



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 5TH DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE M.I.ARUN

AND

THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI

WRIT APPEAL NO. 100616 OF 2024 (KLR-RES)

BETWEEN:

SMT. DR. RAJANI PAI
D/O. VASANT THIMAPPA HULEKAL,
W/O. VINAYAKA MADHAV PAI,
AGED: 34 YEARS, OCC: AGRICULTURIST,
R/O: PERMANENTLY AT TEMPLE STREET,
TALUK: SIDDAPUR, DIST: UTTARA KANNADA,

NOW AT:

R/O: PLOT NO. 706, MARATHON, MAXIMA,
NEXT TO NIRMALA LIFE STYLE, LBS ROAD,
MULUND WEST, MUMBAI - 400 080.

... APPELLANT

(BY DR. REVANNA BALLARY, ADVOCATE FOR
SRI. SHIVANAND MALASHETTI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS SECRETARY,
REVENUE DEPARTMENT,
VIDHANA SOUDHA,
DHARWAD - 580 009.



2. THE DEPUTY COMMISSIONER,
UTTAR KANNADA,
DIST: KARAVARA – 590 001.
3. THE TAHASILDAR, SIDDAPURA,
TALUK. SIDDAPURA,
DIST: KARAVARA – 590 001.
4. SMT. RAMABAI HULEKAL,
W/O. THIMMAPPA DURAGAPPA HULEKAL,
AGE 96 YEARS, OCC: EX MUNICIPAL MEMBER
AND AGRICULTURIST,
R/O: TEMPLE STREET, TALUK: SIDDAPURA,
DIST: UTTARA KANNADA, PIN – 581 329.
5. SMT. USHA VAMAN SHANBAG,
W/O. VAMAN SHANBAG,
AGE: 76 YEARS, OCC: RTD. BANK EMPLOYEE
AND AGRICULTURIST,
R/O: TEMPLE STREET, TALUK: SIDDAPURA,
DIST: UTTARA KANNADA, PIN – 581 329.
6. UDHAY THIMMAPPA HULEKAL,
S/O. THIMMAPPA HULEKAL,
AGE: 56 YEARS, OCC: BUSINESS,
R/O: TEMPLE STREET, TALUK: SIDDAPURA,
DIST: UTTARA KANNADA, PIN – 581 329.
7. SMT. SHUBA HULEKAL,
W/O. VASANTH THIMMAPPA HULEKAL,
AGE: 60 YEARS, OCC: BUSINESS,
R/O: TEMPLE STREET, TALUK: SIDDAPURA,
DIST: UTTARA KANNADA, PIN – 581 329.
8. RAJEEV HULEKAL,
S/O. VASANTH THIMMAPPA HULEKAL,
AGE: 35 YEARS, OCC: SOFTWARE ENGINEER,
R/O: TEMPLE STREET, TALUK: SIDDAPURA,
DIST: UTTARA KANNADA, PIN – 581 329.



9. RAGHAVA HULEKAL,
S/O. VASANTH THIMMAPPA HULEKAL,
AGE: 29 YEARS, OCC: AGRICULTURE,
R/O: TEMPLE STREET, TALUK: SIDDAPURA,
DIST: UTTARA KANNADA, PIN – 581 329.

... RESPONDENTS

(BY SRI. SHARAD V. MAGADUM, AGA FOR R1 TO R3;
NOTICE TO R4 TO R9 IS DISPENSED WITH)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO CALL FOR RECORDS AND SET-ASIDE THE IMPUGNED JUDGMENT AND ORDER DATED 20/08/2024 IN WRIT PETITION NO. 103022/2023 (KLR-RES) PASSED BY THE LEARNED SINGLE JUDGE AND ORDER PASSED BY THE HON'BLE KARNATAKA APPELLATE TRIBUNAL IN APPEAL NO. 485/2021 DATED 13/06/2022 VIDE ANNEXURE-S AND ALSO SET ASIDE THE IMPUGNED ORDER PASSED BY THE 2ND RESPONDENT / DEPUTY COMMISSIONER OF UTTAR KANNADA IN NO. KAMSHA/ARANYA/VIVA-24/2000-01 DATED 16/09/2002 VIDE ANNEXURE-N, BY ALLOWING THE APPLICATION I.A. NO. I FILED BEFORE THE HON'BLE KAT AND CONDON THE DELAY, 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 M.I.ARUN
AND
THE HON'BLE MR. JUSTICE B. MURALIDHARA PAI



ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE M.I.ARUN)

1. Aggrieved by the order passed by this Court in W.P. No.103022 of 2023, the present writ appeal is filed.

2. The land, which is the subject matter of this writ appeal, is said to have been allotted by the State to the grandfather of the appellant herein on lease. On the ground that the terms and conditions of the lease were violated, the same was cancelled on 02.08.2000. The same was challenged by the grandfather of the appellant herein and during the pendency of the proceedings, he is said to have died and the litigation was continued by the father of the appellant herein. After several rounds of litigations, on 16.09.2002, the second respondent herein has passed an order affirming the cancellation of the lease. The said order was accepted by the father of the appellant herein. He is said to have died on 18.08.2014. Thereafter the order dated 16.09.2002 passed by the second respondent came to be challenged by the appellant before the Karnataka Appellate Tribunal by way of Appeal No.485 of 2021. The same has been dismissed by not condoning the delay in filing the appeal.



3. Aggrieved by the same, W.P. No.103022 of 2023 came to be filed, which has been dismissed by this Court by way of the impugned order on the ground of delay and laches. Against the said order, the present writ appeal is filed with the following prayer:

"WHEREFORE, it is most humbly prayed that this Hon'ble Court please to call for records and set-aside the impugned Judgment and order dated 20/08/2024 in Writ Petition No.103022/2023 (KLR-RES) passed by the Learned Single Judge and Order passed by the Hon'ble Karnataka Appellate Tribunal in Appeal No. 485/2021 dated 13/06/2022 vide **Annexure-S** and also set aside the impugned order passed by the 2nd respondent / Deputy Commissioner of Uttar Kannada in No. Kamsha/ Aranya/ Viva-24/ 2000-01 dated 16/09/2002 vide **Annexure-N**, by allowing the application I.A. No. I filed before the Hon'ble KAT and condon the delay, by allowing this appeal in the interest of justice and equity."

4. The case of the appellant is that, the appellant is in possession of the property, which is the subject matter of the writ appeal even as on today. It is further submitted that she has challenged the order of the second respondent before the Karnataka Appellate Tribunal immediately after she came to know about the said order. It is submitted that under the circumstances the Karnataka Appellate Tribunal as well as this Court in W.P. No.103022 of 2023 erred in not condoning the delay.



5. Per contra, the learned AGA upon instructions submits that the second respondent has passed the order way back on 16.09.2002. At that time, the father of the appellant was alive and he conducted the proceedings before the second respondent. It is further submitted that the father of the appellant accepted the verdict and never challenged the same and he died as late as on 18.08.2014. After his demise, the appellant has challenged the order of the second respondent by filing an appeal in the year 2021 before the Karnataka Appellate Tribunal. Hence, it is submitted that the appeal of the appellant has been rightly rejected by the Karnataka Appellate Tribunal, and this Court has found the same to be correct and hence has dismissed the writ petition.

6. The question that arises for consideration is, under the facts and circumstances of the case, whether the appellant has made out any ground for condoning the delay?

7. Admittedly the order in challenge was passed by the second respondent on 16.09.2002. At that time, the father of the appellant was alive and he accepted the decision, and he never challenged the same and he died as late as on 18.08.2014.



Thereafter, the land has vested with the Government and various third party rights might have been created on the property. The appellant as late as in the year 2021 has sought to challenge the order dated 16.09.2002 by filing an appeal before the Karnataka Appellate Tribunal. The same cannot be permitted, as it is barred by limitation and no satisfactory explanation is given to condone the delay. Hence, the Karnataka Appellate Tribunal has rightly dismissed the appeal, which has been affirmed by this Court in W.P. No.103022 of 2023. We do not find any error in the order of the learned Single Judge.

8. For the aforementioned reasons, the writ appeal is hereby dismissed.

9. In view of dismissal of the writ appeal, pending interlocutory applications, if any, do not survive for consideration and are accordingly disposed of.

**Sd/-
(M.I.ARUN)
JUDGE**

**Sd/-
(B. MURALIDHARA PAI)
JUDGE**