



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

REVIEW PETITION NO. 506 OF 2023

BETWEEN:

SMT SHANTHA S SHETTY
W/O LATE SUDHAKARA SHETTY
AGED 74 YEARS
R/O KRISHNA, NO 337
8TH 'A' MAIN, 4TH BLOCK
KORAMANGALA
BANGALORE 560 034

...PETITIONER

(BY SRI. S SHAKER SHETTY, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY ITS SECRETARY TO
DEPARTMENT OF REVENUE
M.S BUILDING
BANGALORE-560 001

2. THE LAND TRIBUNAL
KARKALA TALUK-574 201
REP. BY ITS SECRETARY

SRI. MENKA NAIK
SINCE DECEASED, BY HIS SON
3. SEENA NAIK
AGED ABOUT 58 YEARS
RESIDENT OF HADI MANE
MARNE VILLAGE, YENNE HOLE
KARKALA TALUK, UDUPI DISTRICT

Digitally signed by
PANKAJA S
Location: HIGH
COURT OF
KARNATAKA



KARKALA - 574 201.

...RESPONDENTS

(BY SMT. MAMATHA SHETTY, AGA FOR R1 & R2,
R3 - SERVED - UNREPRESENTED)

THIS PETITION IS FILED UNDER ORDER 47 RULE I CPC, 1908 READ WITH SECTION 114 OF THE KARNATAKA HIGH COURT ACT, PRAYING TO REVIEW THE ORDER DATED 13.07.2023 PASSED IN W.A 1702/2014 AND ALLOW THE WRIT APPEAL AS PRAYED FOR.

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

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

This case was listed yesterday and a statement of objection was filed in Court by the learned AGA.

2. The learned counsel for the petitioner appeared yesterday online and sought to argue the matter. However, he stated that the statement of objection was not served on him. The learned AGA undertook to serve the counsel for the petitioner. A copy of the statement of objection is served to the learned counsel.



3. Today, a memo enclosing certain documents including Form No.7 has been filed by the learned AGA. The original record has also been produced.

4. The sole submission of the learned counsel for the petitioner is that the husband of the review petitioner, that is Sri. M. Sudhakara Shetty was never served with notice of the proceedings under Form No.7 initiated before the Land Tribunal under the Karnataka Land Reforms Act, 1961. He contends that the order passed by the Land Tribunal is vitiated due to lack of notice. However, from perusal of the original order sheet, which has been scrutinized by my learned brother, it being in Kannada language, the translated copy of which has been filed along with the statement of objection, it appears that on 26.08.1981 Sri. M. Sudhakara Shetty was present in person in Court as reflected from his signature which is in English. Below the recorded order sheet of 26.08.1981, the signature of Sri. M. Sudhakara Shetty appears along with the thumb impression of the applicant - Menka Naik.

5. Learned counsel for the petitioner, however, states that he has obtained certified copies of the documents from the



Land Tribunal pursuant to orders passed by this Court, but none of those documents reflect that the husband of the review petitioner, namely, Sri. M. Sudhakara Shetty was served with notice. When we, repeatedly, pointed out to the learned counsel that the original record reveals otherwise, he insisted that he has certified copies available with him, which demonstrate otherwise. Admittedly, those certified copies have not been filed before this Court. We are at our wits end to try to explain to the learned counsel, who appears online, that he should have been present in Court to verify the records, but he refuses to do so. Under the circumstances, since we are satisfied from perusal of the original record that Sri. M. Sudhakara Shetty was present before the Land Tribunal, the sole ground being raised by the learned counsel for the petitioner, falls.

6. We note that the orders passed by the learned Single Judge in the writ petition and by the Division Bench in the writ appeal have dismissed the petition and appeal as being barred by laches on the ground that it was filed after a period of 20 years of the order passed by the Land Tribunal.



7. We had asked the learned AGA to produce the record and to file a statement of objection only to satisfy ourselves only in the interest of justice. We find that due procedure was adopted by the Land Tribunal, and Sri. M. Sudhakara Shetty, was present before the Tribunal and therefore, the order of the Tribunal does not suffer from any error. In the writ jurisdiction, the Court does not act as a Court of appeal. Therefore, under the facts and circumstances, we see no reason to interfere in the review proceedings and the petition is accordingly ***dismissed***.

SD/-
(JAYANT BANERJI)
JUDGE

SD/-
(RAJESH RAI K)
JUDGE

HKV
List No.: 2 Sl No.: 3