



HC-KAR

- 1 -

NC: 2026:KHC-D:3032
WP No.106511 of 2023 CW
WP No. 106152 of 2025

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 25TH DAY OF FEBRUARY 2026

BEFORE

THE HON'BLE MRS JUSTICE K.S.HEMALEKHA

WRIT PETITION NO. 106511 OF 2023 (LR)

C/W

WRIT PETITION NO. 106152 OF 2025 (GM-RES)

IN WP NO.106511 OF 2023:

BETWEEN:

PEERSAB S/O. PEERSAB MALAGI
SINCE DECEASED BY LRs.,
HUSENBI W/O. PEERSAB MALAGI
SINCE DECEASED BY LRs.,
PEERSAB S/O. PEERSAB MALAGI
SINCE DECEASED BY LRs.,
SMT. MEHABUBI W/O. PEERSAB MALAGI (DEAD)

1. DADAPEER S/O. PEERSAB MALAGI
AGED ABOUT 46 YEARS, OCC: AGRICULTURE,
R/O. SINGANAHALLI, TALUK & DIST: DHARWAD.
2. BIBIJAN MULLA
AGED ABOUT 44 YEARS, OCC: HOUSEHOLD WORK,
3. ALLHABAKSH S/O. PEERSAB MALAGI
AGED ABOUT 42 YEARS,
4. MUKTUMHUSEN S/O. PEERSAB MALAGI
AGED ABOUT 37 YEARS, OCC: AGRICULTURE,
5. SRI. MOULASAB S/O. PEERSAB MALAGI
AGED ABOUT 73 YEARS, OCC: AGRICULTURE,
6. IMMAMSAB S/O. PEERSAB MALAGI
AGED ABOUT 71 YEARS, OCC: AGRICULTURE,
7. AKBARASAB S/O. PEERSAB MALAGAI
AGED ABOUT 33 YEARS, OCC: AGRICULTURE,





NC: 2026:KHC-D:3032
WP No.106511 of 2023 CW
WP No. 106152 of 2025

8. SADDAMHUSEN S/O. PEERSAB MALAGI
AGED ABOUT 31 YEARS, OCC: AGRICULTURE,
9. HASANSAB S/O. PEERSAB MALAGI
AGED ABOUT 76 YEARS, OCC: AGRICULTURE,

ALL ARE R/O. SHINGANAHALLI,
TQ & DIST: DHARWAD.

...PETITIONERS

(BY SRI. S.R.HEGDE AND SRI. S.S.HEGDE, ADVOCATES)

AND:

1. THE STATE OF KARNATAKA
REP. BY IT'S SECRETARY,
REVENUE DEPARTMENT,
VIDHANA SOUDHA,
DR. AMBEDKAR VEEDHI,
BENGALURU-01.
2. THE ASSISTANT COMMISSIONER AND
THE CHAIRMAN, LAND TRIBUNAL,
TQ. AND DIST. DHARWAD-01.

SMT. MEHABUBI W/O. SANHASANSAB MALAGI
SANHASANSAB S/O. PEERSAB MALAGI
BOTH DEAD BY LRs.,
3. SMT. FATHIMA W/O. HASANSAB CHOPDAR
AGED ABOUT 55 YEARS,
OCC: HOUSEHOLD WORK,
R/O. SHINGANHALLI, TQ. AND DIST. DHARWAD.
4. SMT. MUKTUMBI W/O. MABUBSAB GATIN
AGED ABOUT 53 YEARS,
OCC: HOUSEHOLD WORK,
R/O. JANATA PLOT ONI, YADWAD,
TQ AND DIST. DHARWAD.

FAKKIRSAB S/O. PEERSAB MALAGI (DEAD)
SINCE DEAD BY LRs.,

5. SMT. DADIBI W/O. MAHABOBSAB KAMBARGANVI



NC: 2026:KHC-D:3032
WP No.106511 of 2023 CW
WP No. 106152 of 2025

AGE: 49 YEARS, OCC: HOUSEHOLD,
R/O. SINGANAHALLI, TQ AND DIST: DHARWAD.

6. VIJAYAKUMAR S/O. GOVIND AGALAGATTI

7. UDAYKUMAR S/O. GOVIND AGALAGATTI

RESPONDENTS NO.6 AND 7 ARE DELETED
VIDE COURT ORDER DATED 29.07.2025.

8. LINGAVVA W/O. BASAVARAJ DESSAI
(SINCE DECEASED BY LR.s.)

8(A). SRI. AYYAPPA S/O. BASAVARAJ DESAI
AGED 79 YEARS, OCC: AGRICULTURE,
R/O. HANGARKI, TQ AND DIST. DHARWAD.

9. SMT. SHABANA PATIL
AGED ABOUT 40 YEARS, OCC: HOUSEHOLD,

10. SMT. CHANDBI W/O. KALESSAB HUNSIKATTI
AGED ABOUT 74 YEARS, OCC: HOUSEHOLD WORK,

11. SMT. FATIMA W/O. HASANSAB HAWALDAR
AGED ABOUT 40 YEARS, OCC: HOUSEHOLD WORK,

12. SMT. ASHABI W/O. KAREEMSAB DODAMNI
AGED ABOUT 65 YEARS, OCC: HOUSEHOLD WORK,
RESPONDENTS NO.9 TO 12 ARE
R/O. SHINGANAHALLI, TQ. AND DIST. DHARWAD.

13. THE SLAO, THE KARNATAKA INDUSTRIAL AREA
DEVELOPMENT BOARD, DHARWAD.

...RESPONDENTS

(BY SMT. NANDINI B.SOMAPUR, AGA FOR R1 AND R2;
SRI. SHASHANK S.HEGDE, ADVOCATE FOR R13;
SRI. S.G.KADADAKATTI, ADVOCATE AND
SRI. AMIT ANANDHALLI, ADVOCATE FOR R8(A);
NOTICE TO R3 IS HELD SUFFICIENT;
NOTICE TO R4, R5, R9 TO R12 ARE SERVED;
R8-DECEASED; R6 AND R7 ARE DELETED)



NC: 2026:KHC-D:3032
WP No.106511 of 2023 CW
WP No. 106152 of 2025

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI MAY PLEASE BE ISSUED QUASHING THE ORDER PASSED BY THE RESPONDENT NO.2, DATED 27.10.2022 BEARING NO.KLR/SHINGANAHALLI/ KUMMANAYAKANKOPA/ SR-05+10 VIDE ANNEXURE-A; AND ETC.

IN WP NO.106152 OF 2025:
BETWEEN:

1. BASAPPA
S/O. GURAPPA KOMAR @ KUSAPPANAVAR,
AGED ABOUT 60 YEARS,
OCC. AGRICULTURE,
R/O. MUMMIGATTI,
TQ AND DIST. DHARWAD- 580011.
2. CHANDRAPPA
S/O. BASAPPA KOMAR @ KUSASPPANAVAR,
AGED ABOUT 37 YEARS,
OCC. AGRICULTURE,
R/O. MUMMIGATTI,
TQ. AND DIST. DHARWAD- 580011.
3. SMT. MANJULA
W/O. CHANDRAPPA KOMAR @ KUSAPPANAVAR,
AGED ABOUT 31 YEARS,
OCC. HOUSEMAKER,
R/O. MUMMIGATTI,
TQ. AND DIST. DHARWAD- 580011.
4. ANIL
S/O. BASAPPA KOMAR @ KUSAPPANAVAR,
AGED ABOUT 35 YEARS,
OCC. AGRICULTURE,
R/O. MUMMIGATTI,
TQ. AND DIST. DHARWAD- 580011.
5. SMT. RUDRAVVA
W/O. SHANKRAPPA KOMAR @ KUSAPPANAVAR,
AGED ABOUT 65 YEARS,
OCC. HOUSEMAKER,



NC: 2026:KHC-D:3032
WP No.106511 of 2023 CW
WP No. 106152 of 2025

R/O. MUMMIGATTI,
TQ. AND DIST. DHARWAD- 580011.

...PETITIONERS

(BY SRI. S.P.KULKARNI, SENIOR COUNSEL FOR
SRI. S.G.KADADAKATTI, ADVOCATE)

AND:

1. THE SPECIAL LAND ACQUISITION OFFICER
THE KARNATAKA INDUSTRIAL AREA DEVELOPMENT
BOARD, LAKMANALLI, DHARWAD- 580003,
DIST. DHARWAD- 580001.
2. INDIAN OVERSEAS BANK
JUBLIEE CIRCLE BRANCH,
KHRS BUILDING, ALOOR VENKATRAO CIRCLE,
NEAR JUBLIEE CIRCLE, DIST. DHARWAD- 580001,
REPRESENTED BY ITS MANAGER.
3. KARNATAKA GRAMEEN BANK
BRANCH MUMMIGATTI,
TQ. AND DIST. DHARWAD-580011,
REPRESENTED BY ITS BRANCH MANAGER.

...RESPONDENTS

(BY SRI. SHASHANK HEGDE, ADVOCATE FOR R1;
SRI. ANAND K.BHANDIWAD, ADVOCATE FOR R2;
SMT. BHAGYASHREE BIKKANNAVAR, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT, ORDER OR DIRECTION IN THE NATURE OF CERTIORARI TO QUASH THE COMMUNICATION MADE BY THE 1ST RESPONDENT DATED 11.08.2025 BEARING NO. KAKAIPRAMAM/ BHOOSWA/ DA/596/2025-26 ADDRESSING TO MANAGER INDIAN OVERSEAS BANK, JUBLEE CIRCLE, DHARWAD AND MANAGER KVG BANK MUMMIGATTI BRANCH DHARWAD VIDE ANNEXURE-F AND THE COMMUNICATION DATED 14.08.2025 ISSUED BY THE 2ND RESPONDENT INDIAN OVERSEAS BANK, JUBILEE CIRCLE BRANCH AND BRANCH MANAGER, KVG BANK MAMMIGATTI BRANCH, TQ AND DIST. DHARWAD VIDE ANNEXURE-G AND H BY ALLOWING THE WRIT PETITION IN THE ENDS OF JUSTICE AND EQUITY; AND ETC.



THESE WRIT PETITIONS COMING ON FOR DICTATING ORDERS
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: THE HON'BLE MRS JUSTICE K.S.HEMALEKHA

ORAL ORDER

These writ petitions arise out of Survey No.17 of Hosawal Village, Dharwad Taluk, though the reliefs sought are distinct. Since both the matters concern the same survey number, they are heard together and are being disposed of by this common order.

2. W.P. No.106511/2023 is filed by the legal heirs of a tenant challenging the order dated 27.10.2022 passed by the Land Tribunal rejecting the claim for occupancy rights under the Karnataka Land Reforms Act, 1961 ('the Act' for short).

3. W.P.No.106152/2025 is filed by the purchaser/recorded owners of Survey No.17/6 measuring 21 acres 31 guntas, questioning the legality of the communication dated 11.08.2025 issued by the Special Land Acquisition Officer directing freezing of the



compensation amount and the consequential bank communication.

Brief facts in W.P. No.106511/2023:

4. The petitioners claim that their predecessor was cultivating land bearing R.S.No.17, measuring 36 acres 25 guntas, and assert that out of the said extent, they were in cultivation of 13 acres 2 guntas. The predecessor of the petitioners filed Form No.7 under Section 48A (1) of the Act seeking occupancy rights. However, Form No.7 (Annexure-C) shows that the statutory tenancy claim placed before the Land Tribunal was confined to 5 acres 28 guntas. The Land Tribunal, by order dated 27.10.2022 rejected the claim. Aggrieved, the petitioners are before this Court.

Facts in W.P. No.106152/2025:

5. The petitioners purchased Survey No.17/6 measuring 21 acres and 31 guntas under a registered sale deed and their names were entered in the revenue records. The Karnataka Industrial Areas Development Board (KIADB)



initiated acquisition proceedings under Section 28 of the Karnataka Industrial Areas Development Act, 1966 ('KIAD Act' for short). A consent award was passed, and compensation of ₹9,79,87,500/- was paid under the agreement under Section 29(2) and Form-D. The Investors executed a voucher acknowledging full and final settlement of his 21 acres 31 guntas. Thereafter, by communication dated 11.08.2025, the Special Land Acquisition Officer directed the bank to hold the compensation amount. Consequentially, by communication dated 14.08.2025, the bank froze the account.

6. Learned counsel for the petitioners in W.P. No.106511/2023 would contend that their predecessor was cultivating the land from 1967 to 1998-1999 and that the revenue entries support their tenancy. It is contended that the Tribunal failed to conduct proper enquiry under Rule 17 of the Karnataka Land Reforms Rules, 1974 ('Rules' for short) and failed to identify the extent with the boundaries.



It is further contended that though Form No.7 mentions 5 acres 28 guntas, the actual cultivation was 13 acres 2 guntas and that the Tribunal erred in restricting the consideration.

7. Learned Senior Counsel, Sri S. P. Kulkarni for the petitioners in W.P. No.106152/2025, submits that the petitioners are the *bona fide* purchasers under the registered sale deed dated 01.08.2014 and their names were duly entered in the revenue records. It is contended that the petitioners in W.P. No.106511/2023 have failed to establish tenancy as on 01.03.1974, which is the appointed date under the Karnataka Land Reforms Act, 1961 and the burden of proving lawful cultivation rested upon the petitioners and mere revenue entries, in the absence of cogent evidence, do not conclusively establish tenancy. It is submitted that Form No.7 reflects a claim confined to 5 acres 28 guntas and the petitioners cannot seek to enlarge the extent to 13 acres 2 guntas. It is submitted that the



Land Tribunal, being the fact-finding authority, has considered and rejected the claim. It is contended that the petitioners are attempting to indirectly disturb the acquisition proceedings and compensation paid to these petitioners, which is impermissible in law.

8. Learned Senior Counsel appearing for the petitioners in W.P. No.106152/2025 submits that once compensation was lawfully disbursed under Section 29 (2) of the KIAD Act, the SLAO becomes *functus officio*. It is submitted that there is no statutory provision which empowers freezing of bank account. No notice was issued prior to freezing of the bank account, thereby violating the principles of natural justice and that if the State claims the land is a Government land, it must initiate appropriate proceedings and cannot freeze account administratively.

9. *Per contra*, learned AGA submits that under the proceedings initiated under Section 66 of the Act, the original land owner did not retain Survey No.17 and excess



land was taken possession of by the Government in the year 1982. Therefore, by the statutory vesting, the land stood vested in the State. It is contended that though the revenue records continue to reflect the name of private individuals, such entities are fiscal in nature and do not confer title. It is stated that the Assistant Commissioner in RA No.55/2025 has cancelled the mutation entry and directed entry of the Government name in the revenue records and this reflects the correct legal position, that the land is a Government land. It is submitted that the petitioners in W.P. No.106511/2023 have failed to prove tenancy on 01.03.1974 and the burden of proof was on them. Mere production of revenue extracts does not establish a lawful cultivation and the Tribunal rightly rejected the claim.

10. Learned AGA would submit that the compensation was paid in the name of the purchaser based on revenue entries. But, subsequently, it was discovered



that the land is vested in the Government under the Land Reforms proceedings. It is submitted that the direction to freeze the account was issued only to prevent irreversible loss to the State Exchequer and multiplicity of proceedings. If compensation amount is permitted to be withdrawn, recovery at a later stage would become difficult. The Special Land Acquisition Officer acted pursuant to the communication and order of the superior authority, who had directed entry of the Government's name in the revenue records and cautioned against disbursement of the compensation amount. It is submitted that the freezing is only temporary, subject to final adjudication regarding title in question and argued that where public property is involved, the State is duty bound to safeguard its interest and interim protection measures are justified.

11. This Court has carefully considered the rival contention and perused the material on record.

12. The points that arise for consideration are:



"i. Whether the petitioners, in W.P. No.106511/2023 have established lawful tenancy in cultivation as on 01.03.1974, as to be entitled to conferment of occupancy rights under the Karnataka Land Reforms Act, 1961 and whether the Land Tribunal was justified in rejecting the claim made in Form No.7?

ii. Whether the petitioners in W.P. No.106511/2023 entitled to enlarge the extent of tenancy from the extent shown in Form No.7 to 13 acres 2 guntas?

iii. Whether the Special Land Acquisition Officer had statutory authority to issue communication dated 11.08.2025 directing the freezing of bank accounts in respect of compensation already disbursed under Section 29 (2) of the KIAD Act?

iv. Whether the tenancy dispute in W.P. No.106511/2023 confined approximately to 5 acres 28 guntas, can justify freezing of compensation paid in respect of 21 acres 31 guntas acquired under the KIAD Act?"

Point Nos.1 and 2:

13. Point Nos.1 and 2 are taken up together to avoid repetition of facts. The burden to establish tenancy and



lawful cultivation as on the appointed date rests upon the applicants under Section 48A (1) of the Act. The statutory Form No.7 (Annexure-C) reflects a claim confined to 5 acres and 28 guntas. Though the writ petition narrates cultivation of 13 acres and 2 guntas, the adjudication before the Land Tribunal was limited to the extent claimed in Form No.7. The Land Tribunal by order dated 27.10.2022 rejected the claim upon appreciation of the evidence. The right of the applicants was governed by the statutory Form No.7 filed before the Tribunal. The petitioners cannot, by way of an amendment in the writ petition, enlarge the extent beyond what was claimed and adjudicated before the Tribunal and the claim in occupancy right was approximately 5 acres 28 guntas. Upon failure to establish tenancy, the petitioners cannot project a limited tenancy claim into a declaration that the entire land is a Government land, nor can they challenge the acquisition proceedings between the State and the purchaser, and such issues fall outside the scope of the tenancy proceedings and accordingly point Nos.1 and 2



are answered and W.P. No.106511/2023 is liable to be dismissed.

Point Nos.3 and 4:.

14. It is undisputed that the acquisition proceedings were conducted in the name of the purchasers and compensation of ₹ 9,79,87,500/- was paid under agreement in full and final settlement. The communication dated 11.08.2025 directing freezing of the account and consequential bank's communication does not disclose any statutory provision authorizing such action. Once the compensation was determined and disbursed under Section 29 (2), the authority becomes *functus officio* in respect of payment. There is no provision under the KIAD Act regarding freezing of private bank account. Even assuming that the State contends that the land vested in Government under the Land Reforms proceedings, such claim must be established through appropriate legal proceedings. Mutation cancellation or revenue communication does not authorize administrative deprivation of property. The freezing of bank



account without notice and without statutory backing amounts to a deprivation of property without authority of law and violates the principles of natural justice.

15. The tenancy claim pertains to approximately 5 acres 28 guntas, whereas the acquisition and compensation relate to 21 acres 31 guntas. These extents are distinct and not co-existent. Freezing the entire compensation of 21 acres on basis of the limited tenancy dispute is disproportionate and unsustainable. Accordingly, point Nos.3 and 4 framed for consideration are answered holding that the freezing of the account of the petitioners in W.P. No.106152/2025 is unsustainable and accordingly, this Court pass the following:

ORDER

- i. W.P. No.106511/2023 is hereby ***dismissed***.
- ii. The order dated 27.10.2022 passed by respondent No.2-Land Tribunal rejecting the claim for an occupancy right is ***upheld***.



- iii. W.P.No.106152/2025 is hereby ***allowed***.
- iv. The communication dated 11.08.2025 issued by respondent No.1-Special Land Acquisition Officer directing freezing of the compensation amount is ***quashed***.
- v. The consequential communication issued by the Indian Overseas Bank dated 14.08.2025 and the Karnataka Grameena Bank freezing the petitioners' account are also ***quashed***.
- vi. The concerned banks shall forthwith defreeze the petitioners' account and permit full operation of the same.
- vii. It is clarified that if the State or revenue authority contend that the land in question is a Government land by virtue of vesting under the Karnataka Land Reforms Act or otherwise, it is open to them to initiate appropriate proceeding, in accordance with law, to establish such a claim



**NC: 2026:KHC-D:3032
WP No.106511 of 2023 CW
WP No. 106152 of 2025**

and seek consequential relief, including recovery,
if permissible.

viii. Such claims shall be adjudicated only through
due process of law.

**Sd/-
JUSTICE K.S.HEMALEKHA**

MBM
List No.: 1 Sl No.: 0