



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 2ND DAY OF FEBRUARY 2026
BEFORE
THE HON'BLE MRS JUSTICE K.S.HEMALEKHA
WRIT PETITION NO. 109871 OF 2025 (LA-KIADB)

BETWEEN:

THE KARNATAKA STATE BOARD OF AUQAF
DARUL AWKAF, NO.6, CUNNINGHAM ROAD,
BENGALURU-560052, REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER,
SRI. MAAZUDDIN KHAN
S/O. MOINUDDIN KHAN,

...PETITIONER

(BY SRI. J.S.SHETTY, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REVENUE DEPARTMENT, M.S.BUILDING,
BENGALURU-560001,
REPRESENTED BY ITS PRINCIPAL SECRETARY.
2. THE SPECIAL LAND ACQUISITION OFFICER
KARNATAKA INDUSTRIAL DEVELOPMENT BOARD,
NO C.A.(1-B), GROUND FLOOR,
KARUR INDUSTRIAL AREA, P.B.ROAD,
OPP. DISTRICT ADMINISTRATION BUILDING,
DAVANAGERE-577006.
3. THE SPECIAL DEPUTY COMMISSIONER
KARNATAKA INDUSTRIAL DEVELOPMENT BOARD,
NO 49, 4TH AND 5TH FLOOR,
EAST WING, KANIJA BHAVANA,
RACE COURSE ROAD, BENGALURU-560001.





4. KARNATAKA INDUSTRIAL DEVELOPMENT BOARD,
NO.49, 4TH AND 5TH FLOOR, EAST WING,
KHANIJA BHAVANA, RACE COURSE ROAD,
BENGALURU-560001,
BY ITS CHIEF EXECUTIVE OFFICER.
5. JAMIYA MASJID MENCHARI
MENCHARI VILLAGE, BALLRI TALUK,
BALLARI-583102,
REPRESENTED BY ITS PRESIDENT.
6. MR. MUKTUM SAB SON OF ABDUL SAB,
AGE: MAJOR, RESIDING AT
SANJEEVARAYANAKOTE VILLAGE,
BALLARI TALUK, BALLARI DISTRICT-583102.
7. CHAIRMAN DISTRICT WAKF BOARD COMMITTEE,
FIRST RAILWAY GATE,
KAUL BAJAR, BALLARI-583102.

...RESPONDENTS

(BY SRI. PRAVEEN K.UPPAR, AGA FOR R1 AND R3;
SMT. SHARMILA PATIL, ADVOCATE FOR R2 AND R4;
SRI. A.S.ZUBAIR AHMED KHAN, ADVOCATE FOR R5;
SRI. SRINAND A.PACHHAPURE, SMT. PALLAVI S.PACHHAPURE
AND SRI. RAJENDRA R.PATIL, ADVOCATES FOR C/R6)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI TO QUASH THE ORDER BEARING NO.KIADB/BHU.SWA(DA) VICHARANE/SANJEEVARAYANAKOTE/704/2024-25/598 DATED 6-11-2025, PASSED BY THE RESPONDENT NO. 2, THE COPY OF WHICH HAS BEEN PRODUCED HERewith AT ANNEXURE A AND ALSO THE LETTER NO.KA.KAI/PRA.MAM/KEMKA/BHUS.SWA/BA/2551/2025-26, DATED 9-10-2025, ISSUED BY THE RESPONDENT NO.3, TO THE SECOND RESPONDENT, THE COPY OF WHICH HAS BEEN PRODUCED HERewith AT ANNEXURE-B AND ETC.

THIS WRIT PETITION COMING ON FOR ORDER THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

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



ORAL ORDER

1. This writ petition is filed by the Karnataka State Board of Waqf (Waqf) calling in question the legality of the proceedings and consequential orders passed by the Special Land Acquisition Officer, Karnataka Industrial Areas Development Board (SLAO), whereby compensation in respect of land bearing SY.No.88/3 measuring 4 acres, situated at Sanjeevarayanakote village, Ballari taluk and district has been ordered to be released in favour of respondent No.6.

2. **Brief facts:**

2.1. The land bearing Survey No.88/3 measuring 4 acres was acquired for the Industrial Corridor project under the Provisions of the Karnataka Industrial Areas Development Act, 1966 ("KIAD Act" for short), at the time of issuance of the preliminary and final notifications and during the acquisition proceedings, the revenue records



mutation entries and RTC stood in the name of respondent No.6, who had purchased the property under a registered sale deed dated 11.08.1993.

2.2. Subsequently, the petitioner-Waqf Board raised an objection claiming that the land is a Waqf property on the basis of registration under Section 36 of the Waqf Act, 1995 ('Waqf Act' for short) and a gazette notification issued in the year 2021.

2.3. The SLAO conducted an enquiry limited to entitlement for compensation, considered the objection and passed the impugned orders holding that respondent No.6 is entitled to compensation. Aggrieved, the present writ petition is filed.

3. **Contention of the petitioner:**

3.1. Learned counsel for the petitioner submits that the land bearing Survey No.88/3 measuring 4



acres is a registered Waqf property belonging to Jamia Masjid (Sunni) Minchikeri village. The property stands registered under Section 36 of the Waqf Act, since 21.07.1997 and has been subsequently notified in the official gazette dated 03.10.2021 after due survey and verification by the competent revenue authorities.

3.2. It is contended that once the property is dedicated as Waqf property, its character is permanent and irrevocable. It is contended that SLAO has acted without jurisdiction in deciding entitlement of compensation in favour of respondent No.6 when a serious dispute exists regarding the Waqf character of the land. According to the petitioner, once such dispute is raised, the only course open to the acquisition authority is to deposit the compensation before the competent forum and not to decide entitlement. It is contended that the gazette



notification is not mere an administrative entry but follows a statutory process involving survey, verification, publication and expiry of the objection. Therefore, the finding of the SLAO that gazette notification is inconclusive is contrary to law and amounts to ignoring statutory presumption attached to a work for registration.

3.3. It is further contended that any alleged sale deed or gift relied upon by respondent No.6 cannot override the statutory prediction available to a Waqf property. Alienation of a Waqf property without sanction is void and therefore respondent No.6 cannot claim compensation in his individual capacity.

3.4. It is contended that the SLAO has virtually adjudicated title which is impermissible in acquisition proceedings, and the impugned orders (Annexures-A and B) suffer from jurisdictional error warranting interference.



4. **Contention of respondent No.6:**

4.1. Learned counsel for respondent No.6 placing reliance upon decision this Court in ***S. Venkateshamappa Vs. State of Karnataka and Others***¹ (*S. Venkateshamappa*) contends that the enquiry conducted by the SLAO for deciding entitlement to compensation is administrative in nature. It is submitted that while holding such enquiry, the SLAO does not finally adjudicate title, merely identifies the person's entitled to receive compensation based on the available records. It is contended that the SLAO is statutory empowered to consider revenue records, sale deeds and possession at the time of acquisition, and on such consideration, the SLAO has rightly concluded that respondent No.6 is the person entitled to compensation. It is submitted that the land stood

¹ ILR 2003 KAR 4496



consistently in the name of respondent No.6 under registered sale deed dated 11.08.1993, mutation entries, and RTC right upto the date of acquisition. Therefore, the acquisition notification and proceedings correctly recognized respondent No.6 as khatedar and notification holder.

4.2. It is further contended that mere issuance of gazette notification does not confer indefensible or perpetual right on the Waqf Board. It is argued that unless the Waqf Board has preserved its rights through proper legal proceedings, it cannot assert ownership merely on basis of a gazette notification.

4.3. Learned counsel for the respondents specifically relies upon Sections 83 and 85 of the Waqf Act, to contend that any dispute relating to the Waqf character of the body must be adjudicated exclusively by the Waqf Tribunal. It is argued



that unless Waqf Board establishes its title before the Tribunal, it cannot seek to restrain statutory authorities from disposing compensation to the recorded owner. It is contended that when the property stands in the name of a private individual, the burden lies on the Waqf to prove its title before the competent forum under Section 83 of the Act. There being no such adjudication, the SLAO was justified in proceeding on basis of the existing revenue records.

- 4.4. It is therefore contended that the writ petition is misconceived and the impugned orders are without justification and that the petitioner's remedy lies in approaching the Waqf Tribunal and not in obstructing payment of compensation.



5. Learned counsel Sri A. S. Zubair Ahmad Khan, appearing for respondent No.5 also supports the contention of the petitioner.

6. This Court has carefully considered the rival submissions and perused the material on record. The point that arises for consideration is:

"Whether the Special Land Acquisition Officer was justified in releasing compensation in favour of respondent No.6, despite the objection raised by the Waqf Board and whether in existence of a Waqf notification by itself mandates reference of the dispute and deposit of compensation before the competent Court?"

7. The scope of consideration before the SLAO in acquisition proceedings is confined to determining the person entitled to receive compensation based on the records available at the time of acquisition. Though the SLAO is not expected to undertake a roving or adjudicatory enquiry into title, he is nevertheless



required to conduct such an enquiry as is necessary to ascertain entitlement particularly where competing claims are raised.

8. At this stage, it is apposite to notice the legal position governing the nature of enquiry conducted by the Land Acquisition in the judgment relied by the respondent No.6 in ***S. Venkateshamappa***, it has been held at paragraph Nos.14 to 18 as under:

14. *In so far as the contention of Sri Ashok Hinchigeri that the award passed by the Land Acquisition Officer is only in the nature of a proposal and is not amenable to writ jurisdiction of this court is concerned in the light of the discussions made above, it cannot be said that while holding an enquiry to decide the title of a claimant. Land Acquisition Officer performs an administrative act only.*

15. *Reliance on the decision of Madras High Court in STATE OF TAMIL NADU AND ANOTHER vs P. KANAGAMANI AND OTHERS, referred to in this regard is wholly misplaced. It only deals with the determination of market value while passing the award. According to*



the decision, "where a Land Acquisition Officer determines the market value of the acquired property and then he offers the same to the claimant, at that stage it partakes the character of an offer, which the claimant may accept or reject". That decision has no bearing to the question involved in this case. Similarly, in ROSHANARA BEGUM vs UNION OF INDIA AND OTHERS this question regarding the procedure to be followed by Land Acquisition Officer while holding an enquiry to ascertain the title of a claimant was not being considered.

16. *The decision of Andhra Pradesh High Court reported in AFZAL BEE vs SPL. DEPUTY COLLECTOR AND OTHERS, accords with the view I have taken. In the said decision as noted by me, the Court has held the Land Acquisition Officer is entitled to decide the title of a claimant which necessarily involves an enquiry.*

17. *In UKHRA FOREST AND FISHERIES (P) LIMITED vs STATE OF WEST BENGAL AND OTHERS, the Calcutta High Court was never considering this question of the procedure the*



Land Acquisition Officer has to follow while holding the enquiry.

18. *On the second objection that the award passed by the Land Acquisition Officer is purely administrative in character and not amenable to the jurisdiction of this Court, it is a well recognised principle of law that whenever a person is affected by the exercise of any statutory powers of a statutory authority, no matter by what name it is called, 'administrative', 'quasi-judicial' or otherwise, the principles of natural justice have to be followed before exercising such power (See the leading decision in A.K. KRAIPAK AND OTHERS vs UNION OF INDIA AND OTHERS. Therefore, it is of no significance whether the award of the Land Acquisition Officer is termed as administrative.*

9. This Court observed that it cannot be said that while holding an enquiry to decide the entitlement, the SLAO performs an administrative act only. It has been observed that when the SLAO determines market value of the acquired property and offers the same to the claimant, such a determination partakes the



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character of an offer, which claimant may either accept or reject. The enquiry leading to such offer is therefore not mechanical but involves application of mind to the material placed before the authority. It is categorically held that the SLAO is entitled to decide the title of the claimant and that such determination necessarily involves an enquiry, albeit limited in nature as held by the Andhra Pradesh Court in ***Afzal Bee Vs. The Special Deputy Collector and Others***² (*Afzal Bee*).

10. Keeping in view the above principles, the enquiry conducted by the SLAO in the present case cannot be categorized as either impermissible or beyond jurisdiction.
11. Learned counsel for the petitioner has placed reliance on the decision of the Co-ordinate Bench of this Court in the case of ***Lokanna S/o. Ramappa Biradarpatil***

² AIR 1978 AP 463



and Others Vs. The State of Karnataka and Others³ (*Lokanna*), to contend that, where there is a dispute regarding entitlement to compensation, the Act, 2013 is required to be followed, and the Collector is obliged to deposit the compensation amount, thereby enabling a reference under Section 64 of the Act, 2013.

12. Reliance is also placed on the decision of the Hon'ble Apex Court in the case of **Raj Lakshmi Dasi and Others Vs. Banamali Sen and Others⁴** (*Raj Lakshmi Dasi*), to contend that, where several parties assert rival claims to compensation based on their respective titles to the acquired property, the Land Acquisition Court has jurisdiction to determine questions of title incidental to apportionment of compensation.

13. Further reliance is placed on the decision of the Hon'ble Apex Court in the case of **G. H. Grant Dr. Vs.**

³ W.P.No.106967 of 2025 disposed of on 23.09.2025

⁴ (1952) 2 SCC 219



State of Bihar⁵ (*G. H. Grant Dr.*), to contend that, the scheme of the Land Acquisition Act contemplates disputes not only relating to apportionment but also to the persons entitled to receive compensation, and that such disputes fall within the adjudicatory domain of the Reference Court and ought not to be conclusively decided by the SLAO.

14. Learned counsel further relies upon decision of the Hon'ble Apex Court in the case of ***Sayyed Ali and Others Vs. A. P. Wakf Board, Hyderabad and Others***⁶ (*Sayyed Ali*), to reiterate the principle that "once a Waqf, always a Waqf", and that the character of Waqf property does not change.

15. While there is no dispute with regard to the settled propositions of law laid down in the aforesaid decisions, this Court is of the considered view that the judgments relied upon by the learned counsel for the

⁵ 1965 SCC OnLine SC 51

⁶ (1998) 2 SCC 642



petitioner is not applicable to the facts of the present case and are clearly distinguishable for the following reasons:

15.1. Firstly, the decision in ***Lokanna*** case was rendered in a factual context where there existed a clear and contemporaneous dispute regarding entitlement to compensation, supported by competing claims traceable to the acquisition itself. In such circumstances, the obligation of the Collector to deposit compensation under Sections 76 and 77(2) of the Act of 2013 was rightly emphasized. In the present case, however, no such circumstances are made out. No contemporaneous dispute existed at the time of acquisition, as the revenue records and registered title documents uniformly reflected the name of respondent No.6.

15.2. Secondly, the judgments in ***Raja Lakshmi Dasi*** and ***G. H. Grant Dr.*** are also distinguishable.



While the said decisions recognize the jurisdiction of the Reference Court to decide disputes relating to title and entitlement once a valid reference is made, such jurisdiction is attracted only when a *bona fide* and substantial dispute exists at the threshold. No such dispute is demonstrated in the present case.

15.3. Thirdly, the principle laid down in ***Sayyed Ali***, that “once a Waqf, always a Waqf”, operates only after the Waqf character of the property is established in accordance with law. In the present case, the claim of the Waqf Board is primarily based on a Gazette Notification dated 03.10.2021, which is subsequent to the acquisition proceedings and not pursuant to any adjudication under Sections 83 or 85 of the Waqf Act.

16. It is not in dispute that as on the date of issuance of the acquisition proceedings, the revenue records in



respect of Sy.No.88/3 stood in the name of respondent No.6 and that the entry of Waqf Board in the revenue record is traceable only to the gazette notification dated 03.10.2021 issued subsequent thereto. The mere issuance of gazette notification without Waqf Board having established its title in the manner known to law, cannot automatically determine displace the recorded ownership reflected in the revenue records at the time of acquisition. The power of the SLAO to refer the matter and deposit the compensation before the civil Court arises only when there exists a *bona fide* and substantial dispute regarding entitlement supported by material demonstrating competing claims as on the date of acquisition. In the present case, the claim of the Waqf Board is founded solely on a subsequent notification and not supported by contemporaneous revenue entries as any or any adjudication under Section 83 of the Waqf Act. The SLAO has, therefore, not embarked



upon a roving inquiry into title, but has confined himself to examining whether a genuine dispute warranting reference existed.

17. On finding that no such dispute existed at the relevant point of time, the SLAO has rightly proceeded to release compensation in favour of respondent No.6. It is always open to the Waqf Board to establish its title before the Waqf Tribunal or competent Court in accordance with law. However, the statutory acquisition proceedings and disbursement of compensation cannot be interdicted. Accordingly, the point frame for consideration is answered and this Court finds that the SLAO has acted within the scope of statutory powers and the impugned order does not warrant any interference.

18. Accordingly, this Court pass the following:



ORDER

The writ petition is hereby ***dismissed***.

Sd/-
JUSTICE K.S.HEMALEKHA

AT
Ct:VH
List No.: 1 Sl No.: 41