



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 200222 OF 2024 (KLR-RR/SUR)

BETWEEN:

SMT. SABAMMA W/O LATE BALAYYA NAIK
AGE: 69 YEARS, OCCUPATION: HOUSEHOLD AND
AGRICULTURE
R/O MARATHA VILLAGE,
TALUK MANVI, DISTRICT RAICHUR-584123.

...PETITIONER

(BY SRI. KADLOOR SATYANARAYANACHARYA.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
THROUGH DEPUTY COMMISSIONER
DC OFFICE, RAICHUR-584101.
2. THE ASSISTANT COMMISSIONER
AC OFFICE, RAICHUR-584101.
3. TAHASILDAR
MANVI-584101

AMARESH S/O LATE BALAYYA NAIK DEAD BY LRS





4. SMT. NARASAMMA W/O AMARESH
AGE: 59 YEARS, OCCUPATION: HOUSEHOLD AND
AGRICULTURE
R/O APPANADODDI VILLAGE,
TALUK AND DISTRICT RAICHUR-584123.

NAGAPPA S/O LATE HANUMANTHA (DEAD BY LRS)

5(A) MUDEMMA W/O LATE NAGAPPA
AGE: 54 YEARS, OCCUPATION: HOUSEMAKER AND
AGRICULTURE
R/O N.HOSUR VILLAGE,
TALUK MANVI, DISTRICT RAICHUR-584123.

5(B) GIRIJAMMA D/O LATE NAGAPPA
AGE: 39 YEARS, OCCUPATION: HOUSEMAKER AND
AGRICULTURE
R/O N.HOSUR VILLAGE,
TALUK MANVI, DISTRICT RAICHUR-584123.

5(C) SAROJA D/O LATE NAGAPPA
AGE: 36 YEARS, OCCUPATION: HOUSEMAKER AND
AGRICULTURE
R/O N.HOSUR VILLAGE,
TALUK MANVI DISTRICT RAICHUR-584123.

5(D) UMESH S/O LATE NAGAPPA
AGE: 24 YEARS, OCCUPATION: AGRICULTURE
R/O N.HOSUR VILLAGE,
TALUK MANVI, DISTRICT RAICHUR-584123.

5(E) HANUMANTHA S/O LATE NAGAPPA,
AGE: 18 YEARS, OCCUPATION: AGRICULTURE
R/O N.HOSUR VILLAGE,
TALUK MANVI, DISTRICT RAICHUR-584123.

6. KARIYAPPA S/O LATE HANUMANTHA
AGE: 449 YEARS, OCCUPATION: AGRICULTURE
R/O N.HOSUR VILLAGE,



TALUK MANVI, DISTRICT RAICHUR-584123.

...RESPONDENTS
(BY SRI. SHESHADRI JAISHANKAR M., AGA FOR R1 TO R3;
R4, R5(a) TO 5(E) SERVED; NOTICE TO R6 IS DISPNESED
WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE RECORDS AND ISSUE. I) WRIT OF CERTIORARI QUASHING ORDER DATED 14.07.2023, PASSED BY RESPONDENT NO.1 / DEPUTY COMMISSIONER, RAICHUR IN R.P.NO. 09/2017-18 IN RESPECT OF SY.NO.51/A AT ANNEXURE-A, MEASURING 08 ACRES 30 GUNTAS, SITUATED AT MURKI GUDDA, TQ. MANVI, DIST. RAICHUR. II) WRIT OF CERTIORARI QUASHING THE ORDER DATED 05.04.2017 PASSED BY RESPONDENT NO.2/ ASSISTANT COMMISSIONER, RAICHUR IN RRT/ APPEAL/ 153/2014-15 AT ANNEXURE-B, IN RESPECT OF SY.NO.51/A, MEASURING 08 ACRES 30 GUNTAS, SITUATED AT MURKI GUDDA, TQ. MANVI, DIST. RAICHUR. III) AND PASS ANY OTHER WRIT OR ORDER, WHICH THE HONOURABLE COURT DEEMS FIT, CONSIDERING THE FACTS AND CIRCUMSTANCES OF THE CASE.

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

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



ORAL ORDER

Petitioner is before this Court under Articles 226 and 227 of the Constitution of India seeking the following reliefs:

"i) Writ of certiorari quashing order dated 14.07.2023, passed by respondent no.1 / deputy commissioner, Raichur in R.P.No. 09/2017-18 in respect of Sy.No.51/a at Annexure-A, measuring 08 acres 30 guntas, situated at Murki Gudda, Tq. Manvi, Dist. Raichur.

ii) Writ of certiorari quashing the order dated 05.04.2017 passed by respondent No.2/ Assistant Commissioner, Raichur in RRT/ Appeal/ 153/2014-15 at annexure-b, in respect of Sy.No.51/A, measuring 08 acres 30 guntas, situated at Murki Gudda, Tq. Manvi, Dist. Raichuri

iii) And pass any other writ or order, which the Honourable Court deems fit, considering the facts and circumstances of the case"

2. Heard learned counsel for the petitioner and learned Additional Government Advocate, on behalf of respondent Nos.1 to 3. The other respondents, who are



served in the matter have remained unrepresented before this Court.

3. The revenue records of the land bearing Sy.No.51/A, measuring 8 acres 30 guntas, out of 13 acres 6 guntas, situated at Murki Gudda village, Tq. Manvi, Dist. Raichur was mutated in the name of petitioner's husband named Balayya Naik by the jurisdiction of Tahasildar at Manvi, by order dated 11.11.1973 in proceedings No.82/72-73 and ever since then, the entries in the revenue records of the aforesaid land measuring 8 acres 30 guntas continued in the name of Balayya Naik. It appears that in the year 2014 the contesting respondents herein had approached the Tahasildar with a prayer to rectify the revenue entries, which stood in the name of Balayya Naik, pursuant to the order dated 11.11.1973 and the Tahasildar had issued an endorsement on 10.10.2014 stating that since he has already passed an order on 11.11.1973, the contesting private respondents are required to file an appeal before the competent authority.



It is under these circumstances, an appeal under Section 136(2) of the Karnataka Land Revenue Act, 1964 was filed by the private respondents herein before the Assistant Commissioner, Raichur, assailing the order dated 11.11.1973. The said appeal was allowed by the Assistant Commissioner on 05.04.2017 and as against the said order, the petitioner herein had filed revision before the Deputy Commissioner, Raichur in Revision Petition No.9/2017-18, which was dismissed vide Annexure-A on 14.07.2023. Assailing the aforesaid two orders, the petitioner is before this Court.

4. Learned counsel for the petitioner having reiterated the grounds urged in the petition submits that no application for condonation of delay was filed before the Assistant Commissioner, though the appeal was filed belatedly after a period of 41 years. He submits the contesting private respondents have filed OS No.473/2014 before the jurisdictional Civil Court against petitioner herein seeking declaration of their title over the property,



which is subject matter of the writ petition and a prayer is also made in the said suit for rectifying the revenue records of the suit schedule property. Under the circumstances, the Assistant Commissioner and Deputy Commissioner were not justified in passing the impugned orders at Annexures-A and B. Accordingly, he prays to allow the petition.

5. *Per contra*, learned Additional Government Advocate, who has appeared on behalf of respondent Nos.1 to 3, has argued in support of the impugned orders at Annexures-A and B and has prayed to dismiss the petition.

6. Perusal of the material on the record would go to show that name of late Balayya Naik was entered in the revenue records of the land bearing Sy.No.51/A, measuring 8 acres 30 guntas situated at Murki Gudda village, Tq. Manvi, Dist. Raichur, pursuant to the order dated 11.11.1973 passed by the Tahasildar, Manvi. Thereafter, his name continued in the revenue records of



the land in question for a period more than 40 years. It is only in the year 2014 for the first time, the contesting private respondents herein had approached the Tahasildar with a prayer to cancel the mutation order passed on 11.11.1973. Thereafter, they had filed an appeal before the Assistant commissioner, Raichur, challenging the order passed by the Tahasildar, dated 11.11.1973. Though the said appeal was filed belatedly after a period of more than 40 years, no application was filed seeking condonation of the delay caused in filing the appeal. In spite of the same, the said appeal was entertained by the Assistant Commissioner and order at Annexure-B dated 05.04.2017 was passed. The Deputy Commissioner, without appreciating the aforesaid aspects of the matter, has confirmed the said order passed by the Assistant Commissioner and has dismissed the revision petition filed by the petitioner, vide impugned order at Annexure-A.

7. Learned counsel for the petitioner has produced copy of the plaint in OS No.473/2014 (new OS



No.58/2023) pending before the jurisdictional Civil Court at Sindhanuru sitting at Manvi, along with a memo dated 23.04.2026. Perusal of the said plaint would go to show that the contesting respondents herein are the plaintiffs in the said suit and the petitioner is the sole defendant. In the said suit, the plaintiffs have sought for declaration of title in respect of the suit schedule property and a prayer is also made to rectify the revenue records of the suit schedule property, which is the subject matter of this petition. Filing of the said suit appears to have been suppressed by the contesting respondents before the revenue authorities, who have passed the impugned orders.

8. Under the circumstances, I am of the view that the impugned orders at Annexures-A and B cannot be sustained. Accordingly, the following:



ORDER

- i. The writ petition is ***allowed***.
- ii. The impugned orders at Annexure-A dated 14.07.2023 passed by the Deputy Commissioner and at Annexure-B dated 05.04.2017 passed by the Assistant Commissioner are quashed and the jurisdictional Tahasildar is directed to restore the name of Late Sri Balayya Naik in the revenue records of the land in question.
- iii. It is made clear that entries in the revenue records of the land in question shall be subject to the result of OS No.473/2014 of (new OS No.58/2023).

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE