dismissal of the writ petition.

5. Heard the arguments and perused the records with care.

6. It is not in dispute that the petitioner's name was entered in the records on 16.07.1999. However, the said entry was challenged by Respondent No. 1 after a lapse of nearly fifteen years. A perusal of the impugned order reveals that no reasons whatsoever have been assigned for condoning such inordinate delay. The Executive Officer, without addressing the issue of limitation, has proceeded to consider the matter on merits and has cancelled the mutation entry dated 16.07.1999. Such an approach is unsustainable in law. Hence, the matter requires reconsideration.



7. Accordingly, a writ of certiorari is issued. The order dated 07.10.2016 passed by the Executive Officer, Taluk Panchayat, Belagavi, vide Annexure-A, is hereby quashed. The matter is remitted to the Executive Officer to first consider the issue of delay and thereafter proceed to decide the case on merits, in accordance with law. The petitioner and Respondent No. 1 are directed to appear before the Executive Officer on **09.04.2026** without awaiting any further notice.

8. Resultantly, the writ petition stands **allowed**. The matter is remanded for fresh consideration.

Sd/-
(JYOTI M)
JUDGE

MRP
List No.: 1 Sl No.: 48