



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

WRIT PETITION NO. 202133 OF 2024 (KLR-RR/SUR)

BETWEEN:

1. SMT. SUGUNAMMA W/O LATE NARASIMHA REDDY,
AGED ABOUT:72 YEARS, OCC: HOUSEHOLD,
R/O YERAGERA VILLAGE,
RAICHUR TALUKA AND DSITRICT-584133.
2. VENKATA RAMA REDDY
S/O LATE NARASIMHA REDDY,
AGED ABOUT:38 YEARS, OCC: ADVOCATE,
R/O YERAGERA VILLAGE,
RAICHUR TALUKA AND DISTRICT-584133.
3. RAJAVARDHANA REDDY
S/O LATE NARASIMHA REDDY,
AGED ABOUT 32 YEARS,
OCCUPATION AGRICULTURE,
RESIDENCE OF YERAGERA VILLAGE,
RAICHUR TALUKA AND DISTRICT-584133.

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NIJAMUDDIN
JAMKHANDI
Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI. VENKATA RAMA REDDY., ADV)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,



DEPARTMENT OF REVENUE,
VIDHANA SOUDHA,
BENGALURU-560001.

2. THE DEPUTY SECRETARY
REVENUE DEPARTMENT,
(LAND GRANTS AND LAND REFORMS),
MS BUILDING, AMBEDKAR VEEDHI,
BENGALURU-560001.
3. THE DEPUTY COMMISSIONER
RAICHUR DISTRICT, SATH KACHERI,
RAICHUR-584101,
TALUKA AND DISTRICT RAICHUR.
4. THE ASSISTANT COMMISSIONER
RAICHUR SUB-DIVISION,
SATH KACHERI, RAICHUR-584101,
TALUKA AND DISTRICT RAICHUR.
5. THE TAHSILDAR
TAHASIL OFFICE, RAICHUR-584101,
TALUKA AND DISTRICT RAICHUR.
6. THE REVENUE INSPECTOR
YERAGERA HOBLI, TAHASIL OFFICE,
RAICHUR -584101,
TALUKA AND DISTRICT RAICHUR.
7. THE VILLAGE ACCOUNTANTS
LINGANAKHANA DODDI AND JAMBALADINNI
VILLAGE,
YERAGERA HOBLI,TAHASIL OFFICE,
RAICHUR -584101,
TALUKA AND DISTRICT RAICHUR
8. SMT. SAVITRAMMA D/O NARAYANA REDDY
BY LR RANGAREDDY
S/O NARAYANA REDDY,
RESIDENCE OF GUNJAHALLI VILLAGE,
RAICHUR TALUKA AND DISTRICT.



9. SRI RAVINDRAN REDDY
S/O LATE NARASIMHA REDDY,
RESIDENCE OF YERAGERA VILLAGE,
RAICHUR, TALUKA AND DISTRICT.

...RESPONDENTS

(SRI MALLIKARJUN SAHUKAR, AGA FOR R1, R3 TO R7;
SRI ANNARAYA M PATIL, ADVOCATE FOR R2
SMT. SHRIDEVI B ALBA, ADVOCATE FOR R8
V/O DATED 20.01.2026 NOTICE TO R9 IS DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) A WRIT OF CERTIORARI OR ANY OTHER ORDER OF THE KIND AND SET ASIDE/QUASH THE IMPUGNED ORDER RRT/APPEAL/DECREE/162/2022 DATED 15.06.2023 OF THE RESPONDENT NO.4 AS PER ANNEXURE-K, ITS SUBSEQUENT IMPLEMENTATION, OPERATION IF ANY IN THE INTEREST OF JUSTICE.B) CALL FOR THE RECORDS ON THE FILE OF IMPUGNED ORDER RRT/APPEAL/DECREE/162/2022 DATED 15.06.2023 NOW PASSED BY ASSISTANT COMMISSIONER, RAICHUR SUB-DIVISION, RAICHUR. C) A WRIT OF MANDAMUS OR ANY OTHER COMMAND OR DIRECTIONS DIRECTING THE RESPONDENT AUTHORITIES NO.1 TO 7 TO RESTORE THE EARLIER ENTRIES WHICH WERE STANDING IN THE NAME OF THE PETITIONERS, IN RESPECT OF THE AGRICULTURE LANDS BEARING SY.NOS. 219/*/* AND 151/1/1 OF LINGANAKHANA DOODDI VILLAGE, RAICHUR TQ. AND DIST. VIDE M.R.NO.01/95-96 DATED 04.08.1995 AND SY.NO.88/*/*A AND SY.NO.89/*/*C OF JAMBALADINNI VILLAGE VIDE M.R.NO. 03/2011-12 AND M.R.NO.04/2011-12 BOTH DATED 20.10.2011 IN THE INTEREST OF JUSTICE.

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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR



ORAL ORDER

This petition is filed by the petitioners seeking the following reliefs:

"a. A writ of CERTIORARI or any other order of the kind and set aside/quash the impugned order RRT/.Appeal/Decree/162/2022 dated: 15.06.2023 of the respondent no.4 as per Annexure-K, its subsequent implementation, operation if any in the interest of justice.

b. Call for the records on the file of impugned order RRT/.Appeal/Decree/162/2022 dated: 15.06.2023 now passed by Assistant Commissioner, Raichur Sub-Division, Raichur.

c. A writ of MANDAMUS or any other command or directions directing the respondent authorities No.1 to 7 to restore the earlier entries which were standing in the name of the petitioners, in respect of the agriculture lands bearing Sy.Nos: 219//* & 151/1/1 of Linganakhana Dooddi Village, Raichur Tq & Dist vide M.R No. 01/95-96, dated: 04.08.1995 and Sy.No: 88/*/*A and Sy.No: 89/*/*C of Jambaladinni Village vjide vide M.R.No. 03/2011-12 and M.R.No. 04/2011-12 both Dated: 20-10-2011, in the interest of justice.*

d. Issue any other order deemed fit in facts and circumstances of the case."

2. It is a case of learned counsel that petitioners are in peaceful possession, cultivation and enjoyment of the land, bearing Survey No.151/*/*/1/1 measuring 28 guntas, Survey No.219/*/*/* measuring 3 acres and 6



guntas, both situated at Linganakhana Doddi Village, Yergera Hobli, Tq. and Dist. Raichur and agricultural lands bearing Survey No.88/*/A, measuring 8 acres 11 guntas, Survey No.89/C, measuring 5 acres 36 guntas, both situated at Jambaladinni Village, Yergera Hobli, Tq. and Dist. Raichur. On the ground that the said properties are ancestral properties of petitioners herein and one Urmila Devi, daughter of petitioner No.1 and sister of petitioner Nos.2 and 3, who died in the year 2007, leaving behind her mother petitioner No.1 as a legal heir. It is the further contention of learned counsel for the petitioners is that after the death of one L. Narasimha Reddy, s/o Narasimha Reddy, in the year 1995, who is the husband of petitioner No.1 and father of petitioner Nos.2 and 3, based on the will dated 02.03.1995 executed by him, the lands of Linganakhana Doddi Village got mutated in the name of petitioners vide MR No.1/95-96 dated 04.08.1995 and names of the petitioners were further corrected and entered in the RTCs. Thereafter, the name of the



petitioner No.2 was mutated in the revenue records. It is further contended that one Savitramma, daughter of Narayana Reddy, residing in Raichur, who passed away on 20.10.2021 at Gunjanahalli Village, Raichur, disputed the lands of Survey No.2, 3, 5 and 6 of Yergera Village, Tq. and Dist. Raichur and got them mutated and alienated the same in the name of one G. Ramachandra Reddy. Hence, petitioners approached the I Additional Senior Civil Judge at Raichur in OS No. 109/2009 and obtained a judgment and decree in their favour based on the will.

3. It is further contended that on 31.10.1981 the Land Tribunal-II, Raichur, conducted proceedings relating to family properties of petitioner's father and father's brothers. Further contentions are raised with regard to one Savitramma, who is said to have filed another application before Assistant Commissioner, Raichur for mutation of the land records in Survey No.219, Linganakhana Doddi, Survey No.88/A, 89/C of Jambaladinni Village, Tq. and Dist. Raichur. Respondent No.4-Assistant Commissioner



passed an order under Section 136 (2) of Karnataka Land Revenue Act, 1964, (hereinafter referred to as 'the Act') without issuing notice to the petitioner Nos.1 to 3, arraying petitioner No.3 with deceitful name in order to deprive him to serve notice of the proceedings. Respondent No.4 after the death of Savitramma passed the erroneous order dated 29.12.2021 on the file No.RRT/APL/GEN/2021 and respondent No.5 has implemented the same through mutation entries. The said impugned order and subsequent orders were quashed by Co-ordinate Bench of this Court vide order dated 01.06.2022 and 14.06.2022 and remanded the matter back to the respondent No.4 to bring legal representatives of late Savitrama on record and pass appropriate orders. It is further contended that after the remand, the petitioners have served the copy of the order to respondent No.3 to implement the same through 'Court Module'.

4. It is contended that respondent No.4, in defiance and non-compliance of the order of this Court,



without bringing the legal representatives of deceased petitioner on record, pursuant to the application made by a third party, *suo-moto* started fresh proceedings in respect of the subject properties of the order passed in WP No.201165/2022. The petitioners herein are questioning the order passed by the respondent No.4-Assistant Commissioner vide Order dated 15.06.2023 at Annexure-K, and by making several other submissions and contentions as put forth in the petition, seeking to set aside the order and for a mandamus to restore the earlier entries made in the name of the petitioners.

5. *Per contra*, learned Additional Government Advocate representing the respondent-state vehemently contends that the present petition is not maintainable, neither would it be sustainable in view of there being an alternative efficacious remedy as per Section 136 (3) of the Act.

6. Learned counsel for the private respondents also makes a similar submission contending that this



petition would not survive for consideration both on merits and on law, in view of the fact that the order that is questioned of the Assistant Commissioner-respondent No.4 arises out of Section 136 (2) of the Act. Therefore, the petitioners would have to approach the appropriate forum to challenge the order of the Assistant Commissioner, which is questioned herein at Annexure-K.

7. I have heard learned counsel for the petitioners, learned counsel for the private respondents and the learned Additional Government Advocate for the State.

8. Apparently, it is not in dispute that the challenge in the present writ petition is to the order passed by the Assistant Commissioner-respondent No.4 passed under Section 136 (2) of the Act. When any order is passed under Section 136 (2) of the Act, there is an provision of revision against the said order under Section 136 (3) of the Act. It would be relevant to extract the provisions of Section 136 of the Act, which reads as under:



"136. Appeal and Revision.- (1) *The provisions of Chapter V shall apply to any decision or order under this Chapter.*

(2) *Any person affected by an order made under sub-section (4) or an entry certified under sub-section (6) of Section 129 may, within a period of sixty days from the date of communication of the order or the knowledge of the entry certified, appeal to such Officer as may be prescribed by the State Government in this behalf and his decision shall be final.*

(3) *The Deputy Commissioner may, on his own motion or on application of a party, call for and examine any records made under Section 127 and Section 129 and pass such orders as he may deem fit:*

Provided that no order shall be passed except after hearing the party who would be adversely affected by such order."

9. The petitioner having not challenged the order of the Assistant Commissioner before the Deputy Commissioner and having filed the present petition invoking the writ jurisdiction under Articles 226 and 227 of the Constitution of India, the same would not be maintainable, as he would have to approach the Deputy Commissioner under Section 136(3) of the Act, before



approaching this Court. The decision of the full branch of this Court in the case of ***Sri Ashok v. Shri Panduranga and others*** reported in ***ILR 2012 Karnataka 4571*** deals with the powers of the Revisional Court under Section 136 (3) of the Act. The same would be applicable in the present case on hand.

10. Therefore, I do not find any good ground or cogent reason to interfere in the present case, as the petitioners would have to be relegated to the appropriate forum to challenge the order of the respondent No.4.

11. Learned counsel for the petitioner submits that in view of the order passed by this Court in Civil Contempt Petition No.200218/2023, a direction was given that if an application was made with the Assistant Commissioner for issuance of certified copy, the same are to be issued. It is seen that this is not the subject matter in the present petition. It appears that the learned counsel for the petitioners is making attempts to mislead this Court by not making proper submissions. Under the circumstances, this



Court is not intervening in the order passed by the Assistant Commissioner-respondent No.4 or to make any further orders with regard to issuance of certified copy, as already the Contempt Court has passed such orders, which will take its logical conclusion.

12. Learned counsel for petitioners has also produced Annexure-M, claiming that the certified copies of the records are before the Assistant Commissioner and note below the said document reads as under:

“ಸದರಿ RRT/APL/162/2022 ಪ್ರಕರಣದಲ್ಲಿ ಮೇಲಿನ ಅರ್ಜಿದಾರರು party ಆಗದೆ ಇರುವುದರಿಂದ ಅರ್ಜಿ ವಿಲೇವಾರಿ ಆಗಿದೆ.”

13. It is stated that as the petitioners are not parties to the said proceedings, certified copies are not given.

14. Accordingly, I pass the following:

ORDER

- i. This petition is **dismissed** with cost of Rs.5,000/- payable to the Advocate's



Association Library Fund, High Court of Karnataka, Kalaburagi, within a period of two weeks from the date of receipt of copy of this order.

- ii. Liberty is reserved to the petitioners to approach the Deputy Commissioner under Section 136 (3) of the Act, to challenge the order of respondent No.4, if so advised.
- iii. This Court has not expressed any opinion on the merits of the matter.
- iv. All contentions of the parties are kept open.

**Sd/-
(PRADEEP SINGH YERUR)
JUDGE**

NJ
List No.: 1 Sl No.: 2
CT:MH