



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE R DEVDAS

WRIT PETITION NO. 9386 OF 2026 (LR)

BETWEEN:

1. SRI. H.A. HOOVANNA GOWDA
S/O LATE ANNE GOWDA
AGE ABOUT 75 YEARS
2. SMT. RATHNAMMA
W/O H.A. THIPPEGOWDA
AGE ABOUT 62 YEARS
3. SMT. H.T. JAANSI
W/O K.P. SHASHIKUMAR
AGE ABOUT 34 YEARS
4. SRI. H.A. MANJUNATH
S/O LATE ANNE GOWDA
AGE ABOUT 65 YEARS
5. SRI. H.A. DEVARAJU
S/O LATE ANNE GOWDA
AGE ABOUT 63 YEARS
ALL PETITIONERS ARE
R/AT HADLAHALLI VILLAGE,
HETTURU HOBLI,
SAKLESH PURA TALUK
HASSAN DISTRICT - 577 123.

...PETITIONERS

(BY SRI. SANDESHA A.S, ADVOCATE)

Digitally signed by
JUANITA
THEJESWINI
Location: HIGH
COURT OF
KARNATAKA



AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
REVENUE DEPARTMENT, M.S. BUILDING,
BENGALURU - 560 001.
2. THE ASSISTANT COMMISSIONER
SAKLESHPURA SUB DIVISION,
SAKALESHPURA TALUK
HASSAN DISTRICT - 574 134.
3. THE THASILDAR
SAKLESHPURA TALUK OFFICE
SAKLESHPURA TALUK
HASSAN DISTRICT - 574 134.
4. THE DEPUTY COMMISSIONER
OFFICE OF DEPUTY COMMISSIONER
HASSAN, HASSAN DISTRICT - 573 201.

...RESPONDENTS

(BY SRI. V. SESHU, HCGP)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTIUTION OF INDIA PRAYING TO QUASH THE ANNEX-G ORDER DTD. 07.03.2026 IN NO. RRT(KAM.GRA)/2025-26 (E-1180080) PASSED BY THE R-2 DEPUTY COMMISSIONER AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE R DEVDAS

ORAL ORDER

Learned High Court Government Pleader takes notice for all the respondents.

2. Although, the matter is coming up for preliminary hearing, with the consent of the learned counsel for petitioners and the learned High Court Government Pleader the matter is taken up for final disposal.

3. 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 declaring certain areas as 'unrecorded habitation', which also includes the lands belonging to the petitioners.

4. 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 1961 have been issued by 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.

5. This Court has also considered the powers of the Deputy Commissioner as contained in Section 38A(1).

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."



6. 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 habitations'. 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 at Annexure-E series it is evident that the name of the petitioners were entered in the same and that the petitioners are the khatedars of the said land.

7. In that view of the matter, the writ petition is **allowed**. The impugned notification at Annexure-G bearing No.RRT(Kam-Gra)/2025-26(E-1180080) is hereby quashed and set aside. Consequently, it is hereby directed that respondents - Tahsildar, Magadi Taluk and the Deputy



Commissioner, Ramanagara District, shall immediately restore the name of the petitioners in the revenue records.

Ordered accordingly.

Learned High Court Government Pleader is permitted to file memo of appearance within a period of four weeks from today.

**Sd/-
(R DEVDAS)
JUDGE**

rv
List No.: 1 Sl No.: 20