



CNR: KAHC010120982015

NC: 2026:KHC:48984
WP No. 31129 of 2015

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 31129 OF 2015 (GM-CPC)

BETWEEN:

1. KARNATAKA STATE BOARD OF WAKFS
DARUL AWKAF
NO.6, CUNNINGHAM ROAD
BANGALORE - 560 052
REPRESENTED BY
THE CHIEF EXECUTIVE OFFIER
MIR ANEES AHMED
AGED ABOUT 50 YEARS

...PETITIONER

(BY SRI. SABAHATH SULTANA, ADVOCATE)

AND:

1. THE THASILDAR
BAGEPALLI TALUK
BAGEPALLI
CHIKKABALLAPUR DISTRICT - 562101
2. SRI FAKRULLA KHAN
S/O LATE SATHAR KHAN
AGED ABOUT 48 YEARS
CHICKBALLAPUR DISTRTICT - 562 101
3. SRI RAHMATHULLA KHAN
S/O LATE SATHAR KHAN
AGED ABOUT 44 YEARS
NO.1, AND 2 ARE RESIDING AT
10TH BLOCK, BAGEPALLI TOWN
CHICKBALLAPUR DISTRTICT - 562 101

Digitally
signed by
ANNAPURNA
G
Location: High
Court of
Karnataka



NC: 2026:KHC:48984
WP No. 31129 of 2015

CNR: KAHC010120982015

4. SRI AMANULLA KHAN
S/O LATE MOHAMMED KHAN
AGED ABOUT 64 YEARS
RESIDING AT GUTTAPALYA VILLAGE
GULUR HOBLI,
BAGEPALLI TALUK
CHICKBALLAPUR DISTRICT - 562 101
5. SRI FAKRULLA KHAN @ KHAN SAB
S/O LATE MOHAMMED KHAN
AGED ABOUT 48 YEARS
DECEASED PERSON REPRESENTED BY LRS AS
RESPONDENTS NO.7 TO 12
6. THE MANAGEMENT COMMITTEE
SHAIK HUSSAIN SHA WALI DHARGA
BAGEPALI KODIKONDA ROAD
CHICKBALLAPUR DISTRICT - 562 101
REPRESENTED BY ITS PRESIDENT
JANAB SIRAJUL RAHMAN
AGED ABOUT 52 YEARS

...RESPONDENTS

(BY SRI. MANJUNATH RAYAPPA, AGA FOR R1
SRI. MAHMOOD PATEL, ADVOCATE FOR R2 & R4
SMT. FATHIMA ZOHRA, ADVOCATE FOR R2
SRI. MAHMOOD PATEL, ADVOCATE FOR R8 TO R12
(VK NOT FILED)
R7 TO 12 ARE TREATED AS LRS OF DECEASED R5 VIDE
ORDER DATED 30.10.2024
R6 AND R9 ARE SERVED
V/O DT: 09.06.2026, NOTICE TO R7, R8, R10, R11 AND
R12 ARE HELD SUFFICIENT
VIDE ORDER DATED 30.06.2026,
WP AS AGAINST DECEASED R2 STAND REJECTED)



CNR: KAHC010120982015

NC: 2026:KHC:48984
WP No. 31129 of 2015

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 16.6.2007 AND 29.6.2007 IN O.S.NO.52/2006 ON THE FILE OF THE CIVIL JUDGE, (JR.DN.) BAGEPALLI AND THE ORDER DATED 22.11.2013 IN R.A.NO.206/2013 ON THE FILE OF SR. CIVIL JUDGE AND CJM, CHIKKABALLAPUR.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned writ petition is filed by the Karnataka State Board of Wakfs (hereinafter referred to as 'the Board') calling in question the compromise decree recorded by the Lok Adalat in O.S.No.52/2006. The said suit was instituted by respondent Nos.2 and 3 against respondent Nos.4 and 5 seeking the relief of partition in respect of the subject property. The Board seeks to assail the compromise decree primarily on the premise that the property forming the subject matter of the suit is a Wakf property and that the same has been duly registered and notified as such in the Official Gazette.



CNR: KAHC010120982015

**NC: 2026:KHC:48984
WP No. 31129 of 2015**

2. A perusal of the proceedings in O.S.No.52/2006 discloses that respondent Nos.2 and 3 had instituted the said suit against respondent Nos.4 and 5 seeking partition and separate possession. During the pendency of the proceedings, the parties to the suit arrived at a settlement and the matter was referred to the Lok Adalat, whereupon a compromise decree came to be recorded.

3. It is not in dispute that the petitioner-Board was not a party to O.S.No.52/2006. Likewise, respondent No.6, namely, the Managing Committee of the Wakf institution, was also not a party to the said proceedings. Thus, the compromise decree was entered into between the parties to the suit, without the Board or the Wakf institution being parties thereto.

4. However, the cause list discloses that the present writ petition already stands dismissed insofar as respondent Nos.2 and 3 are concerned. Significantly, respondent Nos.2 and 3 are the contesting parties before this Court and were the plaintiffs in O.S.No.52/2006, in which the impugned compromise decree came to be recorded. Once the writ petition has been dismissed against the very parties who instituted the suit and entered into



the compromise, no effective or meaningful relief can be granted against the remaining respondents. In other words, the *lis* brought before this Court does not survive for consideration against the other respondents in the absence of the contesting parties to the compromise decree.

5. Be that as it may, the principal contention urged by the petitioner-Board is that the property which formed the subject matter of O.S.No.52/2006 is a Wakf property. The determination of such a disputed question, particularly when it is founded upon the certificate of registration and the alleged notification of the property as Wakf property, would necessarily require examination of the relevant documents and, if necessary, recording of evidence. Such an adjudication cannot appropriately be undertaken in the present writ proceedings, particularly when the Board itself was not a party to the suit in which the compromise decree came to be passed.

6. If the petitioner-Board or respondent No.6-Wakf institution is of the considered view that the subject property is a Wakf property and is able to substantiate the same by placing reliance upon the certificate of registration, Gazette notification



and other relevant records, it is open to them to work out their remedies before the competent Wakf Tribunal in accordance with law. The question as to whether the property is in fact a Wakf property, and the consequential effect, if any, of the compromise decree upon such property, are matters which can appropriately be adjudicated by the Wakf Tribunal on the basis of the pleadings, documentary evidence and such other evidence as may be adduced by the parties.

7. It is also made clear that the mere fact that a compromise decree has been recorded in a suit to which the petitioner-Board and respondent No.6-Wakf institution were not parties would not, by itself, preclude them from asserting their independent rights or statutory status in respect of the Wakf property, if otherwise established in accordance with law. Equally, this Court is not expressing any opinion on the merits of the rival claim regarding the nature or character of the subject property.

8. In the event the petitioner-Board or respondent No.6-Wakf institution apprehends interference with the Wakf property on the strength of the compromise decree passed in



CNR: KAHC010120982015

O.S.No.52/2006, it is open to them to approach the competent Wakf Tribunal and seek such declaration, injunction or other consequential reliefs as may be available to them in law.

9. In the present circumstances, particularly having regard to the fact that the writ petition has already been dismissed against respondent Nos.2 and 3, who are the contesting parties and the plaintiffs in O.S.No.52/2006, the writ petition does not survive for consideration against the remaining respondents. The petitioner-Board, being admittedly not a party to the suit or to the compromise proceedings, is required to work out its remedies before the competent Wakf Tribunal if it seeks adjudication of its independent claim that the subject property is Wakf property.

10. For the foregoing reasons, the writ petition stands ***dismissed***. It is, however, made clear that this order shall not come in the way of the petitioner-Board or respondent No.6- Wakf institution approaching the competent Wakf Tribunal for adjudication of their rights and for seeking such consequential reliefs as are available to them in law.



**NC: 2026:KHC:48984
WP No. 31129 of 2015**

CNR: KAHC010120982015

Pending interlocutory applications, if any, stand disposed
of.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

HDK
List No.: 1 Sl No.: 1