IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JULY, 2024

BEFORE

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

WRIT PETITION NO.17141 OF 2023 (LR)

BETWEEN:

MR. GANESH SHETTY AIKALA
S/O LATE VENKAPPA SHETTY ATHUR GUTHU
AGED ABOUT 58 YEARS
R/A ATHUR GUTHU
KEMRAL POST
ATTUR VILLAGE,MULKI TALUK
DAKSHINA KANNADA -574146.

...PETITIONER

(BY SRI. ANANDARAMA K., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   DEPARTMENT OF REVENUE
   VIDHANA SOUDHA
   BANGALORE-575001
   REPRESENTED BY SECRETARY TO GOVERNMENT.

2. THE MANGALORE LAND REFORMS TRIBUNAL
   MANGALORE TALUK
   MANGALORE - 575 030
   REPRESENTED BY ITS CHAIRMAN.

3. SHRIDHAR SHETTY
   S/O LATE LINGU SHETTY
   AGED ABOUT 74 YEARS

4. PRASANNA SHETTY
   S/O LINGU SHETTY
   AGED ABOUT 59 YEARS

Digitally signed by SHARMA ANAND CHAYA
Location: High Court of Karnataka

RESIDING AT PUCHCHADI HOUSE
DOOR NO.1-12
SOORINJE VILLAGE
SURATHKAL HOBLI
MANGALORE TALUK
DAKSHINA KANNADA -575030.

5. MR. BADA SHETTY
FATHER'S NAME NOT KNOWN
AGED ABOUT 80 YEARS
R/AT PRKASH GENERAL STORE
CHENNEBORI NAKA
PAPDI POST
VASAI, THANE DISTRICT
MAHARASHTRA-401207.

6. MR. SESA SHETTY
FATHERS NAME NOT KNOWN
AGED ABOUT 78 YEARS
R/AT PRAKASH GENERAL STORE
CHANNEBORI NAKA
PAPDI POST, VASAI, THANE DISTRICT
MAHASRASHTRA-401207.

7. MS. VISHALAKSHI SHETTY
D/O PADMAVATHI SHETTY AND NARAYANA SHETTY
AGED ABOUT 85 YEARS

8. MS. SAROJINI SHETTY
D/O PADMAVATHI SHETTY AND NARAYANA SHETTY
AGED ABOUT 84 YEARS

9. MS. RATHI SHETTY
D/O PADMAVATHI SHETTY AND NARAYANA SHETTY
AGED ABOUT 83 YEARS

10. MR. RAMANNA SHETTY
S/O NAGAMMA SHETTY
GRANDSON OF PADMAVATHI SHETTY
AGED ABOUT 64 YEARS

11. MR. SHAMBHA SHETTY
S/O NAGAMMA SHETTY
GRANDSON OF PADMAVATHI SHETTY
AGED ABOUT 63 YEARS

12. MR DUGGAPPA SHETTY
S/O NAGAMMA SHETTY
GRANDSON OF PADMAVATHI SHETTY
AGED ABOUT 62 YEARS

13. MS. KAMALA SHETTY
D/O NAGAMMASHETTY
GRAND DAUGHTER OF PADMAVATHI SHETTY
AGED ABOUT 61 YEARS

14. MS. DEVAKI SHETTY
D/O NAGAMMA SHETTY
GRAND DAUGHTER OF PADMAVATHI SHETTY
AGED ABOUT 60 YEARS

RESPONDENTS 7 TO 14 ARE
R/AT DOOR NO.1-13(A)
ATHUR VILLAGE
KOIKUDE POST
MULKI TALUK-574146.

15. MULKI VENKTRAMANA DEVARU
CAR STREET
MULKI
DAKSHINA KANNADA-574154.

…RESPONDENTS

(BY SRI. RAJENDRA K.R., AGA FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 06.10.1981 ANNEXURE-B PASSED BY THE MANGALORE LAND REFORMS TRIBUNAL, MANGALURU,

DAKSHINA KANNADA RESPONDENT NO.2 HEREIN IN CASE NO.LRT.837 AND 852/81-82.

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

ORDER

1. Sri. Rajendra K.R., learned Additional Government Advocate accepts notice for respondent No.1. He is permitted to file memo of appearance in the Registry, within two weeks.

2. In this writ petition, petitioner is assailing the order dated 06.10.1981 passed by the Land Tribunal, Mangalore, Dakshina Kannada in LRT NO.837 and 852/1981-82.

3. It is urged by Sri. K. Anandarama, learned counsel for the petitioner, that father of the petitioner was a chalageni tenant in respect of the subject land and Venkatashetty was not represented by his legal heirs though it has been shown as represented by Sri. L. Shetty (nephew) and accordingly, he submitted that as the legal representatives of Venkatashetty have not been heard in the matter and further the petitioners herein are in possession of the land in question, the order

dated 06.10.1981 passed by the Land Tribunal requires to be interfered with in this writ petition.

4. Per contra, learned Additional Government Advocate submitted that the writ petition is filed challenging the order dated 06.10.1981 after a period of fortythree years and accordingly, sought for dismissal of the writ petition on the ground of delay and laches.

5. Having taken note of the submissions made by the learned counsel appearing for the parties, it is not in dispute with regard to the fact that the Land Tribunal at Mangalore, Dakshina Kannada has passed the impugned order on 06.10.1981. Though it is contended by the learned counsel appearing for the petitioner that petitioner is in possession of the land in question, however, perusal of the averments made in the writ petition makes it clear that no acceptable reasons have been made out to condone the delay of more than four decades. In that view of the matter, I am of the view that, the writ petition deserves to be dismissed on the ground of delay and laches.

6. However, having taken note of the submission made by the learned counsel appearing for the petitioner that the dispute is with regard to family members of Venkatashetty and his sisters and their children, I am of the view that, it is open for the petitioner to avail such remedy in accordance with law for redressal of his grievance.

7. With this observation, the writ petition is dismissed.

All contentions urged by the parties in this writ petition in respect of their private rights except challenging the order passed by the Land Tribunal dated 06.10.1981, are kept open.

SD/-
JUDGE

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List No.: 1 Sl No.: 26