



HC-KAR

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NC: 2025:KHC-D:15641-DB
WA No. 100374 of 2025

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 17TH 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.100374 OF 2025 (LR)

BETWEEN:

1. SMT. RINDABAI,
W/O LAXMIKANTAPPA TELAKAR,
AGE. 83 YEARS,
OCC. HOUSEHOLD WORK,

SRI. HANUMANTRAO,
S/O LAXMIKANTAPPA TELAKAR,
(DIED ISSUELESS AND WIFE
PREDECEASED HIM)

2. SRI. SHANTKUMAR,
S/O LAXMIKANTAPPA TELAKAR,
AGE. 60 YEARS,
OCC. AGRICULTURE,
3. SRI. DEVENDRAKUMAR,
S/O LAXMIKANTAPPA TELAKAR,
AGE. 56 YEARS,
OCC. BUSINESS,



ALL ARE R/O. GUTTAL,
TQ. & DIST. HAVERI-581110.

...APPELLANTS

(BY SRI. N.P. VIVEKMEHTA, ADVOCATE)

AND:

1. SRI. MALLAPPA,
S/O CHANNABASAPPA TALWAR,
AGE. 78 YEARS,
OCC. AGRICULTURE,
R/O TALWAR ONI, GUTTAL,
TQ. AND DIST. HAVERI-581110.
2. SMT. KALLAVVA @ KAMALAVVA,
W/O NAGAPPA TALWAR,
AGE. 83 YEARS,
OCC. VEGETABLE VENDOR,
R/O BENNER ONI, AGADI,
TQ. AND DIST. HAVERI – 581110.
BE HER G.P.A HOLDER,
HEMANNA @ HEMANT,
S/O CHANABASAPPA TALWAR,
AGE. 48 YEARS, OCC. AGRICULTURE,
R/O. NO.2260, 83RD CROSS,
R.M. LOHIYA NAGAR,
GOKUL ROAD, HUBBALLI,
DIST. DHARWAD-580030.
3. SRI. SAHADEVAPPA,
S/O HONNAPPA TALWAR,
AGE. 68 YEARS,
OCC. AGRICULTURE, COOLIE,



R/O. KATENAHALLI,
TQ. AND DIST. HAVERI-581110.

4. SMT. GAURAVVA,
W/O HEMANNA TALAWAR,
AGE. 58 YEARS,
OCC. HOUSEHOLD,
5. SRI. CHANNABASAPPA,
S/O HEMANNA TALAWAR,
AGE. 41 YEARS. OCC.
6. SRI. MANJUNATHA,
S/O HEMANNA TALAWAR,
AGE. 39 YEARS, OCC.
7. SRI. UMESH,
S/O HONNAPPA TALAWAR,
AGE. 51 YEARS, OCC.
8. SRI. HONNAPPA,
S/O DURGAPPA TALAWAR,
AGE. 61 YEARS, OCC.

RESPONDENT NOS.4 TO 8 ARE
R/O. TALWAR ONI, GUTTAL,
TQ. AND DIST. HAVERI-581110.

9. THE STATE OF KARNATAKA,
REP. BY SECRETARY,
REVENUE (LAND REFORMS DEPT.),
BENGALURU-560001.
10. THE LAND TRIBUNAL HAVERI,



REP. BY ITS CHAIRMAN,
THE ASSISTANT COMMISSIONER,
HAVERI-581110.

11. THE TAHSILDAR HAVERI,
MEMBER-SECRETARY,
LAND TRIBUNAL HAVERI,
HAVERI-581110.

12. SRI. RAMACHANDRA,
S/O LAXMIKANTAPPA TELAKAR,
AGE. 63 YEARS,
OCC. AGRICULTURE,

13. SMT. ANJANADEVI,
D/O LAXMIKANTAPPA TELAKAR,
AGE. 54 YEARS,
OCC. HOUSEHOLD WORK,

RESPONDENT NOS.12 & 13 ARE
R/O GUTTAL,
TQ. AND DIST. HAVERI-581110.

...RESPONDENTS

(BY SMT. KIRTELATA PATIL, HCGP FOR R9, R10 & R11)

THIS WRIT APPEAL IS FILED UNDER SEC.4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE JUDGMENT AND ORDER OF LEARNED SINGLE JUDGE DATED 26-03-2025 PASSED IN W.P.NO.63505/2012 (LR) AND DISMISS THE WRIT PETITION AND RESTORE ORDER OF LAND TRIBUNAL HAVERI DATED 20-8-2011 BY ALLOWING THIS APPEAL & ETC.

THIS WRIT 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 MR. JUSTICE S G PANDIT)

This writ appeal filed under Section 4 of the Karnataka High Court Act, 1961, is directed against the learned Single Judge's order dated 26.03.2025 passed in W.P. No.63505/2012 wherein this Court passed the following order:

- "(i) The petition is allowed.*
- (ii) The impugned order dated 20.08.2011 passed by respondent No.2-Land Tribunal, Haveri in TEN/OCP/SR114 vide Annexure-E, is set aside.*
- (iii) The matter is remanded back to the Land Tribunal for fresh consideration by providing reasonable opportunity to both the parties.*
- (iv) It is made clear that the parties to the litigation are required to appear before the Land Tribunal, Haveri on 12.05.2025 without waiting for fresh notice. Upon which, the Land Tribunal is required to reconsider the claim of the claimants in light of the objections raised by the landlord and dispose off the matter expeditiously.*
- (v) The parties are directed to maintain status quo with regard to the possession of the properties and entries*



in the record of rights as on today, till disposal of the matter before the Land Tribunal."

2. Heard Sri. N.P.Vivekmehta, learned counsel for the appellants and Smt. Kirtilata Patil, learned High Court Government Pleader for respondents No.9 to 11. Perused the entire writ appeal papers.

3. Learned counsel Sri. N.P.Vivekmehta would submit that the appellants are the legal representatives of the original tenant. It is submitted that owners of land in question, approached this Court in W.P. No.63505/2012 questioning the Land Tribunal's order, dated 20.08.2011, passed in TEN/OCP/SR114 (Annexure-E), whereby the appellants were granted occupancy rights. It is his submission that there is a clear finding by this Court in the earlier proceedings as to the nature of land i.e., inam land. Learned counsel would submit that earlier, on two occasions, the Land Tribunal rejected the application, and upon challenge before this Court, the matter was remanded for fresh consideration, and the learned Single Judge, in the present petition, erred in again remanding the matter to the Land Tribunal. He would further submit that when



the Land Tribunal, under the impugned order, had granted occupancy rights on the statement of the respondents given in the earlier round of litigation, wherein the respondents had admitted that the appellants are the tenants of the land, the learned Single Judge committed an error in again remanding the matter back to the Tribunal.

4. We are not inclined to accept the submission of the learned counsel for the appellants. Learned Single Judge, on examining the material on record, at paragraphs 12, 13 and 14, has recorded findings, which read as follows:

"12. The other contention raised by the learned counsel for the petitioners is that, the claimants have produced a bunch of 246 documents before the Land Tribunal and thereafter there were no regular sittings. But, one fine morning, order was passed without affording an opportunity for the petitioners to cross-examine the claimants on those documents.

13. On seeing the order sheet maintained by the Land Tribunal, it discloses that claimant has produced as many as 246 documents on 10.03.2010, on which date both the parties were present. On the next few days of hearing, the parties were present but none of them have led evidence. From 08.09.2010 to 25.05.2011 there was



no sitting of the Land Tribunal for one or the other reasons. On 08.06.2011, both the parties and their counsel were absent. Then the matter was posted for orders. On 20.08.2011, the impugned order was pronounced.

14. On consideration of all these sequence of events, and the contentions taken by the petitioners that, the claimants have, even though produced as many as 246 additional documents in support of their contentions, they have not led any evidence. Thereby, the petitioners herein did not get an opportunity to cross-examine the claimants on those documents. On perusal of the impugned order, the Land Tribunal places reliance on those additional documents."

5. The above would indicate that the claimant had produced as many as 246 documents on 10.03.2010 and without taking on record the said documents in the evidence, the Tribunal proceeded to grant occupancy rights which is faulted by the learned Single Judge. We do not find any error in the order of remand passed by the learned Single Judge. Both the appellants and the respondents would get an opportunity to putforth their claims and also to cross-examine the witnesses. The learned Single Judge has also protected the interest of the



parties with regard to possession by directing the parties to maintain status quo.

6. In the light of the above, we do not find any error in the order of the learned Single Judge. Accordingly, the writ appeal stands rejected.

Pending interlocutory applications, if any, stand disposed of as not surviving for consideration.

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

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