

IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH

DATED THIS THE 30TH DAY OF NOVEMBER, 2022

BEFORE

THE HON'BLE MR.JUSTICE R. DEVDAS

WRIT PETITION No.203113/2022 (KLR-RR-SUR)

BETWEEN

MAKTUM SAB S/O ABDUL SAB
AGE: 39 YEARS,
OCC: AGRICULTURE,
R/O BENDEBEMBLI VILLAGE,
TQ. SHAHAPUR,
NOW TQ. WADAGERA,
DIST. KALABURAGI-585355.

...PETITIONER

(BY SRI. SANTOSHKUMAR AND
SRI.SIDDALING REDDY PATIL, ADVOCATES)

AND

1. THE STATE OF KARNATAKA
BY ITS SECRETARY
REVENUE DEPARTMENT,
M.S. BUILDING,
BENGALURU-560001.
2. THE REGIONAL COMMISSIONER
KALABURAGI,
DIST. KALABURAGI-585102.
3. THE DEPUTY COMMISSIONER
YADGIRI AT
YADGIRI-585201.

4. THE ASSISTANT COMMISSIONER
YADGIRI AT
YADGIRI-585201.
5. THE TAHSILDAR
WADAGERA,
TQ. WADAGERA,
DIST. YADGIRI-585355.
6. KARNATAKA STATE
WAKF BOARD,
6, CUNNINGHAM ROAD,
VASANT NAGAR,
BENGALURU-560051.
REPRESENTED BY
ITS SECRETARY.

...RESPONDENTS

(BY SRI. VIRANAGOUDA M BIRADAR, AGA FOR R1 TO R5;
SRI. P.S.MALIPATIL, ADVOCATE FOR R6:)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI, THEREBY QUASH THE IMPUGNED MUTATION BEARING NO. MR MR T-21 DATED 30.10.2017 PASSED BY THE RESPONDENT NO.5 AS AT ANNEXURE-C IN RESPECT OF SY NO.177/3 OF BENDEBEMLI VILLAGE OF WADAGERA TALUKA IN YADGIRI DISTRICT AND ETC.

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

ORDER

R. DEVDAS J., (ORAL):

Learned Additional Government Advocate takes notice for respondents No.1 to 5. Learned counsel Sri.P.S.Malipatil takes notice for respondent No.6.

2. Learned counsel for the petitioner submits that the grievance of the petitioner is regarding the illegal entry made in column No.11 of the Record of Rights in respect of 3 acres of land in Sy.No.177/3, situated at Bendebembli village, Wadagera Taluk, Yadagir District.

3. Leaned counsel submits that under similar circumstances, this Court has passed orders in W.P.No.200340/2021 dated 23.02.2021 and in W.P.No.200337/2021 dated 23.02.2021 holding that the entries have been made without notice to the land owner and therefore, the writ petitions were allowed while quashing the impugned orders inserting the

name of 'Wakf board' in column No.11 of Record of Rights. A writ of mandamus was issued directing the respondent-Tahsilar, Manvi to delete the name of the Wakf Board within a period of four weeks from the date of receipt of certified copy of that order. However, liberty was reserved to the Wakf Board to follow the applicable law and due procedure, if at all it has any right, title or interest in the land in question for entering the name of the Wakf board in the Record of Rights. Learned counsel prays for similar orders.

4. Learned Counsel Sri P.S.Malipatil, who had also appeared for respondent-Wakf Board in the two matters submits that it is true that such an order has been passed by this Court.

5. Consequently, the writ petition is allowed in terms of the earlier orders passed by the Co-ordinate Bench in W.P.No.200340/2021 dated 23.02.2021 and in W.P.No.200337/2021 dated 23.02.2021.

6. Consequently, in view thereof and since there is a serious lapse of procedural aspect, a certiorari is issued quashing the order dated 30.10.2017, inserting the name of the Wakf Board in Column No.11 of the Records of Rights at Annexures-D and D1 to D2. Consequently, a mandamus is issued directing the respondent No.5-Tahsildar, Wadagera Taluk, to delete the name of respondent No.6 from the Record of Rights, within a period of four weeks from the date of receipt of certified copy of the order. Liberty is reserved to respondent No.6-Wakf Board to follow the applicable law and due procedure of law if at all it has any right, title or interest in the said property for inserting of the name in the Records of Rights.

7. Learned Additional Government Advocate is directed to communicate this order to the Regional Commissioner, Deputy Commissioner and Tahsildar within the jurisdiction of this Court so that these kind

of orders are not passed putting innocent parties at risk behind their back.

8. Accordingly, the Writ petition is ***allowed.***

9. Learned Additional Government Advocate and the learned counsel for respondent No.6 are permitted to file Memo of Appearance/Vakalath, within a period of four weeks from today.

**Sd/-
JUDGE**

DL