

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 17TH 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.100653 OF 2023 (LR)

BETWEEN

1. ESHWARAPPA THIGADI
AGED ABOUT 70 YEARS,
2. GURUSIDDAPPA THIGADI
AGED ABOUT 68 YEARS,
3. VEERAPAKSHAPPA THIGADI
AGED ABOUT 66 YEARS,
4. VEERABHADRAPPA VEERAPPA THIGADI
AGED ABOUT 72 YEARS,
ALL ARE CHILDREN OF VEERAPPA THIGADI,
ALL ARE R/O. KRISHAPUR, OLD HUBLI.

...APPELLANTS

(SRI. ESHWARAPPA S/O. VEERAPPA THIGADI, PARTY-IN-PERSON)

AND

1. RAMAPPA
SINCE DECEASED BY HIS LR'S
- 1A. SMT. YELLAMMA
W/O. RAMAPPA GOUDAR
AGED ABOUT 85 YEARS.
- 1B. RAVEEDRA S/O. RAMAPPA GOUDAR
AGED ABOUT 64 YEARS.

- 1C. SMT. SAROJA W/O. ASHOK KUKNOOR
AGED ABOUT 62 YEARS,
- 1D. SMT. AKKAMMA W/O. K. SHANKAR
AGED ABOUT 58 YEARS,
- 1E. SRI. UMESH S/O. RAMAPPA GOUDAR
AGED ABOUT 57 YEARS,
- 1F. SMT. DRAKSHAYANI W/O. MANOJ KUMAR
AGED ABOUT 54 YEARS,
- 1G. RAJKUMAR S/O. RAMAPPA GOUDAR
AGED ABOUT 49 YEARS,
- 2. GORAPPA
AGE: 68 YEARS,
- 3. BASAPPA
AGE: 66 YEARS,
- 4. R. SIDDAPPA
AGE: 64 YEARS,
- 5. GADIGEAPPA
AGE: 62 YEARS,
- 6. YELLAVVA A
AGE. 60 YEARS,
- 7. RENUKAVVA
AGE: 58 YEARS,
- 8. NEELAVVA
AGE: 56 YEARS,
ALL ARE CHILDREN OF
SRI. CHANNAPPA RAMAPPA GOUDAR
AND RUDRAVVA
ALL ARE R/O. BAREBAND ONI, OLD HUBLI.

9. VASANTHAVVA
SINCE DECEASED BY LR'S
- 9A. ADARSH C.J.
AGE: 44 YEARS, OCC: STUDENT,
R/O BAREBAND ONI, OLD HUBLI.
10. THE STATE OF KARNATAKA
BY ITS REVENUE SECRETARY,
MULTISTOREYED BUILDING, VIDHANA VEEDHI,
BENGALORE-590001.
11. THE LAND TRIBUNAL HUBLI
REP. BY ITS CHAIRMAN

...RESPONDENTS

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT 1961, PRAYING TO SET-ASIDE THE ORDER DATED 20.02.2019, PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO.29785/2003 (LR) AND CONSEQUENTLY DISMISS THE WRIT PETITION IN THE INTEREST OF JUSTICE AND EQUITY.

THIS WRIT APPEAL HAVING BEEN HEARD AND RESERVED ON 10.12.2025 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **GEETHA K.B. 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 MRS JUSTICE GEETHA K.B.)

The appellant No.1-party-in-person has filed this appeal under Section 4 of the Karnataka High Court Act, 1961 questioning the order passed by the learned single judge in WP No.29785/2003 (LR) dated 20.02.2019 by allowing the writ petition and remanding the matter to Land Tribunal for fresh consideration.

2. Parties would be referred with their ranks as they were before learned single judge for convenience and clarity.

3. The petitioners have filed the writ petition against appellants and other respondents praying for quashing the impugned order vide Annexure-‘C’ dated 16.05.2003 passed by the respondent No.5.

4. The contention of petitioners is that they were tenants of the land bearing Re.Sy.No.126/1+2+3A+4A measuring 14.08 acres situated at Ayodhya village, Hubbali taluk. The Land Tribunal has rejected their claim to grant

occupancy rights. Hence, they questioned the legality and correctness of the Order dated 16.05.2003 under Annexure-'C' before the learned Single Judge.

5. Learned Single Judge has allowed the writ petition only on the ground that the order dated 16.05.2003 is not signed by all the members, but signed only by the Chairman and two other members and not by the other two members. When the Tribunal consists of five members and if it is not signed by the two members, then definitely it is an un-executable order without quorum. Considering these aspects and relying on the judgment of Co-ordinate Bench of this Court, in the case ***Vijaya Bank Founders Branch, Mangalore Vs. the Secretary to the Government of Karnataka, Revenue Department and others***¹, rightly the learned single Judge has allowed the writ petition and remanded the matter for reconsideration in accordance with law, without making any observation on merits of the case.

¹ 2008 (2) KCCR 856

6. The appellant No.1-party-in-person- Sri Eshwar would vehemently submit that the Land Tribunal has got no jurisdiction to entertain the petition because the petitioners before learned single judge are not at all tenants under the appellants at any point of time and it is clearly admitted by them in their evidence before the Land Tribunal. Hence, the matter could not have been remanded to the Land Tribunal for reconsideration. Hence, prayed for allowing the appeal. They have also filed their written arguments in support of their contention.

7. The learned counsel for respondents would submit that the order passed by the Land Tribunal is in accordance with law because the order of Land Tribunal is not signed by all the members of the Land Tribunal.

8. Learned AGA would support the order of the learned single judge.

9. Having heard the arguments of both sides and verifying the writ appeal papers, we are of the opinion that

we are not inclined to interfere with the order passed by learned single judge for the following reasons:-

The admitted facts of the case are that the Land Tribunal has passed the order dated 16.05.2003 rejecting the claim of petitioners that they are not tenants of the property in question. Aggrieved by the same, the petitioners have approached the learned Single Judge.

It is to be noted here that the order dated 16.05.2003 is not signed by all the members of the Land Tribunal, but apparently, it is signed only by the Chairman of the Land Tribunal and even though names of two other members is shown, their signatures are not forthcoming on the certified copy of the order.

10. Under these circumstances, the order passed by the Land Tribunal is without any quorum and it requires re-appreciation because, this order is *Non-est*. in the eye of law, as it is not signed and concurred by all the members of Land Tribunal. Considering these aspects, rightly, the learned single judge has remanded the matter to the Land

Tribunal, which needs no interference as it is in accordance with law.

11. For the above reasons we pass the following:-

ORDER

1. The Writ appeal filed under Section 4 of the Karnataka High Court Act, 1961 is ***dismissed*** by confirming the order passed by learned single judge in Writ Petition No.29785/2003(LR) dated 20.02.2019.

2. Pending applications if any, stands disposed off.

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

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

HMB
CT-CMU