NC: 2025:KHC-D:4183
WP No. 64691 of 2011

IN THE HIGH COURT OF KARNATAKA,

DHARWAD BENCH

DATED THIS THE 4TH DAY OF MARCH, 2025

BEFORE

THE HON'BLE MRS JUSTICE M.G.UMA

WRIT PETITION NO. 64691 OF 2011 (KLR-RES)

BETWEEN:

1. SMT. INDIRAJE
   W/O. BHAIRAVA SINGH GHORPADE,
   AGED ABOUT 72 YEARS,

2. SMT. MENAKARAJE
   D/O. BHAIRAVA SINGH GHORPADE,
   AGED ABOUT 39 YEARS,

   BOTH ARE R/A HOUSE NUMBER.111,
   GORAGOAN PARK,
   MUDHOL HOUSE, PUNE-1,
   MAHARASHTRA.

   REP. BY G.P.A. HOLDER
   SRI. DEVANAND,
   S/O. BABU ROA THORAT,
   AGED ABOUT 41 YEARS,
   AGRICULTURIST,
   R/O. MUDHOL,
   WARD NO.12,
   NEAR YELLAMMA TEMPLE,
   BHAGALOKOT DISTRICT.

...PETITIONERS

(BY SRI. PRUTHVI K.S., ADVOCATE)

V N BADIGER
HIGH COURT OF KARNATAKA

AND:

1. THE JOINT DIRECTOR OF LAND RECORDS,
   BELGAUM DIVISION,
   BELGAUM.

2. THE ASSISTANT DIRECTOR OF LAND RECORDS,
   MUDHOL,
   DIST. BAGALKOT.

3. THE CITY SURVEYOR,
   MUDHOL,
   DIST. BAGALKOT.

4. SMT. SHANTHABAI
   W/O. HOLABASAPPA MURNAL,
   AGE: 44 YEARS,
   R/O. CTS NO. 4035/12,
   WARD NO. 5, MUDHOL,
   DIST. BAGALKOT.

…RESPONDENTS

(BY SRI. T.HANUMAREDDY, AGA FOR R1 TO R3; R4-SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI, ANY OTHER WRIT, ORDER OR DIRECTION, QUASHING THE ORDER AT ANNEXURE-E, DATED 25/11/2003 PASSED BY THE 1ST RESPONDENT IN REV-SR-42:2002-2003 AND ORDER AT ANNEXURE-F DATED 29.11.2010 PASSED BY THE KARNATAKA APPELLATE TRIBUNAL IN APPEAL NO.1025/2004.

THIS PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, THE COURT MADE THE FOLLOWING:

CORAM: THE HON'BLE MRS JUSTICE M.G.UMA

ORAL ORDER

1. The petitioners have filed this petition seeking issuance of a writ of certiorari to quash the order dated 25.11.2003 passed by Respondent No.1 in REV-SR-42:2002-2003 (produced as per Annexure-E) and the order dated 29.11.2010 passed by the Karnataka Appellate Tribunal, in Appeal No.1025/2004 (produced as per Annexure-F).

2. The contention of the petitioners is that, the petitioners are the owners of the property bearing CTS No.4035/12A, measuring 105 Sq.Ft, situated at Mudhol Town, Bagalkot District. The survey record produced (as per Annexure-D), shows the name of the petitioners. The said entry was challenged by Respondent No.4 before Respondent No.1 – The Joint Director of Land Records (JDLR), by preferring a Revision under Section 136(3) of the Karnataka Land Revenue Act. Respondent No.1 – JDLR, by order

dated 25.11.2003 vide Annexure-E, allowed the Revision preferred by Respondent No.4 and set aside the revenue entries found in the survey records, based on the judgment and decree passed in O.S.No.77/1999, filed by Respondent No.4, seeking declaration of his title over the said property against the petitioners. Even though the order passed by Respondent No.1 – JDLR, was challenged before the Karnataka Appellate Tribunal (KAT), in Appeal No.1025/2004, the said appeal came to be dismissed vide order dated 29.11.2010, as per Annexure-F. The petitioners are before this Court seeking to set aside the said orders at Annexure-E and Annexure-F.

3. The materials on record disclose that, Respondent No.4, who is claiming a right over the property in question, had filed a suit in O.S.No.77/1999 seeking declaration of his title against the petitioners. Admittedly, Respondent No.4 succeeded before the Civil Court, which decreed the suit and declared that

Respondent No.4 is the owner of the property. Based on such judgment and decree, Respondent No.1 allowed the Revision preferred by Respondent No.4 and set aside the entries made in the revenue records showing the names of the petitioners, and the said order passed by Respondent No.1 (Annexure-E), allowing the Revision preferred by Respondent No.4, was confirmed by the Karnataka Appellate Tribunal in Appeal No.1025/2004 vide order dated 29.11.2010 (Annexure-F), which orders are impugned herein.

4. I do not find any illegality or perversity in the orders passed by Respondent No.1 or by the Karnataka Appellate Tribunal, since they have based their findings on the judgment and decree passed by the Civil Court of competent jurisdiction, which declared the title of Respondent No.4. Learned counsel for the petitioners is not sure as to whether the petitioners have challenged the judgment and decree passed by

the Civil Court in O.S.No.77/1999. Under the circumstances, I do not find any merit in the petition.

5. Accordingly, the petition is **dismissed**.

Sd/-
(M.G.UMA)
JUDGE

gab
CT:ANB
List No.: 1 Sl No.: 38