

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 19TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT APPEAL NO.100271 OF 2022 (LR)

BETWEEN:

MAHALINGAPPA KARABASAPPA HARADAGATTI
SINCE DECEASED BY L.RS.

SMT. MALLAVVA W/O MAHALINGAPPA HARADAGATTI
SINCE DECEASED BY L.RS.

1. KARABASAPPA S/O MAHALINGAPPA HARADAGATTI
AGE. 83 YEARS, OCC. AGRICULTURIST,
R/O. HULLUR, TQ. SHIRAHATTI,
DIST. GADAG-582 112.

FAKKIRAPPA MAHALINGAPPA HARADAGATTI
SINCE DECEASED BY L.RS

2. SMT. CHINNAVVA W/O FAKKIRAPPA HARADAGATTI
AGE. 56 YEARS, OCC. HOUSEHOLD WORK,
R/O. GOA, BIRLA COMPANY, GOA-403 726.

3. SMT. TAYAVVA W/O RAMANNA HALEMANI
AGE. 53 YEARS, R/O. IRAPUR,
TQ. HAVERI, DIST. HAVERI-581 101.

4. SMT. SHANTAVVA W/O. SHEKAPPA MYAGERI
AGE. 48 YEARS, OCC. HOUSEHOLD WORK,
R/O. LAXMESHWARA, TQ. SHIRAHATTI,
DIST. GADAG-581 120.

5. VAGESH S/O MAHALINGAPPA MARADAGATTI
AGE. 46 YEARS, OCC. AGRIL.,
R/O. P. BADNI, TQ. SHIRAHATTI,
DIST. GADAG-581 120.

6. SMT. SAVAKKA W/O BHEEMANNA RITTI
AGE. 44 YEARS, R/O CHILLUR BADNI,
R/O SAVANUR, DIST. HAVERI-581 118.
7. BASAVARAJ S/O. MAHALINGAPPA HARADAGATTI
AGE. 42 YEARS, OCC. AGRIL.,
R/O. P.BADNI, TQ. SHIRAHATTI, DIST. GADAG-581 120.

...APPELLANTS

(BY SRI. K.L. PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
BY ITS SECRETARY,
VIDHAN SOUDHA, BANGALORE-560 001.
2. THE LAND TRIBUNAL, SHIRAHATTI,
BY ITS CHAIRMAN,
SHIRAHATTI TALUKA, DIST. GADAG-581 120.

BASAVANNEPPA KARABASAPPA HARADAGADDI
SINCE DECEASED BY L.RS

SHIVAPPA
@ SHIVANAPPA BASAVANNAPPA HARADAGATTI
SINCE DECEASED BY L.RS

3. SMT. HANUMAVVA
W/O SHIVAPPA @ SHIVANAPPA HARADAGATTI
AGE. 63 YEARS, OCC. HOUSEHOLD WORK,
R/O. HULLUR, TQ. SHIRAHATTI, DIST. GADAG-581112.
4. SMT. LALEETHA W/O BASAVANAGOUDA LINGANAGOUDA
AGE. 50 YEARS, OCC. HOUSEHOLD WORK,
R/O. KODEBAL, TQ. HAVERI-581 101.
5. SUBHAS S/O SHIVAPPA @ SHIVANAPPA HARADAGATTI
AGE. 48 YEARS, OCC. AGRICULTURIST,
R/O. HULLUR, TQ. SHIRAHATTI, DIST. GADAG-582 112.
6. MAHESH
S/O SHIVAPPA @ SHIVANAPPA HARADAGATTI
AGE. 44 YEARS, OCC. AGRICULTURIST,
R/O. HULLUR, TQ. SHIRAHATTI, DIST. GADAG-582 112.

7. CHANDRASHEKAR
S/O SHIVAPPA @ SHIVANAPPA HARADAGATTI
AGE. 42 YEARS, R/O. HULLUR, TQ. SHIRAHATTI,
DIST. GADAG-582 112.
8. RAVI S/O SHIVAPPA @ SHIVANAPPA HARADAGATTI
AGE. 40 YEARS, R/O. HULLUR, TQ. SHIRAHATTI,
DIST. GADAG-582 112.
9. SMT. GEETA W/O SHEKARAPPA MUKI
AGE. 38 YEARS, OCC. HOUSEHOLD WORK,
R/O. HULLUR, TQ. SHIRAHATTI, DIST. GADAG-582 112.
10. VISHALAXI D/O. FAKKIRAPPA HARADAGATTI
AGE. MAJOR (AGE NOT KNOWN)
R/O. GOA, BIRLA COMPANY, GOA-403 726.
11. SUMITRA D/O FAKKIRAPPA HARADAGATTI
AGE. MINOR (AGE NOT KNOWN)
R/O. GOA, BIRLA COMPANY, GOA-403 726.
12. KHETRA D/O FAKKIRAPPA HARADAGATTI
AGE. MINOR (AGE NOT KNOWN)
R/O GOA, BIRLA COMPANY, GOA-403 726.
13. MANJUNATH S/O FAKKIRAPPA HARADAGATTI
AGE. MINOR (AGE NOT KNOWN)
R/O. GOA, BIRLA COMPANY, GOA-403 726.

...RESPONDENTS

(BY SRI. SHARAD V. MAGADUM, AGA FOR R1 & R2;
SRI. LAXMAN T. MANTAGANI, ADVOCATE FOR R3 TO R9)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT 1961, PRAYING TO, WRIT APPEAL MAY KINDLY BE ALLOWED BY SETTING ASIDE THE ORDER DATED 04/02/2021 IN WRIT PETITION NO.39727/2004(LR), AND FURTHER, DISMISS THE WRIT PETITION AS PRAYED & ETC.

THIS APPEAL HAVING BEEN HEARD AND RESERVED ON 11.12.2025 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **S G PANDIT J.**, DELIVERED THE FOLLOWING:

CORAM: THE HON'BLE MR. JUSTICE S G PANDIT
AND
THE HON'BLE MRS JUSTICE GEETHA K.B.

CAV JUDGMENT

(PER: THE HON'BLE MR. JUSTICE S G PANDIT)

The respondents before the learned Single Judge are in intra-Court appeal under Section 4 of the Karnataka High Court Act, 1961 questioning the order dated 04.02.2021 in W.P.No.39727/2004, remanding the matter to the Land Tribunal to hear the parties afresh and to pass an appropriate order after giving both the sides an opportunity to adduce their evidence.

2. The parties would be referred to as per their ranking before the learned Single Judge. Appellants were respondents and respondent Nos.3 to 9 were petitioners before the learned Single Judge.

3. Heard learned counsel Sri.K.L.Patil for appellants, learned Additional Government Advocate Sri.Sharad V. Magadam for respondent Nos.1 and 2 and learned counsel Sri.Laxman T. Mantagani for respondent Nos.3 to 9.

4. The petitioners filed writ petition questioning the Land Tribunal's order dated 23.07.1975 whereunder the occupancy rights were granted in favour of respondents in respect of the land bearing R.S.No.54/1+2B measuring 9 acres 1 guntas of Adarahalli Village, Taluka Shirahatti, District Gadag. The petitioners mainly contended that, proper notice was not issued and the notice issued was against a dead person, since it is contended that the original landlord by name Basavanneppa Karabasappa Haradagaddi died on 15.02.1973 itself, much prior to the initiation of the proceedings before the Land Tribunal. Further, it is contended that on behalf of the landlords, none appeared before the Land Tribunal and they dispute the observation of the Land Tribunal that son of the original landlord had appeared before the Tribunal.

5. On behalf of the respondents-tenants, it was mainly contended that the landlords have withdrawn the compensation amount deposited before the Tribunal and

son of the original landlord appeared before the Land Tribunal and admitted the tenancy of the respondents.

6. Learned Single Judge after hearing the parties to the writ petition at paragraphs 2, 3 and 4 has recorded his findings, which read as follows:

"2. Learned AGA has produced the records of the Land Tribunal. The order sheet indicates that notice of the Form No.7 was not issued to the landlord at all. The order sheet of the Land Tribunal starts of with order that is impugned in this writ petition. It is not clear as to how the Land Tribunal could have proceeded with the matter when it was brought to its notice that the landlord i.e, Basavanneppa Karabasappa Haradagaddi was no more. It is also not forthcoming as to how one Shivappa Basavanneppa Haradagatti appeared before the Land Tribunal claiming to be the son of the landlord Basavanneppa Karabasappa Haradagatti without even being notified of the proceedings.

3. The Land Tribunal on the basis of an admission, by the person who claimed to be the

son of Basavanneppa Karabasappa Haradagatti has conferred occupancy rights.

4. In my view, since the Land Tribunal has passed an order conferring occupancy rights without notifying the landlord or his legal heirs, the same cannot be sustained. I accordingly set aside this order and remand the matter to the Land Tribunal."

On the above findings, learned Single Judge had remanded the matter to the Land Tribunal for fresh consideration, after providing an opportunity to both the sides to adduce their evidence.

7. We do not find any error or illegality in the said findings, when the landlords have contended that the original landlord died on 15.02.1973. The said dead person was made party before the Tribunal, however, it is noted that son of the original landlord had appeared before the Tribunal and the said appearance is denied by the landlords. There are disputed facts, which are to be proved by adducing evidence.

8. The disputed question of facts cannot be gone into, in a writ petition filed under Article 226 of the Constitution of India. When it is the contention of the appellants/landlords that proper notice was not issued, signature was impersonated to say that the compensation amount was withdrawn and when the appellants have contended that none appeared on behalf of the landlords before the Tribunal, the same could be ascertained only from the evidence, to be let in by the parties.

9. We do not find any merit in the writ appeal and accordingly, writ appeal stands ***rejected***.

**Sd/-
(S G PANDIT)
JUDGE**

**Sd/-
(GEETHA K.B.)
JUDGE**