IN THE HIGH COURT OF KARNATAKA,

DHARWAD BENCH

DATED THIS THE 8TH DAY OF APRIL, 2025

BEFORE

THE HON'BLE MRS JUSTICE M.G.UMA

WRIT PETITION NO. 76565 OF 2013 (LR-)

BETWEEN:

SRI. SANAPPA
S/O. YALLAPPA GUNDUR
SINCE DECEASED BY HIS LR'S

1. SMT. BASAVVA
   W/O. LATE SANAPPA GUNDUR,
   AGED ABOUT 73 YEARS,
   OCC: HOUSEHOLD,
   R/O. ALLAPUR,
   TQ: HANGAL,
   DIST: HAVERI.

2. SRI. MAHADEVAPPA
   S/O. SANAPPA GUNDUR,
   AGED ABOUT 53 YEARS,
   OCC: AGRICULTURE,
   R/O. ALLAPUR,
   TQ: HANGAL,
   DIST: HAVERI.

3. SRI. YALLAPPA
   S/O. SANAPPA GUNDUR,
   AGED ABOUT 48 YEARS,
   OCC: AGRICULTURE,
   R/O. ALLAPUR,
   TQ: HANGAL,
   DIST: HAVERI.

4. SMT. MALAVVA
   W/O. GADIGEPPA KOLKAR,
   AGED ABOUT 45 YEARS,
   OCC: AGRICULTURE,

Digitally signed by V N BADIGER
Location: HIGH COURT OF KARNATAKA, DHARWAD BENCH, DHARWAD

R/O. ALLAPUR,
TQ: HANGAL,
DIST: HAVERI.

…PETITIONERS

(BY SRI. SUNIL S. DESAI, ADVOCATE;
P2- IS DISMSSED AS ABATED)

AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY TO
REVENUE DEPARTMENT,
M.S. BUILDING,
BANGALORE.

2. THE LAND TRIBUNAL HANGAL
BY ITS CHAIRMAN,
DIST: HAVERI.

3. THE LAND REFORMS APPELLATE
AUTHORITY, DHARWAD,
DIST: DHARWAD.

4. KANTEPPA
S/O. BASAVANNEPPA BANAGIGER,
SINCE DECEASED BY LR'S.

4a. SMT. KAMALAWWA
W/O. KANTEPPA BANAGIGER,
AGE ABOUT 55 YEARS,
OCC: HOUSEHOLD WORK,
R/O. ALLAPUR, TQ: HANGAL,
DIST: HAVERI – 581110.

4b. SRI. BASAVANNEPPA
S/O. KANTEPPA BANAGIGER,
AGE ABOUT 38 YEARS,
OCC: AGRICULTURE,
R/O. ALLAPUR, TQ: HANGAL,
DIST: HAVERI – 581110.

4c. SRI. BASATTEPPA
S/O. KANTEPPA BANAGIGER,
AGE ABOUT 36 YEARS,
OCC: AGRICULTURE,

R/O. ALLAPUR, TQ: HANGAL,
DIST: HAVERI – 581110.

4d. SRI. PARASAPPA
S/O. KANTEPPA BANAGIGER,
AGE ABOUT 34 YEARS,
OCC: AGRICULTURE,
R/O. ALLAPUR, TQ: HANGAL,
DIST: HAVERI – 581110.

4e. SMT. RATNNAWWA
W/O. CHANNABASAPPA BANAD,
AGE ABOUT 32 YEARS,
OCC: HOUSEHOLD WORK,
R/O. ALLAPUR, TQ: HANGAL,
DIST: HAVERI – 581110.

4f. SRI. SHAMBULINGAPPA
S/O. KANTEPPA BANAGIGER,
AGE ABOUT 30 YEARS,
OCC: AGRICULTURE,
R/O. ALLAPUR, TQ: HANGAL,
DIST: HAVERI – 581110.

5. THE VILLAGE ACCOUNTANT
ALLAPUR
TQ: HANAGAL,
DIST: HAVERI.

…RESPONDENTS

(BY SRI. T. HANUMAREDDY, AGA FOR R1 TO R3;
SRI. MRUTYUNJAY TATA BANGI, ADVOCATE FOR R4 A TO F)

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI QUASHING IMPUGNED ORDER BEARING NO.L.R.M.S.R. 5/19. HANGAL DATED 28.11.1981 PASSED BY THE RESPONDENT NO.2 AT ANNEXURE-A AS ILLEGAL AND VOID.

THIS PETITION COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

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

ORAL ORDER

The petitioner Nos.1 to 4 have approached this Court seeking issuance of writ in the nature of Certiorari to quash the order dated 28.11.1981 passed by respondent No.2-the Land Tribunal, Hangal, produced as per Anenxure-A.

2. Heard Sri Sunil S. Desai, learned counsel for the petitioners, Sri. T. Hanumareddy, learned Additional Government Advocate for respondent Nos.1 to 3 and Sri. Mrutyunjay Tata Bangi, learned counsel for respondent No.4(A-F). Respondent No.5 though served, but has remained unrepresented. Perused the materials on record.

3. The petitioners being the wife and children of deceased Sanappa Gundur, are challenging the impugned order, produced as per Annexure-A granting occupancy right in favour of respondent No.4 in respect of R.S.Nos.30/1, and 30/8, measuring 1.16 acres and 1.05 acres respectively, situate at Hangal Taluk.

4. It is contended by the learned counsel for the petitioners that, respondent No.4 filed Form No.7, claiming occupancy right in respect of the above mentioned properties amongst others, contending that, he is cultivating the lands as tenant, and is entitled for conferring occupancy right. The Land Tribunal held an enquiry, and passed the impugned order on 28.11.1981, produced as per Annexure-A. The petitioners have filed this petition during 2013 challenging the order dated 28.11.1981, contending that they were not aware of the impugned order dated 28.11.1981. Therefore, he prays that the said order is to be quashed.

5. It is pertinent to note that, the husband, or father of the petitioners as the case may be was a party to Annexure-A passed by the Land Tribunal. It is stated that he died in the year 2005. He never challenged Annexure-A during his life-time. When the petitioners are claiming right under the husband, or the father, as the case may be, and he was not aggrieved by the order dated

28.11.1981. I do not find any justification to entertain the petition. The writ petition came to be filed in the year 2013 i.e. after lapse of 32 long years. The reason assigned by the petitioners, that they were not aware of the impugned order dated 28.11.1981 cannot be accepted as valid ground to quash the order since late Sanappa Gundur under whom the petitioners are claiming right over the property was very much a party to the impugned order.

6. It is also brought to the notice of the Court that petitioner No.2 died during the pendency of this writ petition. As per order dated 12.02.2025, the petition filed by petitioner No.2 was dismissed as abated. Therefore, it is clear that the legal representatives of petitioner No.2 have not challenged the order by getting themselves impleaded, and on this count also, the petition is liable to be dismissed.

7. Another contentions raised by the learned counsel for the petitioners is that, the petitioners were minors at

the time of passing the impugned order. The same cannot be accepted as petitioner No.1 being the wife of the late Sanappa Gundur before the Land Tribunal, was aged 73 years during 2013, petitioner No.2 was aged 52 years, petitioner No.3 was aged 48 years and petitioner No.4 was aged 45 years. Therefore, at least petitioner Nos.1 and 2 were majors when the impugned order came to be passed. Petitioner Nos.3 and 4 even are to be treated to be minors as on the date of passing the impugned orders, they have not chosen to challenge the same immediately after they attained majority.

8. In view of the above, viewed from any angle, the petitioners are not entitled for any relief in this petition. Hence, the petition is **dismissed.**

Sd/-
(M.G.UMA)
JUDGE

MKM
CT:ANB
List No.: 2 Sl No.: 5