



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 14TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.G.S.KAMAL

WRIT PETITION NO. 200834 OF 2025 (LB-RES)

BETWEEN:

1. ABDUL SHUKUR S/O MOHD. IMAMSAB,
AGE:46 YEARS, OCC: AGRICULTURE,
R/O. GURUMITKAL, TQ.GURUMITKAL,
DIST.YADGIRI-585214.
2. ABDUL GAFAR @ AFSAR S/O MOHD. IMAMSAB,
AGE:45 YEARS, OCC: AGRICULTURE,
R/O. GURUMITKAL, TQ.GURUMITKAL,
DIST.YADGIRI-585214.
3. BASHEER AHMED S/O MOHD. IMAMSAB,
AGE:40 YEARS, OCC: AGRICULTURE,
R/O. GURUMITKAL, TQ.GURUMITKAL,
DIST.YADGIRI-585214.
4. NAZEER AHMED S/O MOHD. IMAMSAB,
AGE: 54 YEARS, OCC: AGRICULTURE,
R/O. GURUMITKAL, TQ.GURUMITKAL,
DIST.YADGIRI-585214.
5. RASHEED AHMED S/O MOHD. IMAMSAB,
AGE:42 YEARS, OCC: AGRICULTURE,
R/O. GURUMITKAL, TQ.GURUMITKAL,
DIST.YADGIRI-585214.

Digitally signed by
SACHIN
Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI V. K. NAYAK, ADVOCATE)



AND:

1. DEPUTY COMMISSIONER
YADGIRI, TQ. AND DIST. YADGIRI- 585201.
2. CHIEF OFFICER,
CITY MUNICIPAL COUNCIL, GURUMITKAL,
TQ. GURUMITKAL, DIST YADGIRI-585214.
3. MOHD. SIDDIKI
S/O MOHD IMAMSAB CHUNNU @ MADAKI,
AGE: 35 YEARS, OCC: AGRICULTURE,
R/O.GURUMITKAL, TQ.GURUMITKAL,
DIST. YADGIRI-585214.

...RESPONDENTS

(BY SRI MALLIKARJUN SAHUKAR, AGA FOR R1;
MS. BHUWANESHWARI G.B., ADVOCATE FOR
SMT. GEETA SAJJANSHETTY, ADVOCATE FOR R3;
R2 SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO I) CALL FOR RECORDS OF THE MUTATION BEARING NO. TMC/ MUT/ 68/1991-92 MUTATION NO. TP/ GKL/ MUT/ 73/2006-07 DATED 13.02.2007 IN RESPECT OF HOUSE PROPERTY BEARING NO.1-7-97, 1-7-98(NEW) PRESENT NEW NO. 1-7-01, 1-7-02, 1-7-03 OF GURUMITKAL TQ. GURUMITKAL FROM RESPONDENT NO.3 AND CALL FOR RECORDS IN DUDC/APM/06/2021-22; II) ISSUE WRIT OF CERTIORARI TO SET ASIDE ORDER DATED 13.12.2024 BEARING NO.DUDC/APM/06/2021-22/2541/1 PASSED BY THE RESPONDENT NO.1 VIDE ANNEXURE-K; III) AND GRANT SUCH OTHER OR FURTHER RELIEF OF RELIEFS AS THIS COURT MAY DEEM FIT IN THE CIRCUMSTANCES OF CASE.

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

CORAM: HON'BLE MR. JUSTICE M.G.S.KAMAL



ORAL ORDER

(PER: HON'BLE MR. JUSTICE M.G.S.KAMAL)

Petitioners are before this Court being aggrieved by the order dated 13.12.2024 produced at Annexure-K, by which the Deputy Commissioner, Yadagiri District, Yadagiri in exercise of his power under Section 322 of the Karnataka Municipal Corporation Act, 1964 [hereinafter referred to as 'the Act' for brevity] has allowed the revision petition filed by respondent No.3 herein, cancelling the mutation entry No.TMC/MUT/68/ 1991-92 and mutation entry No.TP/GKL/MUT/723/2006-07 dated 13.02.2007 and has further directed the entries to be made in furtherance to the registered deed of sale dated 25.09.1975 bearing No.1072/1975-76.

2. The case of the petitioners is that petitioners and respondent No.3 are the children of one Mohammed Imamsab. In that, respondent No.3 - Mohammed Siddiki is born to the first wife and petitioners 1 to 5 are born to the second wife of said Mohammed Imamsab. That the said



Mohammed Imamsab along with his brother Mohammed Ismail had purchased the subject property in terms of deed of sale dated 25.09.1975 in the name of respondent No.3. That though the deed of sale was in the name of respondent No.3, the revenue records were mutated in the name of Mohammed Ismail, the uncle of the parties herein and their father Mohammed Imam, which continued in the revenue records till the year 2007. Thereafter, upon the demise of Mohammed Ismail, the name of the father of the petitioners and respondent No.3 namely Mohammed Imamsab was mutated in the revenue records which continued till his demise in the year 2014. Things stood thus, the petitioners have been in possession and enjoyment of the subject property though the property stood in the name of respondent No.3. Respondent No.3 herein filed a belated revision petition before the Deputy Commissioner under Section 322 of the Act. Accepting the revision petition, the Deputy Commissioner passed the



impugned order as noted above. Being aggrieved by the same, the petitioners are before this Court.

3. Learned counsel for the petitioners, relying upon the judgment of the Hon'ble Apex Court in the case of ***Jagadish vs. State of Karnataka and others***¹, submits that the revision petition filed by respondent No.3 itself was not maintainable inasmuch as same had been filed after lapse of 27 years which is beyond the reasonable period. He submits when the statute does not prescribe the period for taking any action, the reasonable period cannot be construed to allow the petition of this nature to be filed after lapse of more than 27 years. He submits originally the names of the father and uncle of the petitioners had been mutated in the revenue records till 2007, thereafter, in the name of father of the parties till the year 2014. Such being the case, the respondent No.3 having kept quiet all along, had acquiesced and estopped from questioning the entries found in the revenue records.

¹ (2021) 12 SCC 812



The Deputy Commissioner has grossly erred in not appreciating this factual and legal aspect of the matter resulting in irregular and illegal order being passed. Hence, seeks for allowing the petition.

4. *Per contra*, Miss Bhuvaneshwari, learned counsel appearing for respondent No.3, vehemently opposing the petition, submits that the property admittedly belonged to respondent No.3 and that the said fact has not been disputed by the petitioners. She submits that when the property was purchased apparently respondent No.3 was young and the property was being managed by his uncle and father. It is under those circumstances, the revenue entries were effected apparently in the name of uncle and thereafter father of the parties. She submits these facts to the matter cannot be ignored in considering the reasonable period of limitation to be for challenging the revenue entries. That the ownership of the property remains with respondent No.3. That being the case, the petitioners who have no



right over the property cannot take advantage of technicality in entering of name of their uncle and father in the revenue records. Hence, she seeks for dismissal of the petition.

5. Learned Additional Government Advocate appearing for the official respondents submits that the order has been passed in accordance with law and if the parties have any grievance, they are open to approach the Civil Court and seek their rights resolved in a manner known to law. Since the petitioners are claiming to be in possession of property, it is for them to seek such remedy as may be available under law.

6. Heard. Perused the records.

7. There is no dispute in the fact that the petitioners and respondent No.3 are the children of Mohammed Imamsab. There is also no dispute in the fact that the subject property was purchased in the name of respondent No.3 in terms of deed of sale dated



25.09.1975. It appears that though the property was purchased in the name of respondent No.3, names of uncle of the parties namely Mohammed Ismail and their father was mutated in the revenue records which continued upto the year 2007. Thereafter, the name of father of the parties, namely Mohammed Imamsab was mutated in the revenue records, which continued till his demise in the year 2014.

8. Though as contented by the learned counsel for the petitioners, revision petition has been preferred by respondent No.3 under Section 322 of the Act, only in the year 2021, this Court cannot be oblivious of the fact with regard to relationship between the parties and the attended circumstances. As seen in the copy of the deed of sale dated 25.09.1975 age of the respondent No.3 is shown as 22 years. Considering the fact that initially the revenue records of the subject property stood in the name of the uncle and thereafter in the name of the father of the parties, inference has to be drawn with regard to



respondent No.3 not taking action in time in view of his age and their relationship. There is nothing on record to indicate any hostilities between respondent No.3 and his uncle and father. Further, admittedly property was purchased in the name of respondent No.3 in terms of a registered deed of sale dated 25.09.1975, possession of the property has been with father of the parties. There has been no further conveyance of title in the manner known to law. Mere revenue entries would not confer, alter or extinguish any title over the immovable property. Should the petitioners have any right, title and interest in the property, they are at liberty to have the same determined and adjudicated by a Court of competent jurisdiction. No error or illegality can be found in the impugned order.

9. In that view the matter, the petition is ***disposed of*** reserving liberty to the petitioners to seek such substantial civil remedy as may be available before a competent Court of jurisdiction.



10. At this juncture, it is submitted that the suit schedule property is a residential house, respondent No.3 is not residing in the said house and the petitioners are continuing to reside in said house. In that view of the matter, subject to outcome of the proceedings that may be initiated by the petitioners, their possession shall not be disturbed except in the manner known to law.

Petition is disposed of accordingly.

In view of disposal of the petition, pending interlocutory applications, if any, also stand disposed of.

Sd/-
(M.G.S.KAMAL)
JUDGE

SWK
List No.: 1 SI No.: 17
CT:PK