



CNR: KAHC010746832025

NC: 2026:KHC:52286
WP No. 35121 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

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

WRIT PETITION NO.35121 OF 2025 (LR)

BETWEEN:

1. GIRIJAMMA SHEDTHI
D/O LATE CHANDAMMA SHEDTHI,
AGED ABOUT 85 YEARS,
R/AT GANTI HOLE,
BIJOOR VILLAGE AND POST,
KUNDAPUR TALUK,
UDUPI DISTRICT – 576 201.
2. AKKAYYA SHEDTHI,
D/O LATE MOOKAMMA SHEDTHI,
AGED 68 ABOUT YEARS,
R/AT BIJOOR VILLAGE AND POST,
KUNDAPUR TALUK,
UDUPI DISTRICT – 576 201.

Digitally signed by
CHAYA S A
Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI. K. SHRIHARI, ADVOCATE)

AND:

1. HERIYAKKA
D/O LATE SUBBA,



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AGED: MAJOR.

2. CHANDRASHEKAR,
S/O LATE MAHABALA SHETTY,
AGE NOT KNOWN.
3. SPECIAL ASSISTANT COMMISSONER,
LAND REFORMS TRIBUNAL,
KUNDAPUR TALUK,
UDUPI DISTRICT-576201.
4. SUKRA POJARI
S/O SUBBA POOJARY
AGED: MAJOR.
5. NARAYAN POOJARY
S/O SUBBA POOJARY
AGED: MAJOR

RESPONDENTS NO.1, 2, 4 & 5 ARE
R/AT HOLETHOTA, MELTHUR
KUNDAPUR TALU ,
UDUPI DISTRICT -576 201.

6. KRISHNA S. POOJARY
HOTEL SAI SNACKS
MOPADA RASINE POST
KALAPURA TALUK
RAIGAD DISTRICT – 410207.
7. MOODOOR POOJARY
S/O SUBBA POOJARY
AGED: MAJOR.



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8. MANJUNATH POOJARY
S/O SUBBA POOJARY
AGED: MAJOR.
9. SHIVANANDA POOJARY
S/O SUBBA POOJARY
AGED: MAJOR.
10. GOWRI POOJARI
W/O ANAND POOJARI
AGED: MAJOR.
11. VIAJY POOJARI
S/ O ANAND POOJARI
AGED: MAJOR.
12. DHANANJAYA POOJARI
S/O ANAND POOJARI
AGED: MAJOR.

RESPONDENTS NO.7 TO 12 ARE
R/AT HOLETHOTA
MELTHUR, KUNDAPURA TALUK
UDUPI DISTRICT.

13. MUTTHU POOJARY
W/O RAMA POOJARY
AGED: MAJOR.
14. SHANKAR POOJARY
S/O RAMA POOJARY
AGED: MAJOR.



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15. CHANDRA POOJARY
S/O RAMA POOJARY
AGED: MAJOR.
16. GOPAL POOJARY
S/O RAMA POOJARY
AGED: MAJOR.
17. RAJU POOJARY
S/O RAMA POOJARY
AGED: MAJOR.
18. NAGARATHNA POOJARY
D/O RAMA POOJARY
AGED: MAJOR.

RESPONDENTS NO.13 TO 18 ARE
R/AT GUDIMANE HEROOR
POST RAGIHIKL, HEROOR VILLAGE
BYNDOOR TALUK – 576 224.

...RESPONDENTS

(BY SRI. DHANANJAY JOSHI, SENIOR COUNSEL FOR
SRI. PURNA CHANDRA M. PURANIK, ADVOCATE
FOR R1, R4 TO R18;
SMT. SHARADA H.V., AGA FOR R3;
SRI. BALAKRISHNA, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE
ORDER PASSED BY LAND TRIBUNAL AT KUNDAPUR,
RESPONDENTS NO.3 IN TRI 2272/77-78 DATED 18.09.2025
FILED AS ANNEXURE - A OR MAY BE PLEASED TO ISSUE SUCH



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OTHER WRIT OR ORDER ON THE FACTS AND CIRCUMSTANCES OF THE CASE IN THE INTEREST OF JUSTICE AND EQUITY.

THIS WRIT PETITION HAVING BEEN RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, **E.S. INDIRESH J.**, MADE THE FOLLOWING:

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

CAV ORDER

1. In this writ petition, the petitioners are assailing the order dated 18.09.2025 passed by respondent-Land Tribunal, Byndoor, Udupi Taluk, (Annexure-A) granting occupancy rights in favour of private respondents herein.

2. Facts in nutshell for the purpose of adjudication of the writ petition are that, one Venkappa Shetty was the original owner in possession of the Punja Land bearing Sy.No.312/3, measuring 1 acres, 33 guntas and land bearing Sy.No.183/4, measuring 49 cents in Bijoor Village, Kundapur Taluk. The petitioners are the grand children of late Venkappa Shetty. It is further stated in the writ petition that, one Subba, had purchased, the portion of the land from Mahabala Shetty, (son of Venkappa Shetty), and Mahabala Shetty had allowed him to reside in the house for few



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months. It is further stated that, no land was granted on lease by the petitioners in favour of Subba, who in turn filed Form No.7, seeking grant of occupancy rights and same was registered as TRI 2272 of 1977-78. After the death of said Subba, his legal representative was impleaded in the proceedings. The Tribunal, by order dated 29.01.1979, granted occupancy rights, in favour of the Nagi Hengsu (wife of Subba) and the said order was challenged before this Court in W.P.No.4423 of 1979 and this court vide order dated 11.08.1983 (Annexure-C), remanded the matter to the Land Tribunal for fresh consideration. Thereafter, the matter was heard by the Land Tribunal, and passed an order dated 12.10.2010 (Annexure- F) and same was questioned before this court in W.P.No.46643 of 2011 and this court vide order dated 06.06.2012 (Annexure-H) remanded the matter to the Tribunal for fresh consideration. It is further stated that, after remand made by this court, the Tribunal has passed the impugned order dated 18.09.2025 (Annexure-A) and feeling aggrieved by the same, the petitioners have presented this writ petition.



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3. Heard Sri. K. Srihari, learned counsel appearing for the petitioners; Sri. Dhananjay Joshi, learned Senior Counsel appearing on behalf of Sri. M. Puranik, learned counsel appearing for the respondent, Nos. 1, 4 to 18; Smt. Sharada H.V., learned Additional Government Advocate appearing for the respondent-State and Sri. Balakrishna, learned counsel appearing for the respondent No.2.

4. Sri. K. Srihari, learned counsel appearing for the petitioners, by referring to impugned order at Annexure-A contended that, one of the members of the Tribunal-Tahsildar, Byndoor has not signed the final order and therefore, it is clear violation of Rule 17 of the Karnataka Land Reforms Rules, 1974 (for short, 'Rules, 1974'). He further contended that, after filing of the writ petition, the Tahsildar, Byndoor has signed the original order, behind the back of the parties, and same is contrary to law and therefore, sought for interference of this Court.

5. Sri. Srihari, learned counsel appearing for the petitioners, further contended that land in question is a punja land, and not



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feasible for cultivation and therefore, contended that, as the land in question is not cultivable in nature, grant of occupancy rights does not arise.

6. Learned counsel appearing for the petitioners further contended that, no documents have been produced by the private respondents to establish that they were in cultivation of the land in question as a tenant nor chit / receipt has been produced to establish their cultivation of the land under the landlord and therefore, it is submitted that, the impugned order passed by respondent-Land Tribunal requires to be set aside. In this regard, learned counsel appearing for the petitioners, refers to the judgment of this Court in the case of ***Vijaya Bank, by its Chief Manager vs. The Secretary to the Government of Karnataka, Revenue Department and others*** reported in ***ILR 2008 KAR 1481*** and in the case of ***Balasaheb Patil, vs. State of Karnataka*** in ***W.P.No. 7293 of 2005*** disposed of on 26.06.2018 and argued that, even if the Tahsildar, Byndoor, being a Secretary of the Tribunal, failed to affix the signature on the final order and such order has to be declared as nullity in law and accordingly, sought for interference of this Court.



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7. Per contra, Smt. H.V. Sharada, learned Additional Government Advocate appearing for the respondent-State produced the original records and further contended that there are three copies, of the original order issued by the Land Tribunal and the Tahsildar, Byndoor has signed two copies of the order, however, by inadvertence, failed to affix the signature on the third copy which has been given to the petitioner and therefore, submitted that it is only a procedural irregularity and same has to be ignored. Accordingly, sought for dismissal of the writ petition.

8. Sri. Dhananjay Joshi, learned Senior Counsel appearing for respondent No.1, 4 to 18 contended by referring to the earlier orders passed by this court in the aforementioned writ petitions that, the matter has been remitted to the Land Tribunal, on technical ground, and further contended that, non affixing of the signature by the Tahsildar, Byndoor does not invalidate the order passed by the Land Tribunal as majority members of the Land Tribunal have signed the order of Tribunal, and as such, no prejudice has been caused to the petitioners and therefore, sought for dismissal of the petition.



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9. It is further argued by the learned Senior Counsel appearing for the respondent Nos. 1, 4 to 18 that the land in question is cultivable in nature and though the land has been classified as Punja, however, same has been brought into cultivation and therefore, contended that the argument advanced by the learned counsel for the for the petitioners cannot be accepted.

10. Finally, it is argued by the learned Senior Counsel that this court is having limited jurisdiction to interfere with the finding recorded by the Land Tribunal on facts on record, and therefore, sought to justify his arguments by referring to the judgment of this court in the case of ***Gudde Ningappa since (D.) by LR. vs. State of Karnataka and others*** in ***W.A. No.1131 of 2025*** disposed of on 16.10.2025 and in the case of ***Subhakar and others vs. The Land Tribunal, Karkala Taluk, and others*** reported in ***1999 SCC OnLine KAR 101***.

11. Sri. Balakrishna, learned counsel appearing for the respondent No.2 argued on the similar lines as that of learned Senior Counsel appearing for other private respondents.



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12. In the light of the arguments advanced by the learned counsel appearing for the parties, the grand father of the petitioners herein claim to be the landlord of the subject land and private respondents claims to be tenant under the predecessors of the petitioners. It is the case of the applicants/private respondents that, one Subba, has filed, Form No.7, claiming occupancy rights in respect of the land bearing Sy.No.183/4, to an extent of 49 cents and land bearing Sy.No.312/3, to an extent of 1 acre, 33 guntas of Bijoor Village. The Land Tribunal recorded their finding and pass an order, granting occupancy rights in favour of the legal representative of the said Subba (i.e. wife of Subba), on 29.01.1979, and same was challenged before this court in W.P.No.4423 of 1979 (Annexure- C) and the matter was remanded to the Tribunal for fresh consideration. Again, the Tribunal passed an order dated 12.10.2010, (Annexure-F), and same was challenged before this court in W.P.No.46643 of 2011 and this court vide order dated 06.06.2012, (Annexure-H) remanded the matter to the Tribunal for fresh consideration and thereafter, the impugned order dated



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18.09.2025 (Annexure-A) is passed by respondent-Land Tribunal.

13. On careful consideration of the impugned order at Annexure-A would indicate that, the Tahsildar, Byndoor, being a Secretary of the Tribunal has not signed the impugned order at Annexure-A, however, in the records produced by the learned Additional Government Advocate, signature of the Tahsildar, Byndoor is found. It is the contention of the learned Additional Government Advocate that, by oversight signature of the Tahsildar is missing in the certified copy served to the petitioners. Taking into consideration the argument advanced by the learned counsel for the parties, and by referring to Rule 17 of Rules, 1974, it is the duty of the Secretary of the Tribunal, to affix, his/her signature on the order passed by respondent-Land Tribunal. In this regard, it is relevant to extract paragraphs 14 to 26 of the order dated 29.07.2026 in W.A.No.100221 of 2023, which reads as under:

" 14. Legal point has been raised in this appeal as the Land Tribunal has violated Sub-Rule (8) of Rule 17 of the KLR Rules. The Rule 17 of the KLR Rules deals with the procedure to be followed by the Tribunal.



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15. Sub-Rule (8) of Rule 17 of the KLR Rules, reads as follows:

17. Procedure to be followed by the Tribunal :-

(1) The tribunal shall in respect of applications made to it follow the same procedure as specified for a summary enquiry under Section 34 of the Karnataka Land Revenue Act, 1964 subject to the condition that the records of the proceedings shall be maintained in a language understood by all its members.

(2) Order sheet shall be maintained by the Chairman in respect of each case heard by the tribunal, noting in it the day-to-day proceedings of the tribunal relating to the conduct of the case.

(3) When a meeting is adjourned, the date, time and place of hearing of adjourned meeting shall be made known to the parties present and their signature obtained on the order sheet.

(4) The progress in the enquiry of each case shall be noted by the Chairman immediately after hearing or the holding of spot inspection by the tribunal.

(5) The opposite party shall be allowed to crossexamine the witness and if it does not wish to so



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cross-examine, a note shall be made accordingly. A brief summary of the evidence given by each witness shall be recorded by the Chairman.

(6) If there are more applications than one for registration of occupancy rights by different persons in respect of the same land, those cases shall be clubbed together and a common order passed.

(7) Prayer on an interlocutory application has to be considered by the tribunal strictly in relation to the reliefs sought for.

(8) The order shall be signed, in addition to the Chairman, by the other members of the tribunal who heard the case.

(9) All orders shall be speaking orders, namely, the points for decision, the decisions themselves and the reasons for the decisions shall be mentioned. The orders shall be pronounced in the open court.

(10) No member of the tribunal shall participate in the deliberations or decision of a case in which he is personally interested.

(emphasis supplied)

16. Rule 16 of the KLR Rules, provides for a quorum for a meeting of the Tribunal, which reads as follows:



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"16. Quorum for meeting of the Tribunal.- The quorum for every meeting of the tribunal (including or adjourned meeting) shall be three members including the Chairman. If within half-an-hour of the time fixed for the meeting there is no quorum, the meeting shall be adjourned. The notice of the date and time of the adjourned meeting shall be communicated to all the members of the tribunal."

17. Quorum in a Tribunal is the minimum number of Member's required to be present to legally conduct the hearing and proceedings. So the quorum is the minimum number of members, whose presence is necessary to enable transact business and perform lawful acts, such quorum is prescribed under Rule 16.

18. In the present case in hand Tribunal has been constituted with Chairman and four members. Once the Tribunal has been constituted and there is quorum for the meeting, the Tribunal can conduct its proceedings. However, the further requirement is that under Rule 17(8) once an order is passed after adjudication, it is required to be signed by the Chairman and its members. The fulfilment of quorum is a prerequisite for commencing a meeting under Rule 16 which does not do away with the requirement of signing the order under Rule 17(8). Both are distinct and require separate compliance. So once, the



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Chairman and members of the Tribunal hear the matter and they come to the conclusion or form an opinion, such being the case, if any one of the members do not sign the requirement of Rule 17(8) is not fulfilled.

19. On perusal of the Annexure-F, i.e., the order of the Tribunal bearing No.TEN/OCP/SR:9+72/2012-13 dated 30.01.2013, indicates that the Tribunal constituted with quorum of a Chairman with four members. The operative portion of the said order at page No.4 reads as follows:

ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಿದ ಅಂಶಗಳ ಮೇಲಿಂದ ನ್ಯಾಯಾಧೀಶರಣವು ಅರ್ಜಿದಾರನನ್ನು ಕರ್ನಾಟಕ ಭೂಸುಧಾರಣೆ ಕಾಯ್ದೆ 1961/74ರ ಪ್ರಕರಣ 48(ಕ) ಮತ್ತು 45ರ ಮೇರೆಗೆ ಅರ್ಜಿದಾರರ ಅರ್ಜಿಯನ್ನು ಪುರಸ್ಕರಿಸಿ ಹಾವೇರಿ ತಾಲೂಕು ದೇವಗಿರಿ ಗ್ರಾಮದ ರಿಸನಂ 259/2 ಕ್ಷೇತ್ರ 11ಎ-00ಗುಂ ಶ್ರೀ ಬಲರಾಮಸಿಂಗ್ ಹನುಮಂತಸಿಂಗ್ ಅಮರಗೋಳ ಸಾ/ದೇವಗಿರಿ ಪೊತೆವಾರಸಾದಾರರು ಶ್ರೀಮತಿ ಹೀರಾಬಾಯಿ ಕೋಂ ಬಲರಾಮ್ ಸಿಂಗ್ ಅಮರಗೋಳ ಸಾ/ದೇವಗಿರಿ ಹಾಗೂ ದೇವಗಿರಿ ಗ್ರಾಮದ ರಿಸನಂ 259/1 ಕ್ಷೇತ್ರ 10ಎ-34 ಗುಂಜಮೀನಿಗೆ ಶ್ರೀ ಗದಿಗೆಪ್ಪ ಬಸಪ್ಪ ಹೂಳಿಕಟ್ಟೆ ಸಾ/ ದೇವಗಿರಿ ಇವರನ್ನು ಗೇಣಿದಾರನೆಂದು ಸರ್ವಾನುಮತದಿಂದ ತೀರ್ಮಾನಿಸಿ ಆದೇಶವನ್ನು ಈ ದಿನ ದಿನಾಂಕ: 30- 1-2013 ರಂದು ಬಹಿರಂಗ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಘೋಷಿಸಲಾಯಿತು.

*ಅಧ್ಯಕ್ಷರು
ಭೂನ್ಯಾಯಮಂಡಳಿ
ಹಾವೇರಿ*

1) ಶ್ರೀ ಚಂದ್ರು ಇಳಿಗೇರ ಸಾ/ಹೊಸರಿತ್ತಿ :not signed the order

2) ಶ್ರೀ ಬಸವಂತಪ್ಪ ಹೆಡಿಯಾಲ ಸಾ/ ಹಾವೇರಿ : ಸಹಿ/-



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3) ಶ್ರೀ ಹುಸೇನಸಾಬ ದೇವಿಹೊಸೂರ ಸಾ/ ಹಾವೇರಿ : ಸಹಿ/-

4) ಶ್ರೀ ಚಂದ್ರಶೇಖರ ದೊಡ್ಡತಳವಾರ ಸಾ/ ಕನಕಾಪುರ : ಸಹಿ/-

20. On perusal of the said order, it reflects that Member No.1 Sri Chandru Iliger R/o Hosaritti not signed on the order. On the other hand, the Chairman and Member nos. 2, 3 and 4 have signed on the order.

21. Section 17(8) is very clear that the order shall be signed by the Chairman and other members of the Tribunal who heard the case. But in the present case in hand, the member at Sl.No.No.1 has not signed the order, though his name have is mentioned in the cause title that he was present on the date of hearing the matter.

22. Learned counsel for the appellants placed reliance on the Judgments of learned Single Judge of this Court as follows:

1) M.Lakappa Bhandari since dead by LRs. and others Vs. State of Karnataka, by its Secretary, Revenue Department and others,

2) Siddaiah and others Vs. The State of Karnataka and others (WP.No.4451/2019(LR) and

3) Vishwanath and others Vs. The State of Karnataka and others (W.P.No.46938/2004(LR).



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23. In the case of **Vijaya Bank Founders Branch** this Court has held at paragraph No.4 as follows:

"4. After carefully going through the impugned order passed by the learned Single Judge in review and the provisions of Rule 17(8) of the Karnataka Land Reforms Rules 1974, we are of the opinion that the failure of the members to sign the order is not merely a technical lapse but it goes to the very root of the matter. The judicial discipline requires that in a multi member judicial/quasi judicial adjudicatory body, all the adjudicators who have heard the matter should pronounce their written opinion at the same time and place and all of them should sign the order. The said salutary object of law is effectively manifested in Rule 17(8) of the Karnataka Land Reforms Rules. It is evident that five members have heard the matter. Only three members have signed the order and two of them have not signed the order. The Chairman and one of the members who have signed the order have expressed note of dissent for grant of occupancy rights in favour of fourth respondent. Only one of the members who have signed the order has opined that occupancy rights to be granted in favour of fourth respondent. On totality of the consideration of facts and the material, we are of the view that the impugned order of the Tribunal which is not signed by



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the all the members who have heard the 20 matter is a nullity and the said order cannot be considered as a valid juridical adjudication."

24. Learned Single Judge in the case of Vishwanath and others Vs. The State of Karnataka and others (W.P.No.46938/2004(LR) dated 29.07.2019, has held as follows:

"4. On going through the impugned order, it is found that the order of the Land Tribunal has been signed by the Chairman of the Land Tribunal and two other members have not appended their signature to the said order. In light of the requirement under Rule 17(8) of the Karnataka Land Reforms Act, the order of the Land Tribunal is required to be signed by all the members. The said procedure is held to be a mandatory procedure as per the judgment passed in the case of Vijaya Bank Founders Branch, Mangalore Vs. Secretary to the Government of Karnataka, Revenue Department decided on 20.06.2007 reported in ILR 2008 KARNATAKA 1481. This Court at paragraph 4 of the four of the said judgment has held that non compliance of Rule 17(8) is not a technical lapse but goes to the root of the matter. Court has set aside the impugned order observing that the said order was a nullity in light of the non-compliance to Rule 17(8). Without going into the merits as regards



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other contentions, in view of the law laid down above and noticing the present order is not signed by two of the members of the Land Tribunal, the impugned order is liable to be set aside as being a violation of the procedure stipulated under Rule 17(8) of Karnataka Land Reforms Rules. Matter to be decided afresh by the Tribunal by taking note of all contentions raised by the petitioners and respondents in accordance with law. Contentions of all the contesting parties are kept open."

25. Learned Single Judge in the case of **Pundalik S/o Dattatraya Havalldhar since dead by his LRs. Smt.Sudha Pundalik hawalldhar and others Vs. the State of Karnataka and others (W.P.No.12383/2007(LR))** dated 07.12.2021, has held as follows:

"6. A perusal of the impugned order dated 26.08.2006, at Annexure-B, indicates that though all the members of the Tribunal were present, however, the impugned order has been signed by four members instead of all the members of the Tribunal which is in violation of Rule 17(8) of the Karnataka Land Reform Rules. Hence, the impugned order passed by the Land Tribunal, Hukkeri, at Annexure-B requires to be set aside on this ground alone."



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26. Annexure-F the order of the Land Tribunal dated 30.01.2013 was not signed by one of the members of the Tribunal. Further the records are called by the Court, but which has not been produced. So there is a legal presumption that the original order has not signed and there is no reason to disbelieve the contention raised by the appellant herein."

14. It is also relevant to extract paragraphs 11 to 13 of order passed in the case of **Balasaheb Patil**, (supra), reads as under:

"11. As far as the order passed by this Court in the case of V irupakshappa is concerned, it is noted that in the said case , the contention was with regard to the opinion of the Tribunal not being unanimous one, there was no decision in the eye of law and therefore, was liable to be quashed. That contention was negatived by a learned Single Judge of this Court and it was held that where there is a dissent amongst the Members o f the Tribunal, the ma jority view would prevail and that should be the decision of the Tribunal. A dissent would imply that there is an order which would be signed by the Members and Chairman who have dissented.



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12. But, in the instant case , there is no view expressed by one of the Members. Merely because he has not expressed any view, it cannot be a conjecture that even if his view was a dissent, it would have resulted in a majority opinion by the other persons who had signed the order. That is not the way of considering a judicial order or a quasi-judicial order, as in the instant case.

13. The Rule expressly uses the expression 'shall' which means a mandatory requirement to be applied. Therefore, reliance placed in the case of Virupakshappa by the learned counsel for respondent Nos.2 to 8 is of no assistance at all."

(Emphasis supplied)

15. Following the declaration of law made by this Court, and the judgment referred to by the learned Senior Counsel for the respondent Nos.1, 4 to 18 that this court, is having limited scope to interfere with the finding of fact, however, as there is procedural irregularity by the members of the Tribunal, as the Tahsildar of the Byndoor fails to sign one of the copies of the original order, and same would amounts to nullity in law. In that view of the matter, as there is procedural irregularity in the



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impugned order passed by respondent - Land Tribunal, I find force in the arguments advanced by the learned counsel for the petitioners.

16. At this stage it is relevant to cite the judgment of the Hon'ble Supreme Court in the case of ***Nadakerappa (D) by LRs., and others vs. Pillamma (D) by LRs., and others*** reported in ***2022 SCC OnLine SC 387*** wherein it is held that, if the material on record is sufficient, for Appellate Authority to arriving at a conclusion and under such circumstances, the matter has to be heard on merits and pass orders without therebeing remanding the matter to the Land Tribunal for further consideration. In that view of the matter, in the present proceedings as there is absence of the signature of the one of the members of the Tribunal and as the impugned order is nullity in law, I am constrained to remand the matter to the Tribunal for fresh consideration and to pass appropriate orders after providing an opportunity of hearing to all the parties concerned and to pass orders in accordance with law.



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17. It is made clear that, the Land Tribunal should be serious in conducting the proceedings and to pass appropriate orders by following declaration of law by this court, and the Hon'ble Supreme Court by following the procedural aspects and on merits of the case. Hence, I pass the following:

ORDER

- i. The writ petition is ***allowed***.
- ii. The order dated 18.09.2025 (Annexure-A) passed by respondent-Land Tribunal is hereby set aside.
- iii. In order to avoid further delay in the matter, the parties are directed to appear before the Land Tribunal, Byndoor on 30.10.2026 at 3.00 pm. It is open for the parties to lead evidence, if need arises, in the circumstances of the case.

SD/-
(E.S.INDIRESH)
JUDGE

SB
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