



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 19TH DAY OF APRIL, 2024

BEFORE

THE HON'BLE MR JUSTICE V SRISHANANDA

WRIT PETITION NO. 200235 OF 2024 (KLR-RR/SUR)

BETWEEN:

BHAGIRATHI BAI,
W/O LATE SHARANAPPA UDNURE,
AGE: 68 YEARS,
OCC: AGRICULTURE,
RESIDENCE OF KOHINOOR,.
TALUKA: BASAVAKALYAN,
DISTRICT: BIDAR-585445.

...PETITIONER

(BY SRI HUSKE SURYAKANTH, ADVOCATE AND
SRI FAIZUDDIN K. ZARDI, ADVOCATES)

AND:

1. STATE OF KARNATAKA THROUGH,
PRINCIPAL SECRETARY,
REVENUE DEPARTMENT,
5TH FLOOR, GATE NO. 3,
M.S. BUILDINGS,
BENGALURU-560001.
2. THE DEPUTY COMMISSIONER BIDAR
DISTRICT: BIDAR-585401.
3. THE TAHASILDAR BASAVAKALYAN
DISTRICT: BIDAR-585327.





4. KARNATAKA STATE BOARD OF AUQAF/WAKF
NO. 6, CUNNINGHAM ROAD,
BENGALURU-560052.
BY ITS CHIEF EXECUTIVE OFFICER.

...RESPONDENTS

(BY SMT. MAYA T. R, HCGP FOR R1 TO R3;
SRI. P.S. MALIPATIL, ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT /ORDER / DIRECTIONS IN THE NATURE OF CERTIORARI/ MANDAMUS DIRECTING THE RESPONDENT NO.3 - TAHASILDAR BASAVAKALYAN TO DELETE THE NAME OF RESPONDENT NO.4 - THE WAKF BOARD I.E. ಕರ್ನಾಟಕ ವಕ್ಫ್ ಮಂಡಳಿ ದರ್ಗಾ {ವಿಸ್ತೀರ್ಣ 36-15 ಗುಂಟೆ} APPEARING IN COLM.NO.11 OF RORS OF LAND SY.NO. 27/2 MEASURING 18 ACRES 22 GUNTAS SITUATED AT VILLAGE KONINOR IN BASAVAKALYAN TALUK OF BIDAR DISTRICT FROM 2014-15 TO 2023-24 COLLECTIVELY SHOWN IN ANNEXURE-B (1) TO B(9).

THIS WRIT PETITION IS COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Heard Sri Faizuddin K. Zardi, learned counsel for the petitioner, Sri P.S.Malipatil, learned counsel for respondent No.4 and Smt.Maya T.R., learned High Court Government Pleader for respondent Nos.1 to 3.

2. The writ petition is filed with the following prayer:

A) issue a writ/order/mandamus or writ of certiorari directing the respondent No.3- Tahsildar,



Basavakalyan to delete the name of respondent NO.4- ಕರ್ನಾಟಕ ವಕ್ಫ್ ಮಂಡಳಿ ದರ್ಗಾ (ವಿಸ್ತೀರ್ಣ 36-15 ಗುಂಟೆ) appearing in colm.No.11 of RoRs of land Sy No.27/2 measuring 18 acres 22 guntas situated at village Kohinoor in Basavakalyan taluk of Bidar district from 2014-15 to 2023-24 collectively shown in annexure-B(1) to B(9)."

3. The writ petitioner's land has been shown as Waqf property in Column 11 of the RTC in respect of the land bearing Sy.No.27/2 measuring 18 acres 22 guntas situated at Kohinoor village, Basava Kalayana, Bidar District.

4. Admittedly, no notice has been issued to the petitioner nor any enquiry is held by the Tahsildar before entering the name of the Waqf Board in the RTC.

5. Therefore, a case is made out to quash the Orders at Annexures-B(1) to B(9) and remit the matter to the Tahsildar for fresh enquiry, after notifying the petitioner.

6. Hence, the following:

ORDER

(i) Writ petition is **allowed**.



(II) Annexures-B(1) to B(9) are *quashed*.

(iii) The matter is remitted to the Tahsildar, Basava Kalyana, to hold fresh enquiry, after notifying the petitioner, in accordance with law, within a period of three months from today.

Sd/-
JUDGE

kcm
Ct:si
List No.: 1 Sl No.: 59