



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 10TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE R DEVDAS
WRIT PETITION NO. 7775 OF 2026 (LR)

BETWEEN:

1. SMT. NINGAMMA
W/O LATE SIDDEGOWDA
AGED ABOUT 89 YEARS
RESIDING AT KETHUPURA VILLAGE
BANNURU HOBLI,
T.NARASIPURA TALUK
MYSURU DISTRICT - 571 101.
2. SMT. SUBBAMMA
W/O LATE MALLESH
AGED ABOUT 52 YEARS
RESIDING AT BULIKEMPANADODDI
VILLAGE, KIRUGAVALU HOBLI
MALAVALLI TALUK, MANDYA
DISTRICT - 571 424.

...PETITIONERS

(BY SRI PUTTEEREGOWDA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENT BY ITS

Digitally signed
by JUANITA
THEJESWINI
Location: HIGH
COURT OF
KARNATAKA



PRINCIPAL SECRETARY
REVENUE DEPARTMENT
VIDHANA SOUDHA,
BENGALURU - 560 001.

2. THE DEPUTY COMMISSIONER
MANDYA DISTRICT,
MANDYA - 571 401.
3. THE ASSISTANT COMMISSIONER
MANDYA - 571 401.
4. TAHASILDAR
MALAVALLI TALUK
MALAVALLI - 571 430.

...RESPONDENTS

(BY SRI V. SESHU, HCGP)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION ISSUED BY THE RESPONDENT NO.2/DEPUTY COMMISSIONER MANDYA DISTRICT, MANDYA, PASSED A IMPUGNED NOTIFICATION IN FORM NO.2-E UNDER SECTION 38A KARNATAKA LAND REFORMS ACT 1961 NO.RRTCR/228/2016-17 DATED 23-12-2021 VIDE ANNEXTURE - F; ISSUE WRIT OF MANDAMUS DIRECT THE RESPONDENT NO.4 DELETE THE NAME OF THE GOVERNMENT IMPUGNED NOTIFICATION AND RESTORE THE NAME OF THE PETITIONER IN THE SY.NO.251/1.



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

ORAL ORDER

In this writ petition, the petitioners are aggrieved of the impugned notification issued by the Deputy Commissioner exercising powers under Section 38A of the Karnataka Land Reforms Act, 1961 [for short, '*the Act*'] declaring certain areas as 'unrecorded habitation', which also includes the lands belonging to the petitioners.

2. Learned counsel for the petitioners submits that there are several judgments of this Court including a batch of writ petitions in W.P.No.101121/2022 and connected matters, which were disposed of on 23.01.2024, followed by orders passed in W.P.No.9321/2024 dated 22.01.2025 and W.P.No.103974/2022 dated 28.02.2025, where this Court has clearly held that the Court has come across several matters where notifications under Section 38A of the Act have been issued by the Deputy Commissioners without issuing any public notice and/or even verifying the



revenue records. The Deputy Commissioners were advised that in future they shall firstly look into the revenue records, obtain the details as regards the lands which are proposed to be notified under Section 38A of the Act before issuing any notification. It was directed that if entries are found in the revenue records showing an individual as the kathedar, then notices will have to be issued to such persons who are the recorded kathedars. It was directed that if no entries are found, then the Deputy Commissioner will have to record such a statement that no entries are found in the revenue records, so that in the event of any challenge being raised, the Deputy Commissioner can fall back on the said information.

3. This Court has also considered the powers of the Deputy Commissioner as contained in Section 38A(1) of the Act. The provision reads as follows;

"(1) Notwithstanding anything contained in this Act or any other law for the time being in force, where in any village, agricultural labourer is ordinarily residing on



dwelling house on a land not belonging to him in an unrecorded habitations like Lambani Tanda, Gollarahatti, Vaddarahatti, Kurubarhatti, Nayakarahatti, Majare Grama, Haadi, Doddi, Palya, Camp, Colony or any other such unrecorded habitations falling within the jurisdiction of that village, on the date of commencement of the Karnataka Land Reforms (Amendment) Act, 2016, which is notified as such by the Deputy Commissioner, specifying the survey numbers and boundaries in the pre scribed manner, such dwelling house or houses along with the site thereof and land immediately appurtenant thereto and necessary for its enjoyment shall, on the date of such notification by the Deputy Commissioner, vest absolutely in the State Government, free from all encumbrances and the agricultural labourer shall be entitled to be registered as owner thereof."

4. It is therefore clear that if the revenue records disclose the fact that the lands are standing in the name of a private individual, then it will not permit the Deputy Commissioner to record the same as 'unrecorded habitation'. In that view of the matter, it is clear that in all cases where the revenue records would reveal or disclose the name of a private individual as the kathedar, then it



would divest the Deputy Commissioner from power to proceed as 'unrecorded habitation'. From a perusal of the RTC extract and revenue records, it is evident that the name of the petitioners were entered in the same and that the petitioners are the khatedar of the said land.

5. In that view of the matter, the writ petition is ***allowed***. The impugned notification at Annexure-F dated 23.12.2021 bearing No.RRT.CR/288/2016-17 is hereby quashed and set aside. Consequently, it is hereby directed that the respondents - Tahsildar, Malavalli Taluk and the Deputy Commissioner, Mandya District, shall immediately restore the name of the petitioners in the revenue records.

Learned Additional Government Advocate is permitted to file memo of appearance within a period of four weeks from today.

Sd/-
(R DEVDAS)
JUDGE

RB