



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 23RD DAY OF AUGUST, 2025

BEFORE

THE HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV

WRIT PETITION NO.113910 OF 2015 (GM-RES)

BETWEEN:

1. POMPAPATHI S/O MUKKANNA
AGE: 64 YEARS,
2. GADAGI MAREPPA S/O POMPAPATHI
AGE: 40 YEARS,
3. GADAGI CHENNAPPA S/O POMPAPATHI
AGE: 37 YEARS,
4. GADAGI SOMANNA S/O POMPAPATHI
AGE: 31 YEARS,
5. GADAGI NARASINGAPPA S/O POMPAPATHI
AGE: 27 YEARS,
6. DODDABASAPPA S/O SHIVAPPA
(DAUGHTER OF THIPPAMMA)
AGE: 55 YEARS, ALL ARE R/O: CHANAL VILLAGE,
TQ:DIST: BALLARI-583116.

...PETITIONERS

(BY SRI. Y. LAKSHMIKANT REDDY, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA, BY ITS SECRETARY,
DEPARTMENT OF REVENUE, M.S. BUILDING,
DR.AMBEDKAR VEEDHI, BENGALURU-560001.
2. THE TAHASILDAR AND TALUK MAGISTRATE,
BALLARI TALUK AND DISTRICT-583101.
3. THE POLICE SUB-INSPECTOR,
MOKA POLICE STATION, TQ:DIST: BALLARI-583101.

...RESPONDENTS

(BY SRI. V.S. KALASURMATH, AGA FOR R1 TO R3)



THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT, DIRECTION, ORDER OR ORDERS IN THE NATURE OF CERTIORARI QUASH THE DIRECTION DATED 07.09.2015 PASSED BY THE 2ND RESPONDENT TASHILDAR BALLARI IN NO ಸಂ/ಕಂ/ಎಂ.ಎ.ಜಿ/70/2015-16 COPY AS PER ANNEXURE-F AND THE POLICE NOTICE DATED 09.09.2015, PASSED BY THE 3RD RESPONDENT COPY AS PER ANNEXURE-G IN THE INTEREST OF JUSTICE AND EQUITY & ETC.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: THE HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV)

The present writ petition has been filed seeking for issuance of writ of certiorari to set aside the direction passed by the Tahasildar at Annexure-F. In terms of Annexure-F the Tahasildar has addressed communication to the Sub Inspector of Police, Moka Police Station, Ballari District, requesting for police protection.

Annexure-F would further reveal that the request of the Tahasildar is to the effect that in light of proceedings pending before the Land Tribunal in Case No. 1211, 1212 and 1221, the respondents in that cases who are the petitioners herein and any other person must be prohibited



from entering into the disputed land which is necessary in order to maintain law and order and in that regard the police protection has been sought. Annexure-G is also a police notice taking note of the request of the Tahasildar and in the said notice dated 09.09.2015 it has been ordered that till proceedings in Case No. 1211, 1212 and 1221 pending before the Land Tribunal in respect of an extent of 23.34 acres is decided, no person must trespass into the property.

Learned counsel for the petitioners has rightly contended that the proceedings before the Land Tribunal are still pending consideration in terms of the directions passed in W.P. No. 28715/1991. It is submitted that the question as to whether the petitioner has excess land, is a matter still to be decided. Accordingly it is submitted that till such decision is taken, the Tahasildar or the police authorities cannot take any action restraining enjoyment of the petitioner. Such contention requires acceptance as the direction passed in W.P. No. 28715/1991 is clear and



direction is for the Land Tribunal to hear the matter afresh. If that were to be so, the question as to whether the petitioners hold land in excess of the ceiling limit, is a matter still to be decided.

Accordingly, the direction at Annexure-F and the notice at Annexure-G are set aside while making it clear that the petitioners' enjoyment cannot be restrained. However, taking note of the assertion of the State regarding the petitioner holding land in excess of the ceiling limit, it would be appropriate that the petitioner is restrained from creating third party rights till disposal of the proceedings before the Land Tribunal regarding holding of excess land referred to above.

Accordingly, the petition is disposed off.

Sd/-
(S.SUNIL DUTT YADAV)
JUDGE