



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 104943 OF 2025 (KLR-RR/SUR)

BETWEEN:

SRI. HARIJANA DURUGAPPA S/O. GONEPPA,
AGE. 81 YEARS, OCC. AGRICULTURE,
R/O. KUDITHINIGAMMANAGI VILLAGE,
KOTTUR TALUK, VIJAYANAGARA DISTRICT-583 134.

... PETITIONER

(BY SRI. LAXMAN.T.MANTAGANI, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
VIJAYANAGARA DISTRICT,
VIJAYANAGARA-583 131.
2. THE ASSISTANT COMMISSIONER,
HARAPANAHALLI SUB-DIVISION,
MINI VIDHANA SOUDHA, HARAPANAHALLI,
VIJAYANAGARA DISTRICT-583 131.
3. THE HON'BLE TAHSILDAR,
OFFICE OF THE TAHSILDAR, KOTTUR,
VIJAYANAGARA DISTRICT-583 134.
4. THE REVENUE INSPECTOR,
KOGALI CIRCLE, KOTTUR TALUK,
VIJAYANAGARA DISTRICT-583 134.
5. THE VILLAGE ACCOUNTANT,
KUDITHINIGAMMANAGI VILLAGE,
KOTTUR TALUK,
VIJAYANAGARA DISTRICT-583 131.



6. SRI. KOTRAGAUDA S/O. LATE KAREGAUDA,
AGE. 50 YEARS, OCC. AGRICULTURE,
R/O. KUDITHINIGAMMANAGI VILLAGE,
KOTTUR TALUK, VIJAYANAGARA DISTRICT-583 131.
... RESPONDENTS
(BY SMT. MALA.B.BHUTE, AGA FOR R1 TO R5;
SRI. V.S. KALASURMATH, ADVOCATE FOR
SRI. M.V. HIREMATH, ADVOCATE FOR R6)

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.Laxman T.Mantagani, counsel for the petitioner, Smt.Mala B.Bhute, AGA for respondents 1 to 5 and Sri.V.S.Kalasurmatah, counsel on behalf of Sri.M.V.Hiremath, for respondent No.6, have appeared in person.

2. The captioned Writ Petition is filed under Articles 226 and 227 of the Constitution of India seeking issuance of a Writ of Certiorari to quash the impugned order dated 19.06.2025 passed by the Deputy Commissioner – respondent No.1, produced at Annexure-F.



3. Heard the counsel appearing for the respective parties. Perused the material on record with care.

4. The brief facts leading to the present petition are that the petitioner claims to be an occupant of land bearing Sy. No.102 and Sy. No.37B/1 situated at K.D. Maggi Village, Kottur Taluk, Vijayanagara District. The petitioner had filed Form No.7 before the Land Tribunal seeking the grant of occupancy rights. The Tribunal, by its order dated 23.05.1977, granted occupancy rights only in respect of Sy. No.102 and rejected the claim insofar as Sy. No.37B/1 is concerned. Aggrieved thereby, the petitioner had approached this Court in a writ petition, which came to be rejected on technical grounds.

Thereafter, the petitioner once again approached the Tribunal seeking occupancy rights in respect of Sy. No.37B/1. The Tribunal, by order dated 22.01.1987, allowed the claim and granted occupancy rights in favour of the petitioner. Pursuant thereto, the petitioner's name came to be entered in the revenue records.



5. In the year 2024, respondent No.6 questioned the said revenue entry before the Assistant Commissioner. The Assistant Commissioner, upon detailed consideration of the records, rejected the claim of respondent No.6. Being aggrieved, respondent No.6 preferred a revision petition before the Deputy Commissioner. The Deputy Commissioner, by placing reliance on the pendency of a civil suit, allowed the revision petition in part and interfered with the order of the Assistant Commissioner.

6. In the considered view of this Court, the reasoning assigned by the Deputy Commissioner is unsustainable in law. The reliance placed on the pendency of a civil suit has no nexus to the issue involved in the revision proceedings. It is not in dispute that the order dated 22.01.1987, passed by the Tribunal granting occupancy rights in respect of Sy. No.37B/1 has not been challenged by respondent No.6 and has attained finality. Further, the mere filing of a civil suit for permanent injunction does not, in any manner, affect the validity of the occupancy rights already granted in favour of the petitioner, nor does it justify interference with the revenue entries made pursuant thereto. In that view of the matter, the impugned order passed



by the Deputy Commissioner suffers from legal infirmity and is liable to be set aside.

ORDER

- i. The Writ Petition is ***allowed***.
- ii. A Writ of Certiorari is issued. The impugned order dated 19.06.2025 passed by the Deputy Commissioner – respondent No.1, vide Annexure-F, is hereby quashed.
- iii. The order passed by the Assistant Commissioner stands restored.
- iv. No order as to costs.

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

MRP
LIST NO.: 2 SL NO.: 13