



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF JULY, 2023

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 202040 OF 2023 (KLR-RR/SUR)

BETWEEN:

1. SRI SHEKARGOUDA
S/O BASANAGOUDA BADARLI,
AGED ABOUT 59 YEARS,
OCCUPATION. AGRICULTURE,
2. SRI. SHANKARAGOUDA
S/O SHEKARGOUDA BADARLI,
AGED ABOUT 59 YEARS,
OCCUPATION. AGRICULTURE,

BOTH ARE R/O CHANNABASAVA NAGARA,
PWD CAMP, TALUK. SINDHANUR,
DISTRICT. RAICHUR 584128.

...PETITIONERS

(BY SRI. ARUNKUMAR AMARGUNDAPPA .,ADVOCATE)

AND:

1. THE REGIONAL COMMISSIONER
KALABURAGI DIVISION,
KALABURAGI 585102.
2. THE DEPUTY COMMISSIONER,
RAICHUR, DISTRICT. RAICHUR 584101.
3. THE TAHASILDAR,
SINDHANKUR, TALUK. SINDHANUR,
DISTRICT. RAICHUR 584128.
4. THE KARNATAKA STATE BOARD OF WAKFS,
'DARUL A WAKF', NO 6





CUNNINGHAM ROAD,
BANGALORE, 560052.
REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER.

...RESPONDENTS

(BY SMT. MAYA T.R., HCGP FOR R1 TO R5;
SRI. P.S. MALIPATIL., ADVOCATE FOR R6)

THIS WRIT PETITION FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI TO QUASH THE ENTRIES IN THE NAME OF 4TH RESPONDENT IN COLUMN 11 OF THE ROR FOR THE YEAR 2022-2023 IN RESPECT OF PETITIONER AGRICULTURAL LAND BEARING SY NO. 108/ /5, MEASURING 01 ACRES 00 GUNTAS, SITUATED AT SINDHANUR TALUK OF RAICHUR DISTRICT, VIDE ANNEXURE- C AND ETC

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

ORDER

1. The petitioner is before this Court seeking for the following reliefs:

- a. *Issue a writ in the nature of certiorari to quash the entries in the name of 4th respondent in column 11 of the ROR for the year 2022-2023 in respect of petitioner agricultural land bearing Sy.No.108/* /5 measuring 01 acres 00 guntas, situated at Sindhanur Taluk of Raichur District, vide Annexure-C.*
- b. *Grant such other relief or reliefs as this Hon'ble Court deems fit in the facts and circumstances of the case, in the interest of justice and equity.*



2. The petitioners claim to be owner and in possession of agricultural land bearing Sy.No.108/*/5 measuring 1 acre situated in Sindhanur taluk, Raichur district. It is submitted that without issuance of any notice, respondent No.3 caused entry of the name of the Wakf in column No.11 in respect of the aforesaid land. It is aggrieved by the same that the petitioners are before this Court.
3. The contention of learned counsel for the petitioners is that deletion of the name of the petitioners and insertion of name of Wakf has been made without even issuing show cause notice to the petitioners, thereby violating the principles of natural justice.
4. A perusal of the record indicates that there is no notice which has been issued to the petitioners. Without issuance of notice, no action could have been taken by respondent No.3 for removal of the name of the petitioners and enter the name of Wakf



in column No.11. In that view of the matter, I am of the considered opinion that the Writ Petition is required to be allowed.

5. As such, I pass the following:

ORDER

- i. The Writ Petition is **allowed**.
- ii. The impugned entries made by respondent No.3-Tahsildar entering the name of Wakf in column No.11 of the Record of Rights at Annexures-C respect of the land of the petitioner is hereby set aside.
- iii. The Tahsildar-respondent No.3 is directed to delete the name of Wakf in column No.11 of the Record of Rights within ten days from the date of receipt of the copy of this order and cause the restoration of the name of the petitioners in the said column by strictly following the observations made by this Court in the decision in W.P. No.200337/2023.



- iv. Liberty is however reserved to respondent No.3 to initiate such action as may be necessary against the petitioners after issuing show cause notice and following the principles of natural justice.

Sd/-
JUDGE

LN
List No.: 1 Sl No.: 59