



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

WRIT PETITION NO.203044 OF 2024 (KLR-RR/SUR)

BETWEEN:

SRISHAIL
S/O MARILINGAPPA ANGADI,
AGE: 55 YEARS, OCC: AGRICULTURE,
R/O GOUDAGERA,
TQ. SHORAPUR, DIST. YADGIRI.

...PETITIONER

(BY SRI. SHIVAKUMAR KALLOOR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH DEPUTY COMMISSIONER,
YADGIRI-585201.
2. THE TAHSILDAR
SHORAPUR,
DIST. YADGIRI-585220.
3. THE ASSISTANT COMMISSIONER
YADGIRI-585201.
4. HULIRAJ
S/O MALLESHAPPA,
AGE: MINOR U/G OF NATURAL MOTHER,
NAGAMMA W/O MALLESHAPPA,
AGE: 50 YEARS, OCC: HOUSEHOLD,





R/O GOUDAGERA,
TQ. SHORAPUR,
DIST. YADGIRI-585220.

5. MALLESHAPPA
S/O AMARAPA ANGADI,
AGE: 60 YEARS,
OCC: AGRICULTURE,
R/O GOUDAGERA,
TQ. SHORAPUR,
DIST. YADGIRI-585220.
6. KIRANKUMAR
S/O DEVENDRAPPAGOU DA MALI BIRADAR,
AGE: MAJOR,
R/O GOUDAGERA,
TQ. SHORAPUR, DIST. YADGIRI-585220.

...RESPONDENTS

(BY SRI MALLIKARJUN SAHUKAR, AGA FOR R1 TO R3;
SRI AJAYKUMAR A.K., ADVOCATE FOR R4;
SRI RAVI B. PATIL, ADVOCATE FOR R5;
SRI GANESH NAIK, ADVOCATE FOR R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
QUASH THE IMPUGNED ORDER DATED 23.08.2023 IN FILE
NO.REV/HADA/OBJECTION/76/2022-23 PASSED BY
RESPONDENT NO.2 AS PER ANNEXURE-C AND DIRECT THE
RESPONDENTS TO MUTATE THE NAME OF PETITIONER IN
RESPECT OF SUIT LAND SY.NO.53/2 MEASURING 3 ACRE 01
GUNTAS SITUATED AT GOUDAGERA VILLAGE, TQ. SHORAPUR
AND ETC.

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



CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL ORDER

This petition is filed by the petitioner seeking to quash the impugned order dated 23.08.2023 in File No.Rev/Hada/Objection/76/2022-23 passed by respondent No.2/Tahsildar as per Annexure-C and to direct the respondents to mutate the name of the petitioner in respect of land bearing Survey No.53/*/2 measuring 03 acres 01 guntas situated at Goudagera village, Shorapur Taluk, Yadgiri District.

2. Admittedly, it is the case of the petitioner that registered sale deed is executed in favour of the petitioner by respondent No.5 on 12.07.2022. He further contends that 'J' Form is required to be sent by the Sub-Registrar Office to the Tahsildar for mutation and change of entry for including the name of the purchaser by virtue of a registered sale deed. Therefore, it becomes the duty and obligation cast upon respondent No.2/Tahsildar to enter



such name in view of the registered sale deed. Aggrieved by the inaction of respondent No.2/Tahsildar, in having not performed his duty as contemplated under Sections 128 and 129 of the Karnataka Land Revenue Act, (for short, 'the Act'), the petitioner is before this Court.

3. The petitioner and respondent No.4 have filed a joint memo for compromise. In the said joint memo, it is stated that aggrieved by the order of the Tahsildar, respondent No.4 has preferred an appeal before the Assistant Commissioner, Yadgiri, in Appeal No.81/2024-25. So also, in paragraph No.14 of the writ petition, petitioner has averred that in abundant caution he has preferred appeal. Therefore, he seeks indulgence of this Court to interfere with the impugned order, as the order suffers from a jurisdictional error committed by respondent No.2/Tahsildar.

4. Per contra, learned counsel appearing for respondent No.6 and learned Additional Government



Advocate appearing for respondent Nos.1 to 3 vehemently contend that the present petition is not maintainable in view of the fact that the order that is questioned is that of respondent No.2/Tahsildar for not having exercised the duty and obligation as cast upon him to follow the provisions of Sections 127 to 129 of the Act, more specifically, Section 128 of the Act, to include the name of petitioner in the revenue records.

5. Section 136 of the Act reads as under:

"136. Appeal and Revision.- (1) The provisions of Chapter V shall not 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.

6. On perusal of Section 136 of the Act, apparently, it is seen that any person aggrieved by an order made under the provisions of Sections 127 to 129 of the Act, have to necessarily prefer an appeal before the Assistant Commissioner under Section 136 of the Act and if the order is passed by the Assistant Commissioner, the appeal has to be preferred before the Deputy Commissioner. This aspect of the matter has been elaborately covered by the Full Bench judgment of this Court in the case of ***Sri Ashok vs. Shri Pandurang and others*** reported in ***ILR 2012 KAR 4571***. Paragraphs-16 to 18 of the said judgment would be relevant which read as under:

"16. It is no doubt true that the original order merges with the Appellate Court's order on appeal being decided. But the same does not mean that the substance of the matter would vanish by such merger. The substance of the matter or crux of the matter remains the same Under Section 129 of the Act, the disputed entries will be adjudicated by the



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original Revenue Court/Authority. Under Section 136(2) of the Act, the prescribed Officer/the Assistant Commissioner gets jurisdiction to decide the validity of the orders made under Section 129(4) of the Act or an entry certified under Section 129(6) of the Act. Thus the order passed by the Appellate Authority in exercise of jurisdiction under Section 136(2) of the Act would decide the question as to whether the entry should be made either in favour of 'A' party or 'B' party or 'C' party. Hence the substance of the matter or crux of the matter before appellate forum is nothing but the dispute relating to revenue entries under Sections 127 and 129 of the Act. If these things are kept in mind while interpreting the provisions of Section 136(3) of the Act, it would be amply clear that the Deputy Commissioner may on his own motion or on an application of a party, call for and examine any records not only made under Sections 127 and 129 but also under Section 136(2) of the Act and pass such orders as he may deem fit. After adjudicating the dispute under Section 129(4) of the Act, the mutation should be certified under Section 129(6) and the same shall be transferred from the register of Mutations to the Record of Rights under sub-Section (7) of Section 129 of the Act. Consequently, the entries in the Record of Rights under Section 127 of the Act would be altered. Thus virtually the provisions of Sections 127 and 129 go hand in hand and fate of revenue entries would depend on the orders passed by the Appellate Authority and/or the Revisional Authority.

Though the order passed by the Original Authority under Section 129 of the Act merges with the order passed by the Appellate Authority under



Section 136(2) of the Act and as such the order of the Assistant Commissioner is executable, the same would not take away the revisional jurisdiction of the Deputy Commissioner, particularly in view of the language employed in Section 136(3) of the Act. Revisional jurisdiction can be exercised by the Deputy Commissioner either suo moto or on an application made by an aggrieved party against the proceedings taken under Sections 127 and 129 of the Act. Section 136(3) specifies that the Deputy Commissioner may call for and examine any records made under Sections 127 and 129 of the Act and thereafter pass such orders as he may deem fit. The said sub-section does not specify that the revision lies only against the order passed under Section 129 of the Act. On the other hand, the Deputy Commissioner will call for and examine the records pertaining to the proceedings made under Sections 127 and 129 of the Act and thereafter he will take decision as per law. This means the Deputy Commissioner may call for and examine the records of the Assistant Commissioner also pertaining to the subject matter relating to Sections 127 and 129 of the Act.

17. There cannot be any dispute that the Assistant Commissioner while dealing with the appeal under Section 136(2) of the Act will decide the dispute arising under Sections 129(4) and 129(6) of the Act. The entries would be accordingly made as per the decision rendered by the Assistant Commissioner. Such entries will be entered in the Record of Rights again under Section 127 of the Act. If the Deputy Commissioner chooses to call for and examine records pertaining to the subject matter involving Sections 127 and 129 of the Act,



naturally the order passed by the Assistant Commissioner in such an event in appeal would be placed before the Deputy Commissioner. The Deputy Commissioner thus would exercise his revisional jurisdiction by perusing the records/proceedings maintained by the Original Authority as well as the Appellate Authority/Assistant Commissioner. In this view of the matter, in our considered opinion, the revisional jurisdiction of the Deputy Commissioner cannot be excluded merely because Section 136(2) of the Act is not mentioned alongwith Sections 127 and 129 of the Act in sub-Section (3) of Section 136 of the Act.

18. It could not have been Legislature's intention that finality intended in the order made by the Assistant Commissioner as in the instant case under Section 136(2) of the Act, should remain without a remedy within the framework of the statute. Undisputedly, the Appellate Authority i.e., Assistant Commissioner is the subordinate authority to the Deputy Commissioner, who is the Revisional Authority. Hence it is clear that the records of Appellate Authority i.e., Assistant Commissioner also may be called for while considering the matters relating to Sections 127 and 129 of the Act. The language used in Section 136 of the Act discloses clear manifestation of the intention of Legislature that Section 136(3) of the Act itself is a remedy against finality of the order of the appellate authority under Section 136(2) of the Act, we do not find any apparent contradiction between Section 136(2) and 136 (3) of the Act. In our opinion, revisional jurisdiction is provided to the Deputy Commissioner in order to give effect to the



purpose, meaning and object of the whole of Section 136 of the Act."

7. In view of the above and there being no dispute to the fact that the impugned order is passed by the Tahsildar and appeal already having been preferred, the petitioner will have to resort to alternative and efficacious remedy provided under law. I do not agree with the arguments of the learned counsel for the petitioner that there is a jurisdictional error warranting interference at the hands of this Court under Article 226 of the Constitution of India.

8. Under the above circumstances, I pass the following:

ORDER

- i. This petition is disposed of.
- ii. Liberty is reserved to the petitioner to agitate the appeal already preferred against the impugned order passed by



respondent No.2/Tahsildar before the appellate authority.

- iii. The appellate authority shall dispose of the appeal within six weeks from the date of receipt of a copy of this order.

Parties to the proceedings shall co-operate for expeditious disposal of the appeal.

It is made clear that this Court has not expressed any opinion on the merits of the matter.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

NB
List No.: 1 Sl No.: 26
CT:SI