



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO.35276 OF 2024 (KLR-LG)

BETWEEN:

1. MUSLIM EDUCATION SOCIETY
MOHIDEEN JUMMA MASJID
AND MADRASA INDIRA NAGARA,
SEEBINAKERE POST
THIRTHAHALLI TALUK
SHIVAMOGGA DISTRICT-577 432.
REPRESENTED BY ITS PRESIDENT
SULAIMAN, S/O LATE IBRAHIM
AGED ABOUT 62 YEARS.

...PETITIONER

(BY SRI. MAHAMAD TAHIR A., ADVOCATE)

AND:

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CHAYA S A
Location: HIGH
COURT OF
KARNATAKA

1. THE DEPUTY COMMISSIONER
SHIVAMOGGA DISTRICT,
SHIVAMOGGA - 577201.
2. THE ASSISTANT COMMISSIONER
AND SUB-DIVISIONAL MAGISTRATE,
SHIVAMOGGA DISTRICT,
SHIVAMOGGA - 577201.
3. THE TAHASILDAR
THIRTHAHALLI TALUK,
SHIVAMOGGA DISTRICT - 577432.



4. THE PANCHAYATH DEVELOPMENT OFFICER
MULUBAGILU GRAMA PANCHAYATH,
RANJADAKATTE,
THIRTHAHALLI TALUK,
SHIVAMOGGA DISTRICT-577432.
5. ASSISTANT EXECUTIVE ENGINEER(V),
MANGALORE ELECTRICITY
SUPPLY COMPANY LTD (MESCOM),
SUB-DIVISION,
THIRTHAHALLI TALUK,
SHIVAMOGGA DISTRICT -577432.
6. SRI. S. SATISH,
S/O. SOMAPPA,
AGED ABOUT 37 YEARS
SEEBINAKERE POST,
THIRTHAHALLI TALUK,
SHIVAMOGGA DISTRICT-577 432.
7. SRI. KASIM SAB K.H,
S/O HYDER SAB,
AGED ABOUT 82 YEARS
INDIRANAGARA HOUSE,
SEEBINAKERE POST,
THIRTHAHALLI TALUK,
SHIVAMOGGA DISTRICT-577432.

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE N., HCGP FOR R1 TO R3;
SRI. RAMAKRISHNA HEGDE, ADVOCATE FOR R4;
SRI. H.V. DEVARAJ, ADVOCATE FOR R5;
SRI. S.M. CHANDRASHEKAR, SENIOR COUNSEL FOR
SRI. B.N. SUNIL KUMAR, ADVOCATE FOR R6)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER VIDE NO. IN LND CR 250/2023 (RD0050000557901) DATED 29.08.2024 ISSUED BY THE RESPONDENT NO.2 AT ANNEXURE-A; AND ETC.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

Heard Sri. Jayakumar S. Patil, learned Senior Counsel appearing on behalf of Sri.Mohammed Tahir A., for the petitioner; Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for the respondent-State; Sri. Rama Krishna Hegde, learned counsel appearing for respondent No.4; Sri. H.V. Devaraj learned counsel for the respondent No.5 and Sri. S.M.Chandrashekar, learned Senior Counsel appearing for Sri.B.N.Sunil Kumar learned counsel for the respondent No.6.



2. In the present writ petition, the petitioner has assailed the order dated 29.08.2024 (Annexure-A) passed by respondent No. 2, the endorsement dated 28.11.2024 (Annexure-B) issued by respondent No. 1, and the notice dated 10.12.2024 (Annexure-T) issued by respondent No. 5.

3. Sri. Jayakumar S. Patil, learned Senior Counsel appearing for the petitioner, submitted that the proceedings before respondent No. 2 were initiated at the instance of a complaint lodged by respondent No.6 before respondent No. 1. Pursuant thereto, an enquiry was conducted by respondent No.1 through respondent No.3, and thereafter proceedings in LND.CR.250/2023 were initiated against the petitioner on the ground that the petitioner had violated the conditions of the grant. It is further contended that the remedy of approaching respondent No. 1 is not an efficacious remedy. The learned Senior Counsel further submitted that the



proceedings under Section 25 of the Karnataka Land Grant Rules, 1969, have been initiated after a lapse of more than four decades from the date of grant in favour of the original grantee and, therefore, it is argued that, the impugned orders are liable to be interfered with by this Court.

4. Per contra, Sri. S.M.Chandrashekar, learned Senior Counsel appearing for respondent No. 6, contended that a Majid/Madrassa has been functioning in the residential premises, which is *per-se* in contravention of Rule 18(1)(b) of the Karnataka Land Grant Rules, 1969. Learned Senior Counsel submitted that, after conducting a detailed enquiry, the competent authority has passed the impugned order at Annexure-A and, therefore, no interference is called for in this writ petition.

5. The learned Senior Counsel for respondent No. 6 further invited the attention of the Court to



Annexure-J and contended that the construction put up in the land in question has been utilised for conducting a Madrasa since the year 2019. It is submitted that the land was granted to the original grantee exclusively for residential purposes and, therefore, it cannot be utilised for conducting prayers or running a Madrasa. It is further contended that such use cause nuisance to the residents of the locality. Accordingly, he sought dismissal of the writ petition.

6. Sri. H.V. Devaraj, learned counsel appearing for respondent No.5, referring to the endorsement at Annexure-B, contended that the petitioner has already preferred a statutory appeal before respondent No. 1 challenging the order at Annexure-A. Therefore, the petitioner cannot simultaneously maintain the present writ petition challenging the very same order, and on that ground above the writ petition deserves to be dismissed.



7. Sri. Spoorthy Hegde N., learned High Court Government Pleader appearing for the respondent-State has adopted the submissions made on behalf of the respondents.

8. In the light of the submissions made by the learned counsel appearing for the parties, the controversy centres around the conditions stipulated in the grant certificate issued in favour of the original grantee, produced at Annexure-C to the writ petition. A perusal of the grant certificate would indicate that the land was granted for residential purposes. However, it is the specific case of the respondents that, from the year 2019, a Madrasa has been functioning in the land in question, which is contrary to Rule 18(1)(b) of the Karnataka Land Grant Rules, 1969.

9. This Court has carefully examined the order passed by respondent No. 2 at Annexure-A, whereby the claim of the petitioner has been rejected. However, the



records would indicate that the petitioner has already preferred a statutory appeal before respondent No. 1 challenging the said order and that the same is pending consideration.

10. In that view of the matter, without expressing any opinion on the merits of the case, this Court is of the opinion that the petitioner should pursue the statutory remedy available before respondent No. 1. Accordingly, respondent No. 1 is directed to consider and dispose of the appeal, after affording an opportunity of hearing to all the concerned parties, in accordance with law, within an outer limit of three months from the date of receipt of a certified copy of this order.

11. It is made clear that the interim order dated 24.12.2024 passed by this Court, staying the operation of the impugned order at Annexure-A and the consequential notice at Annexure-T, shall continue to



remain in force until the disposal of the appeal by respondent No. 1.

12. The parties shall cooperate with the respondent No. 1 for the expeditious disposal of the appeal. All contentions of the parties are kept open to be urged before respondent No. 1. Accordingly, the writ petition stands ***disposed of***.

SD/-
(E.S.INDIRESH)
JUDGE

SB
List No.: 1 Sl No.: 9