



CNR: KAHC010244712025

NC: 2026:KHC:49139-DB
WA No. 561 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT APPEAL NO. 561 OF 2025 (GM-WAKF)

BETWEEN:

1. THE KARNATAKA STATE BOARD OF AUQAF
NO. 6, CUNNINGHAM ROAD
BENGALURU-560052,
REP. BY ITS CHAIRMAN.

2. THE ENQUIRY OFFICER AND CHIEF
EXECUTIVE OFFICER
KARNATAKA STATE BOARD OF AUQAF
NO. 6, CUNNINGHAM ROAD,
BENGALURU-560052

...APPELLANTS

(BY SRI. USMAN P, ADVOCATE)

AND:

1. SRI.S. ANIF @ ARIF
S/O. LATE M. ABDUL SALAM
AGED ABOUT 66 YEARS
RESIDING AT- NO. 9, 6TH CROSS

Digitally
signed by K
P SWATHA
Location:
High Court
of Karnataka



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S.R. NAGAR,
BENGALURU-560027

...RESPONDENT

(BY SRI SIDDARAMAIAH Y, ADVOCATE &
SRI T SESHAGIRI RAO, ADVOCATE)

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961 PRAYING TO ALLOW THIS WRIT APPEAL AND PASS AN ORDER TO SET ASIDE THE ORDER DATED 25.01.2023 PASSED IN WRIT PETITION No. 31934/2016 ON THE FILE OF THE LEARNED SINGLE JUDGE OF THIS HONBLE COURT AND TO PASS ANY SUCH OTHER ORDERS, DIRECTIONS AS THIS HONBLE COURT MAY DEEM FIT TO GRANT IN THE CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellants have filed the present appeal impugning an order dated 25.01.2023 passed by the learned Single Judge in W.P.No.31934/2016 (GM-WAKF).



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2. The respondent had filed the said petition impugning a notice dated 21.04.2016 issued under Section 54 of the WAQF Act, 1995 [the Act]. The respondent claimed that he is the son of Smt.Ameena Bi, who was married to Sri.M.Abdul Salam. He claimed that Smt.Ameena Bi had inherited the subject properties (lands measuring 25 guntas in Survey No.1/3 and 2 guntas in Survey No.1/4) situated in Sampigehalli Village, now called as Sampangiramanagra, Bengaluru. He claimed that although Smt. Ameena Bi was the owner of the subject properties, the Corporation did not enter her name in the Khata. Accordingly, she had filed a suit before the City Civil Court, Bengaluru (O.S.No.6890/1980) for declaration of title and injunction with respect to the said properties. During the course of the proceedings, Smt.Ameena Bi expired in the year 1985. The respondent and his elder brother succeeded to her estate. The said suit was decreed on 12.02.1987, and thereafter, the Corporation entered the Khata of the subject properties in the name of the respondent and his elder brother.

3. It is stated that in the year 1998, Sri Shabbir Ahmed and Sri Khalil Ahmed had filed a suit for partition before the City Civil Court,



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Bengaluru (OS No.869/1998), which was dismissed on 21.12.2002. The respondent claimed that although Sri Shabbir Ahmed and Sri Khalil Ahmed had not succeeded in the suit, they made a representation to the Deputy Commissioner to cancel the Khata standing in the name of the respondent and his brother.

4. The Deputy Commissioner passed an order dated 12.05.2006 revoking the Khata, which was entered on 17.10.1988. The respondent and his elder brother thereafter filed a writ petition, being W.P.No.7039/2006 and by an order dated 29.01.2009, this Court allowed the petition and quashed the order dated 12.05.2006 whereby the Deputy Commissioner had revoked the Khata which was standing in the names of the respondent and his elder brother.

5. Appellant No.2 issued a notice dated 21.04.2016 under Section 54 of the Act, which was set aside by the impugned order.

6. The learned Single Judge found that the appellants were fully aware of the claims raised by the respondents and that appellant No.1 had also, in an earlier suit (O.S.No.704/1967), filed an application for impleadment, which was rejected way back in the year 1970. In the aforesaid context, the learned Single Judge held



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that the notice dated 21.04.2016 was issued after 49 years, which was not justified as the statutory authority had not exercised its power within a reasonable time. Accordingly, the learned Single Judge allowed the writ petition by the impugned order.

7. The appellants have filed the present appeal after an inordinate delay of 759 days and have also filed an application-I.A.No.1/2025 seeking condonation of delay in filing the present appeal.

8. The only explanation provided in the application is that the appellants' advocate had called upon the appellants to produce a certified copy of the judgment and a copy of the writ petition, which was misplaced in his office, and procurement of the said copy and order took some time as the advocate who had earlier represented the appellants was no longer in the panel.

9. Plainly, this is a bald statement. It cannot be accepted for explaining an inordinate delay of 759 days.

10. The application-I.A.No.1/2025 seeking condonation of delay is accordingly dismissed. Consequently, the appeal is dismissed.



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11. In view of the dismissal of the appeal, the pending interlocutory application stands dismissed as well.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(K.S. HEMALEKHA)
JUDGE**

KPS
List No.: 1 Sl No.: 10