



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

WRIT APPEAL NO. 3643 OF 2012 (SC-ST)

C/W

WRIT APPEAL NO. 358 OF 2019(SC-ST)

IN WA No. 3643/2012

BETWEEN:

1. SRI CHANDRAPPA,
S/O CHANDRAPPA @
CHANNAPPA,
AGED ABOUT 60 YEARS,

2. SRI NANJAPPA,
S/O CHANNAPPA,
AGED ABOUT 58 YEARS,

BOTH ARE R/AT:
VEERABHADRA COLONY,
HOSADI VILLAGE,
SHIMOGA TALUK & DISTRICT - 577 222.

...APPELLANTS

[BY SRI.MANJUNATH A PATTANSHETTY., ADVOCATE (ABSENT)]

Digitally
signed by K G
RENUKAMBA
Location:
High Court of
Karnataka



AND:

1. THE ASSISTANT COMMISSIONER,
SHIMOGA DISTRICT,
SHIMOGA-577 201.
2. THE DEPUTY COMMISSIONER,
SHIMOGA DISTRICT,
SHIMOGA-577 201.
3. KRISHNA NAIK,
S/O SEVYA NAIK,
AGED ABOUT 59 YEARS,
4. SMT.GIRIJA BAI,
S/O SEVYA NAIK,
AGED ABOUT 58 YEARS,
5. PUTTA NAIK,
S/O SEVYA NAIK,
AGED ABOUT 66 YEARS,
6. LAKSHMA NAIK
S/O SEVYA NAIK,
AGED ABOUT 65 YEARS,
7. SMT. JAYABAI
D/O SEVYA NAIK,
AGED ABOUT 63 YEARS,
8. CHANDU NAIK
S/O SEVYA NAIK,
AGED ABOUT 62 YEARS,



9. GOPINAIK
S/O SEVYA NAIK,
AGED ABOUT 46 YEARS,

10. SEETHYA NAIKA,
S/O SEVYA NAIK,
AGED ABOUT 44 YEARS,

R3 TO R10 ARE R/AT:
HOSUDI VILLAGE,
SHIMOGA TALUK & DISTRICT -577 222.

11. SRI.CHANNAIAH,
S/O CHANNAIAH,
AGED ABOUT 55 YEARS,
VEERABHADRA COLONY,
HOSUDI VILLAGE,
SHIMOGA TALUK & DISTRICT-577 222.

12. THE CHIEF SECRETARY,
GOVT. OF KARNATAKA (REVENUE),
VIDHANA SOUDHA,
BENGALURU-560 001.

13. SRI. GIRIYAPPA
SINCE DEAD BY LR'S

13(a) SMT THIMMAMMA,
W/O GIRIYAPPA
AGED ABOUT 88 YEARS,

13(b) SMT JAYAMMA,
D/O GIRIYAPPA,
W/O RAMAPPA,
AGED ABOUT 47 YEARS,



R/O KANCHENAHALLI,
ANCHE CHIKKANAHALLI VILLAGE,
NELAMANGALA TALUK,
MANDYA DISTRICT-562 130.

13(c) DASAPPA,
S/O GIRIYAPPA,
AGED ABOUT 53 YEARS,

13(d) GOVINDASWAMY,
S/O GIRIYAPPA,
AGED ABOUT 46 YEARS,

13(e) LAXMINARASIMHA,
S/O GIRIYAPPA
AGED ABOUT 33 YEARS,

R13(a, c, d & e) ARE R/O
R/O VEERABHADRA COLONY,
HOSUDI POST,
SHIMOGA DISTRICT-577 222.

...RESPONDENTS

(BY SMT.PRATHIBA R.K., AGA, FOR R1, R2 AND R12;
SRI.B.L.NANDAKUMAR., ADVOCATE FOR R3, R13(e);
SRI.P.N.HARISH., ADVOCATE FOR R5;
R4, R6, R7, R8, R9, R10, R11, R13(a, c, d)
SERVED UN-REPRESENTED)

THIS WRIT APPEAL FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER PASSED
IN THE W.P.NOS.44964-66/2004(SC/ST) DATED 13/03/2012.

IN WA NO. 358/2019

BETWEEN:

1. SRI GIRIYAPPA,
DEAD BY LR'S.



1(a) SMT THIMMAMMA,
W/O GIRIYAPPA,
AGED ABOUT 90 YEARS,

1(b) JAYAMMA
D/O GIRIYAPPA
W/O RAMAPPA
AGED ABOUT 57 YEARS

A1(a & b) ARE R/AT:
KACHENAHALLI,
ANCHE CHIKKANAHALLI VILLAGE,
NELAMANGALA TALUK,
MANDYA DISTRICT.

1(c) DASAPPA,
S/O GIRIYAPPA,
AGED ABOUT 55 YEARS,

1(d) GOVINDA SWAMY,
S/O GIRIYAPPA,
AGED ABOUT 45 YEARS,

1(e) LAXMI NARASIMHA,
S/O GIRIYAPPA,
AGED ABOUT 43 YEARS

A1(c TO e) ARE R/AT:
VEERABHADRA COLONY,
HOSUDI VILLAGE,
SHIMOGA TALUK & DISTRICT-577 222.

...APPELLANTS

[BY SRI.MANJUNATHA P., ADVOCATE (ABSENT)]



AND:

1. THE CHIEF SECRETARY,
GOVT. OF KARNATAKA (REVENUE),
VIDHANA SOUDHA,
BANGALORE-560 001.
 2. THE DEPUTY COMMISSIONER,
SHIMOGA SUB-DIVISION,
SHIMOGA-577 205.
 3. THE ASSISTANT COMMISSIONER,
SHIMOGA DISTRICT,
SHIMOGA-577 205.
 4. KRISHNA NAIK,
S/O SEVYA NAIK,
 5. PUTTA NAIK,
S/O SEVYA NAIK,
 6. LAKSHMA NAIK,
S/O SEVYA NAIK,
 7. SMT.JAYABAI,
D/O SEVYA NAIK,
 8. GOPI NAIK,
S/O SEVYA NAIK,
 9. SEETHYA NAIK,
S/O SEVYA NAIK,
- R4 TO R9 ARE R/AT:
HOSUDI VILLAGE,
SHIMOGA TALUK & DISTRICT-577 222.



10. SRI.CHANDRAPPA,
S/O CHANDRAPPA @
CHANNAPPA,
AGED ABOUT 62 YEARS,

11. SRI.NANJAPPA,
S/O CHANNAPPA,
AGED ABOUT 60 YEARS,

R10 AND R11 ARE R/AT:
VEERABHADRA COLONY,
HOSUDI VILLAGE,
SHIMOGA TALUK AND DISTRICT.

...RESPONDENTS

(BY SRI.B.L.NANDA KUMAR., ADVOCATE FOR R4,
R5 AND R6; SMT.PRATHIBA RAO., AGA FOR R1 TO R3;
SRI.P.N.HARISH., ADVOCATE FOR R5;
R7, R10, R11 ARE SERVED UN-REPRESENTED)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET ASIDE THE
JUDGMENT/ORDER DATED 13/3/2012 IN WP NOS.44964-
66/2004 [SC/ST] PASSED THEREIN BY THE LEARNED SINGLE
JUDGE AND FURTHER BE PLEASED TO ALLOW THE WRIT
APPEAL.

THESE APPEALS, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

W.A.No.3643/2012 has been filed seeking the following
reliefs:

"WHEREFORE the appellants pray that this Hon'ble Court may be pleased to call for the records in W.P.No.44964-66/2004 (SC/ST) and to set-aside the Judgment/order dated 13.3.2012 in W.P.No.44964-66/2004 (SC/ST) passed by the learned Single Judge and further be pleased to allow the Writ Appeal and grant such other and further relief/s, as are just and necessary, in the interest of justice and equity."

2. Today, this appeal is shown in the cause list as connected to W.A.No.358/2019. In W.A.No.358/2019, the following prayer is made:

" WHEREFORE the appellants pray that this Hon'ble court may be pleased to call for the records in W.P.No.44964-66/2004 (SC/ST) further is please to set-aside the judgment/order dated 13.3.2012 in W.P.No.44964-66/2004 (SC/ST) passed therein by the



learned single judge and further be pleased to allow the Writ Appeal and grant such other and further relief as are just and necessary, in the interest of justice and equity."

3. It is therefore evident that the aforesaid two writ appeals are filed against the same cause of action.

4. In W.A.No.358/2019, the fact of filing W.A.No.3643/2012 has been concealed. An order dated 22.02.2019 was passed in W.A.No.358/2019 which is as follows:

"Eight weeks' time is granted to comply with the office objections failing which, the appeal shall stand dismissed without further reference to the Bench.

Post after compliance."

5. The office objections were not removed and the W.A.No.358/2019 again came to be listed on 11.01.2022 before this Court which passed the following order:

" This writ appeal is filed on 06.02.2019 against the order dated 13.03.2012 passed in W.P.Nos.44964-66/2004. This Court has passed the order on 22.02.2019 as under:

"Eight weeks' time is granted to comply with the office objections failing which, the appeal shall stand dismissed without further reference to the Bench.



Post after compliance."

Thereafter on several occasions, time was granted by this Court to cure the defects as pointed out by the Registry. It is apt to refer to the order dated 15.04.2021 which reads as under:

"Despite the order dated 22.02.2019, time is granted till 01.06.2021 to remove office objections."

Again on 22.06.2021, this Court observing the order dated 22.02.2019, granted two weeks time finally to remove the office objections.

On 20.12.2021, there was no representation on behalf of the appellants. Learned counsel for the respondent Nos.1 to 3 and 5 had appeared before the Court. Having regard to these aspects, the Court passed the order as under:

"Awaiting appearance of learned counsel for the appellant, hearing of the appeal is deferred. It is made clear that, in case, if no appearance is made on behalf of the appellant on the next date of hearing, appropriate orders shall be passed."

Again on 04.01.2022, the matter was directed to be listed by next week. Today, learned counsel for the respondent Nos.1 to 3 through physical hearing and respondent No.5 through virtual mode are present. But, there is no representation on behalf of the appellants.

As could be seen from the order sheet, the relevant portions as extracted herein above, there is continuous defiance on the part of the appellants, despite providing ample opportunity to comply with the office objections, no steps have been taken to comply with the same. Moreover, there is no representation on behalf of the appellants.

It appears that the appellants are not serious in prosecuting the matter. Hence, all the pending applications stand dismissed.



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In the result, writ appeal stands dismissed in terms of the order dated 22.02.2019."

6. Thereafter in W.A.No.358/2019 an I.A.No.1/2025 was filed seeking condonation of delay of 1507 days. On perusal of the affidavit filed in support of I.A.No.1/2025 reflects that this has been filed in respect of the orders dated 11.01.2022 and 22.02.2019.

7. Along with the aforesaid application, the order of the Supreme Court dated 19.12.2024 passed in Civil Appeal Nos.14729-14730 of 2024 [Chandrappa and Anr. vs. The Deputy Commissioner and Ors.] has been filed which order reads as follows:

"O R D E R

1. Leave granted.

2. The challenge herein is to an order dated 28.02.2019, passed by a Division Bench of the High Court of Karnataka at Bengaluru, declining the condonation of delay of 1784 days. Consequently, the application to recall the order dated 16.01.2014, whereby Writ Appeal Nos.3643-44/2012 were dismissed in default has also been turned down.

3. The controversy revolves around the validity of sale deeds executed by C.K. Naik, the original grantor, to whom the subject land was allotted free of cost, as he was a member of the Scheduled Caste Banjara Community. Similarly, the subsequent sale deeds,



executed by his legal heirs, and then repeated sales by their vendees, all are subject matter of dispute. The Statutory Authorities, by invoking powers under the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (for short, 'PTCL Act'), have annulled all those sale deeds and directed that the land be restored in favour of the legal heirs of the original grantee.

4. The appellants are subsequent vendees of a part of the land in dispute and the sale deeds in their favour too have been annulled. They approached the authorities but their appeals were rejected. Thereafter, they filed a Writ Petition, which was dismissed by a learned Single Judge on 13.03.2012. They then filed an intra-court appeal(s), which was hopelessly time barred. Be that as it may, those appeals were dismissed in default on 16.01.2014. The appellants woke up after 1784 days and moved the subject application for recalling of that order and restoring the appeal(s). The Division Bench of the High Court, as noticed at the outset, has dismissed that application giving rise to these proceedings.

5. No one is present on behalf of the appellants. However, having regard to the fact that they have enjoyed the interim protection, granted by this Court way back on 04.10.2019, we are not inclined to adjourn the matter any further.

6. We have heard learned counsel for the contesting respondents and carefully perused the material placed on record.

7. Having gone through the grounds pleaded by the appellants in support of their prayer for condonation of delay and keeping in view the multiple rounds of litigation between the parties, it appears to us, in the interest of justice, that such like title dispute ought to be finally settled through an order on merits, instead of winding up the proceedings on a technical ground like inordinate delay etc. It seems to us that the respondents could be adequately compensated in terms of cost, for the hardships likely to be caused to them on revival of the appellate proceedings, which were dismissed for default in the year 2014. As a cumulative effect of these



factors, however, and without expressing any opinion on the merits of the case, we are inclined to allow the instant appeals, subject to payment of cost of Rs.50,000/- (Rupees Fifty Thousand) to the appellants. As a necessary corollary, the impugned order of the High Court dated 28.02.2019 is set aside; the order dated 16.01.2014, whereby the intra-court appeals were dismissed in default, is also recalled and W.A.Nos.3643-3644/2012 are restored to their original numbers and file.

8. The appellants shall pay the cost of Rs.50,000/- (Rupees Fifty Thousand) to the respondents on the first day of appearance before the High Court or on any such date that may be fixed by the High Court. In case, they fail to pay the cost, their instant appeals shall be deemed to have been dismissed calling no further action.

9. In the event the appellants pay the cost to the respondents and the appeals are restored, we request the High Court to decide the appeals on merits expeditiously, as the parties have engaged in litigation for more than three decades.

10. The appeals stand disposed of in the above terms.

11. As a result, the pending interlocutory applications also stand disposed of."

8. I.A.No.2/2025 is filed in W.A.No.358/2019 seeking recall of the orders dated 22.02.2019 and 11.01.2022. This is supported by an affidavit. In this application also, the very same order of the Supreme Court, quoted aforesaid has been filed.

9. Since this W.A.No.358/2019 is filed against the same impugned order which is under challenge in



W.A.No.3643/2012, a second writ appeal on the same cause of action would not be maintainable. It is an abuse of the process of Court. **The W.A.No.358/2019 already stands dismissed. The aforesaid I.A.Nos.1 and 2 of 2025 filed in W.A.No.358/2019 are therefore rejected.**

10. When W.A.No.3643/2012 was listed on 07.04.2025, this Court, noting the aforesaid orders of the Supreme Court, had observed that the direction of the Supreme Court regarding payment of costs has not been complied with. However in the interest of justice, the learned Counsel for the appellants was directed to pay the cost of ₹50,000/- to the respondents forthwith.

11. The learned Counsel for the appellants submitted demand draft of Rs.50,000/- which is evident from the order of the Court dated 12.06.2025. The bank draft was drawn in favour of the Registrar General, High Court of Karnataka, Bengaluru. The demand draft deposited in favour of the Registrar General was accepted and with a direction to realise the said demand draft. This Court directed that on service of



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notice to private respondents in the appeal, further orders would be passed.

12. Today, despite the matter being called up twice, no one has appeared for the appellants. **W.A.No.3643/2012 is therefore dismissed for non-prosecution.**

**Sd/-
(JAYANT BANERJI)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

KG
List No.: 1 Sl No.: 24