HC-KAR

NC: 2026:KHC:61978
RP No. 438 of 2023

CNR: KAHC010482292023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.G.PANDIT

REVIEW PETITION NO. 438 OF 2023

BETWEEN:

SRI. VIDYADHAR SHETTY N
S/O N BHANDARI SHETTY
AGED ABOUT 64 YEARS
KOLANDU GUTHU HOUSE
BELLARU VILLAGE
HALE ANGADI POST
MANGALORE- 574146.

...PETITIONER

(BY SRI. SANATH KUMAR SHETTY K., ADV.)

AND:

1. SMT. KAMALA
   W/O LATE VENKAPPA MOILY
   AGED: MAJOR
   R/AT PADU PADAVU HOUSE
   MADYA POST
   KULHETHUR VILLAGE
   MANGALORE- 575030.

2. DAYANANDA DEVADIGA
   S/O LATE VENKAPPA MOILY
   AGE: MAJOR
   R/AT PADU PADAVU HOUSE
   MADYA POST
   KULHETHUR VILLAGE
   MANGALORE- 575030.

3. KESHAVA DEVADIGA
   W/O LATE VENKAPPA MOILY

Digitally signed by NANJUNDACHARI
Location: High Court of Karnataka

AGE: MAJOR
R/AT PADU PADAVU HOUSE
MADYA POST
KULHETHUR VILLAGE
MANGALORE- 575030.

4. SMT. HEMAVATHI DEVADIGA
D/O LATE VENKAPPA MOILY
AGE: MAJOR
R/AT PADU PADAVU HOUSE
MADYA POST
KULHETHUR VILLAGE
MANGALORE- 575030.

5. VISHALAKSHMI DEVADIGA
D/O LATE VENKAPPA MOILY
AGED: MAJOR
R/AT PADU PADAVU HOUSE
MADYA POST,
KULHETHUR VILLAGE
MANGALORE -575030.

6. YAJNESH S/O LATE VENKAPPA MOILY
AGED: MAJOR
R/AT PADU PADAVU HOUSE
MADYA POST,
KULHETHUR VILLAGE
MANGALORE -575030.

7. LAND TRIBUNAL (III) MANGALORE
REP. BY IS CHAIRMAN
MANGALORE -574142.

8. STATE OF KARNATAKA
DEPARTMENT OF REVENUE
REP. BY ITS SECRETARY
M S BUILDING
DR. AMBEDKAR VEEDHI
BENGALURU – 560001.

9. SMT. RAMU HENASU
W/O LATE ANGARA POOJARI
AGE: MAJOR
SHIMANTHARU VILLAGE

PANJINADKA
MANGALORE TALUK
DAKSHINA KANNADA – 574124.

…RESPONDENTS

(BY SRI. RAVISHANKAR SHASTRY G., ADV. FOR R1 TO 6
R7 & R8 ARE SERVED & UNREPRESENTED)

THIS REVIEW PETITION IS FILED UNDER ORDER 47 RULE 1 READ WITH SECTION 114 OF THE CPC, PRAYING TO ALLOW THIS REVIEW PETITION AND CONSEQUENTLY REVIEW THE ORDER DATED 11.04.2023 PASSED IN WP NO. 46085/2013 (LR) AND THEREBY ALLOW THE SAID WRIT PETITION IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT

ORAL ORDER

This review petition filed under Order 47 Rule 1 read with Section 114 of the Code of Civil Procedure, 1908 is directed against the order dated 11.04.2023 in Writ Petition No.46095 of 2013 (LR) wherein the petitioner's challenge to quash the Land Tribunal order dated 15.11.1980 granting occupancy rights to respondents is rejected.

2. Heard the learned counsel, Sri.Vinayaka.B., appearing for the review petitioner and Sri.G.Ravishankar

Shastry, learned counsel appearing for Respondent Nos.1 to 6.

3. Learned counsel appearing for the review petitioner would submit that the petitioner is a purchaser of the land measuring 29.33 cents in Sy.No.31-A1 now redesigned as Sy.No.31/A-7 of Chitrapu Village, Mulky, Mangaluru Taluk, from one Smt.Susheela Hegde @ Susheela Shedthi under Sale Deed dated 12.01.2009. However, the Land Tribunal by order dated 15.11.1980 had granted occupancy rights in favour of Respondent Nos.1 to 6. The landlord from whom the petitioner had purchased had not challenged the order of the Land Tribunal. As on the date of the finding recorded under order, under review, is that the vendor of the petitioner had no title or interest over the property as on the date of the Sale Deed since earlier itself, the land vested with the Government and occupancy rights were granted in favour of Respondent Nos.1 to 6.

4. The grounds urged by the petitioner are already considered in the writ petition and other grounds urged are not grounds for review, as review is not an appeal. No error apparent on the face of the order is pointed out. No grounds made out. Review Petition stands ***rejected.***

Sd/-
(S.G.PANDIT)
JUDGE

DH
CT:bms
List No.: 1 Sl No.: 1