



IN THE HIGH COURT OF KARNATAKA,AT DHARWAD

DATED THIS THE 3RD DAY OF NOVEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE S G PANDIT

AND

THE HON'BLE MRS JUSTICE GEETHA K.B.

WRIT APPEAL NO. 100268 OF 2024 (LR)

BETWEEN:

KUM. TANUJA D/O. HOMI BELGAUMVALA
AGE: 40 YEARS, OCC: NIL,
R/O. HUBLI REPRESENTED BY
HER POWER OF ATTORNEY HOLDER
SRI. RAMAPPA HULIGEPPA GARWADA
RESIDING AT NEAR SIDDARODHAMATH HUBLI-
590023.

...APPELLANT

(BY SRI. VINAY S. KOUJALAGI, ADVOCATE)

AND:

KHASIM SAB BABASAB DADI @ MELINAMANI
RESIDING AT: ANCHATAGERI
TALUK. HUBLI, DIST. DHARWAD
SINCE DECEASED BY HIS LR'S

1. SMT. HUSSAIN BEE W/O. KHASIMSAB DADI
AGE: 62 YEARS, OCC: HOUSEHOLD WORK,



R/O: ANCHATGERI VILLAGE,
TQ: HUBBALLI, DIST: DHARWAD-580001.

2. MOHMMAD S/O. KHASIMSAB DADI
AGE: 47 YEARS, OCC: HOUSEHOLD WORK,
R/O. ANCHATGERI VILLAGE,
TQ. HUBBALLI, DIST. DHARWAD-580001.
3. THE LAND TRIBUNAL, HUBLI,
REPRESENTED BY ITS CHAIRMAN.

...RESPONDENTS

(BY SRI. G.K. HIREGOUDAR, PRL. GOVERNMENT ADVOCATE
FOR R3;
NOTICE SERVED TO R1 AND R2)

THIS WRIT APPEAL IS FILED U/S.4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO, CALL FOR THE RECORDS, ALLOW THE APPEAL AND SET ASIDE THE ORDER DATED 01-04-2024 PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO.68449/2011 (LR) AND THE ORDER DATED 08/07/2001 PASSED BY THE RESPONDENT NO.2 BEARING NO.KLR/SR/Anchatgeri/32 PRODUCED AT ANNEXURE, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

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



ORAL JUDGMENT

(PER: THE HON'BLE MRS JUSTICE GEETHA K.B.)

The petitioner in Writ Petition No.68449/2011 (LR) is before this Court under Section 4 of the Karnataka High Court Act, 1961 questioning the correctness and legality of the order dated 01.04.2024 in Writ Petition No.68449/2011 (LR), whereunder the petitioner in the said writ petition prayed for quashing the order dated 08.07.2011 passed by respondent No.2-authority bearing No.KLR/SR/AANCHATAGERI/32 vide Annexure-J.

2. Heard Sri Vinay S Koujalagi, learned counsel for the appellant and Sri G.K.Hiregoudar, learned Additional Government Advocate for respondent No.3.

3. Learned counsel for the appellant Sri.Vinay S Koujalagi would submit that the appellant has purchased the land in question during 1972 under sale deed from the original owner Ramanna Dalavi. The respondent was the consenting witness to the said sale deed and he was fully



aware about the sale deed in the name of appellant and thus appellant was the actual owner of the property in question as on the cut off date-01.03.1974. However, respondent has submitted his Form No.7 mentioning the name of vendor of the appellant and thus misled the Tribunal.

4. Learned counsel for the appellant would further submit that there was no document to show that first respondent was tenant as on 01.03.1974 and only during 1977 mutation was effected, and it was observed in Writ Petition No.17391/1998 by Co-ordinate Bench of this Court. Suppression of material factum of ownership by first respondent was not considered by the Tribunal and learned Single Judge.

5. Immediately after the sale in favour of appellant, it was the bounden duty of revenue authorities to mutate his name in revenue records and he is not responsible for not mentioning his name in those records. The receipts



produced by first respondent were concocted and it was not properly appreciated by the Tribunal and the learned Single Judge and thus, the order calls for interference. Hence, prayed for allowing the appeal.

6. Learned Additional Government Advocate would submit that there was no mutation in the name of appellant even though there was sale deed in her name and no document is produced to show that as on the cut off date, appellant was in possession of the property. Considering it, rightly, the learned Single Judge dismissed the writ petition. Hence, prayed for dismissal of the writ appeal.

7. Having heard the learned counsels for the parties and on perusal of the entire appeal papers, the only point that would fall for consideration in this appeal is as to, "whether the appellant produces material to show that she was in possession of the property on the cut off date and thereby the order passed by the learned Single Judge is erroneous?"



8. Our answer to the above point would be in the "**Negative**" for the following reasons.

9. The appellant contended that the disputed property was purchased in the name of appellant, who was minor under registered sale deed dated 19.11.1971 from one Ramanna Dalavi. The original owner-Ramanna Dalavi died on 13.04.1972. Initially on 25.09.1980, the Tribunal has granted occupancy rights in favour of first respondent, which was challenged by the appellant in Writ Petition No.28422/1982 before this Court. On 08.03.1985, initially the order of the Tribunal was stayed, finally allowed the writ petition and remanded the matter to the Tribunal, Hubballi for fresh consideration.

10. On 05.05.1998, the Tribunal held an enquiry, evidence was recorded; again the Tribunal granted occupancy rights vide order dated 05.05.1998, which was challenged by the appellant in Writ Petition No.17391/1998 before this Court. On 18.12.2006, again the said writ



petition was allowed and matter was remitted back to Tribunal for fresh consideration. After remand, first respondent has let in the oral evidence and then on 08.07.2011, again the Tribunal passed an order granting occupancy rights in favour of first respondent, which is under challenge before the learned Single Judge in Writ Petition No.68449/2011. After hearing the arguments, the learned Single Judge vide order dated 01.04.2024 has dismissed the writ petition which is under challenge in this writ appeal.

11. On perusal of records, we noticed that sufficient opportunity was furnished to the appellant to prove that she was in possession of the property as on the cut off date. Name of appellant was not mutated into revenue records and her name is not at all shown in record of rights at any point of time. She has not produced even tax paid receipts. Except producing the sale deed, no other material is produced. Under these circumstances, the appellant has



miserably failed to prove her possession over the disputed property as on 01.03.1974.

12. Considering these aspects in a right and proper perspective, learned Single Judge has dismissed the writ petition. Thus, we are not inclined to entertain this writ appeal and we proceed to pass the following:

ORDER

Writ appeal filed under Section 4 of the Karnataka High Court Act, 1961 is **dismissed** by confirming the order dated 01.04.2024 passed in Writ Petition No.68449/2011 by the learned Single Judge.

Sd/-
(S G PANDIT)
JUDGE

Sd/-
(GEETHA K.B.)
JUDGE