



HC-KAR

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NC: 2026:KHC-D:5340
WP No. 103958 of 2022

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 9TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 103958 OF 2022 (KLR-RR/SUR)

BETWEEN:

1. S. KATTEBASAPPA @ GUDDADA BASAPPA
S/O LATE S. SHARANAPPA,
AGED ABOUT 68 YEARS, AGRICULTURIST,
R/O. KARADIHALLI VILLAGE,
MOLAKALMURU TALUK,
CHITRADURGA DISTRICT,
PIN-577 535.
2. G.B. NAGARAJ S/O S. KATTEBASAPPA,
AGRICULTURE AND HOTEL BUSINESS,
AGED ABOUT 45 YEARS,
R/O. HARAGINADONI VILLAGE,
BALLARI TALUK AND DISTRICT,
PIN-583 115.

... PETITIONERS

(BY SRI. B. CHIDANANDA, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
BALLARI DISTRICT,
D.C. COMPOUND,
BALLARI-583 101.
2. THE ASSISTANT COMMISSIONER,
BALLARI SUB -DIVISION,
BALLARI-583 101.





3. THE TAHSILDAR,
BALLARI TALUK,
BALLARI-583 101.
4. THE REVENUE INSPECTOR,
BALLARI HOBLI,
BALLARI-583 101.
5. THE VILLAGE ACCOUNTANT,
HARAGINADONI VILLAGE,
BALLARI TALUK AND DISTRICT,
BALLARI-583 101.
6. SMT. BUGGESHWARI W/O LATE KATTEBASAPPA,
AGED ABOUT 41 YEARS, KIRANA BUSINESS,
R/O. HARAGINADONI VILLAGE,
TQ. AND DIST. BALLARI-583 115.
7. S. NAGARAJ S/O LATE S. SHEKARAPPA,
AGED ABOUT 35 YEARS, HOTEL BUSINESS,
R/O. HARAGINADONI VILLAGE,
TQ. AND DIST. BALLARI, PIN-583 115.

... RESPONDENTS

(BY SMT. NANDINI.B.SOMAPUR, AGA FOR R1 TO R5;
NOTICE TO R6 AND R7 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.B.Chidananda., counsel for the petitioners and Smt.Nandini B.Somapur., AGA for respondents 1 to 5 have appeared in person.

2. The petition is filed seeking following reliefs:

"i) To call for records.

ii) To Issue a writ of Certiorari by quashing the impugned endorsement dated 12-1-2022 (typed as 12-1-2222), made in REV.APL No. 01/2021-22, Passed by the Deputy Commissioner, Ballari, (R1) (vide Annexure-L) and also the order dated 29-10-2021, made in Sum.Kandaya/APPEAL/244/2015-16, passed by the Assistant Commissioner, Ballari, R2 (vide ANNEXURE-H) and further to quash the M.R. No. H27/2015-2016, dated 23-04-2016, passed by Respondent No. 4 (Annexure-G) herein, in the interest of justice and equity.

iii) To issue any other Writ or Order or Direction, which this Hon'ble Court deems fit under the circumstances of the case, in the interest of justice and equity."

3. Counsel for the respective parties urged several contentions. Heard the arguments and perused the papers with care.



4. The petitioners' grievance stems from the actions of respondent No. 7 (the brother of Kattebasappa) and the husband of respondent No.6, who allegedly created a partition deed and secured the entry of their names into the revenue records by submitting a *varadi* to the Tahsildar. The Tahsildar subsequently updated the records on October 2, 2010.

Aggrieved by this entry, the petitioners filed an appeal before the Assistant Commissioner. However, on October 29, 2021, the Assistant Commissioner dismissed the appeal. The petitioners contend that although there was a delay in filing, the Assistant Commissioner failed to pass a separate order on the application for condonation of delay, proceeding instead to dismiss the appeal on its merits. Challenging this, the petitioners filed a revision petition before the Deputy Commissioner, who ultimately confirmed the Assistant Commissioner's order.

Furthermore, it is submitted that Kattebasappa passed away while the appeal was still pending before the Assistant Commissioner. During this period, respondents 6 and 7 submitted another *varadi* to the Tahsildar, who updated the revenue records without notifying the petitioners or



acknowledging the pending appeal. Consequently, Kattebasappa's name was deleted and replaced by his wife's name. Given these procedural lapses, the petitioners maintain that the matter requires a remand.

It is undisputed that the petitioners had already challenged the original 2010 entry. However, the Assistant Commissioner proceeded without formally condoning the delay. Moreover, the Tahsildar should not have altered the mutation entries while the appeal was *sub judice*. Given these procedural lapses, the matter requires a remand.

ORDER

- i. The Writ Petition is ***allowed and remanded***.
- ii. The matter is remanded to the Assistant Commissioner for fresh consideration. The Assistant Commissioner is directed to first pass a speaking order on the application for condonation of delay.
- iii. The Writ of Certiorari is ordered. The order dated:29.10.2021 passed by the Assistant Commissioner vide Annexure-H; the order



dated:23.04.2016 passed by respondent No.4 vide Annexure-G, and the endorsement dated:12.01.2022 passed by the Deputy Commissioner vide Annexure-L, are quashed.

**Sd/-
(JYOTI M)
JUDGE**

MRP
LIST NO.: 1 SL NO.: 88