



IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 27TH DAY OF JUNE, 2025

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE MRS. JUSTICE K S HEMALEKHA

WRIT APPEAL NO.200307 OF 2024 (KLR-CON)

C/W

WRIT APPEAL NO.200308 OF 2024 (KLR-CON)

IN WRIT APPEAL NO.200307 OF 2024:

BETWEEN:

THE CHIEF ADMINISTRATIVE OFFICER
KARNATAKA STATE BOARD OF AUKAF,
#6 CUNNINGHAM ROAD, BENGALURU - 560 052.
REPRESENTED THROUGH DISTRICT WAKF
COMMITTEE, BIDAR - 585 401.

...APPELLANT

(BY SRI. SUDARSHAN M., ADVOCATE)

AND:

1. MD.AYAZ KHAN
S/O MD. KHURSHID KHAN,
AGED ABOUT 51 YEARS,
OCC: AGRICULTURE,
R/O: AGRICULTURE AND
TRUSTEE, NOOR EDUCATION TRUST,
NOOR COLLEGE PREMISES,
HYDERABAD ROAD,
BIDAR-585 401.



2. THE STATE OF KARNATAKA,
THROUGH SECRETARY,
TO REVENUE DEPARTMENT,
M.S. BUILDING,
BENGALURU - 560 001.
3. THE DEPUTY COMMISSIONER,
BIDAR, D.C. OFFICE,
BIDAR - 585 401.
4. THE ASSISTANT COMMISSIONER,
A.C. OFFICE,
BIDAR - 585 401.
5. THE TAHASILDAR,
BIDAR TAHASIL OFFICE,
BIDAR-585 401.

...RESPONDENTS

(BY SRI. RAVI B.PATIL, ADVOCATE FOR R1;
SRI. MALLIKARJUN C. BASAREDDY- GA FOR R2 TO R5)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
HIGH COURT ACT 1964, PRAYING TO SET ASIDE THE ORDER
OF THE LEARNED SINGLE JUDGE PASSED IN
WP.NO.200460/2024 DATED 14.02.2024, IN THE INTEREST OF
JUSTICE AND EQUITY.

IN WRIT APPEAL NO. 200308/2024:

BETWEEN

THE CHIEF ADMINISTRATIVE OFFICER
KARNATAKA STATE BOARD OF AUKAF,
#6 CUNNINGHAM ROAD, BENGALURU - 560 052.
REPRESENTED THROUGH DISTRICT WAKF
COMMITTEE, BIDAR - 585 401.

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A.C. OFFICE,
BIDAR - 585 401.
5. THE TAHASILDAR, BIDAR
TAHASIL OFFICE,
BIDAR-585 401.

...RESPONDENTS

(BY SRI. RAVI B.PATIL, ADVOCATE FOR R1;
SRI. MALLIKARJUN C. BASAREDDY- GA FOR R2 TO R5)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
HIGH COURT ACT 1964, PRAYING TO SET ASIDE THE ORDER
OF THE LEARNED SINGLE JUDGE PASSED IN
WP.NO.200466/2024 DATED 14.02.2024, IN THE INTEREST OF
JUSTICE AND EQUITY.



NC: 2025:KHC-K:3443-DB
WA No. 200307 of 2024
C/W WA No. 200308 of 2024

THESE WRIT APPEALS HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 16.06.2025 COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THERE AS UNDER:

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
AND
HON'BLE MRS. JUSTICE K S HEMALEKHA

CAV JUDGMENT

(PER: HON'BLE MRS. JUSTICE K. S. HEMALEKHA)

The *intra* Court appeals have been preferred by the Chief Administrative Officer, Karnataka State Board of Aukaf ('Appellant Board', for short).

2. W.A.No.200307/2024 arises out of W.P.No.200460/2024 and W.A.No.200308/2024 arises out of W.P.No.200466/2024.

3. In both the writ petitions, the learned Single Judge has held that respondent No.1/petitioner is entitled to the benefit of deemed conversion in respect of land bearing Sy.No.61/*/10 (61/AA) measuring 02 acres 10 guntas situated at Haladkeri (K) village, taluka and district Bidar (*'petition*



land', for short), thereby setting aside the order of the Deputy Commissioner, Bidar.

4. Heard the learned counsel appearing for the Appellant Board, the learned counsel appearing for the respondent No.1 and the learned Government Advocate appearing for the respondent Nos.2 to 5.

5. Learned counsel for respondent No.1 submits that the State Government had preferred W.A.Nos.200193/2024 and 200194/2024 challenging the orders passed in W.P.Nos.200466/2024 and 200460/2024, respectively before this Court. It is submitted that the Co-ordinate Bench of this Court, by its order dated 11.11.2024, dismissed the said writ appeals. Against the dismissal of the W.A. No.200193/2024, the Appellant Board preferred SLP (Civil) Diary No(s).9532/2025 before the Apex Court. The Apex Court, after hearing the Appellant Board, was pleased to dismiss the SLP, having found no reason to interfere with the order passed by the Co-ordinate Bench of this Court in W.A.No.200193/2024. Accordingly, it is contended by the learned counsel for the respondent No.1 that the relief sought in the present appeals



do not survive for consideration, in view of the dismissal of the earlier appeal and SLP, and it is therefore submitted that the present writ appeals are liable to be dismissed.

6. *Per contra*, learned counsel appearing for the Appellant Board submits that the order challenged before the Apex Court in SLP (Civil) Diary No(s).9532/2025 pertains to the order dated 11.11.2024 passed in W.A.No.200193/2024, which was filed by the State Government. It is further submitted that in the order of the Co-ordinate Bench in W.A. No.200193/2024, it has been clearly observed that as regards the claim of respondent No.2 *i.e.*, Appellant Board herein, it shall be open to the appellant to redress its grievance in accordance with law. As such, the Appellant Board is entitled to address arguments on merits in the present appeals.

7. It is contended by the Appellant Board that the Land Tribunal had earlier passed an order in LRM/134/74-75 in respect of Sy.No.61 along with other survey numbers situated at Haladkeri(K) village, Tq. & Dist. Bidar by its order dated 05.06.1975. The Appellant Board after coming to know about the said order challenged the same by filing writ petition before



this Court in W.P. No.2376/1976. This Court, upon hearing the parties and finding that the Appellant Board was not the party before the Land Tribunal, remanded back the matter to the Tribunal for fresh consideration after affording an opportunity to the Appellant Board.

8. It is the contention of the Appellant Board that on remand, the Land Tribunal again passed an order on 29.02.1988 granting occupancy rights to the applicants in respect of few survey numbers including the petition land without hearing the Appellant Board. Thus, it is contended by the Appellant Board that the petition land is a wakf property managed by the Board and the grant of occupancy rights before the Tribunal in the proceedings was without hearing the Appellant Board and thus contends that the order passed in writ petitions is without verifying the ownership of the Appellant Board.

9. To the said contention raised by the Appellant Board about the ownership, learned counsel for the respondent No.1 contends that the occupancy rights were granted by the Land Tribunal way back in the year 1988 and the said order has



attained finality. It is contended that on remand of the said proceedings in W.P.No.2376/1976, before the Land Tribunal, the Inspector of the Appellant Board was examined as witness and the Land Tribunal after considering the material on record has granted occupancy rights to the applicants *vide* order dated 29.02.1988. Thus, he would contend that neither the Tribunal nor any Competent Authority has declared the petition land to be a wakf property, and on this count as well, the Appellant Board is not entitled for any relief.

10. Having heard the learned counsel appearing for the parties, the points that arise for consideration are:

- i. Whether the present appeals filed by the Appellant Board would survive for consideration on merits in light of the dismissal of SLP (Civil) Diary No(s).9532/2025, challenged by the Appellant Board against the dismissal of W.A.No.200193/2024 arising out of W.P.No.200466/2024?*
- ii. Whether the Appellant Board is entitled for any relief in the present appeal in light of the*



order of the Land Tribunal in File LRM/134/74-75 dated 29.02.1988?

11. We have given our anxious consideration to the contentions urged by the learned counsel for the parties and perused the material placed on record.

12. Both the points are taken up together in order to avoid repetition of discussion and reasoning.

13. The Appellant Board contends that the petition land is a wakf property and before the Tribunal proceedings in File No.LRM/134/74-75 where occupancy rights were granted to the applicants on 29.02.1988, the Appellant Board was not made as a party. The Land Tribunal granted occupancy rights by its final order dated 29.02.1988 in respect of the petition land and other lands to the applicants. The Appellant Board did not seek to challenge the Tribunal's order which has attained finality. After the Tribunal's proceedings concluded and the applicants were recognized as owners, the respondent No.1 appears to have purchased the property and thereby made an application to the Deputy Commissioner, Bidar for conversion of agricultural land into residential purpose. The said application



was rejected and it is this rejection order which was called in question by respondent No.1 in the writ petitions seeking deemed conversion for residential purpose, the said writ petitions came to be allowed by the learned Single Judge.

14. The State challenged the order in the writ petitions by filing W.A.Nos.200193/2024 and 200194/2024, which came to be dismissed by the Co-ordinate Bench of this Court on 11.11.2024. The Co-ordinate Bench of this Court in W.A.No.200193/2024 observed that *"it will not be open for respondent No.2 herein to contend that the property in question is a wakf property, unless the same is declared by the Competent Authority and the name of the Wakf Board or any other institution is reflected in the record of rights"*. The Appellant Board was respondent No.2 in those appeals and filed SLP (Civil) Diary No(s).9532/2025, which came to be dismissed by the Apex Court thereby upholding the finding of the Co-ordinate Bench of this Court, affirming the respondent No.1/petitioner's ownership and conversion rights.

15. The present appeals are collateral attempts to re-open an issue already adjudicated and we find no merits in



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these appeals and same deserve to be dismissed, answering the points for consideration accordingly, we pass the following:

ORDDER

The writ appeals are hereby ***dismissed***.

**Sd/-
(MOHAMMAD NAWAZ)
JUDGE**

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

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List No.: 1 Sl No.: 3
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