HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE S RACHAIAH

WRIT APPEAL NO. 862 OF 2024 (LR)

BETWEEN:

1. MR GABRIAL MATHIAS
C/O AMBROSE MATHAIAS,
AGED ABOUT 73 YEARS,
R/AT 1-149 KUMERU BETU HOUSE,
PILARU VILLAGE, HALSINAKATTE POST,
KAPU TALUK, UDUPI - 574 113.

APPELLANT

(BY SRI. KIRAN N., ADVOCATE)

AND:

Digitally signed by SREEDHARAN BANGALORE SUSHMA LAKSHMI
Location: High Court of Karnataka

1. MRS VASANTHI BHANDARI
W/O LATE P NARAYANA BHANDARI
AGED ABOUT 81 YEARS,

2. MRS USHA BHANDARI
D/O LATE P NARAYANA BHANDARI
AGED ABOUT 56 YEARS,

3. MRS ASHA BHANDARI
D/O LATE P NARAYANA BHANDARI
AGED ABOUT 53 YEARS,

4. MR UMANATH BHANDARI
S/O LATE P NARAYANA BHANDARI

AGED ABOUT 51 YEARS,

5. MR PREMANATH BHANDARI
S/O LATE P NARAYANA BHANDARI
AGED ABOUT 49 YEARS,

6. MR RAVIRAJ BHANDARI
S/O LATE P NARAYANA BHANDARI
AGED ABOUT 47 YEARS,
ALL THE ABOVE ARE R/AT
KUMERU BETTU HOUSE,
PILARU VILLAGE, HALSINAKATTE POST,
KAPU TALUK UDUPI DISTRICT - 574 113

7. THE LAND TRIBUNAL
REPRESENTED BY ITS CHAIRMAN
KAPU TALUK,
UDUPI DISTRICT 574 106.

8. THE SPECIAL TAHASILDAR,
LAND TRIBUNAL LAND REFORMS,
UDUPI 574 106.

9. THE ASSISTANT COMMISSIONER,
KUNDAPURA SUB DIVISION,
KUNDAPURA, UDUPI DISTRICT 576 201.

10. THE TAHASILDAR,
KAPU TALUK,
UDUPI DISTRICT 574 106

…RESPONDENTS

(BY SRI. G.S. ARUNA,HCGP FOR R7 TO R10)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO i) ALLOW THE WRIT APPEAL FILED BY THE APPELLANT BY SETTING ASIDE THE IMPUGNED ORDER DATED 09.01.2024, PASSED IN WP No. 18502/2023 BY THE

HONBLE SINGLE JUDGE OF THIS HONBLE COURT, IN THE INTEREST OF JUSTICE, EQUITY, ii) CONSEQUENTLY TO ALLOW THE WP No. 18502/2023 (L-R), iii) PASS SUCH OTHER ORDER, DIRECTION AS THIS HONBLE COURT DEEMS FIT IN THE CIRCUMSTANCES OF THE CASE IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE S RACHAIAH

ORAL JUDGMENT

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

The present Writ Appeal has been filed impugning the judgment and order dated 09.01.2024 passed by the learned single judge in Writ Petition No. 18502/2023 filed by the appellant.

2. The parties are referred to as per their ranking before the Writ Court for the sake of convenience.

3. The petitioner has filed Writ Petition under Articles 226 & 227 of the Constitution of India, praying therein to call for the entire records pertaining to Case No. LRY-110-184 and 255-TRI-1420A and 1421/1981-82 from

the Land Tribunal and quashed the entire order passed in common case number LRY 110-184 and 255-TRI 1420 and 1421-1981-82 dated 11.09.1981.

4. The Writ Petition No. 23755 of 1981 was filed by Sri. P. Narayana Bhandari. Respondents No. 1 to 6 claim through said P. Narayana Bhandari. Said Sri. P. Narayan Bhandari had challenged the very same impugned order as sought to be challenged by the petitioner in the present petition. The father of the petitioner was the respondent in the said Writ Petition. The learned single has allowed the Writ Petition and set aside the order dated 11.09.1981 only insofar as the schedule 'A' was concerned. In respect of Schedule A, the occupancy rights were granted in favour of the petitioner's mother.

5. The respondents had taken an objection before the Writ Court that once the rights got crystallized by the judgment dated 25.11.1983 in W.P.No.23755/1981, filing of the petition by the petitioner that too after 42 years of

long delay and unexplained latches, would not be maintainable. Further, the writ petition No. 23755/1981 was between the same parties in respect of the same subject matter, and therefore, the Writ Petition filed by the petitioner was also caught by the principle of this petition.

6. Considering the aforesaid facts, we do not find error in the judgment of the learned single Judge either on law or facts, therefore, it does not require an interference by this Court. Therefore, we dismiss this Writ Appeal, however, delay in filing the Writ Appeal is condoned.

The appeal is dismissed.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(S RACHAIAH)
JUDGE

BVK
List No.: 2 Sl No.: 1