



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO.51692 OF 2016 (LR)

BETWEEN:

1. MR. PANIRAJ
S/O. LATE KUMARYYA HEGDE,
AGED ABOUT 55 YEARS,
AGRICULTURIST,
MOODODI GUTHU,
POST TODAR-574 227,
MANGALURU TALUK.

...PETITIONER

(BY SRI. NAVEEN KUMAR M.G., ADVOCATE FOR
SRI. K. SHASHIKANTH PRASAD, ADVOCATE)

AND:

1. 7TH LAND TRIBUNAL
KARKALA-574 104,
UDUPI DISTRICT,
REPRESENTED BY THE PRESIDENT.
2. MRS. LAKSHMI
D/O. LATE KAMALA SHEDTHI,
AGED ABOUT 48 YEARS,
MOODODIBETTU,
THODAR VILLAGE AND POST,
MANGALURU TALUK - 574 227.

...RESPONDENTS



(BY SRI. B.J. ESWARAPPA, AGA FOR R1;
SRI. SACHIN B.S., ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 24.9.1981 PASSED IN TRL 525/1981-82 ON THE FILED OF THE 7TH LAND TRIBUNAL, KARKALA (ANNEXURE-B).

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, the petitioner has assailed the order dated 24.09.1981 (Annexure-B) passed by Respondent No.1-Land Tribunal, granting occupancy rights in favour of late Kamala Shedthi, who is respondent before the Land Tribunal.

2. The relevant facts necessary for adjudication of the case, as averred in the writ petition, are that applicant (mother of respondent No.2) before the Land Tribunal had filed an application in Form No.7, as



per Annexure-A, seeking grant of occupancy rights in respect of land bearing Sy. No.80/2 of Todar Village, Karkala Taluk. The Land Tribunal, after considering the material available on record, passed the impugned order dated 24.09.1981 (Annexure-B) granting occupancy rights in favour of the mother of respondent No.2. Aggrieved by the said order, the petitioner has filed the present writ petition.

3. Heard Sri. Naveen Kumar M.G., learned counsel appearing for Sri. K. Shashikanth Prasad, learned counsel for the petitioner and Sri. B.J. Eswarappa, learned Additional Government Advocate for the respondent No.1 and Sri. Sachin B.S., learned counsel for the respondent No.2.

4. Sri. Naveen Kumar M.G., learned counsel appearing for the petitioner, contended that a perusal of Annexure-A would disclose that the applicant had



described her profession as a coolie. Learned counsel also invited the attention of the Court to the note contained in Form No.7 and submitted that the total extent of land in Sy. No.80/2 is only 12 cents and could not have exceeded the said extent. On that basis, learned counsel sought interference with the impugned order.

5. Per contra, Sri B.S. Sachin, learned counsel appearing for Respondent No.2, referred to the extent of land mentioned in the application at Annexure-A pertaining to Sy. No.80/2 of Todar Village. Learned counsel submitted that occupancy rights were granted in favour of the mother of respondent No.2 based on Form No.7 filed and the consent given by the landlord during the proceedings before the Land Tribunal. Accordingly, learned counsel sought dismissal of the writ petition.



6. Sri. B.J.Eswarappa, learned Additional Government Advocate appearing for the respondent-State justified the impugned order and supported the findings recorded by the Land Tribunal.

7. In light of the submissions made by the learned counsel appearing for the parties, this Court has carefully examined Form No.7 produced at Annexure-A. The same indicates that the mother of respondent No.2 had sought occupancy rights in respect of land bearing Sy. No.80/2 measuring 75 cents. The application also contains a reference to the existence of a dwelling house and cowshed on the said land. Though the learned counsel for the petitioner contended, by referring to Annexure-D, that only an extent of 12 cents is situated in Sy. No.80/2, a perusal of the findings recorded by the Land Tribunal reveals that the landlord, namely Kumar Hegde, father of the



petitioner, had consented to the grant of occupancy rights in favour of the applicant in respect of 75 cents of land in Sy. No.80/2.

8. In view of the said material, this Court finds no infirmity or illegality in the order passed by the Land Tribunal calling for interference under Articles 226 and 227 of the Constitution of India. Accordingly, the writ petition is liable to be dismissed.

9. Though the learned counsel for the petitioner sought remand of the matter for fresh consideration, a perusal of the record indicates that sufficient material is available before this Court to adjudicate the dispute between the parties. Further, in view of the law laid down by the Hon'ble Supreme Court in ***Nadakerappa Since deceased by Irs and others vs. Pillamma since deceased by Irs.***, reported in ***2022 SCC Online SC 387*** wherein it has



been observed that when adequate material is available on record, the High Court need not remand the matter to the Land Tribunal for fresh consideration and may itself resolve the controversy and as such, this Court finds no justification to remand the matter.

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

SD/-
(E.S.INDIRESH)
JUDGE

SB
List No.: 1 Sl No.: 60