



IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 27TH DAY OF APRIL, 2023

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

WRIT PETITION NO. 102768 OF 2023 (KLR-RR/SUR)

BETWEEN:

KHAZASAB S/O. AMEERSAB KAZI,
AGE: 60 YEARS, OCC: AGRICULTURE,
R/O: ITIGI VILLAGE, TQ: RON, DIST: GADAG.

...PETITIONER

(BY SRI. SADIQ N. GOODWALA.,ADVOCATE)

AND:

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

...RESPONDENTS

(BY SRI. V.S. KALASURMATH, HCGP FOR R1 TO R4
SRI. B MOHAMMAD ALI., ADVOCATE FOR R5)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
CONSTITUTION OF INDIA, PRAYING TO,I) A WRIT IN THE NATURE
OF CERTIORARI QUASHING THE IMPUGNED ENTRY BASED ON





MUTATION DATED 21.03.2019 AT COLUMN NO. 9 AND 12 IN ROR IN RESPECT OF SY. NO. 253/1B MEASURING 4 ACRES 17 GUNTAS SITUATED AT ITIGI VILLAGE, TQ. RON, DIST. GADAG VIDE ANNEXURE-C. AND ETC.,

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

ORDER

1. Learned HCGP accepts notice for respondents 1 to 4. Learned counsel Sri. B. Mohammed Ali accepts notice for respondent No.5.

2. Petitioner claims that he is the owner in possession of Survey No.253/1B, measuring 4 acres 17 guntas, situated at Itagi village, Taluk Ron and District Gadag and his name was mutated in revenue records by the respondent No.4. However, respondent No.4 without issuing notice to the petitioners has mutated the name of respondent No.5 in column No.9 and 12 of the records of rights. Hence, this writ petition.

3. Learned counsel for petitioner would submit that the impugned mutation entry effected in favour of respondent No.5 is in violation of the principles of natural justice, since no notice was issued to the petitioner. Hence, he submits that the impugned mutation entry requires to be quashed.



4. On the other hand, learned counsel appearing for respondent No.5 submits that the land in question belongs to respondent No.5 and as such, the mutation entry effected in favour of respondent No.5 is perfectly legal and same does not warrant any interference by this Court.

5. Leaned HCGP appearing for respondents 1 to 4 would reiterate the submissions made by the learned counsel for respondent No.5.

6. I have considered the submissions made by the learned counsel for parties.

7. Admittedly, the name of the petitioner was mutated in the revenue records in respect of the land in question and on an application submitted by respondent No.5, respondent No.4 has deleted the name of the petitioner in the revenue records and mutated the name of respondent No.5 without issuing any notice to the petitioner, which is in violation of principles of natural justice. Hence, the impugned mutation entry effected in the name of respondent No.5 is requires to be quashed. Hence, I proceed to pass the following:



ORDER

The writ petition is allowed.

The mutation entry dated 21.03.2019 at Column No.9 and 12 in the records of rights in respect of Survey No.253/1B, measuring 4 acres 17 guntas, situated at Itagi village, Taluk Ron and District Gadag is quashed and the name of the petitioner is ordered to be restored in the revenue records concerned within a period of four weeks from the date of certified copy of this order.

However, liberty is reserved with respondent No.5 to take such steps as is available in law.

All contentions are kept open.

**Sd/-
JUDGE**

VB

List No.: 1 Sl No.: 44