NC: 2024:KHC-D:2583
WP No. 107375 of 2023

**IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH**

**DATED THIS THE 6TH DAY OF FEBRUARY, 2024**

**BEFORE**

**THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR**

**WRIT PETITION NO. 107375 OF 2023 (LR-)**

**BETWEEN:**

1. SHRI. MAHADEVI W/O BASANGOUDA PATIL
   AGE. 66 YEARS, OCC. HOUSEWIFE,
   R/O. 4TH CROSS, SADASHIVA NAGAR,
   HUBBALLI, TQ. HUBBALLI,
   DIST. DHARWAD-580024.

2. SRI. MANJUNATH S/O BASANGOUDA PATIL
   AGE. 48 YEARS, OCC. AGRICULTURE,
   R/O. 4TH CROSS, SADASHIVA NAGAR,
   HUBBALLI, TQ. HUBBALLI,
   DIST. DHARWAD-580024.

3. SHRI. VIJAY KUMAR S/O BASANAGOUDA PATIL,
   AGE. 39 YEARS, OCC. HOUSEWIFE,
   R/O. SADASHIVA NAGAR, TQ. HUBBALLI,
   DIST. DHARWAD-580024.

4. SHRI. SANTOSH S/O BASANAGOUDA PATIL
   AGE. 37 YEARS, OCC. AGRICULTURE,
   R/O. SADASHIVA NAGAR, TQ. HUBBALLI,
   DIST. DHARWAD-580024.
   SENIOR CITIZEN BENEFIT NOT CLAIMED.

...PETITIONERS

(BY SRI. SANTOSH NARGUND, ADVOCATE)

SUJATA SUBHASH PAMMAR
Digitally signed by SUJATA SUBHASH PAMMAR
Date: 2024.02.09 06:14:32 +0530

**AND:**

1. THE LAND TRIBUNAL
   HUBLI DIVISION,
   HUBBALLI,
   BY ITS CHAIRMAN -580025.

2. SHRI. VIRUPAKSHGOUDA
   S/O PARVATGOUDA MADNUR,
   AGE. 72 YEARS, OCC. AGRICULTURE,
   R/O. PALE VILLAGE, TQ. HUBBALLI,
   DIST. DHARWAD-580034.

3. SRI. MALLIKARJUNGOUDA
   S/O PARVATGODA MADNUR,
   AGE. 69 YEARS, OCC. AGRICULTURE,
   R/O. PALE VILLAGE, TQ. HUBBALLI,
   DIST. DHARWAD-580034.

…RESPONDENTS

(BY SRI. M.S.MATHAPATHI, ADVOCATE FOR R2 AND R3)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT OF CERTIORARI BY QUASHING THE IMPUGNED ORDER PASSED BY THE RESPONDENT NO.1 KLR/SR/PAALE/07, AT ANNEXURE-G, AND DELETE THE NAME OF THE RESPONDENTS NO.2 AND 3 IN RESPECT OF LAND BEARING SY. NO. 99/1 MEASURING 5 ACRES 1 A GUNTAS, SY.NO. 3/2 MEASURING 1 ACRE 5 GUNTAS, SY.NO. 63/2 MEASURING 24 GUNTAS AND SY.NO. 84/1 MEASURING 1 ACRE 23 GUNTAS SITUATED AT PALE VILLAGE, HUBBALLI TALUKA.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

The order dated 01.02.2023 passed by the Land Tribunal Hubballi, by which, occupancy rights granted in favour of respondent Nos.2 and 3 in respect of the subject lands is impugned in this petition.

2. Learned counsel for the petitioners and respondent Nos.2 and 3 have filed a memorandum of compromise petition under Order XXIII Rule 3 R/w Section 151 of C.P.C. stating that they have amicably resolved the dispute among themselves and in terms of the settlement, the impugned order may be modified by rejecting the Form No.7 filed by respondent Nos.2 and 3 in respect of the land bearing Sy.No.63/2 measuring 24 guntas situated at Pale Village.

3. The compromise petition is placed on record.

4. The Land Tribunal by impugned order granted the occupancy rights in favour of respondent Nos.2 and 3 in respect of the land bearing Sy.No.99/1, 3/2, 63/2 and 84/1.

4. Respondent Nos.2 and 3 in the compromise petition categorically stated that though they were not cultivating the land bearing Sy.No.63/2 and inadvertently Form No.7 was filed and occupancy rights have been granted. Therefore, they have no objection for quashing the impugned order in so far as it relates to granting occupancy rights in respect of the land bearing Sy.63/2. In turn the petitioners have agreed that respondent Nos.2 and 3 were cultivating the remaining land

i.e., lands in Sy.No.99/1, 3/2 and 84/1, and the Land Tribunal has rightly granted occupancy rights in favour of respondent Nos.2 and 3. Therefore, the petition requires to be disposed of in terms of the settlement arrived between the parties. Accordingly, I proceed to pass the following:

ORDER

i) The writ petition is ***allowed in part***.

ii) The impugned order dated 01.02.2023 passed by respondent No.1 at Annexure-G in so far as it relates to granting occupancy rights in favour of respondent Nos.2 and 3 in respect of the land bearing Sy.No.63/2 measuring 24 guntas situated at Pale Village, Taluk Hubballi stands quashed.

iii) The other portion of the land granting occupancy rights in favour of respondent Nos.2 and 3 remains unaltered.

iv) The petitioners are at liberty to file an application with the Tahasildar concerned for mutating their names in the revenue records in respect of the land bearing Sy.No.63/2 after deleting the names of respondent Nos.2 and 3.

**Sd/-**
**JUDGE**

SSP. CT:GSM
List No.: 1 Sl No.: 35