



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 9TH DAY OF APRIL 2026

PRESENT

THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD

AND

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

WRIT APPEAL NO.100740 OF 2025 (KLR-RES)

BETWEEN:

1. NAGARAJ S/O. LATE BHIMMANNA
JAWALI @ BIDARSHETTY,
AGED ABOUT MAJOR, OCC: ADVOCATE,
REPRESENTATIVE OF
VEERASHAIVA COMMUNITY OF
VADDARAHATTI VILLAGE,
RESIDING AT: VADDARAHATTI VILLAGE,
GANGAVATHI TALUK, KOPPAL DISTRICT-583201.
2. BASAVARAJ S/O. LATE NINGAPPA UPPAL
AGED ABOUT 55 YEARS,
OCC: BUSINESS,
RESIDING AT: VADDARAHATTI VILLAGE,
GANGAVATHI TALUK, KOPPAL DISTRICT-583201.

...APPELLANTS

(BY SRI. VINAYAK MEGUNDI, ADVOCATE FOR
SIR. MALLIKARJUNASWAMY B.HIREMATH, ADVOCATE)

AND:

1. D. THIMMAPPA S/O. D.THIMMANNA
AGE: 85 YEARS, OCC: AGRICULTURE,
R/O. JULY NAGAR, GANGAVATHI,
KOPPAL-583201.
2. GANESH S/O. D.THIMMANNA
AGE: 60 YEARS, OCC: AGRICULTURE,
R/O. JULY NAGAR, GANGAVATHI,
KOPPAL-583201.





3. MALLIKARJUN S/O. D.THIMMANNA
AGE: 60 YEARS, OCC: AGRICULTURE,
R/O. JULY NAGAR, GANGAVATHI,
KOPPAL-583201.
4. D. JAGADISH S/O. D. THIMMANNA
AGE: 58 YEARS, OCC: AGRICULTURE,
R/O. JULY NAGAR, GANGAVATHI,
KOPPAL-583201.
5. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY TO
THE DEPARTMENT OF REVENUE,
M.S.BUILDING, BENGALURU-560001.
6. THE DEPUTY COMMISSIONER
RAICHUR, DISTRICT: RAICHUR-580004.
7. THE DEPUTY COMMISSIONER
KOPPAL, DISTRICT: KOPPAL-583201.
8. THE TAHASILDAR
GANGAVATHI TALUK, GANGAVATHI,
DIST: KOPPAL-583201.

...RESPONDENTS

(BY SRI. PRAVEEN UPPAR, AGA)

THIS WRIT APPEAL IS FILED U/S.4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, CALL FOR THE RECORDS AND SET ASIDE THE ORDER PASSED THE LEARNED SINGLE JUDGE IN W.P NO.63947/2011 DATED 05.01.2025 WHEREIN THE WRIT PETITION WAS ALLOWED AND DISMISS THE WRIT PETITION FILED BY THE RESPONDENT 5 TO 8 AND CONSEQUENTLY CONFIRM THE ORDER PASSED BY THE RESPONDENT NO.3; AND ETC.

THIS WRIT APPEAL COMING ON FOR PRELIMINARY HEARING THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD
AND
THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE B.M.SHYAM PRASAD)

The private respondents [the first to fourth respondents] have succeeded in their writ petition in WP No.63947 of 2011 as against the jurisdictional Deputy Commissioner's Order to reserve land measuring 2 acres in Survey No.10/1 of Bagalapur village of Gangavathi Taluk [the subject property] as a burial ground.

The writ Court has interfered with the Deputy Commissioner's order essentially in the premise that the private respondents' unauthorised occupation of the said land is regularised way back in the year 1993 and that they have the benefit of mutation entries. The writ Court has further observed that the Deputy Commissioner can assume jurisdiction under Section 71 of the Karnataka Land Revenue Act, 1964 only if the subject land is a Government land and because the private respondents have been granted the subject land, it would not be a Government land



for the jurisdictional Deputy Commissioner to assume jurisdiction.

Sri Vinayak Megundi, the learned counsel for the appellants, and Sri Praveen K. Uppar, a learned Additional Government Advocate are heard, but nothing is on record to indicate that there is any factual error in the writ Court's finding that the private respondents' unauthorised occupation of the subject land is regularised way back in the year 1993, in which event the law as observed by the writ Court must prevail.

Hence, the writ appeal is ***rejected***.

Sd/-
(B.M.SHYAM PRASAD)
JUDGE

Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE