HC-KAR

NC: 2026:KHC:60967
WP No. 28599 of 2023

CNR: KAHC010656282023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO. 28599 OF 2023 (KLR-RES)

BETWEEN:

SMT. SAROJA A,
W/O LATE GOVINDANAYAK,
AGED 60 YEARS,
RESIDING AT AJIRALA HOUSE,
UPPINANGADI VILLAGE, PUTTUR TALUK,
D.K.DISTRICT - 574 288.

…PETITIONER

(BY SRI. K. SHRIHARI., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
   DEPARTMENT OF REVENUE,
   M S BUILDING,
   AMBEDKAR VEEDHI,
   BENGALURU - 560 001.

2. THE DEPUTY COMMISSIONER,
   MANGALORE,
   D.K.- 575 001.

3. THE ASSISTANT COMMISSIONER,
   PUTTUR SUB DIVISION,
   D.K.DISTRICT - 574 201.

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

4. UPPINANGADI VILLAGE PANCHAYATH,
VILLAGE PANCHAYATH BUILDING,
NEAR BUS STAND,
UPPINANGADI,
PUTTUR TALUK - 574 241,
BY ITS PDO.

…RESPONDENTS

(BY SRI.ADITYA DIWAKARA, AGA FOR R1 TO R3;
SRI.S.RAJASHEKAR, ADVOCATE FOR R4)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 29/08/2023 IN REVENUE APPEAL NO.1174/2016 PASSED BY THE HONBLE KARNATAKA ADMINISTRATIVE TRIBUNAL FILED AS ANNEXURE - A, TO THE WP AND ETC.,

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

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

ORAL ORDER

Sri S.Rajashekar, learned counsel accepts notice for respondent No.4.

2. In this writ petition, petitioner is assailing the order dated 29.08.2023 in Appeal No.1174/2016 (Annexure-A) passed by the Karnataka Appellate Tribunal, dismissing the appeal filed by the petitioner herein.

3. Perusal of the impugned order would indicate that the petitioner is claiming the right based on the grant made by the respondent-authorities for the purpose of Graveyard as well as the Solid Waste Management plant which requires to be heard along with the Appeal No.495/2022, which is pending consideration before the competent Tribunal.

4. Sri.K.Shrihari, learned counsel appearing for the petitioner refers to the observation made by the KAT at paragraph No.5 and submitted that as the land in question which has been granted to the respondent No.4-Panchayath for the purpose of the solid waste management and also, the land which has been granted in respect of the graveyard, are one and the same in respect of the identical survey number and therefore, the Tribunal has committed an error in disposing the Appeal No.1174/2016. However, the Appeal No.495/2022 is still pending consideration before the competent Tribunal and accordingly, sought for interference of this Court.

5. Per contra, Sri.S.Rajashekar, learned counsel appearing for the respondent No.4 submitted that by referring to the averments made in the statement of objections that the orders dated 22.04.2016 and 16.06.2016 passed by respondent No.2 relate to distinct reservations of land, namely, reservation of land for Solid Waste Management Plant and reservation of land for Burial Ground/Graveyard respectively and therefore, sought to justify the impugned order passed by the Karnataka Appellate Tribunal stating that the impugned order passed by the Karnataka appellate Tribunal is just and proper, which requires to be confirmed in this Writ Petition.

6. Per contra, learned Additional Government Advocate also sought to justify the impugned order.

7. In the light of the submissions made by the learned counsel appearing for the parties and on careful consideration of the material on record would indicate that

the subject matter of the land in Appeal No.495/2022 and in Appeal No.1174/2016 are one and the same and is of land bearing Sy.No.104/1A1AP1, measuring 45 cents of land situated in Uppinangadi Village, Puttur Taluk.

8. In that view of the matter, I find force in the submission made by the learned counsel appearing for the petitioner that the aforementioned appeal has to be heard together and the Karnataka Appellate Tribunal shall pass appropriate orders after affording opportunity of hearing to both the parties. It is also made clear that this Court has not expressed any opinion on the merits of the case and all the contentions of the parties are kept open to be heard before the Karnataka Appellate Tribunal.

9. At this juncture, learned counsel appearing for the parties submitted that the Appeal No.495/2022 is scheduled to be listed on 12.11.2026 before the Karnataka Appellate Tribunal. In that view of the matter, the Appeal No.1174/2016, which is impugned in this writ petition, is

also to be heard by the Karnataka Appellate Tribunal on **12.11.2026** along with Appeal No.495/2022.

10. Accordingly, I pass the following:-

ORDER

(i) Writ petition is allowed.

(ii) The order dated 29.08.2023 in Appeal No.1174/2016 (Annexure-A) on the file of the Karnataka Appellate Tribunal, Bengaluru, is accordingly set aside and the matter is remitted to the Karnataka Appellate Tribunal, Bengaluru, to reconsider the appeal afresh, along with Appeal No.495/2022, which is pending consideration before the Karnataka Appellate Tribunal and pass appropriate orders, expeditiously, in accordance with law.

SD/-
(E.S.INDIRESH)
JUDGE

PSJ
List No.: 1 Sl No.: 17