HC-KAR

NC: 2026:KHC-D:1591
WP No. 100548 of 2026
C/W WP No. 100547 of 2026

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 4TH DAY OF FEBRUARY 2026

BEFORE

THE HON'BLE MRS JUSTICE K.S.HEMALEKHA

WRIT PETITION NO. 100548 OF 2026 (KLR-RR/SUR)

C/W WRIT PETITION NO. 100547 OF 2026 (KLR-RR/SUR)

IN WP No. 100548/2026:
BETWEEN:

1. SMT. RATNAVVA W/O. GIRIMALLA MAGDUM
   AGE: MAJOR, OCC: HOUSEHOLD,
   R/O. SHIRGUR, TQ: RAIBAG,
   DIST: BELAGAVI-590001.

2. SMT. MALLAVVA W/O. SHIVAPPA BADAKURKI
   AGE: MAJOR, OCC: HOUSEHOLD,
   R/O. AALAPUR, TQ: RAIBAG,
   DIST: BELAGAVI-590001.

...PETITIONERS

(BY SRI. VINAY S.KOUJALAGI, ADVOCATE)

AND:

1. THE DEPUTY TAHSILDAR
   TAL: ATHANI, DIST: BELAGAVI-590001.

2. THE VILLAGE ACCOUNATNT
   ATHANI, DIST: BELAGAVI-590001.

3. THE REVENUE INSPECTOR
   ATHANI, DIST: BELAGAVI-590001.

4. THE ASSISTANT COMMISSIONER
   CHIKKODI, DIST: BELAGAVI-590001.

5. THE DEPUTY COMMISSIONER
   BELAGAVI-590001.

6. SMT. GURAVVA SIDDAPPA NAIK
   AGE: 88 YEARS, OCC: HOUSEHOLD,
   R/O. AGRANI-HOSATTI VILLAGE-591304,

TQ: ATHANI, DIST: BELAGAVI-590001.

7. SMT. SULAVVA W/O. SHIVAPPA PADASALAGI
AGE: 67 YEARS, OCC: HOUSEHOLD,
R/O. AGRANI-HOSATTI, TQ: ATHANI,
DIST: BELAGAVI-590001.

8. SHRI. MURGEPPA SHIVAPPA PADASALAGI
AGE: 38 YEARS, OCC: AGRICULTURE,
R/O. AGRANI-HOSATTI, TQ: ATHANI,
DIST: BELAGAVI-590001.

...RESPONDENTS

(BY SMT. NANDINI B.SOMAPUR, AGA FOR R1 TO R5;
SMT. N.Y.DIXIT, ADVOCATE FOR R6 AND R7;
SRI. DEEPAK S.KULKARNI, ADVOCATE FOR C/R8)

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, ORDER OR DIRECTION AND QUASH THE ORDER DATED 11.11.2025 PASSED IN NO. RB/RTA/21/2025-26 BY THE RESPONDENT NO.5 PRODUCED AT ANNEXURE-G IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

IN WP NO. 100547/2026:
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AGE: MAJOR, OCC: HOUSEHOLD,
R/O. SHIRGUR, TQ: RAIBAG,
DIST: BELAGAVI-590001.

2. SMT. MALLAVVA W/O. SHIVAPPA BADAKURKI
AGE: MAJOR, OCC: HOUSEHOLD,
R/O. AALAPUR, TQ: RAMDURG,
DIST: BELAGAVI-590001.

...PETITIONERS

(BY SRI. VINAY S.KOUJALAGI, ADVOCATE)

AND:

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TAL: ATHANI, DIST: BELAGAVI-590001.

2. THE VILLAGE ACCOUNATNT
   ATHANI, DIST: BELAGAVI-590001.

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   ATHANI, DIST: BELAGAVI-590001.

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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

The petitioners have called in question the order dated 11.11.2025, passed by the Deputy Commissioner, whereby, the mutation entry in respect of the land bearing RS No.2043/1A measuring 3 acres 22 guntas situated at Athani village, Ramdurg Taluk was confirmed in favour of respondent No.8.

2. Since the facts, issue and reliefs sought in both the petitions are substantially identical, they are heard together and disposed of by the common order.

3. **Brief facts**;

The undisputed facts are that the land in question originally stood in the name of Siddappa Siddalingappa Naik, who died intestate on 15.12.2003, the petitioners and the private respondents claim to be his legal heirs. It is the case of the petitioners that after the death of the propositus, mutation was effected in the year 2005-06 in favour of one Guravva the wife of late Siddappa

Siddalingappa Naik based on a consent Wardi, which according to the petitioners is fabricated and affected without notice or enquiry. Subsequently, a registered gift deed dated 31.07.2020 was executed, pursuant to which, further mutation entries were made in favour of respondent No.8.

4. Aggrieved by the mutation entries, the petitioners filed appeal before the Assistant Commissioner, thereafter before the Deputy Commissioner. The revisional authority by the impugned order dated 11.11.2025 confirmed the mutation entry in favour of respondent No.8.

5. It is also not in dispute that the petitioners have instituted O.S No.528/2023 before the competent Civil Court seeking partition, declaration and separate possession and that the said suit is pending consideration.

6. Learned counsel for the petitioners contend that the revenue authorities have affected the mutation entries

without issuing notice to all the interested persons and without conducting a proper enquiry as contemplated under Sections 123 and 129 of the Karnataka Land Revenue Act, 1966. It is submitted that the alleged gift deed and consent Wardi and subsequent gift are disputed documents and no mutation entry could have been affected on that basis. It is contended that the property is a joint family property and Guravva had no exclusive title to execute or convey any property in favour of respondent No.8. It is submitted that the revenue authorities have exceeded their jurisdiction by adjudicating issues relating to the title and possession, which falls exclusively within the domain of Civil Court.

7. Learned counsels appearing for the respondent Nos.6 to 8 submits that the gift deed executed in favour of respondent No.8 is a registered document executed on 31.07.2020. It is submitted that the civil suit is pending and the mutation entries are made pursuant to a

registered document and which would be always subject to the final outcome of the original suit.

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

9. It is a well settled law that the mutation entries would not create or extinguish rights and are only entered for fiscal purposes for maintenance of revenue records. When serious disputes relating to title and validity of documents are concerned and *inter se* rights of the parties arise, such issues must necessarily be adjudicated by a competent Civil Court upon appreciation of evidence.

10. In the present case, the petitioners have already approached the Civil Court by instituting OS No.528/2023 seeking partition and declaration, the question as to whether the property is a joint family property, whether the alleged gift deed is void or valid and what are the respective shares of the parties, are all the matters which have to be adjudicated before the Civil

Court by leading evidence and cannot be adjudicated in a revenue proceedings. The revenue authorities while entering the name or effecting mutation entries, have not conclusively decided the title. Any observation made therein would be only for the limited purpose of revenue administration. Interference at this stage would result in a parallel adjudication and may prejudice the rights of the parties that would have to be determined in the pending civil proceedings. Therefore, without exercising or without expressing any opinion on the merits of the right of the claims of the *inter se* parties, this Court is of the considered opinion that the writ petition lacks merits. Accordingly, this Court pass the following;

ORDER

i) The writ petition is ***dismissed***.

ii) The mutation entries effected would be subject to the final outcome of OS No.528/2023.

iii) The Civil Court shall decide the suit uninfluenced by any observation made in the impugned revenue order or by this Court.

Sd/-
JUSTICE K.S.HEMALEKHA

PJ/Ct:VH
List No.: 1 Sl No.: 17