IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF MARCH, 2025

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO.200919 OF 2025 (KLR-RR/SUR)

BETWEEN:

SYED MOHIUDDIN
S/O SYED AZEEMUDDIN,
AGED ABOUT 54 YEARS,
OCC: AGRICULTURE AND MECHANIC,
R/O H.NO.4-1-9, NOOR KHAN TALEEM,
CHOWBARA ROAD, BIDAR – 585 401.

…PETITIONER

(BY SRI. HANMANTHRAYA SINDOL, ADVOCATE)

AND:

Digitally signed by VARSHA N RASALKAR
Location: High Court Of Karnataka

1. THE KARNATAKA STATE BOARD OF AUQAF
NO.6, CUNNINGHAM ROAD,
BENGALURU – 560 001,
BY ITS CHIEF EXECUTIVE OFFICER.

2. THE TAHSILDAR,
BHALKI – 585 328, DIST: BIDAR.

…RESPONDENTS

(BY SRI. P. S. MALIPATIL, ADVOCATE FOR R1;
SRI. MALLIKARJUN SAHUKAR, AGA FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENT NO.2 TO DELETE THE ILLEGAL ENTRY IN COL. NO.11 OF THE ROR IN THE NAME OF RESPONDENT NO.1 IN RESPECT OF LANDS SY.NO.147/3 MEASURING 02 ACRES WITH R.A. OF RS.6.80 PS. AND LAND SY.NO. 148 MEASURING 2 ACRES 20 GUNTAS WITH PROP. R.A. OF RS.18.75 PS., BOTH ARE SITUATED AT NELAGI VILLAGE, TQ. BHALKI, DIST. BIDAR AND ALLOW THIS WRIT PETITION WITH COSTS AND GRANT SUCH OTHER RELIEFS AS THIS COURT MAY DEEMS FIT UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

(PER: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA)

Heard Sri Hanmanthraya Sindol, learned counsel for the writ petitioner, who appears through video conference, Sri P.S. Malipatil, learned standing counsel for respondent No.1-Wakf Board, who also appears through video conference and learned Additional Government Advocate, who represents respondent No.2.

2. This writ petition is filed seeking the Court to issue a writ of mandamus directing respondent No.2 to

delete the entry that was made in column No.11 of the Record of Rights in the name of respondent No.1 in respect of lands in Sy. No.147/3 admeasuring 2 Acres and Sy. No.148 admeasuring 2 Acres 20 Guntas, which are located in Nelagi village, Bhalki Taluk, Bidar District.

3. Learned counsel for the writ petitioner submits that the petitioner is the absolute owner of the subject property and he succeeded to the said property from his father. The 2nd respondent without any basis incorporated the name of the 1st respondent in the RTC in respect of the said property. The said incorporation of the name of the 1st respondent is without any basis. Incorporation was done without conducting any enquiry whatsoever and thereby causing loss to the petitioner. Therefore, the petitioner is before this Court, seeking appropriate relief.

4. Learned standing counsel who represents respondent No.1 submits that in the similarly placed circumstances, this Court disposed of number of writ petitions including W.P.No.200153/2023, by which the

changes effected were set aside and liberty was granted to the concerned to conduct detailed enquiry and to make incorporation of name or entries in column No.11 of the ROR, if required and therefore, similar order may be passed.

5. Learned Additional Government Advocate submits that the insertion was made without any enquiry being conducted and therefore, the writ petition may be disposed of granting liberty to respondent No.2 to make necessary enquiry and to proceed in accordance with law.

6. Having considered the submissions thus made and as it is clearly brought to the notice of this Court that the entry of the name of respondent No.1 in column No.11 of the ROR in respect of subject property is without basis and devoid of proper enquiry, this Court considers desirable to allow the writ petition.

7. Thus, the writ petition is allowed with the following:

ORDER

(i) The entry made in column No.11 of the ROR in the name of respondent No.1 in respect of lands in Sy. No.147/3 admeasuring 2 Acres and Sy. No.148 admeasuring 2 Acres 20 Guntas of Nelagi village, Bhalki Taluk, Bidar District is ordered to be deleted.

(ii) Respondent No.2 to make necessary enquiry and to take appropriate steps in accordance with law.

(iii) Before conducting enquiry and making entries in column No.11 of the ROR in respect of the subject property, notice to the writ petitioner be issued.

Sd/-
(Dr.CHILLAKUR SUMALATHA)
JUDGE

LG
List No.: 1 Sl No.: 41