



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 11TH 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.100754 OF 2025 (LR)

BETWEEN:

BABU S/O SIDDAPPA KADAPATTI,
AGE. 60 YEARS, OCC. COOLIE,
R/O VIJAYANAGAR, KUNCHANUR ROAD,
JAMAKHANDI, TQ. JAMKHANDI, DIST. BAGALKOT.
(REPRESENTED THROUGH HIS GPA HOLDER
ANNAPPA S/O BABU KADAPATTI,
AGE. 31 YEARS,
OCC. ADVOCATE & AGRICULTURE,
R/O VIJAYANAGAR, KUCHNUR ROAD,
JAMAKHANDI, TQ. JAMAKHANDI,
DIST. BAGALKOT-587101).

...APPELLANT

(BY SRI. V.M. SHEELAVANT, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE,
M.S. BUILDING, BENGALURU-01.
2. THE LAND TRIBUNAL, JAMAKHANDI,
TQ. JAMAKHANDI,
DIST. BAGALKOT-587101.
3. KALAPPA
S/O SIDDAPPA KADAPATTI,
AGE. 66 YEARS, OCC. AGRICULTURE,
R/O NEAR ALAGUR PLOT, JAMAKHANDI,
TQ. JAMAKHANDI, DIST. BAGALKOT-587301.



4. CHANNAPPA
S/O SIDDAPPA KADAPATTI,
AGE. 61 YEARS, OCC. AGRICULTURE,
R/O NEAR ALAGUR PLOT,
JAMAKHANDI, TQ. JAMAKHANDI,
DIST. BAGALKOT-587301.

5. THE TAHASILDAR, JAMAKHANDI,
DIST. BAGALKOT-587301.

...RESPONDENTS

(BY SRI. DINESH M. KULKARNI, ADVOCATE FOR R3 & R4)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER DATED 29-10-2025 PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO.104284/2025 (LR) CONFIRMING THE ORDER DATED 23/06/2025 PASSED BY THE RESPONDENT NO.2/LAND TRIBUNAL JAMAKHANDI IN KLR-1-CR-54/JAMAKHANDI PRODUCED AT ANNEXURE-E, BY ALLOWING THIS APPEAL IN THE INTEREST OF JUSTICE AND EQUITY.

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 ORDER

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

The petitioner/appellant is before this Court under Section 4 of the Karnataka High Court Act, 1961, aggrieved by an order dated 29.10.2025 in WP No.104284/2025, whereunder, the learned Single Judge refused to interfere with the order dated 23.06.2025 passed in No.KLR-1-CR-54/JAMKHANDI, by respondent No.2/Land Tribunal, permitting respondents No.3 and 4 to participate in the proceedings initiated by the petitioner by making an application under the provisions of Karnataka Certain Inams Abolition (Amendment) Act, 2021¹.

2. Heard the learned counsel Sri. V.M. Sheelavant for the appellant, learned AGA for respondents No.1, 2 and 5 as well as learned counsel Sri. Dinesh M Kulkarni for respondents No.3 and 4. Perused the entire writ appeal papers.

¹ For short, 'Amendment Act, 2021'



3. Learned counsel Sri. V.M. Sheelavant for the petitioner/appellant would mainly contend that the petitioner has made an application under the Amendment Act, 2021, within time prescribed therein. He further submits that respondents No.3 and 4 have not filed any application for re-grant within time. Therefore, he submits that respondents No.3 and 4 subsequently cannot implead themselves as applicants in the proceedings initiated by the petitioner by making an application under Order I Rule 10(4) of CPC. It is also submitted that cut-off date for making an application was 31.12.2022, whereas the application under Order I Rule 10(4) of CPC was filed by respondents No.3 and 4 on 23.09.2024. Thus, he submits that the Land Tribunal could not have allowed the application of respondents No.3 and 4 to come on record as applicants before the Land Tribunal. Thus, he submits that the learned Single Judge failed to consider the contention of the petitioner.



4. Per contra, learned counsel Sri. Dinesh M Kulkarni for respondents No.3 and 4 submits that respondents No.3 and 4 are the brothers of the petitioner and the father of the petitioner and respondents No.3 and 4 was tenant and therefore, he submits that the learned Single Judge was justified in rejecting the writ petition with the observation made therein.

5. Having heard the learned counsel for the parties and on perusal of the entire writ appeal papers, the only point which falls for consideration is as to, *whether the impugned order passed by the learned Single Judge warrants interference by this Court.*

6. Answer to the above point would be in the "negative" for the following reasons:

7. The relationship between the petitioner and respondents No.3 and 4 is not in dispute. The petitioner and respondents No.3 and 4 are the brothers. The petitioner has made an application for re-grant in terms of



Amendment Act, 2021 within time prescribed therein i.e. on 31.12.2022. Respondents No.3 and 4 have filed an application under Order I Rule 10(4) of CPC seeking to implead themselves as applicants on 23.09.2024. The said application is allowed with the following observation:

“ಈ ನಡುವೆ ದಾವಾದ ಜಮೀನುಗಳಲ್ಲಿ ತಮಗೂ ಗೇಣಿಹಕ್ಕು ಜಂಟಿಯಾಗಿ ಇರುತ್ತದೆ ಕಾರಣ ತಮ್ಮನ್ನು ಅವಶ್ಯಕ ಪಕ್ಷಗಾರರನ್ನಾಗಿ ಪ್ರಕರಣದಲ್ಲಿ ಶಾಮೀಲು ಮಾಡಿಕೊಳ್ಳಬೇಕೆಂಬುದು ಉದ್ದೇಶಿತ ಅರ್ಜಿದಾರರ ಕೋರಿಕೆಯಾಗಿದೆ. ಇದಕ್ಕೆ ಅರ್ಜಿದಾರರು ತಮ್ಮ ತಕರಾರು ವಾದದಲ್ಲಿ ಉದ್ದೇಶಿತ ಅರ್ಜಿದಾರರು ಅರ್ಜಿದಾರರ ಸಹೋದರರಾಗಿದ್ದಾರೆ ಎಂಬುದನ್ನು ಒಪ್ಪಿದ್ದನ್ನು ಗಮನಿಸುವ ಅಂಶವಾಗುತ್ತದೆ. ಆದರೆ, ತಮಗೆ ತಮ್ಮ ಸಹೋದರರು ಹೊಡೆಬಡಿ ಮಾಡಿ ಹೊರಹಾಕಿದ್ದು, ತಮಗೆ ಪಿತ್ರಾರ್ಜಿತ ಆಸ್ತಿಯಲ್ಲಿ ಯಾವುದೇ ಪಾಲಿಕೊಡದೇ ಮೋಸತನ ಮಾಡಿ ವಂಚಿತರನ್ನಾಗಿಸಿದ್ದಾರೆ ಎಂಬ ವಾದ ಮಂಡಿಸಿ ಅವರು ದಾವಾದ ಜಮೀನು 40-50 ವರ್ಷಗಳಿಂದ ಮಾಡಿಲ್ಲ ತಾವೇ ಮಾಡುತ್ತಿರುವುದಾಗಿ ಹೇಳಿಕೊಂಡು ಅವರ ಅರ್ಜಿಯನ್ನು ತಿರಸ್ಕರಿಸಬೇಕೆಂದು ಪ್ರಾರ್ಥಿಸಿದ್ದಾರೆ. ಸದರಿ ಕುಟುಂಬಕ್ಕೆ ಸೇರಿದ ಪಿತ್ರಾರ್ಜಿತ ಆಸ್ತಿಯ ವಿಷಯವು ಈ ಭೂ ನ್ಯಾಯ ಮಂಡಳಿಯ ವಿಚಾರಣೆಯ ಪರಿಧಿಯಲ್ಲಿ ಬರುವುದಿಲ್ಲ, ಅರ್ಜಿದಾರರು ತಮ್ಮ ಕುಟುಂಬದ ಪಿತ್ರಾರ್ಜಿತ ಆಸ್ತಿಯ ವಿಷಯದ ಬಗ್ಗೆ ಭಾದಿತರಿದ್ದಲ್ಲಿ ಸಕ್ಷಮ ದಿವಾಣಿ ನ್ಯಾಯಾಲಯದಿಂದ ಪರಿಹಾರ ಕಂಡುಕೊಳ್ಳಬೇಕಾಗುತ್ತದೆ. ಆದ್ದರಿಂದ ದಾವಾದ ಜಮೀನಿನಲ್ಲಿ ಉದ್ದೇಶಿತ ಅರ್ಜಿದಾರರಿಗೂ ಗೇಣಿ ಹಕ್ಕುಗಳಿವೆಯೇ? ಎಂಬುದನ್ನು ಪರಿಶೀಲಿಸುವುದು ಮಾತ್ರ ಭೂ ನ್ಯಾಯ ಮಂಡಳಿಯ ಪರಿಧಿಯಲ್ಲಿ ಬರುವುದರಿಂದ, ಪ್ರಸಕ್ತ ಅರ್ಜಿದಾರರು ದಾವಾದ ಜಮೀನುಗಳ ಗೇಣಿ ಹಕ್ಕು ಪಡೆಯಲು ಹೊಂದಿದ ಅರ್ಹತೆ/ಅನರ್ಹತೆ ಬಗ್ಗೆ, ವಿಚಾರಣೆ ಸಮಯದಲ್ಲಿ ಉದ್ದೇಶಿತ ಅರ್ಜಿದಾರರಿಗೂ ನ್ಯಾಯದಾನದ ದೃಷ್ಟಿಯಿಂದ ಅವಕಾಶ ನೀಡಿ ಆಲಿಸುವುದು ಸೂಕ್ತವಾಗಿರುವುದರಿಂದ ಈ ಕೆಳಕಂಡ.”

8. The Land Tribunal has made it clear that the eligibility of the applicants would be decided during the course of the proceedings and the Land Tribunal has only permitted respondents No.3 and 4 to come on record as the applicants. Merely allowing them to come on record as the



applicants, would not mean that the Land Tribunal has granted relief to respondents No.3 and 4. As observed by the Land Tribunal, the eligibility or entitlement of the petitioner as well as respondents No.3 and 4 is yet to be decided. Even otherwise, the observation made by the learned Single Judge at paragraph-8 of the impugned order would be very relevant.

9. In the above circumstances, we find no merit in the writ appeal and accordingly, the writ appeal stands ***rejected.***

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

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

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

JTR
Ct:Vp
List No.: 1 Sl No.: 31