



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

WRIT PETITION NO.203750 OF 2025 (LR)

BETWEEN:

1. SHRI. DESU S/O PANDU LAMANI,
AGE: 80 YEARS, OCC: AGRICULTURE,
R/O HEGADIHAL (LT) VIJAYAPURA-586108
REPRESENTED BY HIS POWER OF ATTORNEY
HOLDER,
SHRI. RAJU S/O DESU LAMANI,
AGE: 46 YEARS, OCC: AGRICULTURE,
R/O HEGADIHAL (LT) VIJAYAPURA-586108.
2. RAMDAS S/O PANDU RATHOD,
AGE: 80 YEARS, OCC: AGRICULTURE,
R/O HEGADIHAL (LT) VIJAYAPURA-586108.

...PETITIONERS

(BY SRI. DHRUVA P. AMBEKAR, ADVOCATE)



AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY,
REVENUE DEPARTMENT, 3RD GATE, 5TH FLOOR,
M.S. BUILDING, DR. AMBEDKAR VEEDI,
BANGALORE-560001.
2. THE DEPUTY COMMISSIONER,
VIJAYAPURA-586101.
3. ASSISTANT COMMISSIONER,
VIJAYAPURA-586101.



4. TAHSILDAR
VIJAYAPURA TALUKA
TQ. & DIST. VIJAYAPURA-586101.
5. ASSISTANT DIRECTOR OF LAND RECORDS,
VIJAYAPURA-586101.

...RESPONDENTS

(BY SRI. VIRANAGOUDA M. BIRADAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE IMPUGNED NOTIFICATION BEARING NO. ಕ್ರ.ಸಂ:ಆರ್.ಬಿ/ಕಂಗ್ರಾರ/ವಿವ-23-24 AT ANNEXURE-B DECLARING THE LAND OF THE PETITIONERS AS AN UNRECORDED HABITATION AND NAMING IT AS BASAVA NAGAR AND ALL FURTHER PROCEEDINGS PURSUANT THERETO. B) ISSUE A WRIT OF CERTIORARI QUASHING THE CONSEQUENT MUTATION ENTRY BEARING NO. T165/2023-24 DATED 15-12-2023 ANNEXURE-C AND THE CONSEQUENT RTC ENTRY SHOWING THE LAND IN NAME OF GOVERNMENT - BASAVA NAGAR AT ANNEXURE-D AND FURTHER ORDER OF RESTORATION OF THE ENTRIES AS THEY STOOD EARLIER AS PER ANNEXURE-A.

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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL ORDER

This petition is filed seeking following reliefs:

"A. Issue a writ of certiorari quashing the impugned notification bearing no. ಕ್ರ.ಸಂ:ಆರ್.ಬಿ/ಕಂಗ್ರಾರ/ವಿವ-23-24 at Annexure-B declaring the land of the petitioners, as



an unrecorded habitation and naming it as Basava Nagar and all further proceedings pursuant thereto.

B) Issue a writ of certiorari quashing the consequent mutation entry bearing No. T165/2023-24 dated 15.12.2023 at Annexure-C and the consequent RTC entry showing the land in name of government-Basava Nagar at Annexure-D and further order of restoration of the entries as they stood earlier as per Annexure-A

C. Such further or other reliefs be granted as this Hon'ble Court deems fit in the facts and circumstances of the case"

2. Learned counsel for the petitioners contends that petitioners are joint owners of land bearing Sy.No.100A/2 measuring 04 acres 01.01.25 guntas of Hegadihal village, Taluk and District: Vijayapura. Name of the petitioners along with other family members is shown in cultivators column of Record of Rights. Petitioners belong to Lambani community and they had no land or place to occupy permanently. The family members of the petitioner permitted the petitioners to occupy a part of their land. On 27.11.2023, respondent No.2 got issued a



notification of declaration of unrecorded habitation under Section 38A of the Karnataka Land Reforms Act, 1961 in Form 2-E bearing No. ಆರ್.ಬಿ/ಕಂಗ್ರಾಂರ/ವಿವ-23-24 declaring the land of the petitioner as unrecorded habitation and named it as Basava Nagar.

3. He further contends that said notification was issued without compliance of mandatory and procedural requirements, without following principles of natural justice, namely issuance of notice, enquiry and providing an opportunity of hearing. Therefore, he contends that the said notification is unlawful, illegal and the same cannot be accepted. It is further contended that in pursuance of the notification, the name of the petitioners and his family members were deleted and the name of the government was ordered to be entered in the revenue records, which is certified behind the back of the petitioners. Petitioners came to know about the same, only when they heard the same through his neighbors. As they probed into the matter, their request to respondent Nos.2 and 3 was not



considered. Hence, left with no alternative efficacious remedy, they are before this Court, seeking to quash the notification.

4. Learned Additional Government Advocate however submits that even before issuance of notification, a survey would have been conducted and without conducting such a survey, the inhabited area would not be carved out. He however submits that the petitioners since claiming that they have not received any notice or opportunity, a direction be issued to the petitioners to submit a representation, which will be considered in accordance with law.

5. I have heard Learned counsel for the petitioners and learned Additional Government Advocate for the respondents.

6. An identical matter was considered by Co-ordinate Bench of this Court in WP No.203768/2025, whereby Co-ordinate Bench upon consideration of the



matter and going through the provisions of Section 38A of the Karnataka Land Reforms Act, 1961 read with Rule 9B to Rule 9E of Karnataka Land Revenue Rules, 1974 and the procedure for issuance of grant certificate of ownership to agricultural labourers, with regard to the unrecorded habitation falling within Basava Nagar, which also pertains to the very same notification dated 27.11.2023, allowed the petition, quashing the notification to the extent of petitioners' land and directing the petitioners to submit a presentation and the respondents to consider the said representation and pass suitable orders.

7. The present case on hand is no different from the one which was disposed of by the Co-ordinate Bench vide order dated 01.12.2025. Therefore, the same would apply in the present case as well.

8. Accordingly, I pass the following:



ORDER

- i. Petition is ***allowed***.
- ii. Notification No. ಆರ್.ಬಿ/ಕಂಗ್ರಾ/ವಿವ-23-24 dated 27.11.2023, at Annexure-B, pertaining to land bearing Sy.No.100A/2 measuring 04 acres 01.01.25 guntas of Hegadihal Village, Taluk and District: Vijayapura, belonging to the petitioners is hereby quashed.
- iii. Petitioners shall submit a representation along with the documents showing their ownership and entitlement within 15 days from the date of receipt of copy of this order. Upon such a representation being submitted to the respondent No.2, he shall consider the same by following the due procedures and conduct an enquiry and communicate the same to the petitioners, in writing within a reasonable time.



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- iv. The respondent No.2 shall pass orders within a period of 3 months from the date of submission of the representation.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

NJ
List No.: 2 SI No.: 18
CT:SI