



IN THE HIGH COURT OF KARNATAKA,AT DHARWAD

DATED THIS THE 14TH 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.100493 OF 2024 (ULC)

BETWEEN:

1. THE STATE OF KARNATAKA,
BY ITS SECRETARY TO DEPARTMENT OF
URBAN DEVELOPMENT,
M.S BUILDING,
BANGALORE -560001.
2. THE SPECIAL DEPUTY COMMISSIONER,
BELAGAVI,
TQ. AND DIST. BELAGAVI-590001.
3. THE THASILDAR,
BELAGAVI,
TQ. AND DIST. BELAGAVI-590001.

...APPELLANTS

(BY SRI. SHARAD V. MAGADUM, ADDL. GOVT. ADVOCATE)

AND:

1. SRI. SUNIL,
S/O. TAMMANNA KUDACHI,
AGE: 70 YEARS,
OCC: AGRICULTURE,
R/O. SECTOR NO.63, PLOT NO.21,
NAVANAGAR,
BAGALKOT-587101.





2. JAANAKI,
D/O. APPASAHEB KUDACHI,
AGE: 62 YEARS, OCC: HOUSE WIFE,
R/O. SECTOR NO.63, PLOT NO.21,
NAVANAGAR, BAGALKOT-587101.
3. ANITHA,
W/O. PRAKASH GHALI,
AGE: 72 YEARS, OCC: HOUSE WIFE,
R/O. #22-18, SANATHAN ASHRAM,
CHITRUPU GRAM MULKI,
DIST. MANGALORE -574154.
4. RITA,
W/O. VIJAY MALAKANI,
AGE: 69 YEARS, OCC: HOUSE WIFE,
R/O. RANGA KAMAL APARTMENT,
DEVKAR PANAND, KHOLAPUR-416001.
5. SMT. VIJAYA,
W/O. SHARAD KHOLAPURKAR,
AGE: 84 YEARS, OCC: HOUSEHOLD WORK,
R/O. 408, D-WARD, GANGAVES,
TQ. AND DIST. KOLHAPUR,
STATE MAHARASTRA-416001.

...RESPONDENTS

(BY SRI. SHIVASAI M. PATIL, ADVOCATE FOR R1
SRI. SADIQ N. GOODWALA, ADVOCATE FOR R5)
(R2 TO R4 ABATED)

THIS WRIT APPEAL IS FILED U/S.4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE IMPUGNED ORDER PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO. WP.NO.102484 OF 2015 (ULC) DATED. 05.10.2021 AND FURTHER DISMISS THE WRIT PETITION 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 MR. JUSTICE S G PANDIT)

This appeal filed under Section 4 of the Karnataka High Court Act, 1961, by the State Authorities in Revenue Department, is directed against the order dated 05.10.2021 in W.P. No.102484/2015, wherein the learned Single Judge passed the following order:

"6. Under the circumstances, I am of the considered view that the State has failed to establish that the possession of the properties in question, which is the subject matter of the order impugned, has been taken in compliance of requirement of Section 10(6) of the Act and therefore, having regard to Section 4 of the repealing act, the entire proceedings initiated by respondent No.2 with regard to the lands in question under the ULC Act stands abated and consequently the entries made in the name of the Government in the revenue records of the land in question is directed to be deleted and the name of Smt. Sunandabai Jinnappa Kudachi co-owners of the property shall be restored. Writ petitions are disposed of accordingly."



2. Heard Sri. Sharad V.Magadum, learned Additional Government Advocate for the appellants, and Sri. Sadiq N.Goodwala, learned counsel for respondent No.5. Perused the entire writ appeal papers.

3. Sri. Sadiq N.Goodwala, learned counsel for respondent No.5, at the outset, brings to the notice of this Court that respondent No.5 herein had filed W.A. No.100249/2021 against the same order impugned in this appeal, and this Court, by order dated 03.11.2022, allowed the appeal, and at that point of time, the learned Additional Government Advocate had made a submission that the government intends to challenge the order of the learned Single Judge. However, the present appeal is filed on 27.09.2024 i.e., nearly four years after the learned Single Judge's order and more than two years after the statement of the learned AGA made in the above said writ appeal. There is an inordinate delay in preferring the writ appeal. Explanation of the appellant for condonation of delay is as usual i.e., difficulty experienced in movement of file in the Advocate



General's office. Though the impugned order was passed on 05.10.2021, and though the government order for filing the appeal was issued on 21.10.2022, the writ appeal is filed only on 27.09.2024. The delay from the date of issuance of the government order till filing of the appeal is not explained. There is no whisper about the said period of delay.

4. The Hon'ble Apex Court in the case of ***Shivamma (Dead) by Lrs. Vs. Karnataka Housing Board and Others¹***, in the matter of condonation of delay, has held as follows:

"230. To permit condonation of delay to become a matter of course for the Government would have the deleterious effect of institutionalising inefficiency. It would, in substance, incentivise indolence and foster a culture where accountability for delay is eroded. If the State is assured that its lapses will invariably be excused under the rubric of "public interest," there would remain little incentive for its officers to act with vigilance or for its instrumentalities to streamline procedures for timely action. The consequence would not be the advancement of public interest but rather its betrayal."

¹ 2025 SCC OnLine SC 1969



5. For the reasons recorded above and by following the decision of the Hon'ble Apex Court in ***Shivamma's*** case (supra), the appeal stands dismissed.

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

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

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

KMS
Ct-cmu
LIST NO.: 1 SL NO.: 22