



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. 200092 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. DEPUTY COMMISSIONER, DC OFFICE,
RAICHUR-584101.
2. THE ASSISTANT COMMISSIONER
AC OFFICE, RAICHUR-584101.
3. TAHASILDAR
MANVI-584101
4. RACHANAGOUDA S/O LATE MALLANAGOUDA
(SINCE DEAD BY LRS)
4(A) BASAMMA W/O RACHANAGOUDA,
AGE: 55 YEARS, OCCUPATION: HOMEMAKER AND





AGRICULTURE,
R/O ALKOD VILLAGE,
TALUK DEVADURGA, DISTRICT RAICHUR-584129.

4(B)LAXMI W/O HUSSAINAPPA,
D/O LATE RACHANAGOUDA
AGE: 36 YEARS, OCCUPATION: HOMEMAKER AND
AGRICULTURE
R/O CHINCHARKI VILLAGE,
TALUK MANVI, DISTRICT RAICHUR-584115.

4(C) NAGARATNA W/O VEERESH
D/O LATE RACHANAGOUDA
AGE: 34 YEARS, OCCUPATION: HOMEMAKER AND
AGRICULTURE
R/O HALEKOTE VILLAGE, TALUK SIRAGUPPA
DISTRICT BALLARI-583122

4(D)NARASAMMA W/O AMBANNA
D/O LATE RACHANAGOUDA
AGE: 32 YEARS, OCCUPATION: HOUSEHOLD AND
AGRICULTURE
R/O MARATHA VILLAGE,
TALUK MANVI DISTRICT RAICHUR-584123

4(E) MOUNESH S/O LATE RACHANAGOUDA
AGE: 36 YEARS, OCCUPATION: AGRICULTURE
R/O ALKOD VILLAGE,
TALUK MANVI, DISTRICT RAICHUR-584123.

4(F) RAJESH S/O LATE RACHANAGOUDA
AGE: 36 YEARS, OCCUPATION: AGRICULTURE
R/O CHINCHARKI VILLAGE,
TALUK MANVI, DISTRICT RAICHUR-584115.

4(G) VENKATREDDY S/O LATE RACHANAGOUDA
AGE: 27 YEARS, OCCUPATION: AGRICULTURE
R/O ALKOD VILLAGE,
TALUK DEVADURGA DISTRICT RAICHUR-584123.



4(H) SMT. NIRMALA W/O JAMBANNA
D/O LATE RACHANAGOUDA
AGE: 26 YEARS, OCCUPATION: HOUSEHOLD AND
AGRICULTURE
R/O HALEKOTE VILLAGE,
TALUK SIRAGUPPA, DISTRICT BALLARI-583122.

4(I)RANGANGOUDA S/O LATE RACHANAGOUDA
AGE: 25 YEARS, OCCUPATION: AGRICULTURE
R/O ALKOD VILLAGE,
TALUK DEVADURGA, DISTRICT RAICHUR-584123.

5. BASANAGOUDA S/O MALLANAGOUDA
AGE: 58 YEARS, OCCUPATION: AGRICULTURE
R/O ALKOD VILLAGE,
TALUK DEVADURGA DISTRICT RAICHUR-584123.

...RESPONDENTS

(BY SRI. SHESHADRI JAISHANKAR M., AGA FOR R1 TO R3;

SMT. RATNA N SHIVAYOGIMATH, ADV FOR R4(A) TO R4(I)
AND R5)

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. 10/2017-18, IN RESPECT OF SY.NO.51/AA AT ANNEXURE-A, MEASURING 04 ACRES 16 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/152/2014-15 AT ANNEXURE-B, IN RESPECT OF SY.NO.51/AA, MEASURING 04 ACRES 16 GUNTAS, SITUATED AT MURKI GUDDA, TQ. MANVI DIST. RAICHUR. iii) AND PASS ANY OTHER WRIT OR ORDER, WHICH THE HONOURABLE COURT FIT, CONSIDERING THE FACTS AND CIRCUMSTANCES OF THE CASE.



THIS PETITION, COMING ON FOR PRELIMINARY HEARING
'B' GROUP, 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. 10/2017-18, in
respect of Sy.No.51/AA at Annexure-A, measuring 04
acres 16 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/152/2014-15
at Annexure-B, in respect of Sy.No.51/AA, measuring
04 acres 16 guntas, situated at Murki Gudda, Tq.
Manvi Dist. Raichur.*

*iii) And pass any other writ or order, which the
honourable Court 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/AA, measuring 4 acres 16 guntas, 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 4 acres 16 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.10/2017-18, 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.472/2014



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/AA, measuring measuring 4 acres 16 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.472/2014 (new OS No.57/2023) 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.472/2014 of (new OS No.57/2023).

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE