



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 07TH DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO. 37470 OF 2017 (LR)

BETWEEN:

SMT. LAKSHMAMMA @ LAKSHMIDEVAMMA
W/O P. SRINIVAS,
AGED ABOUT 58 YEARS,
R/AT NO.10/74,
RAILWAY STATION ROAD,
CHIKKABALLAPURA - 562 101.

...PETITIONER

(BY SRI. S. KRISHNA SWAMY, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY ITS CHIEF SECRETARY,
VIDHANA SOUDHA,
BENGALURU - 560 001.
2. SRI. M. MUNIYAPPA
S/O LATE DODDAMUNIYAPPA,
R/AT NO.27, DVD PETE,
YEL PETE ROAD, BESIDE MANASA HOSPITAL,
CHIKKABALLAPURA - 562 101.
3. THE ASSISTANT COMMISSIONER &
PRESIDENT OF LAND TRIBUNAL,
CHIKKABALLAPURA SUB-DIVISION,
CHIKKABALLAPURA - 562 101.

...RESPONDENTS

(BY SMT. SHARADA H.V., AGA FOR R1 AND R3;
SRI. V. SHIVAKUMAR, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
QUASH THE ORDER PASSED BY THE RESPONDENT NO.3 DATED



19TH DECEMBER, 2003 IN CASE NO.L.R.M(A)5-25/74-75 VIDE ANNEXURE-A; AND ETC.

THIS PETITION COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

In this petition, the petitioner is challenging the order dated 19th December, 2003 (Annexure-A) passed by the respondent No.3 in Case No.L.R.M(A)5-25/74-75.

2. Heard Sri. S. Krishna Swamy, learned counsel appearing for the petitioner; Smt. Sharada H.V., learned Additional Government Advocate appearing for respondents 1 and 3; and Sri. V. Shiva Kumar, learned counsel appearing for the respondent No.2.

3. Sri. S. Krishna Swamy, learned counsel appearing for the petitioner, by referring to the paragraph 6 of the writ petition as to the objection raised by learned counsel appearing for the respondents in respect of delay of thirteen years in challenging the impugned endorsement, submits that the petitioner is continuously suffering from ill-health and had undergone several surgeries on several occasions and also appeal was preferred before the Karnataka Appellate Tribunal



by mistake. Accordingly, learned counsel sought for condonation of delay in filing the writ petition after a period of thirteen years.

4. Per contra, Sri. V. Shiva Kumar, learned counsel appearing for the respondent No.2 submits that the impugned endorsement was issued by the respondent No.3 on 19th December, 2003 and thereafter, after a lapse of six years, the petitioner approached the Karnataka Appellate Tribunal in Appeal No.589 of 2009 during the year-2009. Learned counsel further submits that the said appeal before the Karnataka Appellate Tribunal was disposed of on 28th September, 2011 as the petitioner has filed memo seeking withdrawal of the appeal with a liberty to file writ petition before this Court. He further argued that, the petitioner has filed writ petition before this Court, after a period of six years from the date of order passed by the Karnataka Appellate Tribunal and therefore, there is a delay of more than thirteen years in filing the writ petition. Accordingly, he sought for dismissal of the petition.

5. Smt. Sharada H.V., learned Additional Government Advocate appearing for respondents 1 and 3 argued that, there



is an inordinate delay in challenging the impugned endorsement by the petitioner. Accordingly, she sought for dismissal of the petition.

6. In the light of submission made by learned counsel appearing for the parties, on careful perusal of paragraphs 6 and 7 of the writ petition, it is forthcoming that the petitioner was continuously suffering from ill-health and had undergone several surgeries on several occasions between the years 2011-2016 and also, she was not able to contact the learned counsel to whom the matter was entrusted before the Karnataka Appellate Tribunal. However, on perusal of the writ papers, it is forthcoming that the impugned endorsement was issued on 19th December, 2003 by the respondent No.3 and after a period of six years, the appeal was preferred before the Karnataka Appellate Tribunal in Appeal No.589 of 2009. The Karnataka Appellate Tribunal, by order dated 28th September, 2011 (Annexure-G), permitted the petitioner to withdraw the appeal with a liberty to file a writ petition before this Court and accordingly, appeal came to be dismissed. However, the present petition was filed on 18th August, 2017, after a lapse of six years from the date of withdrawal of the appeal before the



HC-KAR

NC: 2026:KHC:33923
WP NO.37470 OF 2017

Karnataka Appellate Tribunal. In that view of the matter, I am of the view that, the petitioner is not diligent in pursuing the matter. The contention of the petitioner that, she was suffering from ill-health cannot be accepted as there is no impediment for the children of the petitioner to pursue the matter by filing the appropriate petition before this Court. Therefore, following the judgment of Hon'ble Supreme Court in the case of **SHIVAMMA (DEAD) BY LRS vs. KARNATAKA HOUSING BOARD AND OTHERS** reported in 2025 SCC OnLine SC 1969 and in the case of **H. GURUSWAMY AND OTHERS vs. KRISHNAIAH SINCE DECEASED BY LRS** reported in 2025 SCC OnLine SC 54, writ petition deserves to be dismissed since, the petitioner has not shown acceptable ground as to condone the delay in challenging the impugned endorsement. Accordingly, writ petition is **dismissed**.

Sd/-
(E.S. INDIRESH)
JUDGE

ARK
List No.: 1 Sl No.: 15