



CNR: KAHC010662642025

NC: 2026:KHC:45343-DB
WA No. 1694 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 1694 OF 2025 (LR)

BETWEEN:

RUKMINI HEGGDATHY
(SINCE DECEASED)
BY HER LRs.,

SMT. SHOBHA R. SHETTY
AGED ABOUT 70 YEARS,
D/O LATE LEELAVATHY HEGGDATHY,
W/O SRI K. RAJARAM SHETTY,
R/A ASHIRVAD NO. 125,
KORANGRAPADY, UDUPI-574118

...APPELLANT

(BY SRI. NATARAJA BALLAL A., ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF REVENUE,
M. S. BUILDING,
DR. AMBEDKAR VEEDHI,
BENGALURU-560 001
REP. BY ITS SECRETARY
2. PRESIDENT
LAND TRIBUNAL, KARKALA,
UDUPI DISTRICT
3. CARMINE NORONHA

Digitally
signed by
VASANTHA
KUMARY B K
Location:
HIGH
COURT OF
KARNATAKA



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(SINCE DECEASED)
W/O BASTAR NORONHA
BY HER LR.

SMT. RASHMI JOSE,
MAJOR,
D/O LATE CARMINE NORAHNA
W/O C.B.THOMAS,
SOODA VILLAGE, SHIRVA,
UDUPI TALUK AND DISTRICT-574116

...RESPONDENTS

(BY SRI. B.RAVINDRANATH, AGA FOR R1 AND R2;
VIDE ORDER DATED 31/07/2026 R3 IS
EXPARTE IN THESE PROCEEDINGS)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED
07.07.2025 IN WP No. 24594/2023 (LR) AND ALLOW THE
APPEAL IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING,
THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT
(PER: HON'BLE MR. JUSTICE D K SINGH)

The present intra Court appeal has been filed impugning
the judgment and order dated 07.07.2025 passed by the Writ
Court in W.P.No.24594/2023 filed by the appellant impugning



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the order dated 20.08.1979 passed by the Land Tribunal in proceedings bearing No.TRL-810/79-80.

2. The learned Single Judge has dismissed the writ petition only on the ground of delay, without considering the question that whether the Land Tribunal had jurisdiction or power to grant occupancy rights in favour of respondent No.3, or her predecessor-in-interest, in respect of the land bearing Survey Nos.131/4 and 131/5, situated at Sooda Village, Karakala Taluk, Udupi District.

3. Mr.Nataraja Ballal A., learned counsel appearing for the appellant submits that when the order passed by the Tribunal, was void *ab initio* inasmuch as the predecessor-in-interest of respondent No.3 did not make any application for issuing occupancy certificate in respect of Sy.Nos. 131/4, and 134/5, the Land Tribunal could not have granted occupancy rights in favour of respondent No.3/predecessor-in-interest in respect of those survey numbers.

4. On the last date of hearing i.e. on 31.07.2026, we passed the following order:



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"In compliance of the order dated 02.07.2026 the appellant has taken out notice through paper publication. The notice was published in Vijaya Karnataka, Kannada Daily Newspaper, Udupi edition on 14.07.2026.

We, therefore record the notice on respondent No.3 as sufficient.

Despite the matter has been taken up and the name of respondent No.3 has been called out, there is not representation on her behalf. We therefore place respondent No.3 as ex-parte in these proceedings.

ORAL ORDER ON I.A.NO.1/2026

This application has been filed seeking to condone the delay of 38 days in filing the writ appeal.

For the reasons stated in the affidavit accompanying the application, the delay in filing the appeal is condoned. I.A.No.1/2026 is accordingly allowed.

ORDER

Mr. B Ravindranath, learned Additional Government Advocate submits that he will verify the records and make submission as to whether the occupancy certificate in respect of Sy.Nos.131/4 and 135/5 issued in favour of the predecessor-in-interest of respondent No.3 was correct and in accordance with law.

Post this appeal on 24.08.2026."

5. Mr. Ravindranath, learned Additional Government Advocate appearing for the State, after verifying the records has informed the Court that Form No.7 was filed in respect of



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Sy.Nos.131/1, 131/2 and 131/3 and that Form No.7 did not include or mention the lands bearing Sy.Nos.131/4 and 131/5. The appellant/predecessor-in-interest was the landlord whereas the predecessor-in-interest of respondent No.3 used to be the tenant.

6. When there was no application to confer occupancy rights in respect of the land in Sy. Nos.131/4 and 131/5, we are of the opinion that the order passed by the Land Tribunal would be void *ab initio*. Once we declared that the order passed by the Land Tribunal was void *ab initio* so far as conferring occupancy rights and issuance occupancy certificate in favour of the predecessor-in-interest of respondent No.3 in respect of the land bearing Sy.Nos.131/4 and 131/5, delay would not defeat the justice nor it would validate void *ab initio* order passed by the Land Tribunal.

7. We, therefore, allow the appeal and set aside the impugned judgment and order dated 07.07.2025 passed by the learned Single Judge in W.P.No.24594/2023. The order dated 20.08.1979 passed by the Land Tribunal in proceedings bearing No.TRL-810/79-80 would confine only in respect of the lands



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bearing Sy.Nos.131/1, 131/2 and 131/3 situated at Sooda Village, Karakala Taluk, Udupi District.

**SD/-
(D K SINGH)
JUDGE**

**SD/-
(H.SHANTHI BHUSHAN)
JUDGE**

RKA
List No.: 1 Sl No.: 14