



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 23RD DAY OF FEBRUARY 2026

**BEFORE
THE HON'BLE MRS JUSTICE K.S.HEMALEKHA**

WRIT PETITION NO.107822 OF 2025 (KLR-RR/SUR)
C/W
WRIT PETITION NO. 108441 OF 2025 (KLR-RR/SUR)

IN WP No. 107822/2025

BETWEEN:

1. SRI. SHIVAMURTHEPPA
S/O. NEELAPPA KELAGINAMANI,
AGE: 48 YEARS, OCC: AGRICULTURE,
R/O. SUNAKALBIDARI, TQ: RANEBENNUR,
DIST: HAVERI-581115.
2. SRI. BASAVARAJ S/O. NEELAPPA KELAGINAMANI
AGE: 42 YEARS OCC: AGRICULTURE,
R/O. SUNAKALBIDARI, TQ: RANEBENNUR,
DIST: HAVERI-581115.

...PETITIONERS

(BY SRI. HANUMANTHAREDDY SAHUKAR, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
HAVERI DISTRICT HAVERI-581110.
2. THE ASSISTANT COMMISSIONER
SUB-DIVISION, HAVERI,
DIST: HAVERI-581110
3. THE TAHASILDAR
RANEBENNUR TALUK,
RENEBENNUR DIST: HAVERI -581110.
4. THE REVENUE INSPECTOR





KUPPELLUR HOBLI, TQ: RANEBENNUR,
DIST: HAVERI-581110.

5. THE VILLAGE ACCOUNTANT
SUNAKALBIDARI, TQ: RANEBENNUR,
DIST: HAVERI- 581110.
6. SRI. CHANNABASAPPA
S/O. SHIVAPPA KELAGINAMANI,
AGE: 54 YEARS OCC: AGRICULTURE,
R/O. SUNAKALBIDARI TQ: RANEBENNUR,
DIST: HAVERI-581115.
7. SRI. SADASHIVAPPA
S/O. SHIVAPPA KELAGINAMANI,
AGE: 49 YEARS, OCC: AGRICULTURE,
R/O. SUNAKALBIDARI, TQ: RANEBENNUR,
DIST: HAVERI-581115.
8. SRI. MALATESH
S/O. SHIVAPPA KELAGINAMANI,
AGE: 56 YEARS OCC: AGRICULTURE,
R/O. SUNAKALBIDARI, TQ: RANEBENNUR,
DIST: HAVERI-581115.
9. SRI. JAGADISH
S/O. BHARAMAPPA KELAGINAMANI,
AGE: 54 YEARS OCC: AGRICULTURE,
R/O. SUNAKALBIDARI, TQ: RANEBENNUR,
DIST: HAVERI-581115.

SRI. PARAMESHWARAPPA
S/O. BHARAMAPPA KELAGINAMANI,
SINCE DECEASED BY HIS LRS.
10. SMT. SHARADAMMA
W/O. PARAMESHAPPA KELAGINAMANI,
AGE: 59 YEARS, OCC: HOMEMAKER,
R/O DODDABATI,
TQ: DIST: DAVANAGERI-577001.
11. SRI. KUMAR
S/O. PARAMESHAPPA KELAGINAMANI,



NC: 2026:KHC-D:2849
WP No. 107822 of 2025
C/W WP No. 108441 of 2025

AGE: 40 YEARS, OCC: COOLIE,
R/O. DODDABATI,
TQ: DIST: DAVANAGERI-577001.

12. SMT. RUPA W/O. SHIVANAND B.K.
AGE: 35 YEARS OCC: HOMEMAKER,
R/O. NEAR RICE MILL, KELADI MASUR,
TQ: SAGARA, DIST: SHIVAMOGGA-577001.

13. SRI. SHIVANAND
S/O. BHARAMAPPA KELAGINAMANI,
AGE: 50 YEARS, OCC: PROFESSOR,
R/O. KUVEMPU UNIVERSITY SHANKAR GHATTA
(KANNADA DEPARTMENT),
DIST: SHIVAMOGGA-577001.

...RESPONDENTS

(BY SMT. NANDINI B.SOMAPUR, AGA FOR R1 TO R5;
SRI. N.R.KUPPELUR, ADVOCATE FOR R6 TO R13)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER WRIT OR ORDER OR DIRECTION QUASHING THE ORDER DATED 6.9.2023 BEARING RTS.RA.CR.8/2021-22 PASSED BY THE RESPONDENT NO.1 PRODUCED AS ANNEXURE-G AND THE ORDER DATED 24.2.2020 BEARING NO. RTS/AP/69/2019 PASSED BY THE RESPONDENT NO. 2, PRODUCED AS ANNEXURE E; AND ETC.

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THESE WRIT PETITIONS COMING ON FOR PRELIMINARY HEARING THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MRS JUSTICE K.S.HEMALEKHA

ORAL ORDER

These writ petitions are filed challenging the orders passed by the Assistant Commissioner, Haveri Sub-Division dated 24.02.2020, whereby mutation entries bearing M.R.No.54/2005 and M.R.No.2432 dated 09.09.1988 were set-aside and the subsequent revision orders dated 06.09.2023 passed by the Deputy Commissioner Haveri, dismissed the revision petitions and confirmed the order passed by the Assistant Commissioner.

2. Since the parties, properties and issues involved are interconnected, both the writ petitions are disposed of by this common order.

3. Brief facts:

The petitioners claim that the petitioners and the private respondents are members of the same family



claiming rights over agricultural lands situated in Sunakalbidari village, Ranebennur Taluk, Havari District.

4. In WP No.107822 of 2025, mutation entry MR No.54/2005 dated 06.10.2005 was certified. In WP No.108441 of 2025, mutation entry MR No.2432 dated 09.09.1988 was certified.

5. It is a case of the petitioners that after an inordinate delay of about 18 years in respect of M.R.No.54/2005 and 31 years in respect of M.R.No.2432, the respondents filed appeals before the Assistant Commissioner under Section 132 (2) of the Karnataka Land Revenue Act, 1961. The Assistant Commissioner condoned the inordinate delay and set-aside the mutation entry and the revision petitions preferred before the Deputy Commissioner came to be dismissed confirming the orders passed by the Assistant Commissioner. It is submitted that in the meanwhile, a Civil suit OS No.32 of 2019 for partition and separate possession is pending



before the II Additional Senior Civil Judge and JMFC, Ranebennur.

6. Learned counsel for the petitioners submits that the appeals are filed after inordinate delay of 18 and 31 years respectively without showing sufficient cause and condoning the delay without recording any specific finding or satisfaction regarding sufficient cause involved, is not justified. Revenue Authorities cannot adjudicate the disputed questions of title, when a civil suit for partition is pending, the Revenue Authorities ought to have not interfered with the long standing mutation entry and the Deputy Commissioner mechanically dismissed the revisions without independently examining the legality of the condonation of delay.

6. *Per contra*, learned counsel appearing for the private respondents submits that the mutation entries must reflect proper title. It is submitted that the original mutation was not supported by proper documentation and



the revenue authorities has rightly corrected the records and that the revenue entries do not confer title and are subject to the result of civil proceedings. The Assistant Commissioner rightly exercised the powers under Section 136(2) of the Karnataka Land Revenue Act.

7. This Court has carefully considered the rival contentions and perused the material on record.

8. It is well settled that the mutation entries do not confer title and are maintained only for fiscal purpose and are always subject to the adjudication of rights by a competent Civil Court. The revenue authorities are empowered under Section 136 of the Karnataka Land Revenue Act, 1964 to examine the legality of mutation entries. If an entry is found to be irregular or not supported by lawful basis, the authority is competent to interfere. Though the appeals were filed after considerable delay, the Assistant Commissioner has exercised the discretion and the power to condone the delay, is



discretionary. The same can be warranted, if this Court finds that discretion is exercised arbitrarily, order is perverse or totally in the absence of any jurisdiction. The notices were issued, objections were filed and the Assistant Commissioner considered the rival contentions and condoned the delay.

9. It is not in dispute that OS No.32 of 2019 is pending before the competent Civil Court for partition and separate possession, which is initiated by the petitioners themselves. This conduct clearly demonstrates that the petitioners do not assert absolute or exclusive title and the rights of the parties are disputed and divided and that the shares are yet to be determined.

10. Having sought for partition, the petitioners cannot simultaneously contend that the mutation entries solely in their favour based on alleged of 'Apsat Vatni', should be treated as final and conclusive. The Assistant Commissioner has not adjudicated title finally. The order



merely corrects the mutation entry and leaves the matter subject to civil Court discretion. Revenue entries must reflect lawful and undisputed title. When title itself is under serious dispute and *sub judice*, revenue authorities are justified and declining to perpetuate interest exclusively in favour of one branch. The Civil Court decree will govern the rights and revenue authorities are bound to give effect to the final decree. The impugned orders are passed by the competent authority do not determine title finally, leave the rights of the parties open and are subject to final outcome of the civil proceedings.

11. Accordingly, this Court pass the following:

ORDER

- i. The writ petition is ***disposed of***.
- ii. The mutation entry would be subject to final outcome of O.S.No.32 of 2019.



- iii. This Court has not expressed any opinion on the merits and demerits of the claim of the petitioners, which is to be adjudicated in the Civil suit.
- iv. The Civil Court shall adjudicate the matter independently without being influenced by any of the observations made by the Assistant Commissioner, Deputy Commissioner or by this Court.

Sd/-
JUSTICE K.S.HEMALEKHA

AM/-
Ct:VH
List No.: 1 Sl No.: 2