



IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 17<sup>TH</sup> DAY OF FEBRUARY, 2023

BEFORE

THE HON'BLE MR JUSTICE S.R. KRISHNA KUMAR

WRIT PETITION NO. 101036 OF 2023 (KLR-RR/SUR)

**BETWEEN:**

1. KRISHNAPPA S/O CHANDRAPPA PUJAR  
AGE 60 YEARS, OCC AGRICULTURE  
R/O HAROGERI VILLAGE  
TQ MUNDARAGI, DIST GADAG 582118
2. RAMACHANDRAPPA S/O CHANDRPPA PUJAR  
AGE 54 YEARS, OCC HOUSEWIFE  
R/O HAROGERI VILLAGE  
TQ MUNDARAGI, DIST GADAG 582118

...PETITIONERS

(BY SRI. SADIQ N GOODWALA, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
DEPARTMENT OF REVENUE  
BY ITS PRINCIPAL SECRETARY  
VIDHAN SOUDHA, BENGALURU 560001
2. THE DEPUTY COMMISSIONER, GADAG  
DIST GADAG 581107
3. THE ASSISTANT COMMISSIONER GADAG  
DIST GADAG 581107
4. THE TAHASILDAR  
TQ MUNDARGI, DIST GADAG 581107
5. KARNATKA STATE BOARD OF WAKF  
BY ITS CHIEF EXECUTIVE OFFICER  
CUNNINHAGAM ROAD, BENGALURU 560001

...RESPONDENTS

(BY SRI. VINAYAK S. KULKARNI, AGA FOR R1 TO R4;  
SRI. B. MUHAMMED ALI, ADVOCATE FOR R5)





THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI QUASHING THE IMPUGNED ENTRY BASED ON MUTATION DATED 21.03.2019 AT COLUMN NO. 9, 11 AND 12 IN ROR IN RESPECT OF SY NO. 69/2A MEASURING 1 ACRE 27 GUNTAS SITUATED AT HAROGERI VILLAGE, TQ, MUNDARGI, DIST. GADAG, VIDE ANNEXURE-C.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

In this writ petition, the petitioners have sought for the following reliefs:

- i) *Issue a Writ in the nature of certiorari quashing the impugned entry based on mutation dated 21.03.2019 at column No.9, 11 and 12 in ROR in respect of Sy. No.69/2A measuring 1 Acre 27 guntas situated at Harogeri Village, Tq:Mundargi, Dist: Gadag vide Annexure-C.*
- ii) *Issue such other reliefs as this Hon'ble Court deems fit in the circumstances of the case.*

2. Heard learned counsel for the petitioners and learned counsel for the respondents. Perused the material on record.



3. In addition to reiterating the various contentions urged in the Memorandum of Petition and referring to various documents produced, learned counsel for the petitioners submits that, despite the name of the petitioners being found in the revenue records in respect of the subject property, in particular, at column Nos.9, 11 and 12, the respondents-authorities have proceeded to delete the name of the petitioners and insert the name of the "Harogeri Masjid Wakf Property" without notifying the petitioners or hearing them in violation of principles of natural justice and without resorting to mutation proceedings as mandatorily required under Sections 128 to 131 of the Karnataka Land Revenue Act, 1964 and as such, the petitioners are before this Court by way of the present petition.

4. Per contra, learned counsel for the respondents submit that there is no merit in the



petition and the same is liable to be dismissed particularly when the petitioners have an equally efficacious and alternative remedy by way of appeal u/S 136(2) of the Karnataka Land Revenue Act, 1964 and consequently the petition is liable to be dismissed.

5. As rightly contended by learned counsel for the petitioners, in the light of the material on record, which clearly establishes that though the names of the petitioners were found in the revenue records in particular at column Nos.9 to 12(2), the impugned revenue records at Annexure-C inserting the name of the "Harogeri Masjid Wakf Property" in both the aforesaid columns without notifying the petitioners or hearing them and without resorting to the mandatory procedures prescribed under Sections 128 to 130 of the Land Revenue Act, 1964 is clearly illegal and in violation of principles of natural justice and the same deserves to be



quashed in view of the decisions of this Court in the cases of ***Sri. Sharanabasappa Vs. The State of Karnataka and others(W.P.No.147421/2020 dated 12.10.2020)*** and ***Abdul Samad and another Vs. The State of Karnataka & others (W.P.No.101122/2021 dated 26.03.2021)***, referred to *supra*.

6. Insofar as the contentions urged on behalf of the respondents with regard to availability of equally efficacious and alternative remedy by way of appeal u/S 136(2) of the KLR Act is concerned, in view of my findings above that the impugned revenue records are violative of principles of natural justice and without following the mandatory procedure prescribed under Sections 128 to 131 of the KLR Act, mere availability of an appeal will not come in the way of this Court entertaining the present writ petition.



7. In view of the aforesaid facts and circumstances, I pass the following:

**ORDER**

- i) The petition is allowed.
- ii) The impugned revenue records showing the names of "Harogeri Masjid Wakf Property" in respect of Sy. No.69/2A measuring 1 Acre 27 guntas situated at Harogeri village, Tq:Mundargi, Dist: Gadag, are hereby quashed.
- iii) Respondents are directed to restore and enter the names of the petitioners in all the revenue records in respect of the aforesaid subject properties within a period of two months from the date of receipt of a copy of this order.
- iv) Liberty is reserved in favour of respondents-authorities to take such steps as available in law.

**SD  
JUDGE**

gab  
List No.: 1 SI No.: 27