



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

WRIT PETITION NO.203253 OF 2025 (KLR-RR/SUR)

BETWEEN:

SMT. HUSSAIN BANU
W/O MAHEBOOBSAB,
AGED ABOUT 50 YEARS,
OCC: AGRICULTURE,
R/O BALAGANUR, TQ. MASKI
DIST. RAICHUR.

...PETITIONER

(BY SRI. AMITKUMAR CHAGSHETTI, FOR
SRI. GURUPADAPPA GOLAPPA CHAGSHETTI, ADVOCATE)

AND:

1. THE REGIONAL COMMISSIONER,
KALABURAGI REGION,
MINI VIDHAN SOUDHA,
DIST. KALABURAGI-585102.
2. THE DEPUTY COMMISSIONER,
RAICHUR, DIST. RAICHUR-584123.
3. THE ASST. COMMISSIONER,
SUB-DIVISION, LINGASUGUR,
DIST. RAICHUR-584123.
4. THE TAHASILDAR, MASKI
TQ. MASKI DIST. RACIHUR.





5. THE DISTRICT WAKF OFFICER
WAQF RAICHUR
THROUGH HUSSAIN ALAM
ASHUR KHANA SUNNI
DIST. RAICHUR.

...RESPONDENTS

(BY SRI. MALLIKARJUN SAHUKAR, AGA FOR R1 TO R4;
SRI. P.S.MALIPATIL, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ALLOW THE WRIT PETITION AND A) ISSUE A WRIT, ORDER OR DIRECTION IN THE NATURE OF MANDAMUS, DIRECTING THE RESPONDENT NO.3 AND 4 TO CONSIDER THE REPRESENTATION DATED 16.06.2025 VIDE ANNEXURE-D AND TO TAKE SUITABLE DECISION IN ACCORDANCE WITH LAW, B) ISSUE A WRIT, ORDER OR DIRECTION, IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENT NO.3 AND 4 TO DELETE THE NON-ALIENATION CLAUSE IN COLUMN NO.11 OF THE RORS IN RESPECT OF SY.NO.378/*/2 MEASURING 11 ACRES 25 GUNTAS SITUATED AT BALAGANUR VILLAGE MASKI TALUKA, DIST. RAICHUR.

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 by the petitioner seeking a writ of mandamus directing respondent Nos.3 and 4 to consider the representation dated 16.06.2025 and act in accordance to the recommendation made by respondent



Nos.3 & 4 and pass suitable orders by deleting the non-alienation clause in Column No.11 in record of rights in respect of land of the petitioner.

2. Facts of the case are that petitioner claims to be the wife of one Maheboob Sab, who during his lifetime was cultivating the land personally and was in physical possession and enjoyment of the land in question. Claimants filed an application for grant of land by contending that they are the legal heirs of inamdar. Husband of the petitioner filed Form No.2 before the land Tribunal Sindhanur seeking registration as occupant under Section 5 of the Karnataka Certain Inams Abolition Act, 1977. He was granted occupancy rights for land bearing Survey No.378/*/2 measuring 11 acres 25 guntas. Thereafter, the husband of the petitioner paid premium amount to the Government and became the absolute owner of the land in question.



3. This being the state of affairs, husband of the petitioner died on 01.02.1992. Thereafter, the name of the petitioner has been entered in the record of rights as legal heir of deceased Maheboob Sab and she has been personally cultivating the land as owner. The Land Tribunal granted occupancy rights vide Order dated 11.09.1984 and imposed a condition that the land should not be alienated for 15 years in Column No.10 of record of rights. The respondents had entered non-alienation clause in Column No.10, which continued for 15 years. It is further contended that despite completion of 15 years, in column No.11, the clause of non-alienation is continued. Petitioner made a representation on 16.06.2025 to the respondent authorities.

4. The Revenue Inspector submitted a report to respondent No.4-Tahsildar. The said report came to be further forwarded to respondent No.3 to delete the name of Wakf Board in Column No.11 and recommended for deletion of non-alienation clause in Column No.11. Despite



such recommendation being made, the respondent authorities failed to delete the clause of non-alienation mentioned in Column No.11.

5. It is contended by learned counsel that when a report has been submitted by producing all the documents by the petitioner and revenue authorities have forwarded the same to the Tahsildar which is further forwarded to the Assistant Commissioner, the same ought to have been considered and the non-alienation clause ought to have been deleted which has not been done in the present case. Therefore, petitioner made a representation to the authorities. However, the said representation is also not considered, hence, aggrieved by the same, the petitioner is before this Court.

6. Learned Additional Government Advocate representing the State submits that based on the report of the Revenue Inspector to the Tahsildar and further to the Assistant Commissioner and the records which are



available, the orders could be passed by the respondent authorities in accordance to law, if reasonable time is granted. Learned Additional Government Advocate has filed statement of objections wherein at paragraph No.6, it is mentioned that based on the remarks, the process for removal of non-alienation clause is under progress and the same would be considered.

7. Placing the submission of learned Additional Government Advocate on record, this Court deems it appropriate to pass the following:

ORDER

I. Writ petition is ***allowed***.

II. Respondent No.3 is directed to consider the representations dated 16.06.2025 and 28.07.2025 on being satisfied, pass suitable orders with regard to deletion of non-alienation clause in Column No.11 in the record of rights with respect to Survey



No.378/*/2, measuring to an extent of 11
acres 25 guntas situated at Balaganur
Village, Muski Taluk, District Raichur, within
a period of four weeks from the date of
receipt of copy of the order.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

VNR
LIST NO.: 2 SL NO.: 9
CT:SI