

**IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT GULBARGA**

DATED THIS THE 9TH DAY OF AUGUST 2012

BEFORE

THE HON'BLE MR.JUSTICE H.N.NAGAMOHAN DAS

W.P.Nos.83765-766/2012(GM-WAKF)

BETWEEN:

1. RAJAPPA S/O MANIKAPPA
AGE: 30 YEARS, OCC: AGRICULTURE
R/O SULEPETH, TQ. CHINCHOLI
DIST. GULBARGA
2. NAGAPPA S/O CHANDRAPPA
AGE: 55 YEARS, OCC: AGRICULTURE
R/O SULEPETH, TQ.CHINCHOLI
DIST. GULBARGA

... PETITIONERS

(BY SRI NARESH V. KULKARNI, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
OFFICE OF DEPUTY COMMISSIONER
GULBARGA – 585 102
2. THE TAHSILDAR
CHINCHOLI
TQ. CHINCHOLI
DIST. GULBARGA – 585 307
3. THE KARNATAKA STATE WAKF BOARD
CUNNINGHAM ROAD, BANGALORE - 54

4. THE DIST. ADVISORY COMMITTEE
WAKF BOARD, GULBARGA – 585 102

... RESPONDENTS

(BY SRI SHARMA MALLIKARJUN, HCGP FOR R1 & R2
SRI LIYAQAT FAREED USTAD, ADVOCATE FOR R3 & R4)

THESE WRIT PETITIONS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER ORDER IN THE LIKE NATURE TO QUASH THE IMPUGNED ORDER DATED 28.06.2012 IN M.NO.54 AT ANNEXURE-E IN RESPECT OF LAND BEARING SY.NO.33 OF VILLAGE SULEPETH PASSED BY THE ASST. COMMISSIONER, CHINCHOLI.

THESE WRIT PETITIONS COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Sri. Sharma Mallikarjun, learned High Court Government Pleader is directed to take notice for respondent Nos.1 to 3. Sri. Liyaqat Ali Fareed Ustad, learned standing counsel is directed to take notice for respondent No.4.

2. Learned counsel on both side submits that identical issue came up for consideration before this Court in W.P.Nos.81769-773/2011 and connected

matters. This Court vide order dated 26.08.2011 partly allowed the writ petitions and remanded the matter to the Tahsildar to pass appropriate orders. For the reasons stated in the order in W.P.Nos.81769-773/2011 and connected matters, this writ petition is hereby allowed. The impugned order Annexure-E is hereby quashed. The matter is remanded to respondent No.2 - Tahsildar to pass appropriate orders in accordance with law after providing opportunity to both the parties.

Ordered accordingly.

Three weeks time is granted to file memo of appearance.

Sd/-
JUDGE

NB*