



CNR: KAHC010078392016

NC: 2026:KHC:38858
WP No. 35050 of 2016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO. 35050 OF 2016 (LR)

BETWEEN:

SMT. RADHA SHETTY,
W/O GOPAL SHETTY,
D/O SANNAIAH SHETTY,
AGED ABOUT 70 YEARS,
R/A "DURGA PRADA",
KARAMBALLY VILLAGE,
SHIVALLI, UDUPI,
REPRESENTED BY HER GPA HOLDER
SATHISH SHETTY,
S/O GOPAL SHETTY,
AGED ABOUT 48 YEARS.

...PETITIONER

(BY SRI. JAYAKUMAR S PATEL., SENIOR ADVOCATE FOR
SRI.CHANDRAKANTH R PATEL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
DEPARTMENT OF REVENUE,
AMBEDKAR VEEDI,
VIDHAN SOUDA,
BANGALORE - 01.
REPRESENTED BY ITS
CHIEF SECRETARY.
2. LAND TRIBUNAL,
UDUPI.
BY ITS CHAIRMAN.

Digitally signed by
CHAYA S A
Location: HIGH
COURT OF
KARNATAKA



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3. SRI. PEJJAVARA MATH,
UDUPI - 574 101,
REPRESENTED BY ITS MANAGER.
4. LOCHU SHETTY,
S/O LATE SANNAIAH SHETTY,
AGED ABOUT 69 YEARS,
R/A 76 BADAGU BETTA,
UDUPI - 574 101.
SINCE DECEASED
REPRESENTED BY HIS LRS.
- 4(a) SMT.SAMPA SHETTY,
W/O LATE LOCHU SHETTY,
AGED ABOUT 75 YEARS,
- 4(b) SRI.ASHOK SHETTY,
S/O LATE LOCHU SHETTY,
AGED ABOUT 55 YEARS,
- 4(c) SRI.SUDHAKAR SHETTY,
S/O LATE LOCHU SHETTY,
AGED ABOUT 53 YEARS,
- 4(d) SMT.SUGANDHI SHETTY,
D/O LATE LOCHU SHETTY,
AGED ABOUT 51 YEARS,
- 4(e) SMT.SUNITHA SHETTY,
D/O LATE LOCHU SHETTY,
AGED ABOUT 50 YEARS,
- 4(f) SMT.JAYA SHETTY,
D/O LATE LOCHU SHETTY,
AGED ABOUT 48 YEARS,
- 4(g) SMT.MALLIKA SHETTY,
AGED ABOUT 46 YEARS,



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4(h) SRI.CHANDRA SHEKAR SHETTY,
AGED ABOUT 44 YEARS,

4(i) SMT.SUMANA SHETTY,
AGED ABOUT 41 YEARS,

ALL ARE RESIDING AT
GURNEBETTU, ALEVOOR POST,
UDUPI TALUK,
UDUPI DISTRICT.

5. SADHU SHETTY,
S/O LATE SANNAIAH SHETTY,
AGE MAJOR,
R/A 76, BADAGU BETTA,
UDUPI - 574 101.

6. BASKAR SHETTY,
S/O LATE SANNAIAH SHETTY,
AGE MAJOR,
R/A 76 BADAGU BETA,
UDUPI.
SINCE DECEASED
REPRESENTED BY HIS LRS

6(a) SMT.VASANTI SHETTY,
W/O LATE BASKAR SHETTY,
AGED ABOUT 71 YEARS,

6(b) SONIKA SHETTY,
D/O LATE BHASKAR SHETTY,
AGED ABOUT 36 YEARS,

6(c) SHASHANK SHETTY,
S/O LATE BHASKAR SHETTY,
AGED ABOUT 33 YEARS,

ALL ARE RESIDING AT



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NO.76, BADAGU BETTA,
UDUPI.

...RESPONDENTS

(BY SRI. PRASANNA V R, ADVOCATE FOR C/R3;

SRI.PAVAN G.N., ADVOCATE FOR R5;

SRI.SPOORTHY HEGDE N., HCGP FOR R1 AND R2;

SRI.C.R.MAHENDRA GOWDA, ADVOCATE FOR R4(a), ((c)

TO (e)), (g), (h), (i);

R4(b) - ASHOK SHETTY SERVED;

LATHA S SHETTY FOR R6(a-c))

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 29.04.2016 PASSED BY R-2 AT ANNEX-Q; GRANT AN INTERIM ORDER TO STAY THE IMPUGNED ORDER DATED 29.04.2016 PASSED BY R-2 AT ANNEX-G AND ALL FURTHER PROCEDINGS IN PURSUANCE THEREOF.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

In this writ petition, petitioner is assailing the order dated 29.04.2016 in case No.LRY:76-374-TRI-10154/1978-79 (Annexure-G) passed by the Land Tribunal-respondent No.2.



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2. The relevant facts for adjudication of this petition are that:

a) the petitioner and respondent Nos.4, 5 and 6 are the children/grandchildren of one late Sannaiah Shetty, who claims to be a tenant and in cultivation of the lands in question bearing Sy.No.4/1a1a, measuring 2 acres 58 cents, Sy.No.4/1a1c, measuring 0.26 cents, Sy.No.5/2b, measuring 0.80 cents, Sy.No.5/2d, measuring 1 acre 20 cents and Sy.No.6/1c, measuring 1 acre 76 cents, in all situate at Alleuru Village, Udipi Taluk and District and as such, Sannaiah Shetty filed Form No.7 on as per Annexure-A to the Land Tribunal claiming occupancy rights under the provisions of Sections 48-A and 44 of the Karnataka Land Reforms Act, 1961.

b) It is further submitted that, the petitioner has produced the RTC Extracts, in respect of the subject lands as per Annexure-B Series. It is also to be noted that, the petitioner being one of the daughters of the original



cultivator-Sannaiah Shetty, has made an application before the Tahsildar for payment of crop Levy for the year 1968 onwards till 1980, which is produced at Annexure-C series. The Tribunal, after considering the material on record, by order dated 25.09.1981, had granted occupancy rights with respect of lands in question, in favour of Sannaiah Shetty as per Annexures-D and D1 respectively.

c) Thereafter, order passed by the Land Tribunal was questioned before this Court in W.P.No.10938/1995 and this Court after considering the material and record, by order dated 26.06.2000 (Annexure-E), allowed the writ petition and as such, remanded the matter to the Land Tribunal for fresh inquiry.

d) After remand made by this Court, the respondent No.4, who has appeared on behalf of the other LR's of the late Sannaiah Shetty, excluding the petitioner, had filed an affidavit dated 22.07.2005 (Annexure-F).



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Based on the said affidavit filed by the respondent No.4, the impugned order at Annexure-G has been passed by the respondent No.2-Land Tribunal and being aggrieved by the same, the present petition is filed.

3. Sri. Jayakumar S Patil, learned Senior Counsel on behalf of Sri. Chandrakanth R. Patel, learned counsel appearing for the petitioner refers to the application made by the petitioner herein as to the crop Levy for the years mentioned therein and submitted that the land in question are being cultivated by late Sannaiah Shetty and after his death, by his legal representatives and therefore, the Tribunal has committed an error in passing the impugned order at Annexure-G, without considering the factual aspects on record, particularly the affidavit produced at Annexure-F as well as the fact that the lands in question have been brought into cultivation, though punja land and therefore sought for interference of this Court. Accordingly, it is contended by the learned Senior Counsel that the Land Tribunal has ignored the right of the



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petitioner herein as one of the LRs of the deceased Sannaiah Shetty, and therefore sought for interference of this Court.

4. Per contra, C R Mahendra Gowda, learned counsel appearing for respondent Nos. 4(A, C to E, G, H and I), Sri. Ashok Shetty, learned counsel appearing for respondent No.4(B) and Smt. Latha S Shetty, learned counsel appearing for respondent Nos. R6(A-C), submitted that, the Tribunal has committed an error in not considering the rights of the LRs of the Late Sannaiah Shetty and accordingly, sought for setting aside the impugned order at Annexure-G.

5. Sri. Prasanna V R, learned counsel appearing for respondent No.3, submitted that as the affidavit has been made before the Land Tribunal by the respondent Nos.4 to 6 and their LRs, and based on the said fact, the impugned order has been passed and therefore, submitted that the order passed by the Land Tribunal is just and



proper which do not call for interference under Articles 226 and 227 of the Constitution of India.

6. It is also contended by Sri. Prasanna V R, learned counsel that since the material on record particularly the revenue records have established the fact that the various lands claimed by Late Sannaiah Shetty is punja land, which are not been brought under cultivation and same being utilized by respondent No.3- Shri Pejjavara Math, for the purpose of the wood to the Math and therefore, sought for dismissal of the petition.

7. In the light of the submissions made by learned counsel appearing for the parties and also on careful consideration of the material on record would indicate that it is not in dispute that the late Sannaiah Shetty as per Annexure-A has filed Form No.7 seeking occupancy rights in respect of the various land which is specified in the Annexure-A. It is also to be noted that, earlier the Land Tribunal, has passed an order dated 25.09.1981, granting



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occupancy rights in respect of late Sannaiah Shetty and thereafter, the same was challenged before this Court in W.P.No.10938/1995 and this Court vide order dated 26.06.2000 (Annexure-A), set aside the order passed by Land Tribunal and remanded the matter to the Land Tribunal for fresh consideration.

8. After remand made by this Court, the Land Tribunal has passed impugned order at Annexure-G based on the affidavit filed by the deceased respondent No.4, stating that the land in question is the punja land are not being cultivated. However, it is stated in the affidavit that a portion of the land claimed in Form No.7 filed by late Sannaiah Shetty is being cultivated by the family members and therefore, based on the affidavit the impugned order has been passed.

9. In the light of the submissions made by learned counsel appearing for the parties, on careful consideration of the same, though the respondent Nos.4 to 6 and their



LRs have derived their title based on the original applicant-Sannaiah Shetty, however, the petitioner herein is also the daughter of the Sannaiah Shetty. In that view of the matter, following the declaration of law made by this Court in the case of **VERUPEGOWDA AND ANOTHER v. SHANKAREGOWDA AND ANOTHER**, reported in **ILR 2009 KAR 1867**, I am of the view that, the land claimed by the petitioner herein is based on inheritance from her father, late Sannaiah Shetty. Therefore, taking into consideration if the land in question has been granted to the original cultivator/the applicant, the same shall enure to the benefits of all the members of the joint family consisting of the applicant and his LRs.

10. In that view of the matter, I pass the following:

ORDER

i) Writ petition is **allowed**.

ii) The order passed by the Land Tribunal, dated 29.04.2016 (Annexure-G) is hereby set aside and the



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matter is remitted to the respondent No.2 to reconsider the issue afresh after affording the opportunity of hearing to all the parties and take decision in the matter.

iii) It is also made clear that Land Tribunal while considering the case on merits shall confine to the land which is stated in the Form No.7 filed by late Sannaiah Shetty and thereafter take a decision in the matter, in accordance with law.

iv) It is made clear that the Land Tribunal shall also expedite the hearing.

**Sd/-
(E.S.INDIRESH)
JUDGE**

BSV
List No.: 1 Sl No.: 39