



NC: 2026:KHC-D:4454
WP No. 106103 of 2024
C/W WP No. 100044 of 2024

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. 106103 OF 2024 (KLR-RES)

C/W

WRIT PETITION NO. 100044 OF 2024 (KLR-RES)

IN WP NO.106103/2024

BETWEEN:

1. BHIMAPPA VITTAPPA TADAS,
AGED ABOUT 55 YEARS,
OCC: AGRICULTURE,
2. SHIVAPUTRAPPA S/O VITTAPPA TADAS,
AGED ABOUT 59 YEARS,
OCC: AGRICULTURE,
3. SUDHAKAR S/O VITTAPPA TADAS,
AGED ABOUT 59 YEARS,
OCC: AGRICULTURE
4. ANIL S/O VITTAPPA TADAS,
AGED ABOUT 54 YEARS,
OCC: AGRICULTURE,
5. RUKMAVVA W/O FAKKIRAPPA TADAS,
AGED ABOUT 78 YEARS,
OCC: AGRICULTURE AND HOUSEHOLD,
6. NARAYAN S/O FAKKIRAPPA TADAS,
AGED ABOUT 42 YEARS,
OCC: AGRICULTURE,
7. SANDEEP S/O SHEKAPPA TADAS,
AGED ABOUT 27 YEARS,
OCC: AGRICULTURE,



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ALL ARE R/O. NAVALUR VILLAGE,
TQ. AND DIST. DHARWAD-580009.

...PETITIONERS

(BY SRI. MRUTYUNJAY TATA BANGI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS UNDER SECRETARY,
DEPARTMENT OF REVENUE (LAND GRANT-3),
M.S.BUILDING, DR. AMBEDAKAR VEEDHI,
BANGALURU-01.
2. THE DEPUTY COMMISSIONER,
DHARWAD, DIST. DHARWAD,
PIN CODE-580001.
3. THE ASST. COMMISSIONER,
DHARWAD, DIST. AND TALUK: DHARWAD,
PIN-580001.
4. THE TASHILDAR,
DHARWAD TALUK,
DIST. DHARWAD,
PIN-580001.
5. THE REVENUE INSPECTOR,
NAVALUR VILLAGE,
TQ. AND DIST. DHARWAD-580001.
6. THE CHIEF EXECUTIVE OFFICER,
AND SECRETARY KARNATAKA
CONSTRUCTION AND BUILDING
LABOUR BOARD-580001.

...RESPONDENTS

(BY SMT. MALA.B.BHUTE, AGA FOR R1 TO R5;
SRI. VENKATARAO.N.DESHMUKH AND
SMT.RUPA DEVARAJU, ADVOCATES FOR
SRI.ARAVIND.D.KULKARNI, ADVOCATE FOR R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.



IN WP NO.100044/2024
BETWEEN:

1. BHIMAPPA S/O VEERAPPA TADAS,
AGE: 70 YEARS, OCC: AGRICUTLURAL,
2. SHIVAPUTRAPPA S/O VEERAPPA TADAS,
AGE: 65 YEARS, OCC: AGRICULTURAL,
3. SUDHAKAR S/O VEERAPPA TADAS,
AGE: 62 YEARS, OCC: AGRICULTURAL,
4. ANIL S/O VEERAPPA TADAS,
AGE: 60 YEARS, OCC: AGRICULTURAL,
5. RUKMAVVA W/O FAKIRAPPA TADAS,
AGE: 60 YEARS, OCC: AGRICULTURAL,
6. NARAYAN S/O FAKIRAPPA TADAS,
AGE: 40 YEARS, OCC: AGRICULTURAL,
7. SANDEEP S/O SHEKHAPPA TADAS,
AGE: 27 YEARS, OCC: AGRICULTURAL,

ALL ARE R/O NAVALUR, TQ. DHARWAD.

...PETITIONERS

(BY SRI.MRUTYUNJAY TATA BANGI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
R/BY ITS PRINCIPLE SECRETARY,
DEPARTMENT OF REVENUE,
M.S.BUILDING,
DR. AMBEDKAR VEDHI,
BENGALURU-560001.
2. DEPUTY COMMISSIONER OF DHARWAD,
TQ. AND DIST. DHARWAD-580001.
3. ASSISTANT COMMISSIONER OF DHARWAD,
TQ. AND DIST. DHARWAD 580001.



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4. TAHASHILDAR, DHARWAD
TQ. AND DIST. DHARWAD-580001.
5. REVENUE INSPECTOR DHARWAD,
TQ. AND DIST. DHARWAD-580001.

...RESPONDENTS

(BY SMT. MALA.B.BHUTE, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

THESE WRIT PETITIONS ARE LISTED FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

IN WP NO.106103/2024

Sri.Mrutyunjay Tata Bangi., counsel for the petitioners, Smt.Mala B.Bhute., AGA for respondents 1 to 5-State and Sri.Venkatarao N.Deshmukh., counsel for respondent No.6 have appeared in person. Smt. Rupa Devaraju., counsel on behalf of Sri.Aravind D.Kulkarni., for respondent No.6 appeared through video conferencing.

2. The Writ petition is filed seeking the following reliefs:

1. A writ in the nature of certiorari and quash the impugned order dated 22.12.2023 passed by the respondent No.2 vide Annexure-K-3 bearing No.L.G.L. VIVA:201:2023-24 whereby proposing the subject land for grant in favour of the 6th respondent for the housing project for the labours.



2. A writ in the nature of certiorari and quash the order dated 22.01.2024 bearing No.RD 008 LGD 2024 passed by the 1st respondent vide Annexure-L.
3. Grant any other relief/s deemed fit in the facts and circumstances of the case, in the interest of justice and equity.

IN WP NO.100044/2024

Sri.Mrutyunjay Tata Bangi, counsel for the petitioners and Smt.Mala B. Bhute, AGA for respondents 1 to 5, State, appeared in person.

2. The Writ petition is filed seeking the following reliefs:

- A) Issue an order in the nature of writ of certiorari or quash the impugned orders passed by the Deputy Commissioner Dharwad, in LND/LGL/CR/507/2022-23, undated, vide Anneuxre-G, confirming the order of Assistant commissioner Dharwad, in LND/CR/170/2022-23 nill-10-2022 vide Annexure-F, to meet the ends of justice, and direction be issued to consider Annexure-C dated 05.02.2022 as per law.
- B) Pass such other orders as this Hon'ble Court deems fit in the facts and circumstances of the case, including costs, in the interest of justice and equity.

3. Brief Facts of the Case.

The Petitioners are the absolute owners and are in actual cultivation of agricultural land bearing R.S. No. 77, totally measuring 17 acres 20 guntas, including 7 acres 12 guntas



classified as 'B Potkharab' land, situated at Satthuru, Dharwad. It is further submitted that an extent of 36 guntas out of the said land has been acquired by the Hubli-Dharwad Urban Development Authority.

In 2022, the Petitioners approached the revenue authorities seeking rectification of the revenue entries insofar as 07 Acres 12 Guntas of area out of the entire extent of the land. Pursuant thereto, proceedings were initiated, and a joint inspection was conducted with the assistance of the Survey Department and other concerned authorities. After local inspection of the land, a report was submitted stating that the Petitioners are cultivating the entire land, including the 'B Potkharab' portion, and recommending that an extent of 7 acres 12 guntas be treated as cultivable land.

However, the Assistant Commissioner, Dharwad, issued an endorsement stating that 'B Potkharab' land cannot be converted for cultivation. Aggrieved by the said endorsement, the Petitioners preferred a revision petition before the Deputy Commissioner, Dharwad.



The Deputy Commissioner, upon consideration, dismissed the said revision petition, thereby affirming the endorsement issued by the Assistant Commissioner without properly appreciating the inspection report and the factual position on the ground.

Being aggrieved by the impugned endorsement and the order passed in revision, and the recommendation to allot 7 Acres 12 Guntas in favour of Labour Welfare Board having no other efficacious alternative remedy, the Petitioners have filed the present Writ Petitions on various grounds as set out in the accompanying memorandum of writ petitions.

4. Counsel for the respective parties presented several contentions.

Counsel for the petitioners, in presenting his arguments, strongly pointed out that the revenue authorities failed to consider that the provisions of Rules 21 (1) and (2) do not apply to this case, as the entire land is being cultivated by the petitioners. He argued that the records also show that the disputed land is being used as a mango garden. Despite the



report indicating that the land is used for agricultural purposes, the recommendation to transfer the land to the Labour Welfare Board cannot be sustained. Counsel, hence, submits that the reasons assigned in the impugned endorsement, the order passed by the Deputy Commissioner and the consequential recommendation are unsustainable in law.

By way of reply to the said contention, the AGA justified the action of the revenue authorities. It was contended on behalf of the Government that both A-Kharab and B-Kharab lands are Government lands. While A-Kharab land is attached to cultivable land, the ownership thereof remains vested with the Government; B-Kharab land, on the other hand, is reserved for public purposes. It was further argued that the disputed land, being classified as B Potkharab land, is not capable of conversion for cultivation. On these and other grounds, the AGA submitted that the writ petitions are devoid of merit and sought their dismissal.

5. Heard the arguments advanced by the counsel on both sides and perused the writ papers with due care.



6. In the backdrop of these rival contentions, the short question that arises for consideration is whether the opinion of the Tahasildar has been examined from the proper perspective by the Assistant Commissioner, and whether the consequential recommendation to transfer the land to the Labor Welfare Board is just and proper.

A perusal of the report of the Tahasildar makes it evident that the Tahasildar has, in extenso, referred to the material on record and concluded that the disputed land does not fall within the ambit of Rule 21(2)(b) of the Karnataka Land Revenue Rules, and therefore cannot be reserved for public purposes as B-Kharab land. However, the Assistant Commissioner has taken a contrary view, holding that the disputed land falls within the purview of Rule 21(2), placing reliance solely on Government Letter No. DPAL 69 SHASHANA 2020, dated 19.10.2020.

7. In my considered opinion, the report and findings of the Tahasildar have not been appreciated from the proper perspective. The reason is not far to seek. Pursuant to the request made by the petitioners, a joint inspection was conducted with the assistance of the Survey Department and



other concerned authorities. Upon local inspection, it was reported that the petitioners are in cultivation of the entire extent of the land and that the disputed portion does not fall within Rule 21(2)(b), and hence cannot be treated as B-Kharab land reserved for public purposes.

8. In such circumstances, what was required of the Assistant Commissioner was to independently examine whether the disputed land falls within the scope of Rule 21(2)(b). However, except for placing reliance on the aforesaid Government letter, there is no meaningful consideration of the Tahsildar's report or the material gathered during the joint inspection.

9. Accordingly, the matter warrants remand. The Assistant Commissioner is directed to reconsider the issue afresh, taking into account the report and opinion of the Tahasildar, and to pass orders in accordance with law.

10. For the foregoing reasons, the impugned endorsement vide Annexure-F; the order passed by the Deputy Commissioner vide Annexure-G; the impugned recommendation



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vide Annexure-K3 and the order dated:22.01.2024 vide Annexure-L are hereby quashed.

11. Resultantly, the writ petitions stand ***allowed***. The matter is remitted to the Assistant Commissioner for fresh consideration in accordance with the law, in the light of the observations made hereinabove.

12. No order as to costs.

Sd/-
(JYOTI M)
JUDGE

AM
List No.: 2 Sl No.: 11