



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO. 52596 OF 2016 (LR)

BETWEEN:

1. VASANTH SHERIGAR
S/O LATE SOORAPPA SHERIGAR
AGED 56 YEARS,
R/AT H.NO.4-10, DARKASTU HOUSE,
YELLOORU VILLAGE,
PANIYOOR POST 574117
UDUPI TQ & DISTRICT

...PETITIONER

(BY SRI. P M NAYAK.,ADVOCATE)

AND:

1. THE LAND TRIBUNAL
UDUPI TALUK
UDUPI 576101
REPRESENTED BY ITS CHAIRMAN
2. SRI UMESH NAIK
S/O LATE ANANTH NAIK
AGED 44 YEARS,
R/T PADIGARA, 'MUDUSAGRI HOUSE',
POST KUNJIBETTU 576103
UDUPI TALUK & DITRICT

...RESPONDENTS

(BY SMT. SHARADA H.V., AGA FOR R1;
SRI. PRASANNA V R, ADVOCATE FOR R2)



THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TO QUASH ORDER DTD. 27.11.1980 PASSED BY THE R-1 LAND TRIBUNAL IN CASE NO. LRY-77-274/1602-TRI-8581/79-80 AS PER ANNEX-G IN SO FAR AS GRANTING THE OCCUPANCY RIGHTS IN RESPECT OF PUNJA LAND TO THE EXTENT OF 50 CENTS IN SY.NO.180/13, SITUATED AT SHIVALLI VILLAGE, UDUPI TALUK TO THE TENANT.

THIS WRIT PETITION IS COMING ON FOR PRELIMINARY HEARING, 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 27.11.1980 passed by the Land Tribunal, produced at Annexure- G, in respect of the land in question.

2. Smt. Sharada H.V., learned AGA appearing for respondent No. 1 submits that the impugned order has been challenged before this Court after a lapse of 36 years. Learned AGA further submits that no explanation has been furnished in the writ petition for such inordinate delay. Accordingly,



contends that the writ petition is liable to be dismissed on the ground of delay and laches.

3. Having heard Sri. P.M. Nayak, the learned counsel appearing for the petitioner submitted that, even if there is a delay of 36 years in filing the writ petition, no third party rights have been created and the land is in possession of the petitioner. Accordingly sought for interference by this Court.

4. In this regard, upon considering the material on record, it is not in dispute that the impugned order at Annexure-G was passed on 27.11.1980 and the present writ petition has been filed after an inordinate delay of 36 years in challenging the said order. No satisfactory explanation has been furnished for such delay.

5. Following the judgment of Hon'ble Supreme Court in the case of **SHIVAMMA (DEAD) V. KARNATAKA HOUSING BOARD¹** and in the case of **H. GURUSWAMY v. A. KRISHNAIAH (since deceased) THROUGH LRS²**, wherein it has been held that, an aggrieved party must be diligent in

¹ 2025 SCC Online SC 1969

² 2025 SCC online SC 54



approaching the competent Court within a reasonable period of time, the delay in approaching the Court cannot be condoned in the absence of sufficient explanation.

6. In that view of the matter, upon careful consideration of the reasons assigned by the petitioner in the writ petition, the same cannot be accepted, as the only ground urged by the petitioner is that a portion of the punja land has been granted in favour of the tenant, which is contrary to the statement of the landowner. In the given circumstances, no interference is called for in the present writ petition. Accordingly, the writ petition is ***dismissed*** on the ground of delay and laches.

SD/-
(E.S.INDIRESH)
JUDGE

AG
List No.: 1 Sl No.: 40