

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026



PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

WRIT APPEAL NO. 2107 OF 2025 (LR)

C/W

WRIT APPEAL NO. 1861 OF 2026 (LR)

W.A.NO.2107/2025

BETWEEN:

1. NAMMA WHITEFIELD RWA
FEDERATION TRUST
REPRESENTED BY ITS PRESIDENT
MR. ANIRUDHAN SANDEEP
C/O S.V. MILAN APARTMENTS
NO.1352, SWAMI VIVEKANANDA ROAD
UPKAR LAYOUT, WHITEFIELD
BENGALURU-560 066

...APPELLANT

(BY SRI AKANKSH ASHOK, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY
REVENUE DEPARTMENT
VIDHANA SOUDHA
BENGALURU-560 001
2. THE CHAIRMAN
LAND TRIBUNAL
(DELETED V/O
DATED 07.07.2026)

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

H B MUNIVENKATAPPA
S/O LATE S BOYANNA
SINCE DEAD
REPRESENTED BY HIS LRS

3. SMT. SHAKUNTALA
ADULT
4. SRI D M PADMANABHA
ADULT
5. SMT. PREMANKUMARI
ADULT
6. SRI M MOHANSUNDAR
ADULT
7. SRI M RAJASHEKAR
ADULT
8. DR. M CHANDRASHEKARA

R3 TO R8 ARE
REPRESENTED BY THEIR GPA HOLDER
SRI M MOHANSUNDAR
ALL RESIDING AT NO.314
"DWARAKA", INNER CIRCLE
WHITE FIELD, NEAR K.R.PURAM
BENGALURU SOUTH TALUK
**(R4-R8 ARE LRS OF DECEASED R3 -
V/O DATED 07.07.2026)**

...RESPONDENTS

(BY SRI KIRAN V RON, AAG FOR
SRI M N SUDEV HEGDE, AGA FOR R1;
SRI MANMOHAN P N, ADVOCATE FOR R4, R5, R6 & R8;
SRI K N PHANINDRA, SENIOR ADVOCATE FOR
SRI ABHINAY S, ADVOCATE FOR R7;
R2 DELETED VIDE ORDER DATED 07.07.2026)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 19.11.2025 PASSED IN W.P. NO.26097/2018 AND CONSEQUENTLY ALLOW THE RELIEFS PRAYED FOR IN W.P.NO.26097/2018.

IN W.A.NO.1861/2026:

BETWEEN:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY
REVENUE DEPARTMENT
VIDHANA SOUDHA
DR. AMBEDKAR VEEDHI
BENGALURU-560 001

...APPELLANT

(BY SRI KIRAN V RON, AAG FOR
SRI M N SUDEV HEGDE, AGA)

AND:

H B MUNIVENKATAPPA
S/O LATE BOYANNA
SINCE DEAD BY HIS LRS

1. SMT. A SHAKUNTALA
2. SRI D M PADMANABHA
3. SMT. PREMANKUMARI
4. SRI M MOHANSUNDAR
5. SRI M RAJASHEKAR
6. DR. M CHANDRASHEKARA
REPRESENTED BY GPA HOLDER
SRI M MOHANASUNDAR

ALL ARE RESIDING AT NO.314
"DWARAKA", INNER CIRCLE
WHITE FIELD, NEAR K.R. PURAM
BANGALORE SOUTH TALUK

7. THE CHAIRMAN LAND TRIBUNAL,
BENGALURU SOUTH TALUK
BENGALURU-560 009
8. NAMMA WHITEFIELD RESIDENTS
WELFARE ASSOCIATION FEDERATION
C/O S V MILAN APARTMENTS, NO.1352
SWAMI VIVEKANANDA ROAD
UPKAR LAYOUT, WHITEFIELD
BENGALURU-560 066
REPRESENTED BY ITS PRESIDENT

...RESPONDENTS

(BY SRI MANMOHAN P N, ADVOCATE FOR R2 TO R5;
SRI K N PHANINDRA, SENIOR ADVOCATE FOR
SRI ABHINAY S, ADVOCATE FOR R6;
SMT. SHIVANI SHETTY, ADVOCATE FOR R8)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE
IMPUGNED ORDER DATED 19.11.2025 PASSED BY THE
LEARNED SINGLE JUDGE IN WRIT PETITION NO. 26097/2018
BY ALLOWING THIS APPEAL.

THESE APPEALS HAVING BEEN HEARD AND RESERVED
FOR JUDGMENT ON 14.08.2026, COMING ON FOR
PRONOUNCEMENT THIS DAY, **HON'BLE MR. JUSTICE**
D K SINGH PRONOUNCED THE FOLLOWING:

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

CAV JUDGMENT

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

PREFACE:

1. The present intra-court appeals have been filed impugning the judgment and order dated 19.11.2025 passed by the learned Single Judge in W.P.No.26097/2018, whereby the order dated 27.12.1980 passed by the Land Tribunal, Bengaluru South Taluk, in Case No.LRF.5063/79-80 was upheld and the writ petition came to be dismissed. W.A.No.2107/2025 has been filed by Namma Whitefield RWA Federation Trust and W.A.No.1861/2026 has been filed by the State of Karnataka (hereinafter referred to as 'the State').

FACTS OF THE CASE:

2. The land in Sy.No.54 (old Sy.No.15), measuring 11 acres 20 guntas, situated at Pattandur Agrahara Village, Bengaluru South Taluk originally belonged to one Muniswamappa of Hoskote, who sold the property to another Muniswappa of Ulsoor vide registered Sale Deed dated 06.06.1918 who in turn

sold the property in favour of Sri H.T.Thimmareddy vide registered Sale Deed dated 10.11.1927. On 18.10.1931 an extent of 20 Guntas of land in Sy.No.54 was acquired by the Government of Mysore (now Government of Karnataka) for the purpose of a bore well for water supply to Whitefield Village wherein the land was shown as dry land. On 07.11.1947 the legal heirs of Sri. H.T.Thimmareddy sold 11 Acres 20 Guntas of land in Sy.No.54 in favor of Captain Armugam Pillai Thyagarajan who in turn sold the property in favor of Sri.H.B.Munivenkatappa vide registered Sale Deed dated 26.12.1960.

3. The Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954 (hereinafter referred to as 'the Inams Abolition Act') came into force on 19.03.1955, and the said land in Sy.No.54 came to be vested in the state government. Sri. H.B. Munivenkatappa made an application under the provisions of the Inams Abolition Act before the Land Tribunal, Bangalore for re-grant of the said land. On 27.12.1980 the Land Tribunal granted occupancy rights of land in Sy.No.54, measuring 11 Acres 20 Guntas, situated at Pattandur Agrahara Village,

K.R.Puram Hobli, Bengaluru in favor of Sri. H.B. Munivenkatappa after collecting necessary premium amount.

4. An eviction notice dated 11.06.1979 was issued by the then Tahsildar to Sri. H.B. Munivenkatappa. The said notice was challenged by Sri. H.B. Munivenkatappa in W.P.No.7908/1979, which came to be allowed in the year 1987 and the notice dated 11.06.1979 was quashed. Being aggrieved, the State filed appeal in W.A.No.381/1988 against the judgment and order passed in W.P.No.7908/1979, which also came to be dismissed vide order dated 01.03.1988.

5. Thereafter, Sri.H.B.Munivenkatappa (original plaintiff) filed O.S.No.394/1993 seeking a declaration that he is the absolute owner of the land in Sy.No.54 by virtue of the registered sale deed and that the land is a 'Hiduvali' land and not a tank bed and also sought for permanent injunction restraining the State from interfering with the peaceful possession and enjoyment. The said suit came to be decreed in favor of legal heirs of late Sri H.B.Munivenkatappa vide order dated 24.01.1995 holding that they are the owners of the subject land and the land is a 'hinduvali land' and not a tank bed. The State preferred appeal in R.A.No.38/2004 which came

to be dismissed vide order dated 26.10.2004. The State thereafter filed appeal in R.S.A.No.2166/2006 which was allowed vide order dated 08.03.2007 and remanded the matter back to the lower appellate court to consider the case afresh. R.A.No.38/2004 filed by the State once again came to be dismissed vide order dated 17.12.2008 however, liberty was given to the State to challenge the legality of the order passed by the Land Tribunal.

6. The State filed R.S.A.No.142/2009 before this Court challenging the judgment and decree dated 17.12.2008 which came to be dismissed vide order dated 24.11.2016. The State thereafter filed S.L.P.(C)No.10357/2018 challenging the judgment and order dated 24.11.2016 and the same came to be dismissed by the Supreme Court both on delay and merits. A Review Petition (C) No.129/2019 filed by the State also came to be dismissed by the Supreme Court vide order dated 12.02.2019. W.P.No.24122/2018 & connected matter (PIL) filed by the Pattandur Agrahara Residential Welfare Associations federation in respect of the subject land also came to be dismissed vide order dated 24.04.2019.

7. The State has filed the present W.P.No.26097/2018 challenging the order dated 27.12.1980 passed by the Land Tribunal in LRF No.5063/79-80 which also came to be dismissed vide order dated 19.11.2025. The present intra-Court appeals have been filed impugning the order dated 19.11.2025

FINDINGS OF THE LEARNED SINGLE JUDGE IN W.P.NO.26097/2018:

8. The learned Single Judge has held that the validity and genuineness of the Land Tribunal order dated 27.12.1980 and the nature of the subject land had already been considered in the earlier proceedings.

9. The learned Single Judge has noted that the Division Bench of this Court in RSA No.2166/2006 and connected matters, had considered three important issues, viz.:

"i) Whether the suit schedule land which is "kere angala" could have been granted to Inamdar at all?

ii) Whether it could have been granted to a person who has purchased the schedule land after the schedule land vested with the Government?

iii) Whether any such grant at all?"

10. The learned Single Judge further noted that the Division Bench, after taking all the relevant facts and material, remanded the matter to find out whether an application in Form No.7 under the provisions of the Inams Abolition Act was filed by Sri. H.B. Munivenkatappa; whether an inquiry was held by the Land Tribunal; whether an order was passed by the land tribunal.

11. The learned Single Judge has noted that on remand, the lower appellate Court found that there was an entry in the register evidencing the fact that application was filed by Sri.H.B.Munivenkatappa before the Deputy Commissioner, Inams Abolition. The lower appellate court has come to a conclusion that the Land Tribunal held an enquiry and passed the order dated 27.12.1980 re-granting the subject land in favour of Sri.H.B.Munivenkatappa. The learned Single Judge also noted that the revenue records did not establish that Sy.No.54 was a tank bed as the two water bodies recorded in the village were situated in Sy.Nos.85 and 124 and not in Sy.No.54.

12. The learned Single Judge further noted that the sale transactions in respect of the subject land took place from the year 1918 and that the survey records did not mention the existence of a water tank or tank bed in Sy.No.54. It was further held that the very issues sought to be raised by the State had already been considered in the earlier proceedings, which culminated in RSA No.142/2009 and the dismissal of the SLP (C) No.10357/2018 by the Supreme Court.

13. The learned Single Judge therefore held that the writ petition was barred by the principles of *res judicata*. It was also held that the State could not be permitted to reopen the matter after such prolonged litigation. The challenge to the 1980 order was raised nearly 38 years after the order was passed by the land tribunal and nearly 20 years after the decree was passed by the lower appellate court. It was held that entertaining the writ petition would effectively give the State a second opportunity to agitate the same issue. The learned Single Judge further held that the State is equally bound by the principles governing delay and laches. The petition was accordingly dismissed.

**SUBMISSIONS ON BEHALF OF THE LANDOWNERS/
PRIVATE RESPONDENTS:**

14. Sri. K.N. Phaneendra, Senior Counsel assisted by Sri. Abhinay S. learned counsel, Sri. Manmohan P.N., learned counsel, Smt. Shivani Shetty, learned counsel appearing for the private respondents contend that the writ appeal is wholly devoid of merit and is liable to be dismissed. It is submitted that the subject land bearing Sy.No.54 measuring 11 Acres 20 Guntas of Pattandur Agrahara Village was granted in favour of Sri H.B. Munivenkatappa by the Land Tribunal vide order dated 27.12.1980, pursuant to which he was the owner of land.

15. It is further submitted that in O.S.No.394/1993, the Civil Court declared Sri H.B. Munivenkatappa to be the absolute owner of the subject property, and held that the land was a Hiduvali land and not a tank bed, and granted injunction against the State from any interference with his possession. The said judgment was affirmed in R.A.No.38/2004, thereafter in RSA No.142/2009, and the Special Leave Petition filed by the State before the Supreme Court was dismissed both on delay and merits, followed by dismissal of the review petition. The learned Senior Counsel therefore submits that the State cannot, after having unsuccessfully challenged the same

subject matter in several proceedings, once again question the jurisdiction of the Land Tribunal. It is submitted that the issue regarding the nature of the land, the validity and existence of the Land Tribunal's order and the State's challenge thereto had already been directly and substantially considered in the earlier proceedings and, therefore, the subsequent writ petition is barred by principles of *res judicata* as well as constructive *res judicata*.

16. The learned Senior Counsel further submits that the State, having admitted in its written statement the existence of the Land Tribunal's order and the sale deeds relating to the subject land, cannot now take a contrary stand and contend that no such order exists. The findings recorded by the appellate court in R.A.No.38/2004, after examination of the relevant records, including the Land Tribunal register, survey records and sketch, conclusively establish that the subject land was a Hiduvali land and not a tank bed. The said findings were thereafter affirmed by this Court as well as the Supreme Court.

17. The learned Senior Counsel further submits that the challenge to the Land Tribunal's order is barred by delay and laches. The writ petition was instituted nearly 38 years after

the order of the Land Tribunal and, even if the date of the liberty granted by the appellate court is taken into consideration, there remains a delay of about 20 years. Such extraordinary delay, according to the respondents, disentitles the State from invoking the discretionary jurisdiction of this Court.

SUBMISSIONS ON BEHALF OF THE STATE:

18. Sri. Kiran V. Ron, AAG assisted by Sri. Sudev Hegde, AGA appearing for the State would submit that the present proceedings arise out of the challenge to the alleged order dated 27.12.1980 passed by the Land Tribunal, Bengaluru, in LRF No.5063/1979-80. It is submitted that the very existence and legality of the said order is disputed by the State.

19. It is submitted that the proceedings in O.S.No.394/1993 and the subsequent appeals proceeded on the assumption that the alleged Land Tribunal order dated 27.12.1980 was a valid and existing order. The Regular Appellate Court, while dismissing the appeal, had expressly reserved liberty to the State to challenge the legality of the Land Tribunal order before this Court. The said liberty was not interfered with in the subsequent proceedings.

20. The principal contention of the State is that, even assuming the alleged order dated 27.12.1980 to be in existence, the Land Tribunal had no jurisdiction to grant the subject land, as the land in Sy.No.54 of Pattandur Agrahara Village is a Sarkari kere/tank bed. The land, being Jodi Inam land governed by the Inams Abolition Act, 1954, was incapable of being granted in view of Section 9 of the said Act. Consequently, the alleged order of the Land Tribunal, having been passed without jurisdiction and contrary to the statutory prohibition, is a nullity.

21. It is further submitted that the alleged order is itself fraudulent and non-existent. The document produced as the order dated 27.12.1980 describes the subject property as Sarkari kere, but does not bear the signatures of the Chairman or the Members of the Land Tribunal. It is also submitted that the original of the alleged order has never been produced before any Court and thus, the document relied upon by the respondents is not a genuine order of the Land Tribunal.

22. It is further submitted that the principles of *res judicata* cannot validate a fraudulent or non-existent order, particularly

when the issue of fraud and the legality of the Land Tribunal order were not finally adjudicated in the earlier proceedings and liberty had expressly been reserved to the State. The State accordingly submits that the learned Single Judge erred in dismissing the writ petition without examining the merits of the challenge.

23. It is also submitted that the State invokes the doctrine of public trust and the principle of *parens patriae*, stating that protection of public tanks and water bodies is a matter of public interest and that a public water body cannot be permitted to be converted into private property on the basis of an allegedly fraudulent or jurisdictionally void order. It therefore seeks setting aside of the order of the learned Single Judge and allowing of the writ appeal.

SUBMISSIONS ON BEHALF OF NAMMA WHITEFIELD RWA FEDERATION:

24. Sri. Akanksh Ashok learned counsel appearing for the appellant– Namma Whitefield RWA Federation would submit that the learned Single Judge erred in dismissing the writ petition on the grounds of delay and *res judicata* without examining the fundamental question regarding the existence

and validity of the alleged Land Tribunal order dated 27.12.1980. It is submitted that, even assuming the order exists, the Tribunal had no jurisdiction to grant occupancy rights over Sy.No.54, which is classified as a tank bed/Sarkari kere, in view of Section 9 of the Inams Abolition Act.

25. It is submitted that the Tippan, Settlement Register, Pakka Books and village map, as well as the reports of various committees constituted for protection of lakes in Bengaluru, consistently identify the subject land as a tank. Mere cultivation during dry periods cannot alter the legal character of a tank bed.

26. It is further submitted that the earlier proceedings did not finally determine the jurisdiction of the Tribunal to grant tank-bed land or the allegation of fraud. The liberty reserved in the earlier proceedings to challenge the legality of the Tribunal's order was not disturbed, and therefore, the principle of *res judicata* cannot operate against an issue which was not adjudicated on merits.

27. The learned counsel also submitted that an order obtained by fraud or passed without jurisdiction is a nullity, and

therefore cannot be sustained merely on the ground of delay. It is also submitted that the matter concerns the protection of a public water body and, therefore, the principles of public trust, *parens patriae* and the constitutional obligation to protect the environment are attracted.

POINTS FOR CONSIDERATION:

28. Having heard both the parties, the following points arise for consideration:

i. Whether the learned Single Judge was justified in holding that the challenge to the order dated 27.12.1980 passed by the Land Tribunal in LRF No.5063/79-80 could not be reopened in the present proceedings, particularly when the State contends that the said order was without jurisdiction in respect of the subject land?

ii. Whether the liberty granted by the lower appellate Court on 17.12.2008 enabled the State to maintain the writ petition filed on 18.06.2018 challenging the order dated 27.12.1980, notwithstanding the prolonged delay and laches?

ANALYSIS AND FINDINGS:

29. **Re. Point No.1:** The challenge of the State to the order dated 27.12.1980 proceeds principally on the premise that the Land Tribunal had no jurisdiction to grant occupancy rights in respect of the subject land, which, according to the State, was a Sarkari Kere/tank bed. The State would therefore contend that the order of the Land Tribunal is a nullity and that the question of its validity was not conclusively adjudicated in the earlier proceedings.

30. In order to examine this contention, it is necessary to take note of the course of litigation which preceded the filing of the present writ petition.

31. The order of the Land Tribunal came to be passed on 27.12.1980 in LRF No.5063/79-80 granting occupancy rights in favor of Sri. H.B. Munivenkatappa. The then Tahsildar issued eviction notice dated 11.06.1979 to H.B. Munivenkatappa asking him to vacate, as the subject land is a tank bed. Thus, Sri H.B. Munivenkatappa instituted O.S.No.394/1993, seeking a declaration of his title over Sy.No.54, specifically contending that the subject land was 'Hiduvali' land and not a tank bed. The suit came to be decreed on 24.01.1995, declaring the legal

heirs of late H.B. Munivenkatappa to be the owners of the subject property and holding the land to be a Hiduvali land and not a tank bed.

32. The State filed appeal in R.A.No.38/2004 which came to be dismissed and thereafter the State filed appeal before this Court in R.S.A.No.2166/2006 and vide order dated 08.03.2007, the matter was remanded for fresh consideration. The remand was not confined merely to the nature of the land. This Court directed examination as to whether the application in Form No.7 had been filed by Sri H.B. Munivenkatappa, whether an enquiry had been conducted by the Land Tribunal and whether an order had in fact been passed by the Tribunal.

33. Upon such remand, the lower appellate Court examined the relevant documents and found an entry in the register evidencing the filing of the application in Form No.7 under the provisions of the Inams Abolition Act. It further recorded a finding that an enquiry had been conducted by the Land Tribunal and that the order dated 27.12.1980 had been passed granting the subject land in favour of Sri H.B. Munivenkatappa.

34. The lower appellate Court also considered the revenue and survey records and found that they did not establish Sy.No.54 to be a tank bed. In particular, it was noted that the water bodies recorded in the village were situated in Sy.Nos.85 and 124 and not in Sy.No.54.

35. The lower appellate Court once again dismissed R.A.No.38/2004 vide order dated 17.12.2008 granting the State a liberty to challenge the order dated 27.12.1980 passed by the land tribunal. The State challenged the said judgment in R.S.A.No.142/2009, which came to be dismissed by this Court vide order dated 24.11.2016. The State thereafter approached the Supreme Court in SLP (C) No. 10357/2018 which came to be dismissed, followed by dismissal of the review petition vide order dated 12.02.2019. Thus, the record does not disclose a circumstance where the State is seeking to challenge an order which had previously never been the subject matter of judicial scrutiny. On the contrary, the existence of the Land Tribunal proceedings, the passing of the order dated 27.12.1980 and the nature of the subject property were all matters which arose for consideration in the earlier proceedings. Following the

remand by this Court, the lower appellate Court specifically examined the records and findings on these aspects.

36. The State contends that the earlier proceedings cannot operate as a bar because the order dated 27.12.1980 is alleged to be fraudulent, non-existent and without jurisdiction. It is further contended that, being a tank bed, the subject land could not have been granted by the Land Tribunal and that a jurisdictionally void order does not acquire validity merely by passage of time. However, that very factual premise had been placed in issue in O.S.No.394/1993 and was also considered in the subsequent appellate proceedings. The Civil Court, on 24.01.1995, held the land to be Hiduvali land and not a tank bed. More importantly, after the remand by this Court, the lower appellate Court once again examined the relevant survey and revenue records and recorded its findings. Therefore, the State cannot, in the present case, proceed on the assumption that the subject land was conclusively established to be a tank bed and, on that basis alone, contend that the Tribunal acted without jurisdiction.

37. The principle of finality of litigation applies with equal force to the State. In the case of **DARYAO AND OTHERS vs**

STATE OF U.P. AND ANOTHER [AIR 1961 SC 1457] the Constitution Bench of Supreme Court recognised the applicability of the principles of *res judicata* to proceedings under Article 226. In the case of **FORWARD CONSTRUCTION CO. AND OTHERS vs PRABHAT MANDAL (REGD.), ANDHERI AND OTHERS [(1986) 1 SCC 100]**, the Supreme Court reiterated the applicability of the principles of *res judicata* and constructive *res judicata* to subsequent proceedings and emphasised the need to prevent repeated litigation on matters which have already been adjudicated.

38. The present case is also distinguishable from a situation where a party discovers, for the first time, that an order relied upon against it was fabricated or that the authority which passed it had demonstrably lacked jurisdiction. In the case on hand, the State itself was litigating party and was fully aware of the Land Tribunal order and the dispute concerning the nature of the subject land. After the remand, the lower appellate Court examined the relevant material and recorded its findings. Those findings were thereafter challenged before this Court in RSA No.142/2009 and the matter was carried further to the Supreme Court.

39. Consequently, the State cannot convert the plea of jurisdictional error into an independent means of reopening the entire dispute after having participated in the earlier proceedings and exhausted its appellate remedies. It is also relevant to note that the lower appellate Court's finding was not based solely upon the Land Tribunal order. The Court considered the historical revenue records, as well as the longstanding sale transactions concerning the property. The land in question has been the subject matter of registered transactions commencing from 1918, and that an extent of 20 guntas was acquired by the Government on 18.10.1931 for a borewell, where the land was shown as 'dry land' in the gazette notification published for the acquisition of 20 guntas in the Sy.No.54. These facts were part of the records considered in the earlier litigation and cannot now be disregarded while examining the State's jurisdictional objection.

40. We, therefore, find that the State has not demonstrated any circumstance which would justify treating the order dated 27.12.1980 as an order wholly outside the jurisdiction of the Land Tribunal so as to permit the entire matter to be reopened

in the present proceedings. The learned Single Judge was justified in taking note of the earlier adjudication and rejecting to permit a fresh challenge to the same subject matter.

41. This conclusion is also consistent with the broader principle that a party cannot be permitted to repeatedly challenge the same adjudication by changing the formulation of the ground of challenge in successive proceedings. The State having already questioned the rights of Sri H.B. Munivenkatappa and the nature of the subject land, and having pursued the matter through successive appellate stages, cannot now seek a fresh adjudication merely by characterising the same issue as one relating to jurisdiction.

42. **Re. Point No.2**: While disposing of R.A.No.38/2004 vide order dated 17.12.2008, the lower appellate Court granted liberty to the State to challenge the legality of the order dated 27.12.1980 passed by the Land Tribunal. The State places reliance upon this liberty to contend that the writ petition filed by it was maintainable.

43. We are unable to accept the submission that the said liberty, by itself, entitled the State to approach this Court at

any point of time thereafter. The liberty granted by the lower appellate Court has to be understood in the context in which it was granted. It enabled the State to avail an appropriate remedy against the order of the Land Tribunal; it did not exempt the State from the settled principles governing the exercise of extraordinary jurisdiction under Article 226 of the Constitution, including the requirement that such jurisdiction must be invoked within a reasonable time.

44. The R.S.A.No.142/2009 assumes significance. The State challenged the judgment and order dated 17.12.2008 before this Court in R.S.A.No.142/2009 wherein the land tribunal's order dated 27.12.1980 was not specifically assailed. The liberty granted in R.A.No.38/2004 although was available to the State, was not exercised in the proceedings initiated by it before this Court. Despite the liberty having been granted on 17.12.2008, the State invoked the writ jurisdiction of this Court only on 18.06.2018. Thus, there was a delay of approximately nine and a half years from the date on which the liberty was granted. The challenge has been instituted nearly 38 years from the date of passing of order by the land tribunal. The learned Single Judge has noted both these aspects while

rejecting to entertain the writ petition. The mere availability of a liberty granted by the appellate Court cannot be construed as a continuing permission to keep the matter open indefinitely. Once a party is granted liberty to pursue a particular remedy, such remedy must nevertheless be pursued with reasonable time. The passage of several years, particularly where the rights of the opposite party have been the subject matter of repeated adjudication, cannot be disregarded.

45. The principle is well settled that though no fixed period of limitation is prescribed for invoking Article 226, the extraordinary jurisdiction of the High Court is discretionary and may be rejected where the petitioner is guilty of unreasonable delay and laches. In the case of **STATE OF MADHYA PRADESH AND ANOTHER vs BHAILAL BHAI AND OTHERS, [AIR 1964 SC 1006]**, the Constitution Bench of Supreme Court held that the High Court may refuse the relief under Article 226 where the delay is unreasonable. This principle has subsequently been reiterated in the case of **STATE OF M.P. AND OTHERS vs NANDLAL JAISWAL AND OTHERS [(1986) 4 SCC 566]**, wherein the Supreme Court made it clear that the State is not immune from the doctrine of delay

and laches. Likewise, in the case of **KARNATAKA POWER CORPN. LTD. vs K. THANGAPPAN AND ANOTHER [(2006) 4 SCC 322]**, the Supreme Court reiterated that the discretionary jurisdiction under Article 226 is not ordinarily exercised in favor of a party which has slept over its rights for an unreasonable length of time.

46. We are also unable to accept the submission that the liberty granted by the lower appellate Court nullified the effect of the subsequent proceedings in R.S.A.No.142/2009. The State itself chose to challenge the judgment dated 17.12.2008 before this Court in R.S.A.No.142/2009. Having not pursued the liberty, it cannot treat the same as an independent and unlimited source of right to reopen the matter years later.

47. The fact that the appellant is the State does not make the principle of delay and laches inapplicable. On the contrary, where the State seeks to unsettle rights which have been the subject matter of litigation for decades, the requirement of diligence assumes greater significance. The subsequent plea of the State that the Land Tribunal order is fraudulent or non-existent also does not furnish a satisfactory explanation for the

delay. The existence and legality of the order had already been challenged in the earlier proceedings, and after remand the lower appellate Court examined the relevant material and recorded its findings. The State thereafter pursued its appellate remedies. The plea of fraud, therefore, cannot be used as a device to overcome the consequences of prolonged inaction.

48. We are consequently of the considered view that the liberty granted on 17.12.2008 did not confer an unrestricted right upon the State to challenge the order dated 27.12.1980 after a delay of nearly nine and a half years. The writ petition was filed after the parties had already undergone prolonged litigation concerning the very same land and the very same order. The learned Single Judge was, therefore, justified in rejecting the exercise of discretionary jurisdiction of this Court on the ground of delay and laches.

CONCLUSION:

49. In view of the above discussion, we are of the considered view that the learned Single Judge was justified in rejecting to entertain the challenge to the order dated 27.12.1980 passed by the Land Tribunal in LRF No.5063/79-80. The subject matter

had already been considered in the earlier proceedings culminating in the judgment and order dated 13.04.2018 passed by Supreme Court in SLP (C) No.10357/2018. The liberty granted by the lower appellate Court on 17.12.2008 did not confer an unrestricted right upon the State to challenge the Land Tribunal order at any point of time. The State, having invoked successive remedies and having failed to obtain a reversal of the findings concerning the subject land, cannot be permitted to reopen the same matter through a belated writ petition. The writ petition filed on 18.06.2018, nearly 38 years after passing of the order by the Land Tribunal and about nine and a half years after the liberty granted by the lower appellate Court, suffers from gross and unexplained delay and laches.

50. We are, therefore, of the considered view that the learned Single Judge was justified in dismissing W.P.No.26097/2018. We find no ground warranting an interference in the present intra-court appeals. The judgment and order dated 19.11.2025 passed by the learned Single Judge in W.P.No.26097/2018 is affirmed. Accordingly, the writ appeals W.A.No.2107/2025 and W.A.No.1861/2026 are *dismissed*.

51. Pending interlocutory applications, if any, do not survive for consideration and accordingly stand disposed of.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

BKV
CT:SN