



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO.36574 OF 2018 (LR-SEC 48A)

BETWEEN:

1. SMT. KENCHAVVA
W/O. LATE MALLAPPA &
D/O. LATE THEGGINAMANE
DODDAHANUMANTHAPPA
AGED ABOUT 74 YEARS.
2. SHRI. B.M. HANUMANTHAPPA
S/O LATE MALLAPPA,
AGED ABOUT 42 YEARS.

BOTH ARE RESIDENT #
1675/130, RAJARAJESWARI EXTENSION,
LENIN NAGARA,
NITTUVALLI 1ST CROSS,
DAVANAGERE CITY AND DISTRICT- 577528.

...PETITIONERS

(BY SRI. K. SREEDHAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY,
REVENUE DEPARTMENT,
MS BUILDING, VIDHANA VEEDHI,
BENGALURU - 560001.



2. THE LAND TRIBUNAL,
JAGALUR TALUK,
JAGALUR,
DAVANAGERE DISTRICT - 577 528.
REPRESENTED BY ITS SECRETARY.
3. SMT. AMBAVVA
W/O. LATE MALIGERA,
SUTTAGUDDAPPA &
W/O LATE THEGGINAMANE,
SIDDAPPA (JR)
D/O. DODDAHANUMANTHAPPA,
4. SMT. SIDDAVVA
W/O. LATE MAGANAHALLY,
HANUMAPPA & D/O.DODDAHANUMANTHAPPA,
AGED ABOUT 59 YEARS.
5. SHRI. NINGAPPA
S/O. SIDDAPPA THEGGINAMANE (JR)
AGED ABOUT 49 YEARS.
6. SHRI. S. ANANDAPPA
S/O. K. SIDDAPPA ,
AGED ABOUT 54 YEARS
TEACHER BY PROFESSION.
7. SHRI. S. GUDADAIAH
S/O. LATE KADASIDDAPPA,
AGRICULTURIST,
AGED ABOUT 52 YEARS

RESPONDENTS NO. 3 TO 7 ARE
R/AT ASAGODU VILLAGE, ,
JAGALUR TALUK,



DAVANAGERE - 577 528.

...RESPONDENTS

(BY SMT. SHARADA H.V., AGA FOR R1 AND R2;
SRI. M. CHAMARAJ, ADVOCATE FOR R3;
R4 TO R7 ARE SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 16.3.1979 VIDE ANNEXURE-A AND DATED 28.6.1979 VIDE ANNEXURE-B AS THE SAME ARE WITHOUT JURISDICTION, ILLEGAL AND UNSUSTAINABLE.

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

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

ORAL ORDER

Heard Sri. Sreedhar, learned counsel appearing for the petitioners; Smt. Sharada H.V., learned Additional Government Advocate appearing for the respondent-State and Sri. M. Chamaraj, learned counsel appearing for the respondent No.3.

2. In this writ petition, the petitioners have assailed the order dated 16.03.1979 (Annexure-A)



and the order dated 28.06.1979 (Annexure-B) passed by the Land Tribunal.

3. Sri. Sreedhar, learned counsel appearing for the petitioners submitted that, though there is a considerable delay in filing the present writ petition, the impugned orders deserve to be interfered with as the Land Tribunal failed to consider the specific averments made in Form No.7, wherein the claimant/tenant had stated that she had purchased the land in question and was in cultivation thereof. It is contended that, the Tribunal failed to appreciate this material aspect while passing the impugned orders.

4. It is further contended that one Chennaiah Wodeyar, who was shown as the owner before the Land Tribunal, was in fact not the owner of the land in question. It is argued by the learned counsel for petitioners that, the proceedings before the Tribunal



were vitiated as the wrong person had been arrayed as the landowner. It is also submitted that the petitioners came to know of the impugned proceedings only during the pendency of O.S. No.139 of 2014, and thereafter approached this Court.

5. Learned counsel for the petitioners further argued that Ambavva, was the owner of the land in question and, therefore, there was no occasion for her to file an application in Form No.7 seeking conferment of occupancy rights over her own land. On these grounds, it is prayed that the impugned orders be set aside.

6. Per contra, Smt. B.P. Radha, learned Additional Government Advocate appearing for the respondent-State submitted that the writ petition is liable to be dismissed on the ground of gross delay and laches, as the petitioners have challenged the



orders of the Land Tribunal after an inordinate delay of nearly 39 years. It is further contended that no sale deed or any documentary material was produced before the Tribunal to establish that the land had been sold in favour of the tenant, and thereby disputing the submissions made on behalf of the petitioners. The learned Additional Government Advocate also invited the attention of the Court to the findings recorded by the Land Tribunal and submitted that no ground is made out for interference under Articles 226 and 227 of the Constitution of India.

7. Having heard the learned counsel appearing for the parties and upon perusal of the material placed on record, it is not in dispute that the present writ petition has been filed challenging the orders of the Land Tribunal after an inordinate delay of about 39 years.



8. Though the learned counsel for the petitioners has raised several contentions regarding the ownership of the land, including the contention that Chennaiah Wodeyar was not the owner of the property and that Ambavva herself was the owner and, therefore, could not have sought occupancy rights, this Court finds that such contentions cannot be examined at this belated stage.

9. A perusal of the records further discloses that in the partition proceedings in O.S. No.574 of 2012, wherein both the present petitioner and the respondent No.3-Ambavva, were parties, and further there are specific pleadings and discussions relating to the land in question. Despite the petitioner being aware of the disputes concerning the property, no satisfactory explanation has been offered for the enormous delay in approaching this Court.



10. It is well settled law that while considering an application seeking condonation of delay, the decisive factor is not merely the length of the delay but the sufficiency and acceptability of the explanation offered for such delay. In this regard, reference may be made to the judgment of the Hon'ble Supreme Court in ***State of Nagaland vs. Lipok AO and Others***, reported in ***(2005) 3 SCC 752***, wherein it has been held that the cause shown for the delay is the determinative factor while considering whether delay deserves to be condoned.

11. In the present case, the petitioners have failed to place any acceptable or convincing explanation for condoning the inordinate delay of nearly 39 years in filing the writ petition. Mere allegations regarding the legality of the impugned



orders cannot, by themselves, constitute sufficient cause to overlook such extraordinary delay.

12. The learned counsel for the petitioners has also placed reliance on a judgment of the Hon'ble Supreme Court in the case of ***State of Bihar and others vs. Kameshwar Prasad Singh and another*** reported in ***AIR 2000 SC 2306*** in support of his submissions. However, having regard to the subsequent and recent pronouncements of the Hon'ble Supreme Court governing the principles relating to delay and laches in exercise of writ jurisdiction, and the peculiar facts of the present case this Court is of the considered opinion that the said judgment does not support the case of the petitioners and is distinguishable on facts.

13. In view of the above discussion, this Court is of the opinion that no case is made out for



interference with the impugned orders in exercise of the extraordinary jurisdiction under Articles 226 and 227 of the Constitution of India.

Accordingly, the writ petition stands **dismissed**.

In view of the dismissal of the writ petition, all pending interlocutory applications, if any, also stand dismissed.

SD/-
(E.S.INDIRESH)
JUDGE

SB
List No.: 1 Sl No.: 8