



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 202786 OF 2015 (KLR-RES)

C/W

WRIT PETITION NO. 202789 OF 2015 (KLR-RES)

IN WP No. 202786/2015

BETWEEN:

1. ALLABAX S/O SHARAFUDDIN,
AGED ABOUT 61 YEARS,
OCC:AGRICULTURE,
2. SARADARMIYA S/O MEHABOOSAB,
AGED ABOUT 59 YEARS,
OCC:AGRICULTURE,
3. HABIBSAB S/O MEHABOOSAB,
AGED ABOUT 46 YEARS,
OCC:AGRICULTURE

ALL ARE R/O GADIKESHWAR,
TQ.CHINCHOLI, DIST.KALABURAGI.

...PETITIONERS

(BY SMT.RATNA N.SHIVAYOGIMATH, ADVOCATE)

Digitally signed
by SACHIN
Location: HIGH
COURT OF
KARNATAKA



AND:

1. THE STATE OF KARNATAKA,
REP BY ITS SECRETARY,
REVENUE DEPARTMENT,
M.S.BUILDING, BENGALURU-1.
2. THE DEPUTY COMMISSIONER,
KALABURAGI,
DIST.KALABURAGI – 585 102.
3. THE ASSISTANT COMMISSIONER,
SEDAM, TQ.CHINCHOLI,
DIST.KALABURAGI – 585 121.
4. THE TAHASILDAR,
CHINCHOLI,
DIST.KALABURAGI – 585 131.
5. THE KARNATAKA WAKF BOARD,
BENGALURUR,
REP. BY ITS OFFICER, "DARUL AWKAF"
NO.6, CUNNINGHAM ROAD,
BENGALURU – 52.
6. SRI MASTAN ALI
S/O SRI ABDUL GHANI @ CHUNNUMIYAN,
R/O GADIKESHWAR, TQ.CHINCHOLI,
DIST.KALABURAGI – 585 131.

...RESPONDENTS

(BY SRI. SHESHADRI JAISHANKAR M., AGA FOR R1 TO R4;
SRI P.S.MALIPATIL, ADVOCATE FOR R5;
SRI VIKRAM VIJAYAKUMAR ADVOCATE FOR R6)

This WRIT PETITION is FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A



WRIT OR ORDER, WRIT IN THE NATURE OF CERTIORARI,
QUASHING THE IMPUGNED ORDER DATED 12.03.2015 IN
NO.SAM/KAM/APPEALU/102/13-14 PASSED BY THE 3RD
RESPONDENT VIDE ANNEXURE-Q AND THE IMPUGNED ORDER
DATED 10.02.2012 PASSED BY THE 4TH RESPONDENT IN
NO.SAM-KAM/BHU.SU/TAKARARU/1/2010-11 VIDE
ANNEXURE-N.

IN WP NO. 202789/2015

BETWEEN:

1. SANGAPPA S/O SOMANNA GADIKESHWAR,
SINCE DECEASED BY HIS LRS.
- 1(A) HEMAVATI SAWAN
W/O LATE SANGAPPA SAWAN,
AGED ABOUT 65 YEARS,
OCC : HOUSEHOLD,
- 1(B) SHASHIKALA B.PATIL,
D/O LATE SANGAPPA SAWAN,
AGED ABOUT 50 YEARS,
OCC : HOUSEHOLD,
- 1(C) SOMASHEKAR
S/O LATE SANGAPPA SAWAN,
AGED ABOUT 49 YEARS,
OCC : AGRICULTURE,
- 1(D) CHANDRASHEKAR
S/O LATE SANGAPPA SAWAN,
AGED ABOUT 48 YEARS,
OCC : AGRICULTURE,
- 1(E) SHIVALEELA
D/O LATE SANGAPPA SAWAN,
AGED ABOUT 47 YEARS,
OCC : AGRICULTURE,



- 1(F) RAJASHEKAR
S/O LATE SANGAPPA SAWAN,
AGED ABOUT 47 YEARS,
OCC : AGRICULTURE,
2. NAGAYYA S/O SHESHAPPA
AGED ABOUT 69 YEARS,
OCC : AGRICULTURE,
3. ASHOK S/O SHEHSAPPA,
AGED ABOUT 60 YEARS,
OCC : AGRICULTURE
4. JAINTANBI W/O SHEIK LADLE,
AGED ABOUT 52 YEARS,
OCC : AGRICULTURE
ALL ARE R/O : GADIKESHWAR,
TQ : CHINDHOLI,
DIST : KALABURAGI.

...PETITIONERS

(BY SRI. RATNA N.SHIVAYOGIMATH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REP BY ITS SECRETARY,
REVENUE DEPARTMENT,
M.S.BUILDING, BENGALURU-1.
2. THE DEPUTY COMMISSIONER,
KALABURAGI,
DIST : KALABURAGI-585102.
3. THE ASSISTANT COMMISSIONER,
SEDAM, TQ : CHINCHOLI,
DIST : KALABURAGI-585121.
4. THE TAHSILDAR, CHINCHOLI,
TQ : CHINCHOLI,



NC: 2026:KHC-K:2772
WP No. 202786 of 2015
C/W WP No. 202789 of 2015

DIST : KALABURAGI-585121.

5. THE KARNATAKA WAKF BOARD,
BENGALURU,
REP BY ITS OFFICER,
"DARUL AWKAF",
NO.6, CUNNINGHAM ROAD,
BENGALURU-52.
6. SRI.MASTAN ALI S/O SRI.ABDUL GHANI
@ CHUNNUMIYAN,
R/O : GADIKESHWAR,
TQ : CHINDHOLI,
DIST : KALABURAGI-585131.

...RESPONDENTS

(BY SRI.SHESHADRI JAISHANKAR M., AGA FOR R1 TO R4;
SRI P.S.MALIPATIL, ADVOCATE FOR R5;
SRI VIKRAM VIJAYKUMAR, ADVOCATE FOR R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OR ORDER, WRIT IN THE NATURE OF CERTIORARI, QUASHING THE IMPUGNED ORDER DATED 12.3.2015 IN NO.SAM/KAM/APPEALU/50/13-14, PASSED BY THE 3RD RESPONDENT VIDE ANNEXURE-T AND THE IMPUGNED ORDER DATED 10.02.2012 PASSED BY 4TH RESPONDENT IN NO.SAM-KAM/BHU.SU/TAKARARU/1/2010-11 VIDE ANNEXURE-R.

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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY



ORAL ORDER

Petitioners are before this Court under Article 226 of the Constitution of India seeking for the following reliefs :

In WP No.202786/2015 :

Issue a writ or order, writ in the nature of certiorari, quashing the impugned order dated 12.03.2015 in No.Sam/Kam/Appealu/102/13-14 passed by the 3rd respondent vide Annexure-Q and the impugned order dated 10.02.2012 passed by the 4th respondent in No.Sam-Kam/Bhu.Su/Takararu/1/2010-11 vide Annexure-N.

In WP No.202789/2015 :

Issue a writ or order, writ in the nature of certiorari, quashing the impugned order dated 12.03.2015 in No.Sam/Kam/Appealu/50/13-14, passed by the 3rd respondent vide Annexure-T and the impugned order dated 10.02.2012 passed by 4th respondent in No.Sam-Kam/Bhu.Su/Takararu/1/2010-11 vide Annexure-R.

2. Heard the learned counsel for the parties.

3. Petitioners in W.P.No.202786/2015 had filed an application before the jurisdictional land tribunal claiming occupancy rights of the land bearing Sy.No.53 measuring 08 acres and Sy.No.58 measuring 06 acres and the



petitioners in W.P.No.202789/2015 had filed an application under the provisions of Karnataka Certain Inams Abolition Act, 1977 for grant of occupancy rights of the lands bearing Sy.No.57 measuring 12 acres and land bearing Sy.No.52 measuring 10 acres situated at Gadikeshwar Village, Chincholi Taluk, Kalaburagi District. The jurisdictional land Tribunal on 08.09.1981 had granted occupancy rights of the aforesaid lands in favour of the claimants. It appears that the revenue records of the lands in question were entered in the name of the claimants and the same was continued till the name of the 5th respondent was entered based on the letter issued by the then Minister for Waqf, Government of Karnataka on 29.05.2010. The order passed by the Tahsildar, based on the aforesaid letter by the then Minister, entering the name of the 5th respondent in the revenue records of the land in question was challenged by the petitioners before this Court in W.P.No.80361-80364/2011 which was allowed on 21.11.2011 and the order passed by the



Tahsildar was set aside and the matter was remitted to the Tahsildar to pass a fresh order after hearing the petitioners herein. It appears that subsequently once again the Tahsildar passed an order rejecting the claim of the petitioners to continue their name in the revenue records of the land in question and the said order dated 10.02.2012 was questioned by the petitioners before this Court in W.P.No.84127/2012 and connected writ petitions which was disposed of on 04.07.2013 reserving liberty to the petitioners to file an appeal before the Assistant Commissioner under Section 136(2) of Karnataka Land Revenue Act, 1964. Subsequently, an appeal was filed by the petitioners before the Assistant Commissioner, which was rejected vide the impugned order at Annexure-Q dated 12.03.2015. Aggrieved by the same, the petitioners are before this Court.

4. Perusal of the material on record would go to show that the District Waqf Committee was a party before the Tribunal and the committee also had filed application



for conferring occupancy rights of the land in question along with other lands. It appears that the jurisdictional land Tribunal vide order of Annexure-C dated 08.09.1981 while granting occupancy rights of the aforesaid lands in favour of the petitioners had rejected the claim of the District Waqf Committee. The said order passed by the Land Tribunal granting of occupancy rights has not been challenged by the 5th respondent herein or by the District Waqf Committee till today.

5. It is not in dispute that the name of the petitioners was found in the revenue records of the land in question, even prior to the order of the Land Tribunal granting occupancy rights to them and even subsequent to the order at Annexure-E dated 29.05.2010 the name of the petitioners was continued in the revenue records of the land in question. It is only based on the letter of the then Minister, on the ground that the land in question were notified for the purpose of 6th respondent in the year 1974, the entries were changed. The Assistant



Commissioner having appreciated the aforesaid aspects of the matter has rightly observed that the parties are required to challenge the aforesaid orders before the competent forum. However, he has failed to restore the revenue entries in the name of the petitioners as it stood prior to changing the revenue entries in the name of the 6th respondent. Under the circumstances, to the said extent the Assistant Commissioner had erred and therefore the impugned order passed by the Assistant Commissioner needs to be set-aside. Accordingly, the following order :

- i) Writ petitions are ***allowed***.
- ii) The order passed by the Assistant Commissioner at Annexures-Q and T dated 12.03.2015 and the order passed by the respondent No.4 at Annexures-N and R dated 10.02.2012 are set aside and the competent authorities are directed to enter



the name of the petitioners in the revenue
records of the lands in question.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

sn
List No.: 1 Sl No.: 0