HC-KAR

NC: 2026:KHC:59747
WP NO.22868 OF 2026

CNR: KAHC010502472026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO.22868 OF 2026 (KLR-RES)

BETWEEN:

SRI. SYED BASHEER
S/O LATE B. SYED MEHABOOB,
AGED ABOUT 60 YEARS,
R/AT BAZAR MAHAL,
NADAVALAKUNTE, HARIHARA,
HARIHARA TALUK,
DAVANAGERE DISTRICT – 577 601.

…PETITIONER

(BY SRI. HEGDE MANJUNATH MAHABALESHWAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   DEPARTMENT OF REVENUE,
   REP. BY ITS PRINCIPAL SECRETARY,
   M.S. BUILDING,
   BENGALURU – 560 001.

2. THE DEPUTY COMMISSIONER
   D.C. OFFICE COMPLEX,
   KARUR INDUSTRIAL AREA,
   DAVANAGERE DISTRICT – 577 006.

3. THE ASSISTANT COMMISSONER
   DAVANAGERE SUB-DIVISION,
   NEAR RAILWAY STATION,
   DAVANAGERE DISTRICT – 577 002.

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Location: HIGH COURT OF KARNATAKA

4. THE TAHSILDAR,
HARIHARA TALUK,
HARIHARA,
DAVANAGERE DISTRICT – 577 002.

…RESPONDENTS

(BY SRI. SHAMANTH NAIK, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ENDORSEMENT BEARING NO.LRM:CR:07:2021-22 DATED 17TH FEBRUARY, 2022 ISSUED BY THE RESPONDENT NO.4-TAHSILDAR VIDE ANNEXURE-J; ORDER DATED 08TH DECEMBER, 2022 PASSED BY THE RESPONDENT NO.3-ASSISTANT COMMISSIONER IN CASE NO.RA/CR/202/2022 VIDE ANNEXURE-L; AND THE ORDER DATED 25TH JANUARY, 2024 PASSED BY THE RESPONDENT NO.2-DEPUTY COMMISSIONER IN CASE NO.RA:CR-129:2023-24 VIDE ANNEXURE-N; AND ETC.

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

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

ORAL ORDER

In this petition, the petitioner is challenging the Endorsement bearing No.LRM:CR:07:2021-22 dated 17th February, 2022 (Annexure-J) issued by the respondent No.4-Tahsildar; Order dated 08th December, 2022 (Annexure-L)

passed by the respondent No.3-Assistant Commissioner in Case No.RA/CR/202/2022; and Order dated 25th January, 2024 (Annexure-N) passed by the respondent No.2-Deputy Commissioner in Case No. RA:CR-129:2023-24.

2. Heard Sri. Hegde Manjunath Mahabaleshwar, learned counsel appearing for the petitioner and Sri. Shamanth Naik, learned Additional Government Advocate appearing for respondents 1 to 4.

3. Sri. Hegde Manjunath Mahableshwar, learned counsel appearing for the petitioner, by referring to the impugned Endorsement dated 17th February, 2022 (Annexure-J) submits that the spot inspection has not been conducted by the respondent-Authorities in the presence of the petitioner and no notice has been issued to the petitioner before issuing the endorsement. Accordingly, he sought for interference of this Court.

4. Per contra, Sri. Shamanth Naik, learned Additional Government Advocate appearing for respondents sought to justify the impugned endorsement and orders passed by the

respondent-Authorities and contended that the petitioner is repeatedly violating the terms and conditions as contemplated under Sections 83(5) and 96 of the Karnataka Land Revenue Act. Therefore, he sought for dismissal of the petition.

5. In the light of submission made by learned counsel appearing for the parties, on careful perusal of impugned endorsement dated 17th February, 2022 (Annexure-J), it is forthcoming that the report of the competent authority and Mahazar of Villagers has been considered by the respondent No.4-Tahsildar for rejection of claim made by the petitioner for removing the entry 'Sarkari Phada' in the RTC in respect of the subject land. Therefore, I am of the view that the impugned endorsement cannot be justified on the ground that the respondent No.4-Tahsildar without application of mind and without conducting the spot inspection in the presence of the petitioner has rejected the claim of the petitioner. Hence, I find force in the submission made by learned counsel appearing for the petitioner to remit the matter the respondent No.4-Tahsildar to consider the claim made by the petitioner afresh by

providing an opportunity of hearing. Accordingly, pass the following:

O R D E R

(i) Writ Petition ***allowed;***

(ii) Endorsement bearing No.LRM:CR:07/2021-22 dated 17th February, 2022 (Annexure-J) issued by the respondent No.4, order dated Order dated 08th December, 2022 (Annexure-L) passed by the respondent No.3-Assistant Commissioner in Case No.RA/CR/202/2022 and Order dated 25th January, 2024 (Annexure-N) passed by the respondent No.2-Deputy Commissioner in Case No. RA:CR-129:2023-24 are hereby set-aside;

(iii) The matter is remitted back to the respondent No.4-Tahsildar to consider the issue afresh and take decision, after affording an opportunity of hearing to the petitioner.

SD/-
(E.S. INDIRESH)
JUDGE

ARK
List No.: 1 Sl No.: 56