NC: 2025:KHC-D:5499
WP No. 71107 of 2012

IN THE HIGH COURT OF KARNATAKA,

DHARWAD BENCH

DATED THIS THE 25TH DAY OF MARCH, 2025

BEFORE

THE HON'BLE MRS JUSTICE M.G.UMA

WRIT PETITION NO. 71107 OF 2012 (LR)

BETWEEN:

MURIGAVVA
W/O. SIDDALINGAIAH
CHIKKAVEERAIAH
SINCE DECEASED BY HER LRS
SHRI. SHIVAYYA ADOPTED FATHER
SHIDDALINGAIAH CHIKKAVEERAIAH MATH
AGED ABOUT 65 YEARS,
OCC: AGRICULTURE,
R/O. ANCHATAGERI,
HUBLI,
TQ: HUBLI,
DIST: DHARWAD.

...PETITIONER

(BY SRI. G. I. GACHCHINAMATH, ADVOCATE)

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

AND:

1. THE STATE OF KARNATAKA BY ITS
SECRETARY TO REVENUE DEPARTMENT,
VIDHANA VEEDHI,
BANGALORE-1.

2. THE LAND TRIBUNAL
BY ITS CHAIRMAN,
HUBLI, TQ: HUBLI,
DIST: DHARWAD.

SRI. HANUMANTHAPPA
S/O. SIDDAPPA HULAMBI
@ ASUNDI
SINCE DECEASED BY HIS LR S

3. SHRI. SIDDAPPA
S/O. HANUMANTHAPPA HULAMBI,
AGED ABOUT 35 YEARS,
OCC: BUSINESS.

4. SRI. CHANNABASAPPA
S/O. HANUMANTHAPPA HULAMBI,
AGED ABOUT 33 YEARS,
OCC: BUSINESS.

SINCE DECEASED BY HIS LRS.

4a. MAHADEVI
W/O. CHANNABASAPPA HULAMBI,
AGE: 38 YEARS,
OCC: HOUSEHOLD,
R/O. DODDAONI,
NAGASHETTIKOPPA,
HUBLI.

4b. IRANNA
S/O. CHANNABASAPPA HALUMBI,
AGE: 20 YEARS, OCC:
R/O. DODDAONI,
NAGASHETTIKOPPA,
HUBLI.

4c. NIRMALA
D/O. CHANNABASAPPA HALUMBI,
AGE: 18 YEARS, OCC: NIL,
R/O. DODDAONI,
NAGASHETTIKOPPA,
HUBLI.

5. SRI. BHEEMAPPA
S/O.HANUMANTHAPPA HULAMBI,
AGED ABOUT 31 YEARS,
OCC: BUSINESS.

6. SRI. SURESH
S/O. HANUMANTHAPPA HULAMBI,
AGED ABOUT 30 YEARS,
OCC: BUSINESS.

ALL R/O. NAGASHETTIKOPPA,
HUBLI,
TQ: HUBLI,
DIST: DHARWAD.

7. SMT. SAVANTHAREVVA
W/O. YELLAPPA HULAMBI,
AGED ABOUT 75 YEARS,
OCC: NIL,
R/O. NAGASHETTIKOPPA, HUBLI,
TQ: HUBLI,
DIST: DHARWAD.

SINCE DECEASE BY HER LRS.

7a. GIRIJAVVA
W/O. BASAVANEPPA HULAMBI
@ BASAVAREDDY,
AGE: 48 YEARS,
OCC: HOUSEHOLD,
R/O. DODDAONI,
NAGASHETTIKOPPA, HUBLI.

7b. HANUMANTAPPA
S/O. BASAVANEPPA HULAMBI
@ BASAVAREDDY,
AGE: 23 YEARS,
OCC: AGRICULTURE,
R/O. DODDAONI,
NAGASHETTIKOPPA, HUBLI.

7c. TAYAVVA
D/O. BASAVANEPPA HULAMBI
@ BASAVAREDDY,
AGE: 21 YEARS,
OCC: HOUSEHOLD,
R/O. KADAPATTI HALIYAL,
TQ: HUBLI, DIST: DHARWAD.

…RESPONDENTS

(BY SRI. T. HANUMAREDDY, AGA FOR R1 & R2;

SRI. C.N. HARLAPUR, ADVOCATE AND

SRI. S.S.TATTIMANI, ADVOCATES FOR R3, R4, R6 & R8;

R4(A), R4(B) AND R4(C) – SERVED;

SRI. C.N. HARLAPUR, ADVOCATE FOR R7 (A TO C)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO

a. CALL FOR RECORDS PERTAINING TO THE ORDER DATED 21.07.1981 BEARING NO.KLR SR. BNBR.49 PRODUCED AS ANNEXURE-C PASSED BY THE RESPONDENT NO.2 AND ALSO ORDER DATED 12.04.1989 BEARING NO.LR.APPEALU.NO.1432/1985 PASSED BY THE DISTRICT LAND REFORMS APPELLATE AUTHORITY, DHARWAD PRODUCED AS ANNEXURE-F.

b. QUASH THE IMPUGNED ORDER DATED 21.07.1981 BEARING NO.KLR SR. BNBR.49 PRODUCED AS ANNEXURE-C PASSED BY THE RESPONDENT NO.2 AND ALSO ORDER DATED 12.04.1989 BEARING NO.LR.APPEALU. NO.1432/1985 PASSED BY THE DISTRICT LAND REFORMS APPELLATE AUTHORITY, DHARWAD PRODUCED AS ANNEXURE-F BY ISSUE OF WRIT OF CERTIORARI OR ANY OTHER SUITABLE WRIT OR ORDER OR DIRECTIONS.

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 petitioner has filed this petition seeking writ in nature of Certiorari to quash the order dated 21.07.1981, passed by respondent No.2- the Land Tribunal, Hubli, produced as per Annexure-C, and the order dated 12.04.1989, passed by the District Land Reforms Appellate Authority, Dharwad, produced as per Annexure-F.

2. Heard Sri.G.I.Gachchinmath, learned counsel for the petitioner, Sri.T.Hanumareddy, learned Additional Government Advocate for respondent Nos.1 and 2, Sri.C.N.Halapur, learned counsel for respondent Nos.3, 5, 6 and 8. Perused the materials on record.

3. It is the contention of the parties that one Hanumanthappa S/o Siddappa filed Form No.7, claiming 5 acres 20 guntas of land in Survey No. 38/1 of Bangeri village of Hubli Taluk. The Land Tribunal granted the occupancy right as per majority decision dated 21.07.21981. This order of the Land Tribunal was challenged by the owner by filing W.P.No.8366 of 1985. The said writ petition was allowed as per order dated 01.08.1986. Since under Section 13(2) of

the Karnataka Land Reforms Act (for short the KLR Act), the Appellate Authority at the district level is constituted, the matter was made over to the Land Reforms Appellate Authority with a direction to treat the petition as an appeal presented before it, and to dispose of the same in accordance with law. The District Land Reform Appellate Authority dismissed the Appeal bearing No.1432 of 1985 for default i.e. for non-prosecution. Now the petitioner is before this Court seeking to set aside the order of the Land Tribunal as well as the order of the Land Reforms Appellate Authority.

4. It is pertinent to note that the Land Tribunal, Hubli, passed the impugned order on 21-07-1981, granting occupancy right in favour of the respondent-tenant. The said order was challenged before this Court by filing WP.No.8366 of 1985 that is after lapse of about 4 years. Subsequently, as per order dated 1.08.1986, the matter was made over to the Land Reforms Appellate Authority. As per the impugned order Annexe-F, the said Appeal bearing No.1432 of 1985 was dismissed for default i.e. for non-prosecution on 12-04-1989. Therefore, from 1985 to 1989, the petitioner being the

appellant before the Appellate Authority had not prosecuted the appeal, and allowed the appeal to be dismissed for non-prosecution.

5. Even though the impugned order in Annexure-F was passed on 12-04-1989, this writ petition came to be filed on 16-10-2012. That is again after lapse of over 23 years. It is also pertinent to note that even though this petition was filed on 16-10-2012, and many a times, the matter was listed for addressing the arguments on merits, no arguments were addressed. The order sheet dated 15-11-2023 discloses that the matter was adjourned as a last chance. The Order sheet dated 7-3-2025 discloses that the counsel for the petitioner undertook to address his arguments without fail on the next dated of hearing. On 14-3-2025, again the learned counsel for the petitioner sought for time. Even though there were no reasons to adjourn the matter, to afford final opportunity, the matter was listed today. Today, again when there is a threat of dismissal of the petition for default, that is for non-prosecution, learned counsel for the petitioner addresses his

argument. All these facts and circumstances would show that the petitioner was never diligent in prosecuting the case.

6. The order of the Land Tribunal Annexure-C is dated 21-07-1981. The discussions held above disclose that at each stage, the petitioner was guilty of delay and laches. There is absolutely no reason to condone such delay and to consider the contention of the petitioner on merits.

7. Learned counsel for the petitioner places reliance on the decision of the Hon'ble Apex Court in ***Inder Singh v. State of Madhya Pradesh*** [1]to contend that even though there is inordinate delay, the matter is to be heard on merits. On facts and circumstances of the case, the Hon'ble Apex Court formed an opinion that a liberal approach is to be adopted, when some plausible cause for delay is shown, and to consider the merits of the case. The Hon'ble Apex Court observed that there can be no quarrel on the settled principle of law that delay cannot be condoned without sufficient cause. When there is absolutely no reason showed for the inordinate delay in challenging the impugned order

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passed by the Land Tribunal, and the petitioner subsequently allowed the appeal before the Appellate Authority to be dismissed for default, and again there is delay in filing the present petition. I am of the opinion that the petition is liable to be dismissed solely on the ground of delay and laches on the part of the petitioner.

Accordingly, I proceed to pass the following:

ORDER

The petition is dismissed.

Sd/-
(M.G.UMA)
JUDGE

Vb/-
CT:ANB
List No.: 2 Sl No.: 5