IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 29TH DAY OF MARCH, 2023

BEFORE

THE HON'BLE MS. JUSTICE JYOTI MULIMANI

WRIT PETITION NO.201085 OF 2023 (KLR-RR/SUR)

BETWEEN:

SMT.MOULANBI
W/O SHEIKCHAND NADEPALLI
AGE: 80 YEARS,
OCC: AGRICULTURE,
R/O. SEDAM, TQ. SEDAM,
DIST. KALABURAGI-585222.

...PETITIONER

(BY SRI. SIDDALING REDDY PATIL.,ADVOCATE)

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. DEPUTY COMMISSIONER
   KALABURAGI AT KALABURAGI-584102.
   DIST. KALABURAGI.

4. THE ASSISTANT COMMISSIONER
   SEDAM AT SEDAM-585222,
   DIST. KALABURAGI.

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Location: HIGH COURT OF KARNATAKA

5. TAHSILDAR
SEDAM AT SEDAM-585222,
DIST. KALABURAGI.

6. KARNATAKA STATE WAKF BOARD
6, CUNNINGHAM ROAD,
VASANT NAGAR,
BENGALURU-560051.
REPRESENTED BY ITS SECRETARY.

…RESPONDENTS

(BY SRI.VEERANAGOUDA MALIPATIL., HCGP FOR R1 TO R5;
SRI.ANAND KUMAR., ADVOCATE FOR
SRI.P.S.MALIPATIL., ADVOCATE FOR R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

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

ORDER

Sri.Siddaling Reddy Patil., learned counsel for the petitioner and Sri.Veeranagouda Malipatil., learned HCGP for respondents 1 to 5 have appeared in person.

Sri.Anand Kumar., learned counsel on behalf of Sri.P.S.Malipatil., for respondent No.6 has appeared through video conferencing.

The captioned Writ Petition is filed challenging the entries made in the name of sixth respondent i.e., Karnataka State

Board of Wakf in respect of Sy.No.519*1 measuring 09 Acres 06 Guntas excluding kharab situated at Sedam Village, Sedam Taluk, Kalaburagi District. The Writ of Mandamus is also sought to delete the name of sixth respondent in Column No.11 of Record of Rights.

This Court has noticed that above said entries are made in violation of principles of natural justice and procedure contemplated under the Karnataka Land Revenue Act, 1964. Under similar circumstances, the Co-ordinate Bench of this Court has allowed the Writ Petition and granted the relief to the petitioner in W.P.No.200105/2023. This petitioner is also similarly placed.

The impugned mutation order bearing No.MR T-41 dated:07.09.2017 vide Annexure-C is quashed.

The Tahasildar is directed to delete the name of Karnataka State Board of Wakf in Column No.11 of the Record of Rights of the petition property within four months from the date of receipt of the certified copy of this order and to restore the entry in respect of petition property as it stood earlier to impugned entry.

However, it is made clear that this Court has not expressed any opinion on the rights of the petitioner and contesting respondents.

The Tahasildar may initiate proceedings for effecting changes in the property records, if so advised in law. In such an event, the Tahasildar shall issue notice to the petitioner and sixth respondent before passing further order.

With the above observations, the Writ Petition is ***allowed***.

Sd/-
JUDGE

TKN
List No.: 1 Sl No.: 53